

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2094/OF1
2.	Proposed Development:	NEW AGRICULTURAL BUILDING IN FARMYARD
3.	Location:	MIDTOWN FARM, PICA
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>The application relates to Midtown Farm, located to the south-east of Pica. The site is accessed by a single track off the U4014 and benefits from a number of agricultural buildings.</p> PROPOSAL <p>Planning Permission is sought for the erection of a new agricultural building in the farmyard. The proposed structure will measure 20 metres in length and 11.2 metres in width. It has been designed with a pitched roof with an eaves height of 3.9 metres and an overall height of 5.4 metres.</p> <p>The proposal has been designed to match the existing farm buildings with concrete panels on the low level and green metal sheeting on the upper elevations and grey corrugated big 6 sheeting on the roof. The structure will be open ended on the north and south elevation to provide access for cattle</p>	

handing and the midden.

RELEVANT PLANNING APPLICATION HISTORY

A prior notification application to concrete an existing yard area has previously been determined as permitted development (ref: 4/19/2321/0N1).

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council

No comments received.

Highways and Lead Local Flood Authority

Standing advice.

Copeland's Flood Engineer

No objections.

United Utilities

Standing Advice.

Public Representations

The application has been advertised by way of site notice - No objections have been received as a result of the consultation.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 - Protecting and Enhancing the Borough's Landscape

Policy ENV6 – Access to the Countryside

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 - Landscaping

Policy DM30 – Rural Buildings

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the landscape and visual impact, impact on residential amenity, flood risk, drainage and the public right of way.

Principle of Development

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including agriculture related development. Policy DM30 and section 6 of the NPPF supports proposals for new agricultural buildings as long as they are well related to existing settlement or farm complexes, and do not adversely impact on local landscapes or the amenity of nearby residential properties.

As the proposal is to erect a new agricultural building within the farm complex over an existing midden, it will reduce the risk of agricultural runoff reaching groundwater and surface water. This is therefore considered to be an appropriate form of development in the countryside. Despite being visible from the surrounding fields, the proposed structure will be located adjacent to the existing farm buildings and this will therefore minimise the impact of the development on the surrounding area.

On this basis, there is a proven requirement for the proposed agricultural building to prevent water

contamination and therefore the proposal is considered to be an appropriate form of development in the countryside in accordance with Policies ST2 and DM30 and NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site.

The scale and design of the proposed structure is considered to be appropriate with regard to the existing farm buildings. The pitched roof and the heights will match the existing buildings and character of the farm. In addition, the use of matching materials will ensure that the new structure relates well to the existing farm buildings.

On this basis, the proposal is considered to comply with policies ST1 and DM10.

Landscape and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The application site lies within the Midtown Farm complex on land currently utilised as a midden and cattle handling area. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 9a 'Open Moorlands' which includes a range of landscapes ranging from open exposed heath moorland, intensely farmed ridges to extensively planted coniferous plateau. The CLCGT seeks to enhance and restore the landscape by creating a harmonious balance between the moorlands and agricultural features.

Despite the proposal being visible from the surrounding fields, the proposed structure will be viewed in the context of the existing working farm and the modern agricultural buildings. The proposed building colours will be muted to match the existing buildings and this will minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT.

Overall, the works are not considered to have a significant impact on the character and appearance of the landscape or result in a significant intrusion into the open countryside. The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.

Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The closest residential dwelling is approximately 500 metres away from the proposed structure. In addition, due to the topography and the relationship with the existing farm buildings, the proposed

structure will be well screened.

On this basis, it is considered that the proposal will have no detrimental impact on residential amenity and therefore the proposal is considered to satisfy Policies ST1, DM10 and the NPPF guidance.

Flood Risk and Drainage

Policies ENV1 and DM24 seeks to protect developments against risks of flooding.

The proposal is relatively small and the existing use of the area will remain the same. The site is already concreted and therefore the proposal will only have a very small impact on flooding extent should it occur and it will not cause flood risk elsewhere. The Council's Flood Engineer raised no objection to the proposal, as the proposal will not increase the impermeable surface area.

United Utilities provided consultation comments on the drainage, although the proposal does not include a new foul sewage connection.

On this basis, it is considered that the proposed agricultural building will not have a detrimental impact on increasing flood risk and therefore, the proposal is considered to meet Policies ENV1, DM24 and the NPPG guidance.

Impact on Public Right of Way

The proposed structure will be visible from a small section of the Public Right of Way 401014, although it will be modest in scale and it will be viewed in the context of the existing buildings and as such will not have any detrimental impact on the Public Right of Way.

The site visit confirmed the PROW runs through the fields associated with the farm but it will not be directly adjacent to the proposed building, which will be approximately 120 metres away. Due to this distance, it will not significantly harm the amenity of the user and the proposal is considered to satisfy Policy DM10 and NPPF guidance.

Planning Balance and Conclusion

This application seeks to erect a new agricultural building within the farmyard. The main issue raised by the application was the development within the open countryside and the potential impacts on the landscape character.

The proposal is considered to be appropriately located within the existing farm complex, adjacent to an existing farm buildings and it will reduce surface water contamination which is a clear benefit. The scale will be modest and the design is considered to be suitable for its use and reflects the form and appearance of the other structures within the complex. It will not have a significant impact on the amenity of the surrounding residential properties, flood risk, drainage or the public right of way and any adverse impact on the character and appearance of the landscape will be modest.

On this basis, there is a proven requirement for the proposed agricultural building to prevent contamination and therefore the proposal is considered to be an appropriate form of development in the open countryside.

	Overall, the potential harm will not significantly and demonstrably outweigh the identified benefits of the development and therefore the proposal is considered to accord with the policies set out within the adopted Local Plan and the guidance in the NPPF.
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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 24th February 2022; Existing Site Plan, scale 1:1250, received 24th February 2022; Proposed Site Plan, scale 1:1250, received 24th February 2022; Existing Block Plan, scale 1:500, received 24th February 2022; Proposed Block Plan, scale 1:500, received 24th February 2022; Proposed Elevations, scale 1:100, drawing no. 01, received 24th February 2022.</p> <p>Reason</p> <p>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.</p> <p>Informative</p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>

	<p>Statement</p> <p>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.</p>
<p>Case Officer: C. Unsworth</p>	<p>Date : 21/04/2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 21/04/2022</p>
<p>Dedicated responses to:- N/A</p>	