

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2196/0F1	
2.	Proposed Development:	MATERIAL CHANGE OF USE OF AGRICULTURAL BARN TO RESIDENTIAL USE AND ASSOCIATED WORKS TO INCORPORATE REMAINDER OF BARN INTO EXISTING RESIDENTIAL PROPERTY; CREATION OF SELF CONTAINED ANNEX WITHIN LOWER FLOOR; AND INSTALLATION OF SOLAR PANELS ON REAR ROOF SLOPE	
3.	Location:	ORCHARD BROW BARN, HAILE	
4.	Parish:	Haile	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, 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 Orchard Brow Barn, a Grade II Listed Building located within village of Haile. The owners of the site currently live within a third of the building which has previously been converted to a three bedroomed dwelling, whilst the remainder of the barn is currently used as storage associated with the residential property.</p>	

The barn fronts onto the main road through Haile, Hardgates Road, and backs onto open countryside.

Relevant Planning History

4/18/2021/0F1 – Material change of use of agricultural barn to residential use and associated works to incorporate remainder of barn into existing residential property; and creation of a self-contained residential unit – Approved.

4/18/2022/0L1 - Material change of use of agricultural barn to residential use and associated works to incorporate remainder of barn into existing residential property; and creation of a self-contained residential unit – Approved.

Proposal

This application seeks planning permission for a change of use of the agricultural barn to residential use and associated works to incorporate remainder of the barn into the existing residential property. The proposed conversion will be within the existing footprint of the barn. The proposal will create a large entrance hall, a living room, toilet, pantry and utility room, and an open plan kitchen/dining/living room. Within the first floor of the property the development will create a large master bedroom with an ensuite bathroom and dressing room, three bedrooms, a bathroom, and an office/bedroom. The lower floor of the property will incorporate a storage area for the main house and a self-contained annex which accommodates a kitchen/dining/living room, and two bedrooms with ensuite bathrooms and a dressing room.

The proposed conversion will utilise the existing openings within the Grade II Listed Building, in addition to the creation of two new openings. One of the additional windows will be located on the first floor within the west elevation, and the other will be located within the first floor of the east elevation.

The application also seeks planning permission for the installation of solar panels on the east roof slope.

This application is being considered alongside a Listed Building Consent application for this site, ref: 4/23/2197/0L1.

Consultation Responses

Haile & Wilton Parish Council

18th September 2023

Haile and Wilton PC have not objections to this application.



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Cumberland Council – Cumbria Highways & LLFA

27th July 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.

United Utilities

No comments received.

Natural England

No comments received.

Cumberland Council – Conservation & Design Officer

8th August 2023

Conclusion: Request further information

Assessment: This is not the same scheme as previously approved but has similarities. Principally, the following works are proposed (my commentary in bold):

- Insertion of some new openings into the barn; reopening of some closed openings; replacement of timber lintels with concrete; re-fenestration of all openings in the house and barn with mixture of timber and anthracite aluminium windows and timber doors;
 - **Compared with the previously approved scheme, the number of new openings is reduced and more sensitive in character.**
 - **The proposal to reglaze all windows with new, predominantly aluminium framed windows is reasonable as the previous house conversion of the end of the barn domesticated its appearance and altered its character. The new window design will provide more uniformity across the whole barn.**
 - **Being a barn, although timber may have been used in openings, there is less clear mandate for timber instead of metal in comparison with a house from the same period. I therefore do not object to the use of aluminium frames.**
 - **The existing red painted timber doors are characterful, and this is also a style and colour I have seen on other sandstone barns in the area of the same period, suggesting it is an aspect of local character.**
 - **I would be interested to know if thought has been given to retaining these**

as shutters, with the new glazing positioned behind.

