

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2370/OF1
2.	Proposed Development:	SITING OF A MOBILE HOME ON THE LAND NEXT TO THE MAIN HOUSE (RETROSPECTIVE)
3.	Location:	LOW STOWBANK FARM, ENNERDALE
4.	Parish:	Ennerdale and Kinniside
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Known potential area for Marsh Fritillary
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to an area of land at Low Stowbank Farm, Ennerdale Bridge.</p> <p>The application site is located approximately 10 metres from Kirkland Road, behind a stone wall and within a paddock, adjacent to an existing barn and the domestic curtilage of the dwellinghouse associated with Low Stowbank Farm.</p> <p>The wider farm benefits from other farm buildings to the north and east, while fields lie to the south and across Kirkland Road to the west. The surrounding area comprises open countryside.</p> <p>A public right of way lies adjacent to the application site and the existing access and off-street parking will remain the same.</p>	

PROPOSAL

Retrospective Planning Permission is sought for the retention of a large mobile home as temporary accommodation.

The mobile home benefits from two bedrooms, a bathroom and an open plan kitchen-living room. It measures 6.2 metres in width and 9.8 metres in depth and it includes two large floor-to-ceiling windows on the front elevation facing the paddock. The rear elevation includes two-bedroom windows and the side elevation facing the farm includes a small window. The side elevation facing the road includes the access door and two windows.

The applicants have provided a supporting statement to set out the temporary accommodation requirements and their exceptional circumstances, given their father is in ill health and therefore the son is required to live on site to safeguard the farm operations and livestock. The main farmhouse is also being renovated for their long-term residence and therefore the mobile home is a short-term solution. The mobile home will only be used as accommodation for the applicants and their children and not for any other purpose.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been approved for several agricultural buildings.

Planning Permission has previously been refused for the following:

- ALTERATIONS OF REDUNDANT BUILDINGS TO FORM 3 DWELLINGS AND ALTERATIONS TO ACCESS (ref: 4/05/2047/0);
- ALTERATIONS OF REDUNDANT BUILDINGS TO FORM 3, DWELLINGS, ALTERATIONS TO ACCESS (ref: 4/03/1459/0).

CONSULTATION RESPONSES

Ennerdale Parish Council

No objections subject to the permission only being granted for a temporary period, that would not be allowed to become a permanent siting.

Highway Authority

No objections.

Lead Local Flood Authority

No objections.

Footpath Officer

Granting of planning permission would not give the applicant the right to block or obstruct the right

of way.

Public Representation

The application has been advertised by way of site notice.

One objection has been received as a result of this consultation which raised the following concerns:

- The application has no provision for sewage. The property has been connected into the existing home sewerage system. Plans and capacity of the system has not been received.
- The property has external lights that shine on to the highway dazzling drivers at night.
- The property states 2 bedrooms for 2 adults and 2 children but application states 4 extra vehicles.
- The supporting statement does not give any indication of what they define as temporary, the mobile home has been in situ since January and is stated that it is there while the main house is renovated/improved. Raises questions to the timescales of the sitting of the mobile home.
- Noted appeal APP/Z0923/A/05/1191239 when the applicants family tried to convert buildings into 3 dwellings.
- The mobile home has external damage and is not keen on the eye for a property on the approach to the ANOB location of Ennerdale.

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 SS1 – Improving the Housing Offer
- Policy SS2 – Sustainable Housing Growth
- Policy SS3 – Housing Needs, Mix and Affordability
- Policy ENV1 – Flood Risk and Risk Management
- Policy ENV3 – Biodiversity and Geodiversity
- Policy ENV5 – Protecting and Enhancing the Borough's Landscapes
- Policy ENV6 – Access to the Countryside

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place
- Policy DM12 – Standards for New Residential Developments
- Policy DM11 – Sustainable Development Standards
- Policy DM19 – Residential Caravans, Mobile Homes, Chalets, and Beach Bungalows
- Policy DM22 – Accessible Developments
- Policy DM24 – Development Proposals and Flood Risk
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
- Policy DM26 – Landscaping

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

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 DS6PU – Design and Development Standards
- Policy H1PU: Improving the Housing Offer
- Policy H6PU: New Housing Development
- Policy H15PU: Rural Exception Sites
- Policy H16PU: Essential Dwellings for Rural Workers
- Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

ASSESSMENT

The key issues raised by this proposal are the principle of development, the design, landscape and visual impact, the potential impacts on flood risk and drainage, highway conditions, amenity, ecology, and the public right of way.

Principle of Development

Policy ST2 of the Copeland Local Plan seeks to direct development to the most sustainable locations and restricts development outside the defined settlement boundaries to that which have a proven requirement for such a location, including agricultural workers, replacement dwellings, and the conversion of rural buildings to residential use. Paragraph 80 of the NPPF also states that planning decisions should avoid the development of isolated homes in the countryside unless it meets a required need, for example, there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Policy DM19 allows mobile homes to be sited temporarily for the establishment of a rural enterprise or for the housing of a dependent relative.

The proposal seeks to retain a large mobile home as temporary accommodation on land located outside of any settlement boundary, therefore the site is considered to be in the open countryside. It is noted the applicant's father is in ill-health and that home improvements/alterations are being carried out to allow the applicants to move into the existing dwelling at Low Stowbank Farm.

The proposed comprises temporary accommodation in the form of a mobile home, which is unsuitable for permanent retention in this location. The applicants have confirmed that once the works on the main dwelling are completed, the mobile home will be removed from the site. They have requested a temporary planning permission of 3 years to enable sufficient time for the works to be completed.

