

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2046/0F1
2.	Proposed Development:	CONVERSION OF A DOMESTIC GARAGE/STORE TO A DWELLING
3.	Location:	SPOUT HOUSE, SANDWITH
4.	Parish:	Whitehaven
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 This application site refers to a domestic garage/storage building sited to the north of 7 Spout House, located within Sandwith. The building is formed from concrete blocks with a rendered external finish. Planning permission was granted for its construction in June 1995 as a domestic garage/store (application reference 4/95/0276/0 relates). Relevant Planning Applications 4/93/026/1 4/94/0936/0	

4/94/0800/1

Garage, approved in June 1995 (application reference 4/95/0276/0 relates);

Conversion and extension of garage/store to create a dwelling, withdrawn in April 2021 (application reference 4/21/2010/0F1 relates).

Conversion of domestic garage/store into dwelling (resubmission of withdrawn application 4/21/2010/0F1), refused in April 2022 (application reference 4/22/2011/0F1 relates).

Proposal

This application seeks permission for the conversion of an existing outbuilding to form a single storey semi-detached dwelling. The proposed conversion will be restricted to the existing structure although some alterations are planned. These comprise the replacement of a door for a window on the east elevation, the blocking up of double doors on the west elevation and the enlargement of an existing door and addition of a further door on the north elevation. Furthermore, there will be two obscure glazed skylights added to the roof on the west elevation.

The dwelling will be an L shape in configuration, with an overall length of 11m and a width of 9.2m. It will utilize the existing dual pitched roof with an overall height of 5m.

The proposal will incorporate a kitchen, living room two bedrooms and a bathroom. A small garden and driveway has been provided to the north of the building for use in association with the proposed dwelling.

Access is taken from Main Street, Sandwith via an existing access lane to the north.

Consultation Responses

Whitehaven Town Council

No response received.

Cumbria Highways

No objections as there is unlikely to be a material effect on the existing highway conditions.

Local Lead Flood Authority

No objections as the proposal is unlikely to increase flood risk on site or elsewhere.

United Utilities

No response received.

Natural England

No response received.



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Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to 8 no. properties. Three letters of support for the application were received.

Planning Policy

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland. The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Planning law requires that 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 ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM15A – Conversion of Rural Buildings to Residential Use

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (2021) (NPPF)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Emerging Copeland Local Plan (ELP).

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038. The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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 DS3PU – Settlement Hierarchy

Policy DS4PU – Settlement Boundaries

Policy DS6PU – Design and Development Standards

Policy DS8PU – Reducing Flood Risk

Policy H1PU – Improving the Housing Offer

Policy H17PU – Conversion of Rural Buildings to Residential Use

Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity

Policy CO4PU – Sustainable Travel

Policy CO5PU – Transport Hierarchy

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

Introduction

The application proposes the conversion of an existing modern outbuilding to form a separate residential unit. The main issues to be considered are the principle of the conversion, access and parking and ecology. An application for the same development, with the addition of a small extension, has been previously submitted and withdrawn (application reference 4/21/2010/0F1 relates) due to concerns raised by Officers on a number of Policy issues. Further to this, the application was resubmitted, omitting the extension under application reference 4/22/2011/0F1 and was subsequently refused for similar reasons.

This submission has been accompanied by the following information:

- Site Location Plan;
- Site Block and Layout Plan;



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- Existing and Proposed Elevations and Floor Plans;
- A Bat, Owl and Breeding Birds Report;
- Visual Structural Inspection;
- Planning Statement.

Principle of Development

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Review. Cumberland comprises the areas formerly known as Copeland, Allerdale and Carlisle. At present, until a Cumberland Council Local Plan can be formed, each area will still rely on their own adopted Local Plans to make decisions within the relevant geographic areas.

Policy ST1 and ST2 of the CS and DS1PU, DS3PU and DS4PU of the ELP seek to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy.

Within Policy ST2, Sandwith does not feature within the settlement hierarchy due to a lack of services and available modes of public transport which would result in the reliance on the private car for day to day living. It is therefore designated as open countryside. This stance was recently confirmed by a Planning Inspector in dismissing an appeal for residential development adjacent to the site who considered the site to be unsustainable (appeal reference APP/Z0923/W/22/3305468, issued 30th March 2023).

Policy ST2 of the CS and Policy DS3PU of the ELP restricts development outside of defined settlement boundaries other than those which have a proven requirement for the rural location, including conversion of rural buildings to residential use. Proposals which involve the conversion of rural buildings must, however, comply with Policy DM15A of the CS which is a criteria based policy designed to ensure that applicants demonstrate that the proposed conversion is the most suitable and sustainable option.

Each criterion of Policy DM15A is assessed below and considered against the submitted information from the Applicant.

