



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2146/OF1	
2.	Proposed Development:	CHANGE OF USE FROM AN AGRICULTURAL STORAGE UNIT TO A CAR REPAIR WORKSHOP (RETROSPECTIVE)	
3.	Location:	NEWMILL FARM, PONSONBY	
4.	Parish:	Ponsonby	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to an existing agricultural building within the Newmill Farm complex, located within the Ponsonby area. The building subject to this application is located to the south of the existing farmyard and is surrounded by a number of existing agricultural buildings. The application site is accessed from the A595 which serves the existing farm, farmhouse, and a bungalow to the north of the farm.	
	Relevant Planning History		

No relevant planning history.

### **Proposal**

This application seeks retrospective planning permission to change the use of the existing agricultural store unit into a car repair/service workshop. The owners of Newmill Farm no longer have use for the building for farming purposes and have rented the building to a local car mechanic. The proposal does not require any external changes to the building. The operation times for the business are Monday to Saturday 8am – 6pm.

### **Consultation Responses**

#### Ponsonby Parish Council

Following the Parish Council meeting held this evening, we can confirm that there are no objections to this application on the proviso that:

- Access to and from the Farm site complies with any stipulations set by Highways
  - o The access to and from the farm leads directly onto the A595 which is a busy main thoroughfare frequented by HGVs. Some concerns were made regarding visibility to and from the farm site. However; on the understanding that Highways are satisfied with the access then there are no objections on this item
- Change of use from agricultural to commercial use
  - o There are no objections to the change of use on the proviso that the building meets with any relevant building regulations as stipulated for this type of structure.

#### Cumbria County Council – Cumbria Highways and Local Lead Flood Authority

*21<sup>st</sup> April 2022*

The proposed change of use may see an intensified use of the existing agricultural access. Taking into account that the farm access joins the A595, I would ask the applicant to complete a transport form (attached) and resubmit the required information. They should also submit a plan that shows standard visibility for a 40mph road is achievable. This would require splays of 120m measured in both directions set back into the access by 2.4m from the carriageway edge. The splays shall not be obstructed or cross third party land and they are to be measured to the nearside kerb of the access, they therefore shall not cross the centre line of the road.

Upon receipt of this information, I will be better placed to make a final recommendation.

*30<sup>th</sup> May 2022*

The applicant has provided a plan showing 120m visibility splays in both directions from a point of 2.4m within the site from the carriageway edge. Their planning statement states that the existing

farm buildings are no longer required for agricultural use and therefore the anticipated traffic as demonstrated on the Transport Form should not be a significant intensification.

Taking into account the existing use of the site, it is considered that the proposal will be unlikely to have a material effect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

Copeland Borough Council – Environmental Health

No comments received.

Cumbria County Council – Resilience Unit

There are no objections to the retrospective change of use

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

As this change of use of the premises will increase the number of persons in the area including customers I would be grateful if you could advise the applicant to liaise with this office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant and their customers are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to three properties. 92 letters of support have been received in relation to this application raising the following comments:

- Fully supportive of this application.
- Great to see new businesses opening.
- Growth of local business.
- Business needed in the local area.
- It would be a massive loss to a huge amount of people.
- Job opportunities. Apprentice roles created.
- Not disturbing anyone.

- Sensible operation hours.
- No impact on surrounds.
- Better than a new build.
- Great location.
- Great use of farm and great diversification.
- No different from farm machinery using the access.
- Plenty of parking.
- Would recommend business to anyone.

### **Planning Policy**

Planning law requires that 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 ER5 – Improving the Quality of Employment Space

Policy ER6 – Location of Employment

Policy T1 – Improving Accessibility and Transport

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

##### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM15b – Conversion of Rural Buildings to Commercial or Community Use

Policy DM22 – Accessible Developments

Policy DM26 – Landscaping

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)

#### 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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

#### **Assessment**

The main issues raised by this application relate to the principle of the development; impact of the development; and impact on highway safety.

#### Principle of Development

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site is located outside of any settlement as identified within Policy ST2 of the Copeland Local Plan and is therefore considered to be within the open countryside.

Policy ST2 states that development will be restricted outside of the defined settlement boundaries that that which have a proven requirement, including land uses characteristically located outside settlements including farm diversification schemes and tourism activities.

The NPPF also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

DM15b permits the conversion of rural building to commercial or community use where there are no other suitable sites in the area, are suitable for conversion, are located within or adjacent to a village or group of buildings and are served by a satisfactory access.

