

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2468/OF1
2.	<b>Proposed Development:</b>	ERECT GENERAL PURPOSE BUILDING EXTENSION AND CONCRETE YARD ADJACENT
3.	<b>Location:</b>	BRACKEN BECK, UNDERHILL, MILLOM
4.	<b>Parish:</b>	Millom Without
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  The application relates to Bracken Beck Farm, located to the southeast of Underhill, The Hill, Millom. The site is accessed by a single track off the A5093 and benefits from a number of agricultural buildings. The site also lies within flood zones 2 and 3.  <b>PROPOSAL</b>  Planning Permission is sought to erect an extension to a general-purpose agricultural building and concrete yard.  The proposed structure will extend 4.88 metres from the south-east side elevation and the depth will match the existing building. It has been designed to match the existing structure with a pitched roof and a rear lean-to roof. It will remain open to the front elevation and the side and rear elevations will	

include lower concrete panels and Yorkshire boarding above and grey corrugated cement fibre sheeting on the roof to match the existing building.

#### **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for the following development:

- Demolition of two wooden sheds and erect a general-purpose building (ref: 4/07/2729/0);
- Erection of a general purpose building (agricultural) (ref: 4/12/2163/0F1);
- Erection of a roof over an existing midden and concrete floor to existing big bale silage store (ref: 4/19/2135/0F1);
- Erection of a roof over the existing sheep pens (ref: 4/20/2217/0F1).

#### **CONSULTATION RESPONSES**

##### Millom Without Parish Council

No objection.

##### Environment Agency

No objection.

##### Highway Authority and Lead Local Flood Authority

Standing advice.

##### Flood and Coastal Defence Engineer

No concerns regarding flood risk but requested additional drainage details. The additional details were considered to be acceptable.

##### Cumbria County Council Footpath Officer

No comments received.

##### Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties - No objections have been received as a result of the consultation.

## **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 ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 - Protecting and Enhancing the Borough's Landscape

Policy ENV6 – Access to the Countryside

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

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)

Wildlife and Countryside Act 1981

#### 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 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

Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity

## **ASSESSMENT**

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

### 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.

As the proposal is to extend an existing building within the farm complex, this proposal is considered to be an appropriate form of development in the countryside. Despite being visible on the southern corner, the proposed structure will mirror the existing agricultural building and this will therefore minimise the impact of the development on the surrounding area.

On this basis, the proposal is considered to be an appropriate form of development in the countryside 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 structure is considered to be appropriate in relation to the existing farm. The roof design and height will match the existing building and character of the farm. In addition, the use of matching materials will ensure the new structure relates well to the existing farm buildings.

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

### 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 Bracken Beck farm complex. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 2d 'Coastal Urban Fringe', which seeks to enhance, restore and improve the landscape.

The development is considered to be suitably located within the existing farm complex. This ensures 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 farm buildings 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.

#### Flood Risk and Drainage

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policy DM24 seeks to protect developments against risks of flooding.

The application is accompanied by a Flood Risk Assessment. It is considered that the modest extension to a farm building and yard within Flood Zones 2 and 3 would be an acceptable form of development, based on the guidance set out in the NPPG. The Council's Flood Engineer has raised no objection to the proposal, as the area benefits from the presence of existing defences and it relates to an agricultural building which will be open fronted. This will allow any flood water to enter and exit freely.

The area is small and it will only have a very small impact on flooding extent should it occur. It is important to note, the area is shown to be low risk for river, sea and surface water flooding due to existing defences.

The Environment Agency raised no objection to the proposal as given the nature and scale of the development, they are satisfied that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

The applicant understands the nature of the flood risk at this location and that the structure is appropriately designed to be floodable.

On this basis, it is considered that the proposed building extension will not have a detrimental impact

on increasing flood risk and therefore, the proposal is considered to meet Policy DM24 and the NPPF guidance.

#### 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 natterjack toads. The application is not supported by any ecology details as the site relates to a new development which is not located within 200m of a watercourse (as indicated within the ALGE trigger list). On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this agricultural application.

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

Section 7.7 of Policy ENV6 recognises that existing Public Rights of Way are protected in law. On this basis, as the Public Right of Way 416062 runs parallel to the development site, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

The proposed structure will be visible from a small section of the Public Right of Way 416062, although it will be modest in scale and it will be viewed in the context of the existing buildings and as such will not have any detrimental impact on the Public Right of Way.

The site visit confirmed the PROW runs through the fields associated with the farm but it will not be directly adjacent to the proposed building, which will be approximately 110 metres away. Due to this distance, it will not significantly harm the physical footpath or the amenity of the user and the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.

#### Planning Balance and Conclusion

This application seeks to extend an agricultural building at Bracken Beck 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.

The agricultural building is considered to be suitably located and it will be modest in scale. Given the significant separation distances and existing boundary treatments, the proposal will have little impact on the landscape and visual impact, flood risk, ecology and the public right of way.

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.	<b>Recommendation:</b> Approve (commence within 3 years)	
9.	<b>Conditions:</b> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission.  Reason  To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.  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: -  Site Plan, scale 1:2500, ref 1760, received 1 <sup>st</sup> December 2022; Block Plan, scale 1:300, ref 1760, received 1 <sup>st</sup> December 2022; Floor Plan, scale 1:100, ref 1760, received 1 <sup>st</sup> December 2022; Elevations, scale 1:100, ref 1760, received 1 <sup>st</sup> December 2022; Sections AA, scale 1:100, ref 1760, received 1 <sup>st</sup> December 2022; Design and Access Statement, received 1 <sup>st</sup> December 2022; Flood Risk Assessment, received 1 <sup>st</sup> December 2022; Additional Drainage Plan, scale 1:300, ref 1760 Sheet 2, received 10 <sup>th</sup> January 2023.  Reason  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.  <b>Statement</b>  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 : 23/01/2023
Authorising Officer: N.J. Hayhurst		Date : 25/01/2023
Dedicated responses to:-N/A		