

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2345/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF AGRICULTURAL BUILDING TO KENNELS
3.	<b>Location:</b>	PARK HOUSE FARM, LOWCA
4.	<b>Parish:</b>	Lowca
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change
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 Park House Farm located approximately 1 mile north of Lowca and west of the road leading from Lowca to High Harrington.</p> <p>Park House Farm comprises a single dwelling and a number of associated farm buildings. The existing barn, subject to the application is situated in the middle of the site, north of the residential dwelling and south of some other larger farm buildings.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought for the change of use of an existing barn to provide dog kennels for commercial use by the applicant. The barn will contain 13 kennels, an office and a laundry.</p> <p>Access will remain as existing from a track joining the farm unit to the road leading from Lowca to the</p>	

south. Parking will be within the existing farm courtyard.

### **RELEVANT PLANNING APPLICATION HISTORY**

Demolition of existing barns and cattle sheds; erection of a new agricultural building with hedge plantation, approved in March 1999 (application reference 4/99/0094/0 relates);

Change of use and minor alterations to redundant, buildings to form tourism/leisure and business, user accommodation, approved in January 2004 (application reference 4/03/1494/0 relates);

Erection of a cattle shed (notice of intention), approved in September 2002 (application reference 4/02/0938/0 relates).

### **CONSULTATION RESPONSES**

#### Lowca Parish Council

I can advise that Councillors unanimously supported the application.

#### Environmental Health

Having considered, and visited this premises, I can advise that I have no objections to the proposal.

The main concern with dog boarding kennels is usually noise. The nearest noise-sensitive dwelling, in this instance, is Foxpit House which is situated approximately 400 metres northwest of the site and just over the Borough border in Allerdale DC.

The proposed kennels are, however, of a good quality build with robust external construction, provision of double glazed UPVC external doors and double glazed UPVC folding internal doors on each dog pen. This, together with an internal false ceiling with rock wool noise insulation material fitted, leaves me satisfied that noise from the kennels can be mitigated sufficiently.

If the application is approved, the premises will be licensed by the Council under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

#### Cumbria Highways and Local Lead Flood Authority

1<sup>st</sup> response

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA)

can confirm as follows:

The application site and access road are not adopted by the Cumbria County Council. The site access joins the C4001 which is an adopted highway. The access is existing and of a good standard that would accommodate the intensified use. It is noted that there are two proposed parking bays which will be allocated to the kennels which would indicate the collection and drop offs will be organised with an appointment-based system meaning there is unlikely to be peak times when there is a high number of vehicles travelling to and from the site which could cause congestion at the access onto the C4001. It could be useful to install a passing place within the access lane to allow vehicles to pass one another should they need to.

It is considered that this proposal is unlikely to have a significant impact on the existing road network. I can therefore confirm the Local Highway Authority raise no objections to this application. I would recommend the following condition is included with any permission you might grant:

Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.  
To support Local Transport Plan Policies: LD7, LD8

Note:- A PROW (public footpath/bridleway/byway) number 262001 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

2<sup>nd</sup> response

The agent has confirmed that surface water will be managed through existing systems and the LLFA maps do not show any recorded surface water flooding issues at this location therefore the condition previously recommended by the LLFA no longer applies.

The Coal Authority

No response received.

Public Representation

The application has been advertised by way of a site notice.

No correspondence has been received as a result of this advertisement.

## **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 ER6 – Location of Employment

Policy ENV1 – Flood Risk and Risk Management

#### Development Management Policies (DMP)

Policy DM15B – Conversion of Rural Buildings to Commercial or Community Use

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

### **Other Material Planning Considerations**

National Planning Policy Framework 2021 (NPPF)

#### 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 policies relating to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy DS8PU: Reducing Flood Risk  
Policy DS9PU: Sustainable Drainage  
Strategic Policy E2PU: Location of Employment  
Policy RE3PU: Conversion of rural buildings to commercial or community use  
Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

### Principle of the development

Policy DM15B of the Copeland Local Plan seeks to allow the conversion of rural buildings to commercial use, providing that they fulfill criterion B-G of Policy DM15A. This is re-iterated in Policy RE3PU of the ELP. These criterion state that there must be no alternative options within the locality, that the building is structurally sound and of traditional construction, that it is located close to other buildings, with adequate access and standards of amenity.

The proposal is to form a dog kennel business within the existing barn building at Park House Farm. The kennels are proposed for housing up to 13 dogs at a time.

