

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2017/0F1
2.	Proposed Development:	RETROSPECTIVE APPLICATION TO DIVIDE COTTAGE INTO 2 UNITS INCLUDING ADDITION OF PORCH AND INSTALLATION OF SUN TUNNELS AND ADDITION OF TIMBER STORAGE SHED
3.	Location:	COTTAGE ADJACENT TO ROWRAH HALL, ROWRAH
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, Coal - Off Coalfield - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to Rowrah Hall – a large residential dwelling situated to the south of Rowrah. The dwelling is accessed from the Rowrah to Kelton Head road and is part of a group of dwellings making up Rowrah Hall and Rowrah Hall Farm.</p> <p>The dwelling is Grade II Listed.</p> PROPOSAL <p>Retrospective Planning Permission is sought for the subdivision of the existing rural building into two units for holiday let.</p>	

The proposed alterations to accommodate this as are follows:

- The addition of a porch;
- The addition of sun tunnels;
- The addition of a log cabin measuring 7m x 3m with a 4m x 3m covered deck.

This application has been submitted in tandem with an application for Listed Building Consent for the same works (application reference 4/22/2145/0L1 relates).

RELEVANT PLANNING APPLICATION HISTORY

Business sign, approved in February 1990 (application reference 4/90/0034/0 relates).

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council

No response received.

Countryside Access Officer

No comments to make.

Cumbria Highways and LLFA

1st response

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority. If you have a particular aspect of this application you wish us to consider, please feel free to contact me direct.

2nd response

Highway

As the development is using an existing access from the public highway onto the applicants land. There are no concerns from a highway perspective.

However, a PROW public footpath number 412020 lies adjacent/through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

LLFA



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As stated in the application form surface water will likely be connecting into a pond/lake, they will need to apply for an Ordinary Water Course consent from the LLFA to construct an outfall, this also applies to any new outfall for surface water drainage.

With the above in mind the LHA and LLFA have no objections to the development, as this is a small dwelling any further aspects would be covered under our Service Level Agreement (SLA) The remaining highway and drainage implications of this application would therefore be decided by the Local Planning Authority.

If you have a particular aspect of this application you wish us to further consider, please feel free to contact me direct.

Informative- Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email:

LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

United Utilities

No response received.

Conservation Officer

1st Response

The cottages at Rowrah Hall are a pair of small self-contained dwellings used for holiday let purposes. They were formerly a hayloft and part of a stable wing that has since been demolished. They are contiguous with the hall itself.

Conclusion: Request further information and design revision

Assessment: This assessment covers the following works:

- ☐ Addition of two sun tunnels to roof of Cottage 1
 - o These appear supportable.
- ☐ New porch to Cottage 2
 - o Design of new porch appears generally suitable although oddly over specified considering it's a tiny space adjoining a solid masonry structure with no DPCs.
 - o Window appears different in plan and elevation drawing (wider in plan than shown in elevation). Clarification on this point would be helpful.
 - o I would be grateful if a drawing (a standard detail drawing would be acceptable) of the new window to the porch could be included.
 - o The rooflight appears oversized, and a smaller one would help to convey the appearance of the roof being predominantly slate rather than glass.

☐ Internal alterations to Cottage 2

- o These consist of new stud walls and bathroom suite. Impact on significance of the cottage would appear to be acceptable.
- o The “Amount” section of the design, access and heritage statement doesn’t distinguish between the two cottages, so it would be of assistance if clarification could be provided on the following:
 - ☐ *Replace all ground flooring.* I don’t recall seeing any significant ground floor materials, but if photos could be provided for confirmation that would be of assistance.
 - ☐ *Take up and replace with new all upstairs floorboards.* Photographs of the upstairs floorboards would be necessary to clarify any contribution these make to significance as there is no mention of them in the heritage statement, or detail of the existing.
 - ☐ *Decorative ceiling elements would be removed (skimmed over).* What elements are these and what contribution do they make to the building’s significance?
 - ☐ *Both external doors to be replaced.* Composite doors are generally refused in listed buildings, but there’s no detail of the existing doors to be removed or the replacements in any case.
 - ☐ *All internal doors to be replaced.* See above.
 - ☐ I’m not able to make use of hyperlinks in application documents as they’re not permanent and it’s not always clear what information on a given page is being referred to. Details of the underfloor heating system and the plaster spec should therefore be included.
 - ☐ The document refers to works in the Plant Room – new consumer units (presumably with new service runs), new boiler (“probably biomass”). This document contains the words “probably”, “later” and “something” rather more frequently than is ideal. Works to the plant room aren’t otherwise featured in the application, so it’s necessary to clarify the scope. I would also request the locations of service penetrations be shown on the proposed plan or similar, if this requires drilling through fabric.

