

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2152/0F1	
2.	Proposed Development:	ERECT CATTLE CUBICLE BUILDING	
3.	Location:	TOWNHEAD FARM, NETHERTOWN	
4.	Parish:	Lowside Quarter	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	<p>This application relates to Town Head Farm, located within the south of Nethertown. The dairy farm consists of 175 acres with around 150 – 180 cows and calves at any one time. The application site is located along the southern edge of the village adjacent to a number of existing agricultural buildings, including an existing milking parlour and cow kennel building.</p>		

Relevant Planning History

4/11/2398/0F1 – Slurry lagoon – Approved.

4/22/2099/0F1 – Conversion of existing barns to form 3 residential units & annex accommodation associated with unit 3 – Withdrawn.

4/22/2441/0F1 – Conversion of existing barns to form 3 residential units & annex accommodation associated with unit 3 (resubmission of 4/22/2099/0F1) – Approved.

Proposal

This application seeks planning permission for the erection of a cattle cubicle building. The proposed building will be located to the south of the existing agricultural building, and the existing PROW which runs along the northern boundary of this field. The proposed building will measure 41.15m x 22m with a total floor area of 905m, and will benefit from an eaves height of 3.66m and a ridge height of 8.1m.

The development will house cubicles, feed bays and will include an under-floor slurry tank connected to the existing adjacent cow kennels which will be pumped to the main slurry lagoon to the east of the proposed building. Externally the proposed building will be finished with natural colour concrete panels to the lower walls, and grey corrugated cement fibre sheets to the upper walls on the building's gables and Yorkshire type boarding to the north west elevation. The roof will be finished with grey corrugated cement fibre sheets, with photovoltaic panels on the south east roof slope.

Access to the farm is off the highway to the west of the proposed building, with access to the proposal via the existing farmyard to the north of the site.

Consultation Responses

Lowside Quarter Parish Council

No comments received.

Cumberland Council – Highway Authority & LLFA

12th June 2023

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.



Cumberland Council

Cumberland Council – Flood and Coastal Defence Engineer

9th June 2023

The above application is in Flood Zone 1, so there are no issues with respect to flood risk.

The proposal for surface water disposal is by means of storage tanks with excess going to soakaway.

This is a sustainable method, but I'm querying how this can be demonstrated that this is compliant, as an agricultural building does not fall under Building Regulations as far as I know.

14th June 2023

The surface water disposal should follow the drainage hierarchy and that percolation testing is required to advise on the design of the soakaway.

Ultimately there is a combined sewer nearby, so as a last resort the surface water could be disposed of by means of the combined sewer, subject to United Utilities satisfaction.

Cumberland Council – Environmental Health

21st June 2023

Following a site visit, and discussion with the applicant, there are no objections to this proposal from an Environmental Health perspective. If there is external lighting provided to the new building a condition is recommended.

Environment Agency

No comments received.

Cumberland Council – Countryside Access Officer

12th July 2023

A recorded Public Right of Way FP 414002 runs adjacent to the proposed development.

Section 7.7 of Policy ENV6 – Access to the Countryside within the Copeland Local Plan 2013-2028 recognises that existing Public Rights of Way are protected in law.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumberland Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

We would advise the applicant to apply for a temporary diversion of the route. It should be noted that:

- The granting of planning permission would not give the applicant the right to block or

obstruct the Public Right of Way shown on the attached plan.

- The Public Right of Way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, extinguish or to temporarily close them has been confirmed.
- No development should take place on or near the Public Right of Way until the appropriate statutory legal process has been successfully completed.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to six properties. Two letters of neutral response were received in relation to this application which sited the loss of views and asked that the building be moved further into the site away from the road to mitigate against this.

Planning Policy

Planning law requires that 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 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place



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Policy DM24 – Development Proposal and Flood Risk

Policy DM30 – Rural Buildings

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Emerging Copeland Local Plan 2021 – 2038 (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.

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

This application raises issues of the principle of the development; siting, scale and design, landscape and visual amenity; and flood risk and drainage.

Principle of Development

Policy ST2 of the Local Plan supports development outside of settlement, which have a

proven requirement for such location, including agriculture. Policy DM30 and section 6 of the NPPF supports proposals for small holdings and equine related developments 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. Policy RE1PU of the Emerging Local Plan states that new agricultural buildings requiring planning permission will be supported where there is a demonstrated need for the building in relation to the functional operation of the agricultural building, the building is located within or adjacent to the existing farm complex unless justified, the building is of appropriate scale, form and design, and the building will not adversely impact on residential amenity or landscape character.

As the proposal is to create a new cattle cubicle building to the south of the existing farm complex adjacent to a number of existing agricultural buildings, the works are considered to be an appropriate form of development in the countryside in accordance with Policy ST2 and DM30 of the Local Plan, Policy RE1PU of the Emerging Local Plan, and provisions of the NPPF.

Siting, Scale and Design

The application site is located to the south of the village of Nethertown, with several residential dwellings located to the north and east of the existing farm complex. The development is required to create more building space within the farm to accommodate milking cows and improving welfare for the existing stock.