- **Are any of the timber lintels still viable or is the proposal to replace them with concrete stipulated for structural reasons?**
- Connection of the house to the barn internally at ground and first floor levels. The former is accomplished by dividing the existing kitchen diner into an entrance hall with pantry beyond, both of which are accessed from the new kitchen positioned within the barn. The latter is accomplished by a corridor that divides the master bedroom into a smaller bedroom and an office;
 - **My understanding is that the layout of these rooms is part of the prior scheme when the dwelling was created, and that the lateral wall in question is of breezeblock construction. The changes to the layout appear reasonable given the design intention of extending the house.**
- At lower ground level, the barn is converted into an annexe consisting of kitchen diner, lounge and two en suite bedrooms, accessible only from outside;
 - **I have no objection to this.**
- Internal lining with insulated plasterboard and rebuilding of two internal lateral walls;
 - **The rebuilding of these lateral walls appears necessary for structural reasons.**
 - **The internal lining would not generally be considered good practice as it's combining non-breathable interior materials with a fairly porous red sandstone, which risks creating cold, wet pockets of air, cold bridging and in a worst-case scenario, mould and damage to materials such as joist ends, which are sitting within the wall.**
 - **I would be grateful for comment on whether an alternative strategy, such as dubbing out the walls where necessary and lining with an insulated hot lime plaster (e.g. 50 or 75mm of hemp lime), has been considered.**
 - **Plasterboard will additionally result in a perfectly flat, mass-produced interior surface that will entail a loss of character.**
- Installation of insulated concrete floor to ground floor;
 - **The same comment applies here as above: This is a design that would more typically be used in conjunction with a cavity wall construction with a damp proof course. By contrast, the porous sandstone walls will be in the ground, and with impervious surfaces all around (e.g. the concrete floor slab and the tarmac road, or paving) there is a risk of inducing a high moisture content in the wall bases.**
 - **If nothing else, this could be expected to greatly reduce the thermal**



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performance of the wall bases, reducing internal comfort, or even leading to black mould behind furniture or damage to surfaces. This may also additionally lead to increased surface spalling on the lower part of the external wall face.

- **Replacement of section of barn upper ground floor with beam and block supported on blockwork inner walls at lower ground level;**
 - **This is certainly a fairly major intervention, although I understand that for reasons of fire safety and structural integrity, this is necessary.**
 - **I would view this as consisting of less-than-substantial harm to the significance of the barn.**
 - **Will this require the cavity behind to be ventilated, and if so how?**
 - **I appreciate that the Historic Environment Officer has requested a Level 2 survey of this part of the barn in the event of consent being granted.**
 - **Notwithstanding this request, I would be grateful if photos of the existing suspended floor could be included to evidence the fabric that is to be removed.**
- **Removal of suspended first floor over barn indicated void;**
 - **Please see above request**
- **Installation of PV array in the eastern roof pitch;**
 - **I am sympathetic to this as the need to generate electricity passively is clearly high and likely to increase over time, thereby making it an argument in favour of the building's long-term viability. It also introduces more independence of the form of heating.**
 - **However, the building is orientated north-south, suggesting that the east elevation may have less than optimal capacity for solar generation.**
 - **I would be grateful if confirmation could be provided that a PV array in this location will be capable of generating a satisfactory amount of energy per year, that the indicated size/number of panels shown on the proposed elevation drawing reflects this amount, and a specification sheet for the panels, e.g. showing a flush-mounted installation.**
 - **I would also be grateful for comment on what modifications the roof structure would need to be able to support the trays that hold the PV panels, and what ancillary equipment such as inverters, control units, cabling and batters will be needed. Where will this be located?**
- **Installation of a wood burner with flu projecting from roof near ridge on eastern pitch;**

- **I have no objection to this**

- Installation of services to barn;
 - **Will new penetrations be required through the fabric to facilitate services such as water or fuel, sewerage etc.?**
 - **Please could more detail be provided on the proposed bathroom extractors? How will these appear externally?**

Summary:

I am supportive of the principle of this conversion but have some questions about detailing and some choices that I think need further defence.

In particular, the proposed insulation/lining method raises some concern for the capacity to cause poor performance or even damage to materials, as well as a perfectly flat internal surface at odds with the more natural shape of the stone.

I would like expansion on the above comments outlined in bold.

17th November 2023

Conclusion: No objection (condition suggested)

Assessment: Thank you for the updated information for this application.

- Retention of shutters;
 - Elevation drawings have been amended to show retention of shutters on larger openings on West elevation
- Timber lintels;
 - Concrete is specified for lintels to new openings, or where existing timber is found to require replacement.
- Internal lining;
 - Insertion of the blockwork creates a vented cavity wall behind, and so this is not just an insulated dry-lining system over the red sandstone.
 - Creation of a perfectly flat interior surface is at odds with the character of the stone, but not achievable with the system proposed, which has been specified as a compromise between practicality and efficiency. Internal wall finish behind
- Installation of insulated concrete floor;
 - Relating to the margin with the road, possible a gravel strip, if it even could be inserted, would have the opposite effect to desired due to the road camber and would cause water to drain to the wall base, unless additionally pumped, which would be quite a significant addition given there's not an obvious need for it.