☐ Installation of new staircase to Cottage 1

- o The application form and the proposed floor plan disagree on which cottage the new staircase is going into – Application form says 1, plan appears to show 2. From having visited, my understanding is the staircase in Cottage 2 is being replaced, so I request confirmation of this.

- The existing staircase in Cottage 2 does not contribute to the asset's significance, and the detailing of the replacement appears good.
- The new staircase drawing in Cottage 2 is labelled "Glazing within balustrade (if used)..." It would be useful to clarify whether or not the staircase has a glazed balustrade.

- Partition to divide property to form two Cottages. This requires inserting a partition into a doorway. It does not require removal of historic fabric or obscure the plan form of rooms in a way that harms the building's significance.

Summary:

Some of the detailing included is supportable, some of it is unclear and lacking in description of significance in a way that would satisfy NPPF para. 194

I have highlighted in grey above the elements that are not clearly explained, and where more detail or revision is required.

2nd Response

The cottages at Rowrah Hall are a pair of small self-contained dwellings used for holiday let purposes. They were formerly a hayloft and part of a stable wing that has since been demolished. They are contiguous with the hall itself, and form part of its curtilage.

Conclusion: Request further information and detail revision

Assessment: My previous consultation response requested some extra information to allow the impact of the proposals to be properly understood. Since then, updated information has been received.

- As before, I have no objection to the installation of the sun tunnels. Although the impact of these will likely be negative, it is small and there is benefit to allowing in natural light.
- The window has been omitted from the side elevation of the proposed porch.
- The porch rooflight appears to have been reduced in size.
- Photo of existing internal flooring has been provided. This appears to be a fibreboard or similar with a modern carpet over the top, and does not make any contribution to the significance of the building.
- A new biomass boiler, with pellet hopper feed is proposed. Details have been submitted, included detail of two service penetrations through the fabric of the building. I would view the impact of these proposals as less-than-substantial harm, justifiable on the grounds that it will make the property more sustainable, and therefore more viable long-term and more likely to remain adequately heated.
- Detail of the new staircase has been provided. This will likely have a neutral or slightly

positive impact on the building's significance.

Further details and requests:

- ☐ Is it still proposed to remove the upstairs floorboards? I am not able to locate information on this, or their replacements, within the application docs and would be grateful for clarification.
- ☐ Is it proposed to skim over decorative ceiling elements? If so, what are these?
- ☐ The proposed uPVC external doors should be substituted for timber ones. Accoya could be a good choice for its dimensional stability and rot resistance. I do not think information needs to be supplied on the specific timber chosen, but they should be timber unless a historic listed building consent for installation of uPVC doors here can be provided.
- ☐ I would be grateful if detail (e.g. photos) of the existing internal doors can be provided. I assume they are not significant, but for the avoidance of doubt this information would be useful.
- ☐ The proposed removal of two trees adjacent to the parking and installation of a log cabin for workshop/storage use would, I think, constitute a slight harm to the setting of the building, however this is likely fairly minimal and justifiable through the increased utility. I am not an expert on types of trees, and suggest consultation with an arboricultural specialist to ascertain whether these specimens have importance. In terms of impact on setting, I request the submission of a photo from the parking area, looking towards the building, to illustrate the likely change.
- ☐ Could clarification be provided that the detail of the porch rooflight is with a flush-mounting flashing kit? The elevation drawing appears to show it sticking up, and a flush mounting would help lessen its visual impact.

