

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2064/0F1
2.	<b>Proposed Development:</b>	PROPOSED AGRICULTURAL WORKERS DWELLING
3.	<b>Location:</b>	WILSON PARK FARM, PICA
4.	<b>Parish:</b>	Distington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: NO  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to an area of agricultural land which lies adjacent to an existing farm known as “Wilson Park Farm”. There are two residential dwellings on site known as Dyke Nook and The Flat with a collection of farm buildings that extend to the south. There are agricultural fields to the east and west and the main road leading to Pica joins to the north.</p>

## **PROPOSAL**

Planning Permission is sought for the erection of an agricultural workers dwelling to serve the farm. The proposed dwelling is to be located on land east of Dyke Nook and The Flat.

The proposed bungalow will comprise 3 bedrooms, a kitchen/dining room, a utility room, a lounge and a bathroom. It is to be finished externally with a natural stone to the plinth and front gable with K rend for the remaining elevations. The roof will be grey Marley interlocking concrete roof tiles with a matching ridge tile and the windows and doors are proposed to be of a UPVC and composite construction. No details have been submitted for boundary treatments, landscaping or surfacing of the access drive, other than the specification for it to be consolidated hardcore. Two parking spaces are to be created within the site for use by the dwelling.

The applicant's agent has submitted an agricultural appraisal in support of the application that sets out details of the farming operations to justify the need for a further dwelling to serve the farm. This document has been kept confidential due to commercially sensitive information that it contains.

Due to the size of the farm and the maintenance and security required, the appraisal claims that there is a need for more than one full time worker on site at all times.

There are no buildings on the farm which are vacant and suitable for conversion which could be used to provide an additional dwelling.

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been no relevant previous applications on the site.

## **CONSULTATIONS RESPONSES**

### Distington Parish Council

Distington Parish Council has no objection to the above proposal.

### Highway Authority

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

If you have a particular aspect of this application you wish us to consider, please feel free to



## Cumberland Council

contact me direct.

### Rights of Way Officer

No response received.

### United Utilities

#### UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. Please see 'Contacts' section below.

#### Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

#### Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

*Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).*

### Local Lead Flood Authority

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

If you have a particular aspect of this application you wish us to consider, please feel free to contact me direct.

### Flood and Coastal Defence Engineer

Without checking the calculations submitted with the above Planning Application for both the foul and surface water drainage, there is nothing that concerns me.

The calculations submitted appear to me to what is needed to comply with Building

Regulations and would be checked through a Building Regulations Application.

As far as I am concerned, the proposed dwelling is not at flood risk, can be drained and does not increase flood risk elsewhere.

#### Public Representation

The application has been advertised by way of a site notice.

No responses have been received as a result of this advertisement.

### **PLANNING POLICY**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### Development Plan

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.

### **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

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

**Other Material Planning Considerations**

National Planning Policy Framework 2021 (NPPF)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

Emerging Copeland Local Plan

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 policies relevant to this proposal include;

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Strategic Policy DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy DS7PU - Hard and Soft Landscaping
- Strategic Policy DS8PU - Reducing Flood Risk
- Policy DS9PU: Sustainable Drainage
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2PU - Local Nature Recovery Networks
- Strategic Policy N3PU - Biodiversity Net Gain
- Strategic Policy N6PU - Landscape Protection
- Strategic Policy CO2PU – Priority for improving Transport networks within Copeland
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

### Principle of the development

The site is located outside of any designated settlement boundary, close to the hamlets of Pica and Gilgarran. Policy ST2 of the CS and Policy DS3PU of the ELP seek to restrict housing in the open countryside to that which has a proven and specific need for that location, including the provision of agricultural workers dwellings.

In order to establish whether or not there is an agricultural need for a further dwelling on this

site, an agricultural appraisal of the application and submitted documentation was commissioned from a suitably qualified independent consultant. This report sets out the following details:

- The report clearly highlights the need for the onsite presence of a farm worker at Wilson Park Farm to manage the herd of suckler cows and flock of sheep;
- The livestock require attention throughout the year and particularly through the winter months;
- A permanent onsite presence is important to reduce the number of animal deaths;
- Onsite security is very important;
- The farm accounts prove that the business is viable and it is anticipated that the business will continue to be viable.

The independent agricultural assessment concludes the following:

- At the present time there is a clearly established existing functional need in relation to the landholdings that are based at Wilson Park Farm;
- I have calculated the labour requirement on these landholdings and can advise that they have a calculated labour requirement of about 1.4 full time workers;
- I am of the view that it is essential that 1 full time worker actively involved in the management of the unit should be resident on these land holdings to meet the existing functional need;
- There is no existing suitable and available dwelling on the land holdings to house that worker.

Due to the rural nature of the site and the justification for the location being the agricultural need, it is considered that the dwelling should be tied to the agricultural farm and must only be occupied by agricultural workers. This can be controlled by way of an appropriately worded planning condition. On this basis, it is considered that there is a justified need to house a farm worker on the site in accordance with the exceptions set out in both the NPPF and the Local Plan and therefore the principle of development is acceptable.

#### Scale, Layout and Design

The scale of the dwelling is modest, being a bungalow with a low eaves and overall roof height.

The dwelling has been sited as close as practicable to the existing farm buildings in order that the impact on the landscape can be kept to a minimum and it will be viewed in context with the existing development. The footprint of the dwelling is considered to be satisfactory with the internal layout providing suitable and reasonable living space. The design of the house is simple and picks up on some of the local design features including banded window details, quoins and a projecting gable.

The materials to be used have been specified and are considered to be acceptable for a

dwelling on this site, however it is considered necessary for a condition to be attached to the approval to require samples of the materials to be approved prior to their use on the property. This is to ensure that the dwelling is sympathetic to its rural location. The use of natural stone facing on the gable elevation is welcome.

