

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2227/0F1
2.	Proposed Development:	RETENTION OF A SINGLE FARM SHOP SHED (RETROSPECTIVE)
3.	Location:	BROOKFIELD FARM, NORTH LANE, HAVERIGG
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to Brookfield Farm, which is located on North Lane, Haverigg.</p> <p>The application site relates to a free-standing single-storey shed which is located behind a front garden wall relating to Greystones bungalow that measures approximately 1-metre in height. It lies adjacent to North Lane and the existing farm access track.</p> <p>PROPOSAL</p> <p>Retrospective Planning Permission is sought for the retention of a single farm shop shed.</p> <p>The proposal has been amended to include one shed only, rather than the original two sheds</p>

proposed and the second shed has now been removed from the site.

The building measures 2.8 metres in width and length and it includes a pitched roof with an eaves height of 1.93 metres and an overall height of 2.53 metres. It has been constructed out of horizontal wooden boards which are painted light grey and a felt tile roof. It includes access doors on the front elevation and the side elevations are blank.

The farm shop provides farm and local produce via an honesty box/card payment arrangement and supplies locally sourced food supplies all year round. The existing farm is predominately a poultry farm within the farm buildings, and it grows potatoes and a range of other vegetables in the fields and polytunnel which are sold in the shop.

The Design and Access Statement sets out that the home grown early and main crop potatoes, by volume and weight totals 90-95% of sales. In addition, the shop sells home grown carrots, peas, beetroot, pumpkins, tomatoes, cucumbers, parsnips and cabbage. The shop also sells pasteurised milk, cream, meat, eggs and cakes from the local area within a maximum 25-mile radius. The proposal also includes crisps and fruit from Lancashire and Jams from Cheshire that only sell to farm shops.

The shop is proposed to operate during the following opening hours - Monday – Sunday 7.30 – 21:00.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted to:

- ERECT GENERAL-PURPOSE BUILDING (ref: 4/14/2123/0F1);
- REPLACEMENT POULTRY HOUSE (ref: 4/01/0587/0);
- EXTENSION TO EXISTING POULTRY UNIT (ref: 4/98/0232/0).

CONSULTATION RESPONSES

Millom Town Council

Initial comments:

No objections.

Second comments to amended proposal:

No further comments received.

Highways and LLFA

Initial comments:

No objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or



Cumberland Council

elsewhere.

Second consultation to amended proposal:

No objection.

Countryside Access

Initial comments:

No comments to submit on the application itself. A public right of way FP 416064 passes along North Lane, the siting of the parlour and dairy huts has not interfered with the use of the public right of way.

Second comments to amended proposal:

No further comments received.

Environmental Health

Initial comments:

Environmental Health have no objections to the above proposal. Although this team has no history of noise problems associated with the premises, it is possible that residents may experience some annoyance at a regular throughput of vehicles drawing up / leaving the site given the road may be relatively lightly used otherwise. There is no value in requesting an acoustic report as any noise will be highly sporadic, variable and short-lived. The LPA could consider if trading hours may be reduced.

The Environmental Health team would agree with the assertion in the application that the siting of the two farm shop sheds is more appropriate at the farm's entrance, rather than causing vehicles / pedestrians to enter the farm.

This is preferable from a general health and safety perspective, as well as that of reducing any Avian Flu risk.

If the proposal is approved, the applicant should also register the farm shop as a food premises. Self-registration may be carried out online via the Gov.uk web portal.

Second comments to amended proposal:

no objections to this amended proposal, and no additional comments further to our initial response.

Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 7 no. properties –

One initial letter of objection was received which raised the following issues:

- Concerns regarding the amount of cars parking on the road and doing U-turns in the middle of the road.

- The road is used by many adults and children walking and cycling where there isn't a pavement.
- The road is busy with traffic, used by workers at HMP Haverigg, many large delivery vans, residents of the Bank Head estate and farm traffic.
- Think the access should go into Brookfield Farm where cars could pull in off the road and turn around.

