

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2185/OF1
2.	Proposed Development:	PRIOR APPROVAL OF PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO A DWELLING HOUSE
3.	Location:	LAND & BUILDING AT SANDWITH, SANDWITH (EASTING 296719 NORTHING 515004)
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>PROPOSAL</p> <p>This application is a notice for prior approval for the change of use of an existing building to a single dwelling at Sandwith. The site is accessed from the unclassified road leading from High Road to Sandwith. There is currently a single building on the site which was approved as a stable and store in 2003 (application reference 4/03/0922/OF1 relates). This permission included a condition which limited the use of the building to a stable and prevented the commercial use of the building.</p> <p>The proposed building for conversion would require additional window openings and a replacement roof to provide two bedrooms, a living/kitchen room and bathroom.</p> <p>Parking and amenity space has not been specified by the Applicant.</p>

CONSULTATION RESPONSES

Whitehaven Town Council

No response received.

Cumbria Highways

No comments.

Local Lead Flood Authority

No comments.

Flood and Coastal Defence Engineer

As there is no information contained within the submission with regards to drainage either of the existing building or the proposed dwelling, I am in objection to the proposed development.

ASSESSMENT

The proposal is considered to be permitted development under Class Q of the Permitted Development Rights which allows for the conversion of an agricultural building to a dwellinghouse if it meets certain criteria listed below:-

- The site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013;
- The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- The development would consist of building operations other than:
 - the installation or replacement of –
 - (a) windows, doors, roofs or exterior walls, or
 - (b) water, drainage, electricity, gas or other services,To the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition reasonably necessary to carry out these building operations.
- Transport and highway impact of the development;
- Noise impacts of the development;
- Contamination risks of the site;
- Flooding risks on site;
- Whether the location or the siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use;
- The design or external appearance of the building, and
- The provision of adequate natural light in all habitable rooms of the dwellinghouses.

In my opinion, the proposal does not meet the above points. The building was erected in 2003 as a

	<p>“stable block and store” (application reference 4/03/0922/0F1 relates) which is an equestrian use and does not fall within the definition of agriculture in S336 of the Town and Country Planning Act 1990. The application therefore cannot be approved under Class Q of the Town and Country Planning Act as it does not meet the criteria.</p> <p>On the basis of the above, the application requires Prior Approval and a planning application must be submitted for the proposed development.</p>	
8.	<p>Recommendation:</p> <p>Refuse</p>	
9.	<p>Reason for Refusal</p> <p>On the basis of the information provided, the proposal does not meet the definition for consideration under this legislation. The building was originally granted planning permission as a stable. The application cannot therefore be approved under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended) as it does not meet the definition of agriculture.</p>	
Case Officer: Sarah Papaleo		Date : 20/05/2022
Authorising Officer: N.J. Hayhurst		Date : 23/05/2022
Dedicated responses to:- N/A		