

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2185/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF LAND FOR EDUCATIONAL PURPOSES; ERECTION OF GARDEN ROOM/OFFICE; ERECTION OF A BARN
3.	<b>Location:</b>	COMMONGATE FARM, COMMONGATE, LOW MORESBY
4.	<b>Parish:</b>	Moresby
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: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>The application relates to an area of land associated with Commongate Farm, located to the north of Low Moresby, approximately 1 mile north of Whitehaven. The site is accessed via an unclassified track off Lane Croft.</p> <p>The site is bound by agricultural fields and a Public Right of Way 417003 to the south of the site.</p> <b>PROPOSAL</b>  <p>Planning Permission is sought for the change of use of the agricultural land for educational purposes and the erection of an office and barn structure.</p>	

The proposal use will offer children and young people who are accessing specialised education due to their Special Educational Needs and Disability (SEND) to spend regular time on a local sheep farm and participate in farming / outdoor activities / spending time with animals facilitated by a qualified teacher who is also a farmer as part of their school curriculum.

The visits would take place on Wednesdays and Thursdays during term time only. There would be no more than six children or young people per visit and they would arrive on site via a school minibus (only one vehicle per day).

The proposed office will measure 5 metres in width and 3.5 metres in depth. It will have a mono-pitched roof with an eaves of 2.46 metres on the rear elevation and an overall height of 2.53 metres on the front elevation. It has been designed to include two windows and doors on the front elevation and the side and rear elevations will be blank. It will be finished with cladding, an EPDM rubber roof, UPVC windows and doors.

The proposed barn will measure 18.44 metres in width and 9.44 metres in depth. It will include a mono-pitched roof with an eaves height of 2.9 metres along the rear elevation and an overall height of 4.17 metres along the front elevation. It has been designed to include four bays with an open front. The gable ends and rear elevations will be clad with timber space boarding on the upper elevation and horizontal timber stock walling on the lower elevations and a natural grey cement fibre sheeting on the roof with four rooflights.

The application has been supported by the following:

- Site Location Plan;
- Proposed Site Plan;
- Proposed Barn Plans;
- Proposed Office Plans;
- Proposed Manufactures Specifications;
- Planning Statement/Management Plan.

#### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications within the application site.

#### **CONSULTATION RESPONSES**

##### Moresby Parish Council

No response.

##### Highway Authority and Lead Local Flood Authority

No objections.

##### Cumbria County Council Footpath Officer

No objections.

#### Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 1 no. property - 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):**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

#### Development Management Policies (DMP)

Policy DM2 – Renewable Energy Development in the Borough

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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, highway safety 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.

The proposal will provide an educational facility and new agricultural barn associated with the existing farm. Policy DM30 supports new agricultural buildings subject to detailed criteria, which are considered below.



## Cumberland Council

Policy SS4 supports the protection and enhancement of community services and facilities and therefore the service provision will also be considered below.

On this basis, the principle of development is acceptable in accordance with ST2, SS4 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.

Policy SS4 supports the protection and enhancement of community services and facilities.

The proposed site is located outside of the defined settlement boundaries, although due to the nature of the development for farm diversification and the education facility associated with the farm, the location is considered to be acceptable.

The proposal will provide an educational facility to diversity the service provision in the area and there is a proven requirement for this as set out in the supporting Planning Statement which outlines that two local schools have provisionally booked sessions, subject to the planning approval. This is supported by Policy SS4 and the proposed scale of the operation which comprises two days a week during term time is considered to be suitable for the area. This can be secured by the use of a planning condition to ensure the development is carried out in accordance with the submitted Management Plan. A planning condition can also secure the opening times to further protect the amenity of the area.

The scale and design of the proposed office and barn are also considered to be appropriate with regard to the existing farm. The height of the buildings will be modest in scale and the design is typical of a farm building. In addition, the materials will ensure that the new structures will blend into its surroundings, in accordance with Policy DM30.

On this basis, the proposal is considered to comply with policies ST1, SS4 and DM30 of the Copeland Local Plan.