No objections have been received as a result of the second 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 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 ER4 – Land and Premises for Economic Development

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy ENV5 – Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place



Cumberland Council

Policy DM22 – Accessible Developments

Policy DM30 – Rural Buildings

Emerging Copeland Local Plan 2017 - 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The following policies are relevant to this proposal:

Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS2PU: Reducing the impacts of development on Climate Change

Policy DS3PU: Settlement Hierarchy

Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Policy E1PU: Economic Growth

Policy RE1PU: Agricultural Buildings

Policy R5PU: Retail and service provision in rural areas

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit

ASSESSMENT

The key issues raised by this proposal are the principle of development, its siting, scale and design, the potential impact on residential amenity, accessibility, highway safety and parking.

Principle of Development

Policies ST1 and DS1PU take a positive approach to sustainable development. The site relates to Brookfield Farm, an existing poultry and potato farm which is located along North Lane within the Haverigg settlement boundary.

Both Policy ST2 and Policy DS3PU designates Haverigg as a Local Service Centre, which supports the retention and small-scale growth of existing services and businesses, including farm shops.

Policy ER7 states that development will be required to meet the needs of the area and be appropriate in scale, to not adversely impact on the vitality or viability of other nearby centres. Policy ER7 also seeks to ensure local centres, like Haverigg maintain essential shops and services to meet local communities needs.

Policy ER9 states that retail and service development which promotes the vitality and viability of rural settlements without damaging their environment and amenity and that they are consistent with the spatial development strategy defined in Policy ST2 will be supported.

Policy E1PU supports economic growth in rural areas by supporting rural diversification that will encourage, tourism, recreation, rural regeneration, and farm diversification. Policy R5PU also encourages development where it provides small scale retail and service provision that will support and strengthen sustainability and local community viability and is appropriate in scale to its location.

The farm shop is considered to be suitably located within Haverigg and it will allow small scale farm diversification for Brookfield Farm.

The Policies within the adopted Local Plan and the ELP support rural diversification in appropriate locations while creating quality places with good levels of amenity. These site-specific matters are considered below.

On this basis, the principle of the development is considered to be acceptable within the local centre location. Overall, the proposal complies with the aims and objectives of the NPPF as well as the relevant policies of the adopted and Emerging Local Plan.



Cumberland Council

Siting, Scale and Design

Policies ST1 and DM10 require developments to respond positively to the character of the site and the immediate and wider setting with particular attention to appropriate scale. Policy ENV5 also protects all landscapes from inappropriate development. Policy DS6PU also set out Design and Development Standards.

The Design and Access Statement sets out justification for the location as it supplies food all year round without the need for the public to enter the farm complex. It is a 'Red Tractor' assured poultry farm and, due to the biosecurity measures involved and the 3 years of avian flu countryside, public access within the farm is not possible. The Environmental Health team agreed that the siting of the shed is more appropriate at the farm's entrance, rather than causing vehicles / pedestrians to enter the farm. This is preferable from a general health and safety perspective. On this basis, the front garden location, adjacent to the farm track is considered to be acceptable.

Following initial concerns regarding the scale of two sheds, the proposal was reduced to include just one shed (unit 1). This was considered to provide a smaller, more suitable scale farm diversification development of local produce in the locality. The shed is also considered to be modest in scale and design and it is not excessively prominent within the locality.

Despite the front garden location, it is of a typical domestic scale shed/summerhouse design and therefore it is not significantly out of character with the row of residential bungalows.

The Design and Access Statement sets out that the home grown early and main crop potatoes, by volume and weight totals 90-95% of sales. In addition, the shop sells home grown carrots, peas, beetroot, pumpkins, tomatoes, cucumbers, parsnips and cabbage. The shop also sells pasteurised milk, cream, meat, eggs and cakes from the local area within a maximum 20-mile radius. It is considered that some additional produce from the local area can be supported as part of rural diversification, 'expansion, enlargement or variation of the range of products or fields of operation of a rural business' associated with the Brookfield Farm. However, the crisps and fruit from Lancashire and jams from Cheshire that only sell to farm shops are not considered to be local and therefore a planning condition is attached to ensure the level of imported produce is controlled and local to a 20-mile radius.

On balance, the single shed is considered to be suitably located and subject to the inclusion of planning conditions, the proposal is considered to comply with both the adopted and emerging local planning policies.

Residential Amenity

Policies ST1, DM10 and DS6PU seek to protect residential amenity.

Despite possible residential amenity impacts in terms of noise nuisance and disturbance associated with the farms shop, the two closest residential properties, are both associated with the farm and therefore this helps mitigate potential issues.