3rd Response

The cottages at Rowrah Hall are a pair of small self-contained dwellings used for holiday let purposes. They were formerly a hayloft and part of a stable wing that has since been demolished. They are contiguous with the hall itself, and form part of its curtilage.

Conclusion: Requestion detail change

Assessment: My previous consultation response requested some extra information to allow the impact of the proposals to be properly understood. Since then, updated information has been received.

- ☐ Clarification has been provided that the existing floorboards are MDF, and these will be replaced with cement boards with insulation designed to reduce the sound transmission between the two units.
- ☐ The ceilings are of an Artex type with a swirled finish and will be covered with new

plaster skim. I would view this as having a neutral impact on the heritage value of the building.

- ☐ Regarding external doors, I'm afraid I don't recall saying anything about uPVC being acceptable here, timber-framed or otherwise. I've checked my consultation response from April 2022, which reads "Composite doors are generally refused in listed buildings, but there's no detail of the existing doors to be removed or the replacements in any case". I would request use of timber doors in a listed building.
- ☐ Images of the internal doors have been provided. These appear to be unremarkable modern pine four-panel doors. I do not view their removal as harmful.
- ☐ Images and descriptions have been provided of the two trees and shed to be removed. These make variously a neutral or slightly negative impact on the setting of the building and I have no objection to their removal.
- ☐ Confirmation has been provided that the porch rooflight will be flush mounted.

Summary:

I believe these proposals will have a positive impact on the significance and setting of the building and are part of ongoing efforts to safeguard and secure its future.

I would reiterate my request that the external doors added be of timber construction.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 4 no. properties.

No responses have been received to these advertisements.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013-2028 - (Adopted December 2013):-

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER10 – Renaissance Through Tourism

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM15A – Conversion of Rural Buildings to Residential Use

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM27 – Built Heritage and Archaeology

Emerging Copeland Local Plan 2017 - 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the

NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy T1PU: Tourism Development

Policy H17PU: Conversion of Rural Buildings to Residential Use

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA)

ASSESSMENT

Principle of Development

The encouragement and expansion of new businesses is generally supported throughout national and local policy.

Policy ER10 of the CS and T1PU of the ELP seek to locate tourism accommodation where there is proven capacity for additional visitors without adverse environmental or amenity impacts. Proposals for the change of use of an existing building for overnight of longer stay visitor accommodation is also be supported.

This application is retrospective for the subdivision of an existing rural building to provide two separate dwellings for holiday let use. The rural building is sited to the rear of Rowrah Hall – an existing and established B&B. Given the use of the site for tourism, the principle of the

development is deemed to be acceptable and complies with policies within the CS and ELP.

Scale, Design and Impact on Residential Amenity

Policies ST1 and DM10 of the CS and DS6PU of the ELP seek to ensure that dwellings and holiday lets are of a suitable scale and layout for their purpose and do not have an adverse impact on residential amenity.

The layout of the building is appropriate, with sufficient facilities available for both holiday lets.

The proposed external alterations are modest and internally the alterations will allow for a good standard of living. There will be a positive effect on the overall design of the building and the conversion will provide a viable use which will ensure the longevity of the building.

The cottages are located to the rear of Rowrah Hall. Management live on the site and so there is a reasonable prospect of noise being managed in an appropriate manner.

The addition of a storage shed to the front of the cottages is considered to be functional and suitably located close to the boundary where it will be screened. Whilst it is significantly sized, it does not create an amenity issue for Rowrah Hall or the two cottages.

Two sun tunnels are proposed which will be added to allow light into cottage 1 on the north elevation. An ensuite will be added internally. Externally a small porch will be added to Cottage 2 (known as The Hayloft) as the entrance currently leads straight into the living room with the addition of a new staircase and bathroom upstairs.

Further to discussions between the Conservation Officer and the Applicant, the porch was reduced in size and a window omitted. Whilst the Officer considers that there will be minor harm with the creation of the sun tunnels, this is considered to be mitigated by the positive effect of the extra daylight that will be resulting.