The exceptional personal circumstances with the requirement of a temporary dwelling in this location to safeguard the farm business and for welfare of the livestock is considered to be acceptable. Although on balance, given the nature of the development, a planning permission with a duration of 1 year is considered appropriate and can be secured via a planning condition. In addition, given the exceptional nature of the justification for farming operations, a planning condition limiting the permission to Mr and Mrs Whitfield is also necessary.

On this basis of the above, the principle of the temporary housing within the open countryside is acceptable in terms of Policy ST2 and DM19 of the Copeland Local Plan.

Design, Landscape Impact and Visual Impact

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.

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 paddock at Low Stowbank 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 mobile home is located within a paddock, adjacent to the developed curtilage of Low Stowbank Farmhouse and an existing barn. The remaining paddock use remains unchanged. The mobile home is stepped back from the road by 10 metres and located in line with an existing barn and behind an existing stone wall.

The mobile home is screened by the existing buildings to the north of the site and this will minimise the impact of the development on the surrounding landscape in accordance with the vision set out in the CLCGT. Despite being visible from the south and west, it will be viewed in the context of the existing farm which will ensure the character of the area is not eroded with development away from the traditional farmstead.

Concerns regarding external damage and the appearance of the property on the approach to Ennerdale were received as a result of the public consultation. Although the applicant confirmed some improvements are needed to the mobile home in respect of its appearance they do intend to carry out works if planning permission is agreed.

On balance, the given the temporary nature of the mobile home, it is not considered to have an unacceptable impact on the character and appearance of the landscape or result in a significant intrusion into the open countryside. The clear benefits of the development associated with the running of the farm and animal welfare outweigh the potential harm of the temporary mobile home and therefore the proposal is considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.

Flood Risk and Drainage;

Policy DM24 seeks to protect developments against risks of flooding and ensure developments will not increase the risk of flooding elsewhere.

The Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and although it is considered to be a compatible use in Flood Zone 1.

The disposal of surface water to an existing watercourse and foul water into a septic tank have been confirmed by the applicant. The site visit confirmed that surface water drains into the ground and therefore these details accord with the national drainage hierarchy given the lack of mains drainage infrastructure within the locality.

Concerns regarding the septic tank capacity were received and this will be addressed at the Building Regulations stage.

The Local Lead Flood Authority raised no objection to the development.

The development therefore accords with Policy ENV1 and DM24 of the Copeland Local Plan.

Highway Conditions

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The site benefits from an existing access off Kirkland Road, A5086. No alterations are proposed and the applicant has confirmed that the existing parking on site for 4 cars will be maintained.

Concern regarding the number of parking spaces was received but, given the nature of the proposed development, a material increase in the use of the access will not result. The existing access and 4 off-street parking spaces are considered suitable to meet the needs of the existing farmhouse and the temporary 2-bedroom dwelling.

On this basis, the Highway Authority raised no objections and the proposal is considered to comply with Policy DM22 and the Cumbria Development Design Guide.

Impact on Amenity

Policy ST1, Policy DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

Given the scale, form and location of the mobile home, it will not result in adverse impacts upon the residential amenity of the adjacent dwelling through loss of light, overshadowing, overbearing effects or overlooking.

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 tigger list. On this basis, it is considered that it would not be necessary to seek an ecological survey for this minor application. The development is unlikely to adversely impact upon protected or locally important species.

Overall, it is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.

Impact on the Public Right of Way

Policy ENV6 recognises that existing Public Rights of Way are protected in law.

Public Rights of Way 412026 lies adjacent to the site for the mobile home at Low Stowbank Farm and the Cumbria County Council Footpath Officer raised no objections to the proposal. Despite the proposed extension being visible from a small section of the Public Right of Way, it will be modest in scale and it will be viewed in the context of the existing farm. As such will not have any detrimental impact on the Public Right of Way. The proposal will not harm the physical footpath or the amenity of the user, although an informative note has been attached to ensure the right of way remains open

	<p>and un-obstructed.</p> <p>Overall, therefore the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>In the context of the justification provided, the principle of the development is acceptable, subject to the planning conditions proposed limiting the permission to one year and a restriction of the occupation to the applicants only.</p> <p>The clear benefits of the development associated with the running of the farm and animal welfare outweigh the potential harm of the temporary mobile home within the open countryside. The conditions are also considered to provide an appropriate balance between the applicant's needs and to minimise the impact on the locality long-term.</p> <p>Overall, the development does not raise unacceptable impacts in respect of the landscape, flood risk, drainage, highway conditions, amenity, ecology and the impact on the public right of way.</p> <p>On balance, proposal represents an appropriate form of development which complies with the Policies set out in the Copeland Local Plan. Although due to the nature of the mobile home, temporary planning permission is warranted.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The mobile home hereby permitted shall be removed from the site on or before 7th November 2023.</p> <p>Reason</p> <p>The mobile is not suitable for permanent retention and occupation in accordance with Policy ST2 and DM19 of the Copeland Local Plan.</p> <p>Within two months of the removal of the mobile from the site, the land on which it is sited shall be restored in accordance with a scheme of work which shall first be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>To ensure that after the consent expires the land is reinstated to an acceptable condition in accordance with Policy ENV5 and DM26 of the Copeland Local Plan 2013-2028.</p>

	<p>3. The mobile home hereby permitted shall be occupied only by Mr and Mrs Whitfield and their family.</p> <p>Reason</p> <p>The planning permission has been granted as an exception to established planning policies in recognition of the exceptional personal circumstances of the occupants.</p> <p>Informative Note</p> <p>A PROW (public footpath) number 412026 lies adjacent to/runs through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.</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>	
<p>Case Officer: C. Unsworth</p>	<p>Date : 07/11/2022</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 07/11/2022</p>	
<p>Dedicated responses to:-</p>		