

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2168/0F1
2.	<b>Proposed Development:</b>	ERECTION OF AN AGRICULTURAL BUILDING
3.	<b>Location:</b>	DEMESNE FARM, SANDWITH
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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>The application relates to Demesne Farm, located approximately 0.5 mile south-east of Sandwith. The site is accessed via a farm track off St Bees Road and benefits from a number of agricultural buildings.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the erection of a new agricultural building.</p> <p>The proposed building will measure 20 metres in width and 28 metres in depth. It will include a pitched roof with an eaves height of 7.4 metres and an overall height of 9.5 metres. It has</p>

been designed to match the existing farm buildings elevations with concrete wall panels on the lower elevations and blue metal cladding on the upper elevations and a big 6 profile cement fibre corrugated roof.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been several planning applications for agricultural developments within the site.

### **CONSULTATION RESPONSES**

#### Whitehaven Town Council

No objections.

Highway Authority and Lead Local Flood Authority

Standing Advice.

#### Footpath Officer

No objections.

#### Cumberland's Flood and Coastal Defence Engineer

Acceptable development.

#### Public Representations

The application has been advertised by way of site notice - 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**

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 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



## Cumberland Council

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 ENV1 – Flood Risk and Risk Management

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 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)

### **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.

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

## **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design and impact on residential amenity, the landscape and visual impact, flood risk, drainage 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.

The application seeks to erect a new agricultural building, adjacent to the farm complex to provide additional capacity and therefore the proposal is considered to be an appropriate form of agricultural development. Despite being visible from the surrounding fields, the proposed building will relate to existing farmstead and it will be screened by the existing boundary hedges. This will therefore minimise the impact of the development on the surrounding area.

On this basis, there is a proven requirement for the proposed agricultural buildings and therefore the proposal is considered to be an appropriate form of development 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 with regard to the existing farm buildings. The pitched roof and the height of the building will match the existing buildings and character of the farm. In addition, the use of matching materials will ensure that the new structure relates well to the existing farm buildings.

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

### Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential



## Cumberland Council

amenity of the parent property or adjacent dwellings.

The application relates to Demesne Farm, located approximately 0.5 mile south-east of Sandwith and is accessed along an unclassified farm track with no neighbours in close proximity. On this basis, there are no residential properties in close proximity to the proposed building and residential amenity issues are considered to be minimal.

Overall, the proposal is considered to satisfy Policies ST1, DM10 and the NPPF guidance.

### 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 the Demesne Farm complex on land currently utilised as a part of a field, adjacent to the existing farm yard. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 4 'Coastal Sandstone', which includes small scale farmsteads. The CLCGT seeks to manage, enhance and restore the landscape.

The development is considered to be suitably located within the existing farm complex, adjacent to an existing building. 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 fields, the structure will be viewed in the context of the existing working farm and the modern agricultural buildings. The structure matches the existing buildings, and 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

Policy DM24 seeks to protect developments against risks of flooding.

The proposal is located within Flood Zone 1 and the development will connect to the existing surface water sustainable system. The Cumberland's Flood and Drainage Engineer was satisfied with the proposal, although the applicant should contact the LLFA for the relevant permits associated with the watercourse connection. An informative note is attached.

Overall, the proposal is considered to be acceptable in terms of DM24 of the Copeland Local Plan and the NPPG guidance.

	<p><u>Impact on the Public Right of Way</u></p> <p>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 431032 runs through the farm, consideration must be given to the potential impacts on both the physical and amenity of the footpath.</p> <p>The proposed structure will be visible from a small section of the Public Right of Way 431032, although it will be modest in scale and it will be viewed in the context of the existing farm buildings and as such will not have any detrimental impact on the Public Right of Way.</p> <p>The site visit confirmed the PROW runs to the north of the farmyard but it will not be directly adjacent to the proposed building, which will be approximately 60 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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to erect a new agricultural building. The main issue raised by the application was the location of the development outside of the settlement boundary, within the open countryside and the potential impacts on the landscape character. However, the proposal relates to an existing farm complex and it will provide additional farm capacity.</p> <p>The proposal is considered to be appropriately located and is modest in scale. The design is also considered to be suitable for its use and the proposal will have little impact on residential amenity, the landscape character, flood risk or the public right of way.</p> <p>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.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must commence 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> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the</li> </ol>



## Cumberland Council

respective dates and development must be carried out in accordance with them: -  
Application Form, received 13<sup>th</sup> June 2023;  
Location Plan, scale 1:1250, drawing M179-01, received 13<sup>th</sup> June 2023;  
Proposed Plans, scale 1:100, drawing M179-01, received 13<sup>th</sup> June 2023;  
Proposed Drainage Details, drawing M179-01, received 13<sup>th</sup> 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.

### Informative Notes

1. A PROW (public footpath) number 431032 lies adjacent to/runs through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
2. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email [LFRM.consent@cumberland.gov.uk](mailto:LFRM.consent@cumberland.gov.uk) to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required, it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

### 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. Unsworth**

**Date : 07/08/2023**

**Authorising Officer: N.J. Hayhurst**

**Date : 07/08/2023**

**Dedicated responses to:- N/A**