

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2240/OF1
2.	<b>Proposed Development:</b>	INSTALLATION OF GROUND MOUNTED SOLAR PANELS
3.	<b>Location:</b>	HAWES FARM, KIRKLAND, FRIZINGTON
4.	<b>Parish:</b>	Lamplugh
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Known potential area for Marsh Fritillary
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: NO  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to Hawes Farm, a small collection of buildings located in the open countryside 0.5 miles south-east of Kirkland, Frizington. The site is accessed along an unclassified track off Kirkland Road and it benefits from a number of pastures, which are marked by boundary hedges.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought for the installation of a row of ground-mounted solar panels on the south-facing slope of the existing pasture, adjacent to an existing poly-tunnel. They are to measure 12.36 metres in width and 3.12 metres in depth with an overall height of 1.88 metres from ground level.</p>	

## **RELEVANT PLANNING APPLICATION HISTORY**

None relevant.

## **CONSULTATION RESPONSES**

### Lamplugh Parish Council

No comments received.

### Natural England

No objections.

### Public Representation

The application has been advertised by way of site notice - No objections have been received as a result of this 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 ENV3 – Biodiversity and Geodiversity
- Policy ENV6 – Access to the Countryside

### Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place
- Policy DM11 – Sustainable Development Standards
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
- Policy DM26 - Landscaping

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Wildlife and Countryside Act 1981

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.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS2PU – Reducing the impacts of development on Climate Change

Policy DS6PU – Design and Development Standards

**ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on landscape character, the public right of way and ecology.

Principle of Development

The proposed application relates to a south-facing slope of an existing pasture at Hawes Farm, Kirkland and it will provide renewable energy generation for the existing buildings on site. Policy DM11 supports proposals that reach high standards of sustainability and incorporate renewable energy.

On this basis, the principle of the development is therefore considered to be acceptable and the proposal satisfies Policies ST2, DM11 of the Local Plan and the NPPF guidance.

Scale and Design

Policy ST1 seeks the creation and retention of quality places is on high quality design. Policy DM10 requires development to respond positively to the character of the site and the wider setting and maintain reasonable standards of general amenity.

The ground-mounted solar panels are considered to be modest in scale and suitably located within the site, in the pasture adjacent to an existing poly-tunnel. The modest height will ensure amenity standards are maintained and the design is considered to be suitable for the use.

On this basis, the proposal is considered to be acceptable in terms of scale and design and comply with Policy 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 a pasture at Hawes Farm. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 11a 'Foothills', which includes large areas of farmland which are bound by stone walls and hedges. The CLCGT seeks to conserve and enhance the landscape with new developments respecting the grain and scale of the landscape.

The proposal will be screened by the existing boundary hedges to the north of the site. This will minimise the impact of the development on the surrounding landscape in accordance with the vision set out in the CLCGT. It is also considered to respond positively to the character of the area and it will be viewed in the context of the existing farm which will ensure that the character of the area is not eroded with development away from the traditional farmstead.

Overall, the solar panels 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.

### Impact on Public Right of Way

The proposed structure might be visible from a small section of the adjoining Public Right of Way 412013 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 that the PROW runs along the access track associated with Hawes Farm and the other properties along Bankend Barn Road, but it will not be directly adjacent to the proposed solar panels, which will be approximately 80 metres away. Due to this distance and the screening from the existing hedges, it is not considered to harm the physical footpath or the amenity of the user.

Overall, the proposal is considered to satisfy Policy DM10 and NPPF guidance.

### Ecology

Policy ST1, ENV3 and DM25 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for marsh fritillary butterfly. The application is not supported by any ecology details as the site does not relate to the ALGE trigger list. On this basis, it is

	<p>considered that it would not be necessary to seek an ecological survey for this minor application. Natural England also raised no objections to the development as they did not consider it to have a significant adverse impact on statutorily protected nature conservation sites or landscapes.</p> <p>On this basis, it is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed solar panels are of an appropriate scale and design and will not have any detrimental impact on the character of the area, the public right of way or ecology. It therefore represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted must commence 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> </li> <li> <p>This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p> <p>Application Form, received 30<sup>th</sup> May 2022;  Location Plan, scale 1:2500, received 30<sup>th</sup> May 2022;  Site Plan, scale 1:500, received 30<sup>th</sup> May 2022;  Proposed Solar Panel Plans and Elevations, received 30<sup>th</sup> May 2022;  Aerial Location Photograph, received 30<sup>th</sup> May 2022;  Supporting Manufacturer Photograph, received 30<sup>th</sup> May 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> </li> </ol>

	<p><b>Statement</b></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><b>Case Officer: C. Unsworth</b></p>	<p><b>Date : 18/07/2022</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 25/07/2022</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	