Details with regards to the internal alterations have been considered and suitable materials chosen to ensure that the proposal is in keeping with the adjacent Listed Building.

Specifications of the external door have not been received, however, the Conservation Officer is satisfied that it will be acceptable as long as it is of timber construction. A suitably worded planning condition is proposed to secure compliance with this detail.

There have been no objections to the proposal.

Effect on the adjacent Listed Building

Policy ENV4 and Policy DM27 of the CS and BE1PU and BE2PU of the ELP seek to protect, conserve and where possible enhance listed buildings and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 16.2 requires that: *'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or*



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historic interest which it possesses’.

Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset’s significance; however, less than significant harm should be weighed against the public benefits of a development.

Comprehensive information has been provided by the Applicant in respect of the heritage asset significance of the property and the impacts of the proposed development; however, the proposals have been fully reviewed and assessed by the Conservation Officer of the Council.

The heritage asset significance of the property is principally derived from its physical form/construction.

The proposals are not considered to have a negative effect on the adjacent Listed Building.

Access and Parking

Policy DM22 of the CS and CO7PU of the ELP detail the minimum provision of parking that should be available for new developments. Furthermore, a suitable access should be available and turning space within the site to enable access and egress in a forward gear.

The existing property has ample space for off street parking and the development has not changed this situation. The Highways Officer has not raised any objections and does not consider that there will be a material effect on the surrounding highway network.

PROW public footpath number 412020 lies adjacent to the site. On consultation, the Countryside Access Officer had no comments to make, however an informative should be included on any approval to ensure that this is not affected at any point during the development.

Overall, due to the location of the development it is considered to be accessible and complies with Policy DM22 of the CS and CO7PU of the ELP.

Drainage and Flood Risk

Policy DM24 of the CS and DS8PU of the ELP seek to protect developments against risks of flooding.

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. The Application Site is not shown to be liable to surface water flooding.

It is proposed to drain surface water to the existing pond on site. Whilst this is considered to be acceptable, the LLFA have stated that this requires Ordinary Watercourse Consent. An informative should be added to any approval to ensure that this is undertaken by the Applicant so that the correct permissions are in place.

	<p>On this basis the proposal is considered to comply with Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP.</p> <p><u>Planning Balance and Conclusion</u></p> <p>No objections have been received to the proposal.</p> <p>The application seeks to retrospectively approve the subdivision of the existing rural building into two separate units for holiday let purposes. Current Local Plan policies and Government guidance encourage the re-use of existing buildings including for tourism related projects. The principle of the use is therefore acceptable and this carries significant weight within the planning balance.</p> <p>The use is considered to be compatible in this location adjoining an existing B&B and will not have any significant impacts on residential amenity. There will be a positive effect on the Listed Building, ensuring the longevity of the unit as a whole.</p> <p>Sufficient parking is available within the site with no changes to the existing situation therefore carrying neutral weight.</p> <p>Overall this proposal is considered to be an acceptable form of sustainable development whereby the benefits greatly outweigh any harm created. The proposal accords with the policies in the adopted local plan and guidance set out within the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p>1. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Application form, received 6th March 2024;</p> <p>Proposed Site Plan, scale 1:100, drawing number 03A, received 14th November 2023;</p> <p>Proposed Plans and Elevations, scales 1:100 and 1:50, drawing number 02A, received 14th November 2023;</p> <p>Stair Details, scales 1:20 and 1:2, drawing number 04A, received 14th November 2023;</p> <p>Blokhut Log Cabin Details, received 14th November 2023;</p> <p>Planning Statement, received 8th December 2023.</p> <p>Reason</p>



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To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. All external doors must be constructed from timber and retained as such at all times thereafter.

Reason

In order to maintain the visual appearance of the Listed Building in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

Informative Notes

1. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.
2. A PROW public footpath number 412020 lies adjacent/through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 05/03/2024

Authorising Officer: N.J. Hayhurst

Date : 06/03/2024

Dedicated responses to:- N/A