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate growth of the Borough's local economy. Policy ER7 seeks to promote the diversification of the Borough's economy by expanding new and expanding employment sectors, and by supporting the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to

retain enterprise, jobs and skills within the Borough. The NPPF also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

Whilst the site is located outside of any settlement boundary, it is located within an existing farm accessed from the A595. The site is within the centre of a small group of buildings and dwellings known as Ponsonby. The building subject to this application forms part of the existing farm complex and agricultural buildings, however the site is now surplus to the farming requirements and was therefore rented to a local mechanic. The use of this site as a car repair garage not only supports the existing farm through farm diversification but the development also creates a useable space for another local business. The site now employs three workers including an apprentice and services and repairs the farm vehicles so that they don't have to leave the site in addition to domestic vehicles for those within the area. The applicant has been looking for suitable sites for 2-3 years but none met his requirements in terms of square footage, access, parking, security and affordability.

As such the principle for developing this site for a car workshop is considered to be acceptable and the development complies with the provision and policies within the Copeland Local Plan & the NPPF.

#### Impact of Development

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The application site is located to the rear of the existing farmyard and is surrounded by existing agricultural buildings. The proposal does not include any external alterations to the building, therefore the development will not have any additional impact on the surrounding landscape or overall character of the area.

Whilst the proposed use of the building as a car repair garage will intensify the use of the site, the small scale nature of the business will limit the impacts of the development. The application site is also located a significant distance from any nearby residential properties and, therefore, the use is unlikely to create significant detrimental impacts on the amenity of the occupiers of these dwellings. A planning condition is proposed to restrict the operation hours of the business to further safeguard these properties.

The local community are supportive of the application, with 92 letters received in support of this application. No adverse comments have been received from any statutory consultees in relation to this change of use.

On the basis of the above it is considered that the proposal complies with ST1 and DM12 of the Local Plan and section 12 of the NPPF.

#### Impact on Highway Safety

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to

meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

The site utilises the existing access from the A595 which serves the existing farm and two residential properties. Whilst the use of the site for a car repair garage will intensify the use of the access, the business is small in scale and only employs three staff. On this basis the development is not considered to have a significant impact on highway safety.

Following an initial review of the application Cumbria Highways stated the development could be seen as an intensification of an existing access onto the A595, therefore they requested that the applicant submit a transport form and a plan showing the required visibility splays. Upon the receipt of this information Cumbria Highways have confirmed that they have no objections to the change of use as the proposal will be unlikely have a material effect on existing highway conditions given the existing use of the site.

On the basis of the above it is considered that the proposal complies with ST1 and DM22 of the Local Plan and section 9 of the NPPF.

#### Planning Balance and Conclusions

This application seeks retrospective permission to change the use of an existing agricultural building to a car workshop. Whilst the building is located outside of any settlement, the site forms part of an existing farm and sits within a small group of buildings and residential properties. The existing farm operators had no use for the building and have therefore rented the site to a local mechanic. The development therefore supports both the existing farm and also supports another small local business, whilst providing an essential service for the area. It has also resulted in the creation of new jobs, including the employment of an apprentice.

The building to which this application relates is located within the rear of the existing farmyard. No external alterations are proposed; therefore the development will not impact on the overall surrounding landscape. Whilst the use of the building will be intensified the development is small in scale and will therefore not have a significant detrimental impact on nearby properties or the existing access to the A595. Operation hours will be conditioned to further limit the impacts of the business. Cumbria Highways have offered no objections to this application.

On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.

8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <p>1. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-</p> <ul style="list-style-type: none"> <li>- Location Plan (Amended), Scale 1:1250, received by the Local Planning Authority on the 31<sup>st</sup> March 2022.</li> <li>- Block Plan (Amended), Scale 1:500, received by the Local Planning Authority on the 31<sup>st</sup> March 2022.</li> <li>- Existing GF Plans, Scale 1:100, DH/1, received by the Local Planning Authority on the 22<sup>nd</sup> March 2022.</li> <li>- Existing Elevations, Scale 1:100, DH/2, received by the Local Planning Authority on the 22<sup>nd</sup> March 2022.</li> <li>- Planning Statement (Amended), received by the Local Planning Authority on the 11<sup>th</sup> April 2022.</li> <li>- Newmill Vision Splays Plan, Scale 1:1250, received by the Local Planning Authority on the 13<sup>th</sup> May 2022.</li> <li>- Newmill Transport Form, received by the Local Planning Authority on the 13<sup>th</sup> May 2022.</li> </ul> <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><u>Other Conditions:</u></p> <p>2. The use hereby permitted must only be open to the public/customers between:</p> <ul style="list-style-type: none"> <li>- 08:00am – 18:00pm Monday to Saturdays.</li> </ul> <p>Reason</p>



To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with DM10 of the Copeland Local Plan.

**Informative:**

The applicant should liaise with the CCC Resilience Office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

**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:** C. Burns

**Date :** 30.05.2022

**Authorising Officer:** N.J. Hayhurst

**Date :** 31.05.2022

**Dedicated responses to:-** N/A