The dwelling has been located within the plot so that it does not directly face the existing dwellings known as The Flat and Dyke Nook. The positioning allows for a separation distance of 14m between the proposed and existing dwellings and, due to the blank elevations on both properties, there will be no overlooking issues.

It is considered reasonable to remove Permitted Development Rights from the property in order to ensure that disproportionate extensions are not added to the dwelling and in order to control the curtilage surrounding the property in the interests of visual amenity. This can be controlled with the use of an appropriately worded planning condition.

Overall, it is considered that the proposal as submitted accords with Policies DM10 and DM12 of the Copeland Local Plan and Policies DS6PU and H6PU of the emerging Local Plan.

#### Landscaping

No details of landscaping have been submitted as part of the application. Given the rural location it is considered necessary to have some landscaping to soften the impact of the development. A condition is proposed which requires a full landscaping scheme to be submitted and approved within a defined timescale.

In addition to this, due to the rural nature of the proposal, the boundary hedge between the site and the access road should be retained as far as practicable in order to ensure that there is some screening for the property and to help to protect longer views of the site. This can also be controlled with the use of an appropriately worded planning condition.

Subject to satisfactory landscaping details the proposal complies with Policy DM26 of the CS and Policy N6PU of the ELP.

#### Access, Highway Safety and Parking

The dwelling will be sited along a private road leading only to the agricultural buildings at Wilson Park Farm. It is considered that there is unlikely to be an increase in traffic from the siting of a dwelling in this location as the occupant will live on site therefore reducing their current commute to work. The Highways Authority have raised no objections to the proposal, stating that the development is minor and therefore falls to the Local Planning Authority for assessment. There is unlikely to be a material increase in traffic accessing or egressing the site and the existing access point is to remain unchanged and is therefore considered to be acceptable. The plans include spaces at the front of the property for off street parking and turning.

Overall, it is considered that the proposal complies with Policy DM22 of the CS and Policy CO7PU of the ELP and is therefore considered to be acceptable in highways terms.





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	<p><u>Drainage</u></p> <p>The submitted plans show the drainage of foul water to a septic tank and for surface water to a soakaway. Full details of these have been submitted and assessed and no objections were raised from statutory consultees. It is considered that the proposals for drainage are the most sustainable and appropriate options and the full design of these would be picked up at as part of the submission for the Building Regulations.</p> <p><u>Planning Balance and Conclusion</u></p> <p>In accordance with Policy ST2 of the CS and Policy DS3PU of the ELP, the Applicant has demonstrated a clear justification for the provision of a dwelling within their farm holding to ensure that they can tend to their livestock and provide security to the farm. The Applicant does not have another dwelling or building suitable for conversion to serve their needs. An independent appraisal has been carried out on behalf of the Council which has concluded that there is an essential need for the siting of another agricultural worker on the site. Based on this assessment the principle of the development is considered to be acceptable in terms of the tests set out in Policies ST1, ST2 and SS3 of the Local Plan, Policy DS3PU of the ELP and also the guidance set out in paragraph 80 of the NPPF.</p> <p>The dwelling is appropriate in terms of siting and design and is of sufficient scale to serve the Applicants needs. Adequate provision for parking and drainage can be provided on the site.</p> <p>Details of landscaping and boundary treatments can be secured by appropriately worded planning conditions to soften the impact of the development.</p> <p>There have been no objections to the proposal.</p> <p>Overall this is considered to be an acceptable form of exceptional development which is justified in this location and therefore conforms with the guidance set out in the NPPF and the adopted and emerging Local Plans.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <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>

2. 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: -
- Application form, received 13<sup>th</sup> March 2023;
- Site Location Plan and Block Plan, scales 1:2500 and 1:200, drawing number GB/KT/23/03, received 13<sup>th</sup> March 2023;
- Proposed Plans and Elevations, scale 1:100, drawing number GB/KT/23/01, received 13<sup>th</sup> March 2023;
- Septic Tank Installation Details, drawing number GB/KT/23/EA, received 13<sup>th</sup> March 2023;
- Surface Water Drainage Assessment, drawing number GB/KT/23/SW, received 13<sup>th</sup> March 2023;
- Wastewater Solutions Kingspan Klargester Brochure, received 13<sup>th</sup> March 2023;
- Design, Access and Heritage Statement, drawing number GB/KT/23/ADHS, received 13<sup>th</sup> March 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.

Occupancy Condition

3. The occupation of the dwelling must be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The Local Planning Authority would not be prepared to grant planning permission for the erection of a dwelling on this site except for occupation by persons so employed in accordance with Policy ST2 of the Copeland Local Plan

Prior To Occupation Condition

4. Prior to the first occupation of the dwelling hereby approved, a full landscaping scheme must be submitted to and approved in writing by the Local Planning Authority. The landscaping must be installed in accordance with the approved plan and retained as such at all times thereafter.

**Reason**

To ensure mitigation against landscape impact, in accordance with Policy DM26 of the Copeland Local Plan.

**Other Conditions**

5. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and be retained for the lifetime of the development.

**Reason**

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

**Reason**

To safeguard the character and appearance of the development in the interests of visual amenity in accordance with Policy DM10 of the Copeland Local Plan.

7. None of the existing boundary hedges on the site shall be removed without the prior approval of the Local Planning Authority.

**Reason**

To ensure that the dwelling is as well screened as possible and to protect the rural nature of the site, in accordance with Policy DM10 of the Copeland Local Plan.

**Informative**

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

	<p>should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p> <p><b>Statement</b></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>	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 04/05/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 05/05/2023</b>
<b>Dedicated responses to:-</b>		