



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2464/OF1
2.	Proposed Development:	CHANGE OF USE OF A STORE & CAR PORT TO A DOG GROOMING BUSINESS (RETROSPECTIVE)
3.	Location:	ROTHERY BARN, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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>This application relates to Rothery Barn, situated within an agricultural holding at Keekle Grove. There are agricultural fields surrounding the barn and the River Keekle to the west. The barn is accessed from a private road that stretches from the site to Cleator Moor to the north.</p> PROPOSAL <p>This application seeks retrospective Planning Permission for the change of use of the barn, previously utilized for storage and as a car port, to a dog grooming salon. The building covers a floor area of 39m².</p> <p>The business has been established since August 2021 and the Applicant wishes to utilize the premises for a further 12 months from the date of any decision. The business is run with one full time member of staff with the following opening hours:</p>	

- Monday to Friday – 09:00 – 17:00
- Saturday – 09:00 – 12:00

Parking is provided within the external courtyard for 4 cars and 2 LGVs and the access to the site has not altered.

RELEVANT PLANNING APPLICATION HISTORY

Implement/agricultural store, approved in November 2015, application reference 4/15/2348/0F1.

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections

Cumbria Highways

The site is located off an un-adopted road and the impact of this development as per the Proposed Floor Plan is unlikely to have a material effect of the existing highway network. The Local Highway Authority therefore raise no objections to this proposal.

Environmental Health

No objections from an Environmental Health perspective to the above application.

The premises in question is of good design and robust construction, and I do not foresee that noise disturbance from its use would affect neighbours.

Dog grooming is also outside of the animal licensing regime that is overseen by this EH Team, though general Health & Safety legal requirements would need to be met by the applicant in the operation of the business.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 no. properties.

No responses have 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 ER4 – Land and Premises for Economic Development

Policy ER5 – Improving the Quality of Employment Space

Policy ER6 – Location of Employment

Policy ER11 – Developing Enterprise and Skills

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Emerging Copeland Local Plan (ELP).

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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 permits the conversion of rural buildings to commercial use, providing that they fulfill criterion B-G of Policy DM15A. This is re-iterated within 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 protects standards of amenity.

The proposal seeks retrospective planning permission for the use of the building as a dog grooming parlour within the existing barn building at Rothery Barn. The grooming parlour will have one full time member of staff and is therefore considered to be of a small scale.

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 uses relating to dogs are better located in remote locations, due to the likelihood of amenity issues for surrounding properties due to noise. Furthermore, this building is of traditional construction and the external alterations undertaken to create the business are modest. The proposed floor plan shows that the business can be accommodated satisfactorily within the existing structure.

The barn is located close to Cleator Moor which is an existing settlement and the access road and the existing 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 the principle of the use is considered to be acceptable in Planning Policy terms.

Neighbouring amenity and noise

The main consideration with respect to the change of use is the potential increase in noise due to the presence of dogs on site. Environmental Health Officer was consulted on the application, and he has confirmed that he has no objections to the proposed use in this location. The building being utilized at Rothery Barn is located approximately 230 metres to the south west of the nearest residential property on Brantwood Lane. Furthermore, the building is constructed with robust materials which will considerably dampen any noise. These distances are considered to be significant and on this basis it unlikely that there would be any significant impact upon neighbouring amenity from barking or other noise.

In order that the dwelling at Rothery Barn be protected from noise, it is considered that the use of the barn should be restricted so that it is associated with the dwelling at all times, during the lifetime of the business.

The opening hours stated are suitable for a business of this type and do not include any unsociable hours. It is considered that a suitably worded planning condition should be utilized to ensure that the hours are adhered to.

No objections have been received to the proposal and as the business has been operating for some time, this suggests that noise has not been an issue.

If noise issues do become an issue then Environmental Health are able to deal with complaints under separate legislation with relation to Statutory Nuisance. It is considered that the proposal is acceptable in planning terms and is unlikely to create problems for the occupiers of surrounding properties.

Access, Parking and Highway Safety

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 space for the four parking spaces to serve the development, with other space available within the courtyard if required. The road to Rothery Barn is unmade and narrow, however the levels of traffic associated with this use are likely to be low, due to the small scale nature of the business. It is therefore unlikely that there will be a material change to the previous situation, prior to the formation of the business.

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

Planning Balance and Conclusion

On balance, the remote location of Rothery Barn lends itself to this use which is unlikely to result in unacceptable impacts on the amenities of the occupiers of surrounding properties due to noise.

Policy DM15B supports the principle of the use which will be contained within the existing structure of this traditional building. Issues relating to access and parking have been considered and adequate provision is available to serve the small scale business.

No objections have been received to the proposal.

Overall this is considered to be an acceptable form of development which accords with the policies set out within the Copeland Local Plan, the ELP and the guidance set out within the NPPF.

8.	<p>Recommendation: Approve</p>
9.	<p>Conditions:</p> <p>1. 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>Application form, received 23rd November 2022; Site Location Plan, scale 1:1250, drawing number 01001 01, received 23rd November 2022; Block Plan, scale 1:200, drawing number 01002 01, received 23rd November 2022; Existing and proposed plans and elevations, scale 1:100, drawing number 01003 01, received 23rd November 2022; Proposed Plan, scale 1:50, drawing number 04001 01, received 23rd November 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>2. The use hereby permitted must be for a limited period of 12 months from the date of this approval. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use must be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>The use hereby approved may not be considered suitable as a permanent form of development to protect local amenity in accordance with Policy ST1 and DM10 of the Copeland Local Plan.</p> <p>3. The business hereby approved must be used in association with the parent dwelling known as “Rothery Barn” and must not be sold, let or otherwise used in isolation at any time whatsoever for the lifetime of the development.</p> <p>Reason</p> <p>In order that an inappropriate form of development is not introduced to the area and in accordance with Policy ST1 of the Copeland Local Plan.</p>

	<p>4. The use hereby permitted shall not be open to the public / customers outside the following times:</p> <p>Monday – Friday – 09:00 – 17:-00 Saturday – 09:00 – 12:00</p> <p>Reason</p> <p>To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality and in accordance with Policy ST1 of the Copeland Local Plan.</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 retrospective planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>	
Case Officer: Sarah Papaleo		Date : 16/01/2023
Authorising Officer: N.J. Hayhurst		Date : 18/01/2023
Dedicated responses to:- N/A		