Criterion A – no information has been received from the Applicant to demonstrate that alternative employment or a mixed use of live-work accommodation or community use is not viable. Although the application fails to comply with Criterion A this aspect of the policy has been overtaken by Government guidance set out in the NPPF. The policies within the ECLP also omit this test.

Criterion B – As the building is not currently or was last used for agriculture, there is no requirement to satisfy this aspect of the Policy.

Criterion C – The Applicant submitted a Visual Structural Inspection which concluded that the building is in an adequate structural condition. Whilst some areas require rebuild, it is

considered that the proposal complies with this criterion.

Criterion D – During the previous application, further information was requested from the Applicant's Agent with regards to the history of the building in order to ascertain whether the building could be considered to be of traditional construction. The Agent stated that the building is *"approximately 120 years old, built from random sandstone and rubble infill with parging and lime wash internally and parging and whitewash externally"*. The Agent went on to explain that the use as an agricultural store had ceased around 35 years ago and that the building has been patched up in blockwork and render with the replacement of the roof in grey concrete tiles. This information contradicts the planning history held by the Council for the property, which shows a newly built garage in blockwork, render and concrete tiles in 1995 (application 4/95/0276/0 relates).

There is a significant variance in the details provided with regards to the construction of the building. The Structural Inspection report prepared for the current application states that the building is constructed of random stone and blockwork masonry. The Planning Statement that accompanies the application sets out that the building is built from block/brick with a rendered finish. In 2021 the details listed on the application set out that the existing walls of the building were blockwork.

This part of the policy seeks to ensure that traditional rural buildings are retained due to their attractiveness, craftsmanship, historic interest and as a reminder of the areas agricultural heritage. Traditional buildings form an essential part of the character of the rural parts of the Borough and are worthy of retention. As the building was purpose built as a garage in 1995, it does not comply with this policy.

On this basis, the garage cannot be considered to be of traditional construction and therefore fails to comply with Criterion D.

Criterion E – The building is located within Sandwith and forms an extension to a cluster of buildings known as Spout House. The proposal therefore complies with this part of the policy.

Criterion F – Access is taken from the main road running through Sandwith by a private road which serves Spout House. It is considered that water and electricity services are available, as part of the infrastructure that serves the surrounding dwellings.

Criterion G – The Agent has provided amenity space at the north of the building that is considered to be of sufficient size to serve a 2 bedroomed property. The proposal therefore complies with this criterion.

Criterion H – The proposal is for a single dwelling and is therefore relative to surrounding area.

Given the stage of preparation of the emerging local plan, some weight can be attached to the policies it contains. Policy H17PU is the updated version of the policy above and allows



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the conversion of buildings outside the settlement boundaries where:

- a) The building is redundant or disused, is of a traditional design and the proposal would not have an adverse effect on the historic environment, the character of the local landscape or its setting;
- b) The building is structurally sound and capable of conversion without the need for significant extension, alteration or reconstruction;
- c) The development conserves the essential character of the buildings and enhances the immediate surroundings;
- d) Safe road access is in place or can be created without damaging the rural character of the surrounding area;
- e) The proposed curtilage area is appropriate in scale to the character of the building and will not result in adverse visual impacts or adverse harm to the landscape character; and
- f) Appropriate protected species surveys (bat, owl etc) have been carried out and details of proposed mitigation to deal with any harm identified have been agreed with the Council

The accompanying text sets out that when granting permission under this policy the Council will remove permitted development rights where necessary to protect the character of the building and landscape.

Proposals must also accord with the criteria listed in Policy H13PU.

The criteria in Policy H13PU says that conversions will be supported where:

- a) The development does not result in unacceptable levels of harm to residential amenity (noise and disturbance) for occupiers of the converted property and/or those occupying neighbouring properties;
- b) Future residents have adequate levels of natural lighting and privacy;
- c) The development does not have an adverse impact upon the privacy of neighbouring residents through direct overlooking;
- d) Off street parking is provided or sufficient parking is available within close-proximity of the site;
- e) Adequate external amenity space is provided, including for waste and recycling bin storage without harming the visual amenity of the area where possible;
- f) Cycle space is provided, where possible
- g) Safe access is available from both the front and rear of the property, where possible; and

h) The development does not result in an over-concentration of HMOs, taking into account the cumulative impacts of HMOs and subdivided properties within the vicinity of the site.

Consideration will also be given to the loss of the original property and whether this supports the housing strategy informed by the Council's SHMA and Housing Needs Study.

With regards to Policy H17PU, the building does not comply with Criteria a) as it is not of a traditional design.

Overall, the proposed dwelling is to be located within the open countryside where the provision of new dwellings under Policy ST2 of the CS and DS3PU of the ELP is restricted to local needs or to the conversion of traditional rural buildings only. The approval of a conversion within the countryside will only be permitted where all of the criteria within Policy DM15A of the CS and H17PU and H13PU of the ELP are satisfied. As detailed above, the proposal is at odds with criteria D and therefore, the principal of the development is deemed to be contrary to policy and therefore unacceptable in principle.