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- The two-skin blockwork solution proposed for the wall seems likely to prevent this becoming a problem, but if it is, perhaps external works at the road edge would be better addressed at the future time, subject to a clear need.
- Replacement of section of barn upper ground floor;
 - The cavity is to be vented using existing clay ventilation ducts within the fabric.
 - A Level II report has been included, and I am aware of the Historic Environment Officer's comment regarding the quantity of scaffolding meaning that this requires revision. However, for the purposes of depicting the suspended upper ground floor, I believe the included photos are adequate.
- Installation of PV array in the eastern roof pitch;
 - Initial evidence suggests that the PV array will be economical. The roof structure is adequate, initial inverters to be placed on block walls with surface ducted cabling, and store area for control units.
 - I suggest the use of a condition to be discharged prior to the completion of the roof, clarifying the intention to install a PV array, and confirming its main details.
- Installation of services to barn;
 - Heated services will be continued from the main house through the blockwork walls.
 - An image of the external vent has been provided, and appears to be subtle and suitable.

Summary:

The revision addresses all of my previous questions, although there appears to remain some uncertainty about the details of the PV system, subject to a specialist's assessment.

I suggest that a condition (see highlighted, above) to be discharged prior to the completion of the roof would allow a decision to be taken as to whether to install a PV array or finish the roof in slate, and if the former, what its specification will be.

20th February 2024

I don't have any further comments to make.

Cumberland Council & Westmorland and Furness Council – Resilience Unit

27th July 2023

There are no objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the

Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to two properties. No comments have been received in relation to the statutory notification procedure.

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 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport



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Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM15b – Conversion of Rural Buildings to Commercial or Community Use

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

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.

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 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

Policy H17PU: Conversion of Rural Buildings to Residential Use

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

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 N9PU - Green Infrastructure

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Strategic Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Wildlife and Countryside Act 1981



Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Assessment

The main issues raised by this application are the principle of development; scale, design and impact on amenity; highway safety; flood risk and drainage; impact on ecology; and impact on heritage assets.

Principle of Development

Policy ST1 and ST2 of the Copeland Local Plan seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site is located within the south of the village of Haile, which is identified as outside of any settlement boundary. Policy ST2 restricts development outside of defined settlement boundaries other than that which have a proven requirement, including conversion of rural buildings to residential use. Policy DM15a aims to restrict development that involves the conversion of rural buildings, to those that are structurally sound and capable of conversion works, conserve the traditional appearance and character, incorporate reasonable standards of amenity, and are within or well related to a village or existing group of buildings.

Within the Emerging Local Plan, under Policy DSPU3 the application site continues to be identified as within open countryside. Policy DM4PU allows for a number of types of developments within open countryside where there is a proven need, including agriculture, forestry, farm diversification, or tourism proposals. Emerging Policy H17PU allows for the conversion and re-use of buildings in the open countryside for housing outside of settlement boundaries will be supported where: the building is redundant or disused, is of traditional design and the proposal would not have an adverse effect on the historic environment, the character of the local landscape or its setting; the building is structurally sound and capable of conversion without the need for significant extension, alteration or reconstruction; the development conserves the essential character of the buildings and enhances the immediate surroundings; safe road access is in place or can be created without damaging the rural character of the surrounding area; the proposed curtilage area is appropriate in scale to the character of the building and will not result in adverse visual impacts or adverse harm to the landscape character; and appropriate protected species surveys have been carried out and details of proposed mitigation to deal with any harm identified have been agreed with the Council.

The principle for converting this barn to be incorporated into the existing residential property has already been established by the previous permissions at this site, ref: 4/18/2021/0F1 and 4/18/2022/0L1. On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, the Emerging Local Plan, and the NPPF.