### Residential Amenity

Policy ST1, DM30 and section 6 of the NPPF supports proposals for development and diversification of agricultural and other land-based rural businesses, 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 relates to land currently associated with Commongate Farm and the proposed buildings are typical of a farm. In addition, given the scale of the proposed use would have a maximum of six children or young people per visit during the hours of 09:00 and 15:00 it is not expected that the use would harm residential amenity.

No concerns have been received as part of the public consultation.

On this basis, the potential residential amenity issues are considered to be minimal and they will be reduced by the inclusion of planning conditions to restrict the use. Overall, the proposal is considered to satisfy Policies ST1, DM30 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 relates to land currently within the Commongate Farm complex on land currently utilised as a part of a field and farm equipment storage. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5a 'Rigde and Valley', a farmed landscape with scattered farm buildings. The CLCGT seeks to enhance and restore the landscape while accommodating further agricultural intensification.

The development is considered to be suitably located adjacent to the existing farm complex. 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 farm and surrounding buildings. The modest scale of the proposed buildings will also help 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.

#### Highway Impact

Policy DM22 seeks for all development to be accessible to all users.

The Highway Authority raised no objections as it is not considered to materially affect the existing highway conditions. The Management Plan also sets out that the children will arrive on site via a school minibus, with only one vehicle visiting per day and on-site parking will be provided. The management of the operation of vehicles can be secured by the use of a planning condition.

On this basis, the proposal is considered to be acceptable in relation to the highway impact and Policy DM22 of the Copeland Local Plan.

#### Impact on the Public Right of Way

Section 7.7 of Policy ENV6 recognises that existing Public Rights of Way are protected in



## Cumberland Council

	<p>law. On this basis, as the Public Right of Way 417003 runs through the farm and adjacent to the application site, consideration must be given to the potential impacts on both the physical and amenity of the footpath.</p> <p>Although the proposed structure will be visible from a small section of the Public Right of Way 417003 it will be modest in scale and it will be viewed in the context of the existing farm and as such will not have any detrimental impact on the Public Right of Way.</p> <p>The site visit confirmed that the PROW runs to the south of the site, along a farm track and it will be screened by the existing boundary hedge. On this basis, it will not significantly harm the physical footpath or the amenity of the user. 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 change the use of the land for educational purposes and to erect a new agricultural barn and office associated with the educational use. The main issue raised by the application was the location of development in open countryside outside of the settlement boundary, and the potential impacts on the landscape character.</p> <p>The proposal relates to an existing farm and there is clear justification for this location providing an education facility for Special Educational Needs and Disability (SEND) children and young people.</p> <p>The proposal usage and buildings are considered to be appropriately located and of a modest 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, highway safety 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</p>

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 29<sup>th</sup> June 2023;
  - Location Plan, scale 1:1250, received 29<sup>th</sup> June 2023;
  - Proposed Site Plan, scale 1:500, received 29<sup>th</sup> June 2023;
  - Proposed Barn Plans, scale 1:100, drawing 9440, received 29<sup>th</sup> June 2023;
  - Proposed Office Plans, scale 1:50, received 29<sup>th</sup> June 2023;
  - Proposed Barn Specifications, received 29<sup>th</sup> June 2023;
  - Planning Statement/Management Plan, received 29<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.

3. The use hereby permitted shall be carried out in accordance with the details set out in the Planning Statement/Management Plan, received by the Local Planning Authority on 29<sup>th</sup> June 2023. The detailed operating measures must be maintained in accordance with the approved details at all times thereafter.

Reason

In the interest of protecting neighbouring amenity in accordance with Policy DM10 of the Copeland Local Plan.

4. The hours of opening shall be restricted to Wednesday and Thursday between the hours of 09:00 to 15:00.

Reason

In the interest of protecting neighbouring amenity in accordance with Policy DM10 of the Copeland Local Plan.



### **Informative Notes**

1. A PROW (public footpath) number 417003 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. 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](http://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. Wootton**

**Date : 23/08/2023**

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

**Date : 24/08/2023**

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