Access and Parking

Policy DM22 of the CS and CO7PU of the ELP seek to ensure that proposals include adequate off street parking and a safe access.

The proposed conversion will be accessed from Main Street, Sandwith, via a narrow access road between the dwellings known as The Nest and 1 Spout House. Cumbria Highways responded to a consultation request, raising no concerns with this access as they considered that there would not be a material change to the highway network.

Parking is to be provided to the north of the building on a driveway with separate access and egress. The Applicant is proposing a one-way system for parking that would allow vehicles to access and egress the driveway in a forward gear, however, visibility to the south would be poor due to the building being flush with the roadside. As the access road to the west of the building is narrow and unmade, it is likely that cars would not be travelling at speed, therefore although not ideal, the access and parking arrangement is likely to be acceptable in this location.

Ecology

Policy ENV3 of the CS and N1PU of the ELP seek to ensure that new development will protect and enhance biodiversity and geodiversity. The building for conversion falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines. The survey for bats, barn owl and breeding birds submitted for this application was carried out in October 2022, following a report in December 2020. The updated report states that the survey has been carried out late in the bats active season but was considered to be sufficient for a valid survey. The survey details barn owl activity and several evidence of bats, however none were seen emerging from or showing interest in the garage building.

The report concludes that a bat box should be fitted 2 months before the start of any works and that any existing bat access routes should be retained.

On this basis, the information submitted is considered to satisfy the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028 and Policy N1PU of the Emerging Local Plan.

Planning Balance and Conclusion

On balance, whilst the application has addressed some of the points stated for refusal in the previous application, issues remain which are contrary to Local Plan planning policies.

Policy ST2 of the CS and DS3PU of the ELP state that residential development will only be approved outside of the defined settlement boundaries in certain defined circumstances, The conversion of traditional rural buildings is classed as an exception provided that certain criteria can be met as set out within Policy DM15A of the CS and H17PU and H13PU of the ECLP.

The proposed development is considered to be contrary to Policy DM15A of the Copeland Local Plan 2013 – 2028. The building is not of a traditional construction, having been erected in 1995 as a garage/store and therefore fails to comply with criteria D of this policy. This criteria is repeated within Policy H17PU of the emerging local plan, again requiring that existing rural buildings to be converted are of a traditional construction.

Conclusively, should the application be approved, it is likely to create an unfortunate precedent which would effectively sanction the conversion of any form of building within a rural area, thereby removing the exception test currently applied. The result would effectively encourage unsustainable forms of development within the open countryside and increasing the reliance on private cars for day to day living. It would be at odds with the Councils Development Strategy set out in the Local Plan and updated in the emerging Local Plan and also the guidance within the NPPF which seeks to secure sustainable forms of development and protect the countryside.

Sandwith is not classed as a sustainable settlement that is suitable for new residential development. This has recently been confirmed by a Planning Inspector in a recent appeal case within close proximity to the application site. Development within the open countryside without any justification would result in the over reliance of the motor car to access day to day facilities and provisions.

The Council has recently updated its 5 year land supply and can demonstrate a housing supply of 7.1 years or 181 years using the Standard Methodology (September 2022).

	On the basis of the above the proposal should be refused as it is contrary to policies within the Copeland Local Plan 2013 – 2028, NPPF and emerging local plan.	
8.	Recommendation: Refuse	
9.	Reasons for Refusal <p>1) The proposed dwelling, which is located outside any designated settlement boundary in open countryside location, represents a non-essential and inappropriate form of development that will be located away from any day to day facilities and services. The site offers extremely limited opportunity for public transport and is beyond distances which residents could reasonably be expected to walk to access services. There are no pedestrian walkways on direct access routes from the site which would result in the only safe access to services being via vehicle. The perceived benefits that could result from one dwelling would not be sufficient to significantly and demonstrably outweigh this harm. As such, it would not represent sustainable development as required by the NPPF.</p> <p>The proposal is therefore contrary to policies ST1, ST2 and DM22 of the Copeland Local Plan 2013-2028, Policies DS3PU and DS4PU of the Emerging Copeland Local Plan and the objectives of paragraphs 8, 9, 11, 80 and Part 9 of the National Planning Policy Framework (2021).</p> <p>2) The proposed building for conversion is not constructed from traditional materials as required by criterion D of Policy DM15A and Part C vi) of Policy ST2 of the Copeland Local Plan 2013-2028 and Policy H13PU and Policy H17PU of the emerging Copeland Local Plan 2021-2038. Consequently, the proposal would result in an inappropriate form of development in an unsustainable location without any justification.</p>	
Case Officer: Sarah Papaleo		Date : 05/04/2023
Authorising Officer: N.J. Hayhurst		Date : 28/04/2023
Dedicated responses to:-		