Scale, Design and Impact on Amenity

Policy ST1, DM10, DM11, DM12 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site. Policy DM15a aims to restrict development that involves the conversion of rural buildings, to those that are structurally sound and capable of conversion works, conserve the traditional appearance and character, incorporate reasonable standards of amenity, and are within or well related to a village or existing group of buildings.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Emerging Policy H17PU allows for the conversion and re-use of buildings in the open countryside for housing outside of settlement boundaries will be supported where: the building is redundant or disused, is of traditional design and the proposal would not have an adverse effect on the historic environment, the character of the local landscape or its setting; the building is structurally sound and capable of conversion without the need for significant extension, alteration or reconstruction; the development conserves the essential character of the buildings and enhances the immediate surroundings; safe road access is in place or can be created without damaging the rural character of the surrounding area; the proposed curtilage area is appropriate in scale to the character of the building and will not result in adverse visual impacts or adverse harm to the landscape character; and appropriate protected species surveys have been carried out and details of proposed mitigation to deal with any harm identified have been agreed with the Council.

The proposal is a revision to the planning approval granted at this site in July 2018 to change the use of the barn to be incorporated into the existing residential property. This resubmission application is required as the previously approved change of use was not implemented in line with the required timescales. The currently application also seeks amendments to the previous approval.

The proposed amendments to the barn are minor. The internal layout of the barn conversion remains as previously approved within the lower ground floor, however the ground floor and first floor layouts have been slightly altered to create a larger open plan area with a large void above. Externally, the west elevation will remove one new opening and include the installation of shutters on three of the main openings. Within the proposed east elevation, the proposed roof lights have been removed and replaced with the installation of solar panels. The proposed new rear vestibule has also been removed from the rear elevation, and the existing porch is to be retained. The amendments are considered to conserve the essential character of the building and will not detract from the traditional appearance of the Listed Barn. As per the previous approval, an appropriately worded planning condition will be



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utilised to ensure the annex is used as ancillary accommodation to the main dwelling, and to ensure it cannot be let or sold separately.

The proposed barn conversion will accommodate the residential use within the existing footprint of the existing barn with no external extensions. As part of the proposed conversions traditional materials are proposed, including timber or steel windows and doors, and roof slates. As part of any decision notice for this application conditions will be attached to ensure traditional materials are utilised within the development, and permitted development rights removed so they cannot be altered without planning permission to safeguard the character of the buildings.

Based on the above and the inclusion of appropriately wording conditions, it is considered that the development conserves the traditional appearance and character of the building and is considered to comply with the requirements of Policy ST1, DM10, DM11, DM12 and DM15a of the Copeland Local Plan, Policy DS6PU and H17PU of the Emerging Local Plan and the provisions of the NPPF.

Access & Highway Safety

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.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

Access to the site, is located to the south of the barn and serves the existing residential property. The access will remain unaltered and leads to a large parking area providing space for 6 cars. Access arrangements are as previously approved under applications ref: 4/18/2021/0F1 and 4/18/2022/0L1.

The Highway Authority have offered no comments to this current application. No objections were raised by the Highway Authority to the original permission at this site. As the access and parking arrangement are to remain unaltered, they are considered to be acceptable and to not have an adverse impact on existing highway conditions subject to the inclusion of conditions to secure the installation and retention of parking, and windows/doors opening onto the highway.

It is therefore considered that, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Drainage and Flood Risk

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.

The application site is located within Flood Zone 1, therefore a Flood Risk Assessment has not been submitted to support this application.

It is proposed as part of this development that foul and surface water will be disposed of by the main sewer. This is as previously approved under applications ref: 4/18/2021/0F1 and 4/18/2022/0L1. No comments have been received from UU or the LLFA on this application.

On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

The building to which this application relates falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines. The application is supported by a Bat, Barn Owl, and Breeding Bird survey which was submitted as part of the original approvals at this site. As this survey was carried out in 2017 a supplementary report was also submitted to support the current application.

The original 2017 survey concluded the following and recommends the following mitigation:

- The building had no field signs of barn owls.
- Swallow, Brown Long Eared & Pipistrelle bat activity was observed with nesting in the roof and bat roosting in the house roof/wall junction and light sampling in barn.
- There is potential for bats to be present in the areas that were inaccessible to the survey.
- Extreme care must be taken when working on these areas and on the roof. Crevices should be checked with a torch prior to pointing to ensure no bats are entombed, downward facing exit tubes will allow any bats to escape.
- Bats can be encouraged on site by allowing them access to the building post-wors, retaining a light sampling bat loft and by erecting bat boxes.