In general, the creation of a rural business is supported throughout the Borough, with a particular emphasis placed on the re-use of existing buildings. It is accepted that dog kennels are better located in remote locations, due to the risk of amenity issues for surrounding properties due to noise. Furthermore, the building to be utilized is of traditional construction and no external alterations are required in order to create the kennels internally. The proposed floor plan shows how the kennels can be laid out satisfactorily, maintaining enough space for each dog. The farm is located within close proximity to the existing settlement of Lowca and the access road and on-site parking facility is considered to be acceptable.

It is considered that the proposal satisfies the criteria required by Policy DM15B of the CS and RE3PU of the ELP and is therefore considered to be acceptable in Planning Policy terms.

### Impacts on Neighbouring Amenity and Noise

The main consideration with respect to the change of use is of the possibility of an increase in noise due to the housing of 13 dogs on the site. Environmental Health were consulted on the application in order that the proposal could be assessed with regards to the likelihood of amenity issues for the surrounding properties in terms of noise. The building proposed for use at Park House Farm is located approximately 400 metres to the southeast of the nearest residential property known as Fox Pit House and 690 metres from the closest property to the southeast. Furthermore, the building is constructed with robust materials which will considerably dampen any noise. These distances are considered to be significant with it unlikely that there would be any effect on neighbouring amenity from barking or other noise.

Environmental Health are able to deal with any issues related to noise through separate legislation

with relation to Statutory Nuisance. It is considered that the proposal is acceptable in planning terms and is unlikely to create any amenity issues for the surrounding residential properties.

#### Drainage

Policy DM24 of the CS and DS8PU of the ELP seek to ensure that any proposals do not increase the risk of flooding either on site or in the local area.

The Applicant has stated that the existing drainage situation for the building will not change. Initially, the Local Lead Flood Authority requested a condition to provide information on how surface water will be dealt with. Further to a response from the Agent stating that there are to be no external alterations to the building and therefore no change to the current situation, this request was withdrawn.

It is considered that the proposal complies with Policy DM24 of the CS and DS8PU of the ELP and will not increase the flood risk either on site or in the local area.

#### Access and Parking

Policy DM22 of the CS and CO7PU of the ELP ensure that any new developments are served with sufficient and safe access and parking.

The plans for the proposal show two parking spaces allocated to the development, with other space available within the farmyard if required. The road to Park House Farm is narrow and therefore Cumbria Highways have suggested that a passing place may be sensible to allow for the access to remain uncongested, however, due to the low level of traffic expected, this is not compulsory.

Overall, the proposal complies with Policy DM22 of the CS and CO7PU of the ELP.

#### Ground Conditions

Despite the application site being within the Coal Referral Area, due to the nature of the application which only involves a straight change of use with no external works proposed the Coal Authority do not require consultation and standing advice should be applied. An informative is proposed to advise the Applicant how to proceed should any issues be forthcoming.

#### Planning Balance and Conclusion

On balance, the remote location of Park House Farm lends itself to this type of use and the separation distance between the site and the nearest residential properties is likely to limit the likelihood of and adverse amenity issues.

The reuse of a traditional farm building is welcome, and it will allow the farm to diversify and benefit the rural economy in accordance with Policy DM15 and Policy RE3PU of the ELP.

Issues with drainage, access and ground conditions have been considered and the proposal is considered to be consistent with local planning policies.

	<p>No objections have been received to the proposal.</p> <p>Overall, this is considered to be an acceptable form of development which accords with the policies set out within the Copeland Local Plan and other material planning considerations.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <p>1. 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>2. 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>Site Location Plan, scale 1:1250, received 22<sup>nd</sup> August 2022;  Site Block Plan, scale 1:500, received 22<sup>nd</sup> August 2022;  Proposed Plans and Elevations, scale 1:100, drawing number 01, received 22<sup>nd</sup> August 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><u>Prior To Use Condition</u></p> <p>3. Prior to the first use of the building as boarding kennels, the parking identified on the plans submitted and approved must be constructed and brought into use. The parking must be maintained at all times throughout the lifetime of the development.</p> <p>Reason</p> <p>In order to ensure that there is sufficient parking for the development and in accordance with Policy DM22 of the Copeland Local Plan.</p>

### Other Conditions

4. The proposed use hereby permitted allows for a maximum of 13 kennels within the building only.

#### Reason

To ensure that the use is not intensified without permission on amenity grounds and in accordance with Policy ST1 of the Copeland Local Plan.

### **Informatives**

1. A PROW (public footpath/bridleway/byway) number 262001 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include



site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

#### **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: Sarah Papaleo**

**Date : 04/11/2022**

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

**Date : 04/11/2022**

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