



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2178/0F1
2.	Proposed Development:	ERECTION OF A POLYTUNNEL (RESUBMISSION)
3.	Location:	LAND EAST OF MOOR ROW, MOOR ROW
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>The application relates to a field, to the east of Moor Row. The site is accessed via a farm track off Pearson Close and benefits from an existing agricultural building.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the erection of polytunnel (resubmission).</p> <p>The proposed polytunnel will measure 4.9 metres in width and 14.6 metres in depth. It will include an overall height of 2.54 metres. It will be constructed out of a metal frame with</p>

sheeted plastic pulled tight over it.

The application is supported by a covering letter which sets out the use of the polytunnel used for agriculture in association with the use of the land. Specifically, the polytunnel would have a multi-use being used to store food crop, animal feed, grow mushrooms and other vegetables and keep poultry including turkeys.

RELEVANT PLANNING APPLICATION HISTORY

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

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

Coal Authority

No response.

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 Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013):



Cumberland Council

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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 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 the landscape and visual impact and the coal advice area.

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.

The proposal relates to a site which benefits from an existing farm building, and it will provide storage for food crop, animal feed, allow vegetables to be grown and keep poultry. Policy DM30 supports new agricultural buildings subject to detailed criteria, which are considered below.

On this basis, the principle of development is acceptable in accordance with ST2 and DM30 of the Copeland Local Plan.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM30 states proposals for new agricultural buildings and small holdings will be permitted as long as they are well related to existing settlement of farm building complex, are of an appropriate design and scale, use materials and colour to blend into its surroundings, and do not adversely impact on local landscape or the amenity of nearby residential properties.

This proposal relates to a revised polytunnel location to ensure that the development relates well to the existing building. It will be modest in scale and height which will minimise the impact on nearby residents or the surrounding area. The modest scale will also ensure that it will not appear overbearing and no concerns have been raised as part of the public consultation. The proposed polytunnel is therefore considered to be appropriate with regard to the existing agricultural complex and is unlikely to cause any demonstrable harm.

On this basis, the proposal is considered to be of an appropriate scale and design in accordance with DM10 and DM30.

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 proposal relates to a resubmission with a revised location, following discussions with the agent to ensure that the proposal was well-related to the existing farm building. The proposal



Cumberland Council

	<p>is therefore considered to be suitably located to minimise the impact on the surrounding area. It will only be visible from a local cycle way to the north of the site, and it will be screened by an existing earth bank and boundary hedges. As a result, it will not appear excessively prominent within the locality.</p> <p>On this basis, the proposal will not adversely impact the local landscape or the amenity of nearby residential properties and it satisfies Policy ENV5 requirements.</p> <p><u>Coal Advice Area</u></p> <p>Based on the site location plan, part of the application site is located within the defined Development High Risk Area and therefore the Coal Authority was consulted. However, the part of the site where the development is proposed lies outside of the defined High Risk Area.</p> <p>As such, and on the basis that the standing advice, it was not considered that a Coal Mining Risk Assessment is necessary to support the proposal. Although an informative note for development within a coal mining area will be included for the applicant's information.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to erect a polytunnel. 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. As the proposal relates to an existing agricultural site and it will provide storage for food crop, animal feed, allow vegetables to be grown and keep poultry including turkeys its location in open countryside is considered to be appropriate as set out in Policy ST2 of the Local Plan.</p> <p>The proposal is considered to be appropriately located and the scale will be modest. The design is also considered to be suitable for its use and the proposal will have little impact on the landscape character or the coal advice area.</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>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <p>Reason</p>

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: -
Application Form, received 23rd June 2023;
Location Plan, scale 1:1500, drawing A01a, received 23rd June 2023;
Proposed Floor Plan and Elevations, scale 1:100, drawing A02, received 23rd 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 Note

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 should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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 : 14/08/2023

Authorising Officer: N.J. Hayhurst

Date : 15/08/2023

Dedicated responses to:- N/A