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- Providing works are carried out in accordance with this report a European Protected Species Licence should not be required.

The supplementary report carried out in 2023, concludes the following and recommends the following mitigation strategy:

- A small number of brown long eared bats still occupy the top of the party wall with the house and probably light sample in the barn, an owl has roosted during the day on a single occasion in the barn.
- No mitigation required for barn owl.
- A light sampling roof space (bat loft) to be retained in the centre of the house for the Brown Long Eared Bats, creating at the start of the work at the best time of the bat year.
- Loft to have an internal access for ecologist for cleaning and monitoring.

Conditions will be attached to this permission to secure the development is completed in accordance with the proposed mitigation measures set out within these reports. An informative will also be included within the decision notice to ensure that if any bats, or evidence of this species, are found during construction works the applicant informs the relevant bodies.

Natural England have also offered no comment to this application.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policies N1PU and N3PU of the Emerging Local Plan and the provisions of the NPPF.

Impact on Heritage Assets

Policy ST1, ENV4, DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need “in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest” [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

As part of the original consultation on this application the Council’s Conservation Officer requested further information to support this application including details of the internal lining of walls and the installation of insulated concrete floors, and alternative strategies considered, and details regarding the installation of solar panels. As part of this consultation response the Officer confirmed that the current proposal reduces the number of new openings proposed and is more sensitive in character than the scheme previously approved. He also offered no objections to the use of predominantly aluminium framed windows.

Following the submission of additional information by the agent for this application to address these concerns the Council’s Conservation Officer confirmed that he has no objections to the application, however a condition is requested to ensure details of the PV array are provided. This detail will be secured by an appropriately worded planning condition prior to their installation on the building.

On this basis, the application is considered to preserve the existing Heritage Assets and therefore the proposal is considered to comply with Policies ST1, ENV4, DM27 of the Copeland Local Plan, Policy BE1PU and BE2PU of the Emerging Local Plan, and provisions of the NPPF.

Planning Balance & Conclusion

The proposal is a revision to the planning approval granted at this site in July 2018 to change the use of the barn to be incorporated into the existing residential property. This resubmission application is required as the previously approved change of use was not implemented in line with the required timescales. The currently application also seeks amendments to the previous approval. The principle for converting this barn to be incorporated into the existing residential property has already been established by the previous permissions at this site, ref: 4/18/2021/0F1 and 4/18/2022/0L1.

The main modifications to the scheme include the minor alteration to the internal layout of the proposed residential unit, and external alterations including the reduction of new openings and the retention of the existing rear porch. The amendments are considered to conserve the essential character of the building and will not detract from the traditional appearance of the Listed Barn. Traditional materials will be utilised and will be secured by condition. The lower ground floor annex use will also be secured by condition.

The access, parking, and drainage for the development is to remain as previously approved, with no objections received from any statutory consultees.

The original bat/bird survey along with a supplementary report have been submitted to support the application. Conditions will also be utilised to ensure the development is



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	<p>completed in accordance with the details and mitigation measures within these reports.</p> <p>Additional information has been provided to address initial concerns of the Council's Conservation Officer. A condition will be utilised to secure details of the proposed solar panels. The Officer has confirmed that the proposal is more sensitive to the existing character to the previous scheme, therefore the application is considered to preserve the existing Heritage Assets.</p> <p>On balance the proposal is 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. 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. 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:-<ul style="list-style-type: none">- Location and Block Plan, Scale 1:500 & 1:2500, Drawing No: 006, Revision A, received by the Local Planning Authority on the 6th July 2023.- As Existing: Elevations and Floor Plans (Amended), Scale 1:100, Drawing No: 001, Revision: A, received by the Local Planning Authority on the 2nd February 2024.- As Proposed: Elevations and Floor Plans (Amended), Scale 1:100, Drawing No: 002, Revision: B, received by the Local Planning Authority on the 2nd February 2024.- As Proposed: Floor Plans (Amended), Scale 1:100, Drawing No: 003, Revision: B, received by the Local Planning Authority on the 2nd February 2024.- Existing and Proposed Section A-A (Amended), Scale 1:100, Drawing No: 003,

Revision: B, received by the Local Planning Authority on the 2nd February 2024.

