

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2371/OF1
2.	Proposed Development:	AGRICULTURAL IMPLEMENT SHED
3.	Location:	PALLAFLAT FARM, BIGRIGG, EGREMONT
4.	Parish:	Egremont, St. Bees
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>The application relates to Pallaflat Farm, a small holding located approximately 0.45 miles to the south-west of Bigrigg. The small holding is made up of three fields, totaling 8.5 acres.</p> PROPOSAL <p>Planning Permission is sought for the erection of an agricultural implements shed.</p> <p>The proposed storage shed will be located close to the northern boundary of Field 5639. It will measure 12 metres in width and 8 metres in depth. It will include a pitched roof with an eaves height of 4 metres and an overall height of 4.9 metres. It has been designed to reflect a typical farm building with juniper green composite steel sheet cladding on the walls and roof. It will also include translucent roof sheets on the north roof slope and a PV panel array on the south roof slope. The</p>	

front elevation will include a pedestrian access door and a large vehicle access with a roller shutter.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- GARAGE, GARDEN ROOM AND GREENHOUSE (ref: 4/91/0199/0);
- PROPOSED STORE EXTENSION WITH EXTERNAL TERRACE TO EXISTING DETACHED GARAGE BLOCK (ref: 4/22/2069/0F1).

CONSULTATION RESPONSES

Egremont Town Council

No objections.

Highway Authority and Lead Local Flood Authority

Standing Advice.

Environmental Health

No objections.

Recommended condition for external lighting - artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01, dated 2005.

Recommended condition for unexpected contamination due to the site being within an area that was historically part of Bankend Quarry and could potentially be affected by soil/infill/groundwater contamination from this past use.

Copeland's Flood Engineer

Raised an objection as no supporting evidence has been provided to demonstrate that drainage by means of infiltration is feasible.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 5 properties.

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

- The site is large enough to not build on the boundary, next to Bank End Cottages;
- It will block day light and stop views of fells;
- The location closer to the existing buildings and garage area would prevent the need to build an access road to the shed;

- Could impact future saleability of properties in the locality.

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 ENV5 - Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 - Landscaping

Policy DM30 – Rural Buildings

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

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 RE1PU – Agricultural Buildings

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and impact on residential amenity and the landscape and visual impact, drainage and unexpected contamination.

Planning application 4/22/2069/OF1 was approved in April 2022 for an external store attached to the existing detached garage block. The agent has confirmed that since receiving the approval, the applicant has commissioned detailed working drawings and obtained a quotation from a builder and has concluded that the scheme is in fact cost prohibitive. The current application is therefore an alternative scheme to the approved extension and if approved, will negate the need to implement consent 4/22/2069/OF1.

Principle of Development

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including agriculture related development. Policy DM30 and section 6 of the NPPF supports proposals for new agricultural buildings as long as they are well related to existing settlement or farm complexes, and do not adversely impact on local landscapes or the amenity of nearby residential properties.

The application seeks to erect an agricultural implement shed at Pallaflat Farm small-holding. It will provide secure storage for the farm equipment which is currently stored in various locations around the 8.5 acres site. The proposal is therefore considered to be an appropriate form of agricultural development to support the small-holding operations. Despite being visible from the surrounding fields and the adjacent residential properties, the proposed structure will be modest in scale, would meet the needs of Pallaflat Farm and it will be screened by the existing boundary hedge. This will therefore minimise the impact of the development on the surrounding area.

On this basis, there is a proven requirement for the proposed agricultural shed and therefore the proposal is considered to be an appropriate form of development in accordance with Policies ST2 and DM30 and NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site.

The scale and design of the proposed shed is considered to be appropriate with regard to the existing small-holding scale and operations. The pitched roof design of the building is appropriate for its use and the choice of materials are typical of an agricultural development. This will ensure the character of the area is maintained.

On this basis, the proposal is considered to comply with policies ST1 and DM10.

Residential Amenity

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

Concerns were received as part of the neighbour consultation, although the proposal is considered to be suitably located within the field and adjacent to the existing boundary hedge. This will provide suitable screening.

It will have a separation distance of approximately 30 metres to the closest neighbouring properties, Bank End Cottages and therefore, given the modest size and significant separation distances, the proposal will not appear overbearing or cause harmful overshadowing or loss of light.

