



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2257/OF1	
2.	Proposed Development:	CHANGE OF USE FROM GUEST HOUSE TO DWELLING (RETROSPECTIVE)	
3.	Location:	JASMINE HOUSE, MOOR ROW	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Pres Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to a detached property, known as Jasmine House, located within the east of Moor Row. The property is sited along Dalzell Street and is located within a group of residential properties with a farm to the north and a car garage adjacent to its access to the north of the site.</p> <p>Relevant Planning History</p> <p>4/90/0127/0 – Dwelling house and garage – Approved</p> <p>4/04/2657/0 – Change of use from B&B to B&B plus cafe/tea garden/refreshments – Approved</p> <p>4/04/2034/0 – Change of use from private dwelling to bed and breakfast – Approved</p>	

4/11/2058/OF1 – Static caravan to be used in conjunction with bed and breakfast – Approved

Proposal

This application seeks retrospective planning permission to change the use of the detached property from a guest house (use class C1) to a dwellinghouse (use class C3). The change of use will not create any alterations to the property. Internally the property benefits from three living rooms, a porch, hallway, bathroom, utility room, kitchen, and a conservatory within the ground floor and five ensuite bathrooms within the first floor.

This application is supported by an operational statement which sets out how the property would be operated. This statement makes it clear that the current application is seeking to change the use of the property to a dwellinghouse only. A separate certificate of lawful use will then follow any approval to deal with the operation of the property as set out within the statement.

Consultation Responses

Egremont Town Council

No comments received.

Cumbria County Council – Cumbria Highways & LLFA

24th June 2022

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

19th July 2022

I can confirm that the response made to the previous application 4/22/2257/OF1 should still apply.

Environmental Health

No comments received.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to five properties. Nine letters of objection have been received to the original application raising the following concerns:

- The site has already become a refuge for teenage children run by an unknown charity.
- Concerns regarding consultation process.
- False information has been submitted to the Council.
- Site to be used for children in need of mental rehabilitation.
- The application should have been for a business use not a dwelling.
- Is this the correct type of application?
- The site is already occupied without an application. The charity has a number of properties already so why have they not put the application in before moving into the property.
- Works have been ongoing since May.
- The site is located next to a garage which has a open pit area as well as other hazards. This garage is operated by a single person so cannot be policed. This business is a hazard to children.
- There is also a busy local farm and the road is used as a Sellafeld rat run.
- Concerns about management of the business and its ability to run is safely with the best interests of its residents.
- The business has been allowed to commence without any consultation with surrounding neighbours.
- The police have already had to attend the property which raises serious concerns. What can we expect for the future?
- Elderly neighbours are frightening in their own homes.
- Villagers are feeling uneasy about the use of the site.
- One of the CCTV cameras directly overlooks an adjacent property and their bedroom.
- This is a small village with a school and I hope any residents coming to this property would not be a danger to any of these children.
- Moor Row is an upcoming and welcoming village, it is very sad that this is happening.

Following the receipt of additional information for this application all original neighbours and objectors were reconsulted on this application. One letter of objection has been received raising the following concerns:

- This is being ran as a commercial property not a dwelling.

- This is a commercial property and not a private household.

One letter has been received in relation to this amended information stating that they no longer wish to object to the proposal as they were given false information with regard to its use.

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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM13 – Conversion of Buildings to Residential Use within Settlement Limits

Policy DM22 – Accessible Developments

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.

Assessment

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

Principle of the Development

Policy ST1 and ST2 of the Copeland Local Plan supports the principle of new housing and seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The principle of new housing is also supported by in the Copeland Local Plan through policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

The application site lies within the designated settlement boundary for Moor Row, which is identified as a Local Centres in Policy ST2 of the Copeland Local Plan. This policy allows for new housing developments within the defined physical limits of the settlement. This policy also allows the development of infill and windfall sites. The proposed development would change the use of an existing property within the centre of Moor Row. The site was originally granted permission as a dwelling and has since been changed to a guest house; this application would therefore return the site to its original use and as such the principle of the development is considered to be acceptable.

Scale, Design and Impact on Neighbouring Properties

Policy ST1, DM10, DM11, DM12 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. DM13 of the Copeland Local Plan seeks to allow for the conversion of building within settlement limits to those which can provide adequate internal space, off street parking in accordance with parking standards, and adequate amenity space. This policy also states that conversions should conserve the character of the building and will not create amenity issues for residents of the adjacent properties.

Concerns have been raised by a number of neighbouring properties that this site is not being operated as a private residential dwelling and is currently being operated as a care facility and therefore a commercial property. In response to these concerns the agent for this application has submitted an operational statement which set out how the property would be operated. This statement makes it clear that the current application is seeking to change the use of the property to a dwellinghouse only. A separate certificate of lawful use will then follow any approval to deal with the

operation of the property as a care facility, which will be assessed on its merits by the Local Planning Authority once submitted. The agent is fully aware of the risks associate with operating without the correct planning permissions, should the LPA choose to refuse the LDC enforcement action could be taken.

This application will change the use of the former guest house back to a residential dwelling. The change of use will accommodate the change of use within the existing footprint and structure of the dwelling, with no internal or external alterations proposed. The change of use will create a five bedroom property with a large open plan living space. The property benefits from a large external amenity space and is located within the centre of the village within walking distance of a number of village amenities, including Moor Row School and play park.

On the basis of the property being changed back into its original use and there being no external alterations to the site the development is not considered to adversely impact on the amenity of the existing residential properties. The change of use is therefore considered to comply with policies of the Copeland Local Plan and the NPPF.

Impact on Highway Safety

DM13 of the Copeland Local Plan seeks to allow for the conversion of buildings within settlement limits to those which can provide off street parking in accordance with parking standards. 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.

This property currently benefits from an access drive from Dalzell Street, and a large off-street parking area/driveway which also includes a large double detached garage. The access and parking arrangements are not being altered as part of this application and reflect those originally approved as part of the original planning permission for a detached dwelling and garage in 1990. The change of use of the site from a guest house is not considered to adversely impact on existing highway safety and will revert the property back to its original use.

On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan and the NPPF.

Planning Balance & Conclusion

The application seeks to change the use of an existing property within one of the Borough's Local Service Centres from a guest house to a residential dwelling. The site was originally granted planning permission for a detached dwelling, therefore the development is reverting the site back to its original use.

The proposed development will not include any external or internal alterations, will benefit from adequate amenity space and will retain the existing off-street parking facilities. On this basis the

	<p>development is not considered to have a significant adverse impact on residential amenity or highway safety.</p> <p>Concerns have been raised with regard to the use of the site as a care facility rather than a residential dwelling, however the agent for this application has clearly set out that the current application is to change the use to a private dwelling only. Any other proposed uses will be dealt with via separate applications, which will be considered by the Local Planning Authority once submitted. The agent is fully aware of the risks associate with operating without the correct planning permissions.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is complaint with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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:- <ul style="list-style-type: none"> - Application Form, received by the Local Planning Authority on the 13th June 2022. - Location Plan, Scale 1:5000, received by the Local Planning Authority on the 13th June 2022. - Block Plan, Scale 1:500, received by the Local Planning Authority on the 13th June 2022. - Operational Statement, Prepared by Addis Town Planning June 2022, received by the Local Planning Authority on the 21st June 2022. - Floor Plans, Scale 1:100, Drawing Number: 1108-1, received by the Local Planning Authority on the 19th July 2022. <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</p>

	<p>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>
Case Officer: C. Burns	Date : 10.08.2022
Authorising Officer: N.J. Hayhurst	Date : 12.08.2022
Dedicated responses to:-	