- Window Details, Scale 1:10 & 1:20, Drawing No: 005, Revision: A, received by the Local Planning Authority on the 6th July 2023.
- Structural Inspection & Assessment Orchard Brow Barn Existing Floor Structure, Prepared by WDS Ltd March 2018, Ref: WDS/05/4772/LETT002, received by the Local Planning Authority on the 6th July 2023.
- Structural Inspection & Assessment Orchard Brow Barn Existing Floor Structure & Internal Support Walls, Prepared by WDS Ltd May 2022, Ref: WDS/05/4772/LETT002, received by the Local Planning Authority on the 6th July 2023.
- Alitherm Heritage Brochure, received by the Local Planning Authority on the 6th July 2023.
- Lime Mortar Specification, received by the Local Planning Authority on the 6th July 2023.
- Survey for Bats, Barn Owls & Breeding Birds, Prepared by Steve Wake August 2017, received by the Local Planning Authority on the 6th July 2023.
- Survey for Bats, Barn Owls & Breeding Birds: Supplementary Report Following Original Report in 2017, Prepared by Steve Wake April 2023, received by the Local Planning Authority on the 6th July 2023.
- Roof Space Roost for Long Eared Bats, received by the Local Planning Authority on the 6th July 2023.
- Planning Statement, received by the Local Planning Authority on the 6th July 2023.
- Building Survey: Level II (Amended), Prepared by Gerry Martin Associated Ltd September 2023, received by the Local Planning Authority on the 2nd February 2024.

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.

Prior to Installation Conditions:

3. Prior to the first installation within the development hereby approved, details of the proposed solar panels will be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter and must not be altered without the prior



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consent of the Local Planning Authority.

Reason

To safeguard the traditional appearance of the Heritage Asset.

Other Conditions:

4. The development hereby approved must implement all of the mitigation and compensation measures set out in the approved documents:

- Survey for Bats, Barn Owls & Breeding Birds, Prepared by Steve Wake August 2017, received by the Local Planning Authority on the 6th July 2023.
- Survey for Bats, Barn Owls & Breeding Birds: Supplementary Report Following Original Report in 2017, Prepared by Steve Wake April 2023, received by the Local Planning Authority on the 6th July 2023.
- Roof Space Roost for Long Eared Bats, received by the Local Planning Authority on the 6th July 2023.

Reason

To protect the ecological interests evident on the site, in accordance with policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF.

5. The lower ground floor residential unit hereby permitted must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as "Orchard Brow Barn" and must not be occupied, let or sold as a separate permanent dwelling.

Reason

The annexe is not considered appropriate for use as a separate residential unit.

6. The windows and doors within the conversion hereby approved must be fitted with the materials specified on the approved plans:

- As Proposed: Elevations and Floor Plans (Amended), Scale 1:100, Drawing No: 002, Revision: B, received by the Local Planning Authority on the 2nd February 2024.
- Window Details, Scale 1:10 & 1:20, Drawing No: 005, Revision: A, received by the Local Planning Authority on the 6th July 2023.
- Alitherm Heritage Brochure, received by the Local Planning Authority on the 6th

July 2023.

All openings must be retained in accordance with the approved details at all times thereafter.

Reason

To safeguard the traditional appearance of the Heritage Asset.

7. The roof of the converted building must be finished with natural slates to match the existing barn and must be maintained as such at all times thereafter.

Reason

To safeguard the traditional appearance of the Heritage Asset.

8. New ground floor windows and doors abutting the highway must be of a type which cannot open outwards into the highway.

Reason

To minimise possible danger to other highway users.

9. 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, including replacement windows, doors or skylights and roof coverings, or painting or rendering shall be carried out to the converted barn, nor shall any building, enclosure, extension, porch, domestic fuel container, pool or hardstanding be constructed within the curtilage without the prior written consent of the Local Planning Authority.

Reason

To safeguard the traditional appearance of the Heritage Asset.

Informatives:

1. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) the applicant should liaise with the resilience unit office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.
2. During construction if any bats or evidence of bat is found within this structure the



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application should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns

Date : 21.02.2024

Authorising Officer: N.J. Hayhurst

Date : 26.02.2024

Dedicated responses to:- N/A