Only material planning considerations can be taken into account in the assessment of this proposal and, given the separation distance to the closest properties, Bank End Cottages, it is not considered that the proposal will cause unacceptable overshadowing issues. Loss of view and future saleability cannot be taken into account.

In addition, in the interest of protecting residential amenity, Environmental Health have advised that guidance should be included regarding external lighting. This can be attached to any decision notice as an informative.

Overall, it is considered that the proposal will have not have a detrimental impact on residential amenity and therefore the proposal is considered to satisfy Policies ST1, DM10 and the NPPF guidance.

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 field at Pallaflat Farm small-holding. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5d 'Lowland – Urban Fringe', which includes agricultural landscapes with urban and industrial influences and in many parts maintain a rural character. The CLCGT seeks to enhance the landscape through restoration.

The development is considered to be suitably located within the field adjacent to the dwellinghouse and outbuildings associated with this small holding. This will ensure that the character of the area is not eroded with development away from the traditional farmstead. Despite the proposal being visible from the surrounding area, the structure will be viewed in the context of the existing small-holding and the shed is typical of an agricultural farm building, reflecting the rural character of the

area. This will minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT.

Overall, the works 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.

Drainage

Policy DM24 seeks to protect development against flood risk.

A planning condition has been attached to ensure the drainage scheme is agreed with the Local Planning Authority, prior to the commencement of the development. The drainage must also be fully operational prior to the first use of the storage shed and must be retained in perpetuity thereafter. This is considered to be appropriate to satisfy the concerns raised by the Councils Flood Engineers regarding drainage requirements.

On this basis, the proposal is considered to meet Policy DM24 of the Copeland Local Plan

Contamination

From a basic desk top study, the site is shown to be within an area that was historically part of Bankend Quarry and could be potentially affected by soil/infill/groundwater contamination from this past use.

Due to the nature of this development (non-residential), it is not considered to be high risk in terms of contaminated land. Any foundations to the structure are likely to be shallow and minor in scale, and therefore Environmental Health did not request a full contaminated land study. It is considered that a planning condition is attached to the decision notice which requires the reporting and remediation if contamination is found.

Planning Balance and Conclusion

This application seeks to erect an agricultural implement shed towards the northern boundary of Field 5639 associated with Pallaflat Farm. The main issue raised by the application was the scale of the development and the potential impacts on the landscape character and residential amenity.

Only material planning considerations can be taken into account in the application assessment. Loss of view and future saleability cannot therefore be taken into account.

The proposed agricultural shed is considered to be suitably located and it will be modest in scale to meet the needs of the small holding. Given the significant separation distances and existing boundary treatments, the proposal will have little impact on residential amenity. It will be viewed in context with the existing dwelling and outbuilding which will minimise its impact within the landscape. Drainage and unexpected land contamination can be addressed by planning conditions.

Overall, the potential harm will not significantly and demonstrably outweigh the identified benefits of the development and therefore the proposal is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.

8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <li data-bbox="183 394 1484 659"> <p>1. 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 data-bbox="183 743 1484 1289"> <p>2. 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 8th September 2022; Location Plan, scale 1:1250, drawing ref 21/09/1004-01, received 8th September 2022; Site Plan, scale 1:500, drawing ref 21/09/1004-14, received 8th September 2022; Proposed Floor Plan and Elevations, scale 1:100, drawing ref 21/09/1004-13, received 8th September 2022; Design and Access Statement, ref 21/09/1004-DAS, received 8th September 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 data-bbox="183 1373 1484 1709"> <p>3. Prior to commencement of any development on the site a detailed drainage scheme must be submitted to and agreed in writing by the Local Planning Authority. The scheme must be implemented in accordance with the approved details and fully operational prior to the first use of the building hereby approved and must be retained in perpetuity thereafter.</p> <p>Reason</p> <p>To ensure a satisfactory form of development and reduce the risk of flooding in accordance with Policy DM24 of the Copeland Local Plan.</p> <li data-bbox="183 1793 1484 1829"> <p>4. In the event that contamination is found at any time when carrying out the development</p>

hereby approved that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Informative Notes

1. All external lighting must conform with requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01, dated 2005.
2. 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 reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
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: C. Unsworth

Date : 31/10/2022

Authorising Officer: N.J. Hayhurst

Date : 02/11/2022

Dedicated responses to:- N/A