The proposed building is located to the south of a number of existing agricultural buildings. The proposal is located further away from residential properties than the existing buildings therefore the proposal is not considered to adversely impact on existing residential amenity. Concerns have been raised by neighbouring properties regarding loss of views, however this is not a material planning consideration. The agent for this application has confirmed that the proposed building has been sited adjacent to existing buildings for ease of operations. The siting also reflects the existing building line of the village. It has also been confirmed by the agent that the building cannot be sited further back within the site due to the existing pipe/drainage to the slurry lagoon to the east of the proposed building.

On the basis of the above, the scale and design of the proposal is considered to be appropriate with regard to the existing site and is unlikely to cause any demonstrable harm, in accordance with Policy DM30 of the Copeland Local Plan and Policy RE1PU of the Emerging Local Plan.

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;



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and, supporting proposals which enhance the value of the Borough's landscapes.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 4: Coastal Sandstone. The key characteristics of the land comprise: coastal sandstone cliffs, sandstone rolling hills and plateaus, large open fields, prominent hedge banks bound pastoral fields, small woodland blocks along valley sides, and exposed coastal edge moving to intimate and enclosed farmland inland.

The Guidelines for development include: strengthen definition between town and country by using extensive buffer planting to screen the built up areas and reduce the impact of industry, improve visual containment of caravan parks close to the coast with landscape works and discourage further large scale developments, such as wind energy, in prominent coastal locations, conserve and enhance the traditional farm buildings and features within their own setting, and reduce the impact of any new buildings by careful siting and design.

The proposed agricultural building is located to the south of the existing farm complex and adjacent to several existing agricultural buildings associated with Town Head Farm. The building will run adjacent to the existing farm buildings within the site, limited the impact of the development. The proposed development is screened by existing well established hedgerow boundary treatment and would be viewed against the backdrop of the existing agricultural building. Based on this, the proposal is therefore not considered to result in intrusion into open countryside or impact on the surrounding area.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and provision of the NPPF.

Access, Highway Safety and Impact on PROW

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The development will utilise the existing access to the site via the existing farmyard, with no alterations proposed. Cumbria Highways have been consulted on this application and have no comments on the application. The development will also not increase run off onto the highway given the distance from the existing access point and current layout of the farmyard.

PROW 414002 runs to the north west of the application site, adjacent to the boundary of the field between two existing hedgerows. The agent has indicated within the submitted design and access statement that it is intended to maintain access to the PROW at all times during construction, however for safety reasons a temporary diversion may be required. The Council's Countryside Access Officer has offered no objections to this application, however he has advised that the applicant applies for a temporary diversion of the route. They have stated that the grant of planning permission does not give the applicant the right to block or obstruct the PROW, and it must remain unobstructed at all times. The Officer has also

	<p>confirmed that there should be no development until the appropriate legal process has been undertaken. These details will be included as informatives on any decision notice to ensure the applicant/agent is aware of these issues.</p> <p>On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan, Policy CO7PU of the Emerging Local Plan, and Section 9 of the NPPF.</p> <p><u>Flood Risk & Drainage</u></p> <p>Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.</p> <p>The application site is located within Flood Zone 1. The surface water for this site would be drained via storage tanks and soakaways to deal with any overflows. The Council's Flood and Coastal Defence Engineer has confirmed that as the site is within Flood Zone 1 there is no issue with respect of flood risk. The Officer has however stated that surface water disposal should follow the drainage hierarchy and that percolation testing is required to advise on the design of the soakaway, however as there is a combined sewer nearby this could be used as a last resort subject to UU satisfaction.</p> <p>On the basis that the development follows the drainage hierarchy, the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policy DS8PU of the Emerging Local Plan, and the NPPF.</p> <p><u>Planning Balance and Conclusions</u></p> <p>This application seeks planning permission to erect an agricultural building to the south of the existing farm complex. The building is considered appropriate in terms of use and scale in this location, and its siting minimises its potential impacts on the nearby residential properties. Whilst concerns have been raised with regard loss of views this is not a material planning consideration, and the agent has confirmed that existing pipes associated with the slurry lagoon to the rear of the site dictate its location within the site.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.



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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. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:

- Site Plan, Block Plan, Floor Plans, Elevations, & Section AA, Scale 1:100, 1:500, & 1:2500, Drawing Ref: 1771, received by the Local Planning Authority on the 1st June 2023.
- Design & Access Statement, Prepared 23rd May 2023, received by the Local Planning Authority on the 1st June 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.

Other Conditions:

3. No external lighting shall be introduced to the exterior of the building without the written consent of the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E2 contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01/21.

Reason

In order to safeguard the amenities of nearby residential occupiers.

Informatives:

1. The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Way 414002.
2. The Public Right of Way 414002 as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, extinguish or

to temporarily close them has been confirmed

3. No development should take place on or near the Public Right of Way until the appropriate statutory legal process has been successfully completed

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. Burns

Date : 18.07.2023

Authorising Officer: N.J. Hayhurst

Date : 24/07/2023

Dedicated responses to:-