In addition, due to the nature of shop and self-service approach, noise and disturbance is

considered to be minimal.

Environmental Health raised no objections to the proposal and no noise problems associated with the premises have been reported. However, it is possible that residents may experience disturbance and advised that the Local Planning Authority could consider if trading hours may be reduced.

The opening times can be secured by the use of a planning condition to protect neighbouring amenity.

In addition, the modest height structure is not considered to cause harmful overshadowing or overdominance issues.

On this basis, the proposal is not considered to cause an unacceptable harm on residential amenity.

Accessibility, Highway Safety and Parking

Policy DM22 requires development proposals to be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet adopted car parking standards. Emerging Policy CO7PU also seeks to ensure that developments provide adequate parking in accordance with Cumbria Development Design Guide.

Despite initial highway concerns from the public consultation, the Highway Authority have confirmed that they have no objections to the development. The visibility splays at the entrance are not affected by the shed and North Lane is a private road with no road markings and therefore there are no restrictions to the roadside parking. Highways advised, as long as vehicles can pass the parking cars comfortably, they do not have any concerns and the site visit confirmed this is achieved.

In addition, the removal of the second shed (unit 2) does create more off-road parking and this ensures the management vehicular access and parking is acceptable in relation to the scale of the development.

On this basis, the proposal complies with Policy DM22 and the Cumbria Development Design Guide.

Planning Balance and Conclusion

Retrospective Planning Permission is sought for the retention of a single farm shop shed.

The farm shop is considered to be an acceptable form of development and is located within the settlement boundary of Haverigg. Despite the front garden location, the location has been suitably justified by biosecurity measures associated with the farm and, on balance, the benefits to the local economy, access to services and farm diversification are considered to outweigh the slight harm to the street-scene. In addition, the proposal is considered to be acceptable in terms of residential amenity and highway safety.



Cumberland Council

	<p>As the proposal is justified as farm diversification, a personal permission is attached for the shop to only be operated by Brookfield Farm and not to be run independently from the farm to ensure that the use is controlled and operates in an agreed manner.</p> <p>The goods retailed within the farm shop shall be limited to goods produced, grown or reared on Brookfield Farm (or within a 20-mile radius) and other products that may be first agreed with the Council.</p> <p>In the interest of residential amenity, the opening times are controlled by a planning condition and due to the surrounding residential properties, the use is not considered suitable as a permanent form of development and therefore a temporary permission for three years is considered to be reasonable to allow the impact of the site to be monitored.</p> <p>On balance, whilst some potential harm in terms of impact on the street-scene and disturbance to residential amenity may result, it is not considered to significantly and demonstrably outweigh the identified benefits of the development.</p> <p>On this basis, subject to the planning conditions as outlined below, the proposal represents an acceptable form of development and it is considered to accord with the policies set out within the adopted and emerging Local Plan and the guidance in the NPPF.</p> <p>An informative note is attached for the applicant to register the farm shop as a food premises. Self-registration may be carried out online via the Gov.uk web portal.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted shall be for a limited period of three years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the development shall be removed from the site on or before this date and the land restored to its former condition. <p>Reason</p> <p>The development hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.</p> <ol style="list-style-type: none">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 8th August 2023;

Site Plan, scale 1:1250, drawing no. 1781 Issue B, dated 02/11/2023, received 9th November 2023;

Block/Floor Plan, scale 1:100, drawing no. 1781 Issue B, dated 02/11/2023, received 9th November 2023;

Elevations, scale 1:100, drawing no. 1781 Issue B, dated 02/11/2023, received 9th November 2023;

Design and Access Statement, dated 30/072023, received 8th August 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 single farm shop hereby approved shall only be operated by Brookfield Farm and shall not to be run independently from the farm.

Reason

In order to control the use of the site to safeguard the amenities of the locality.

4. The goods retailed from the farm shop hereby approved shall be solely limited to:

- i) goods and produce grown, reared or produced by Brookfield Farm;
- ii) goods and produce from local producers including meat, vegetables, flowers, bread and cakes, eggs, dairy products, cheese, yoghurts and other such products from within a 20-mile radius of Brookfield Farm or as may be first agreed in writing by the Local Planning Authority;

This permission only authorises a farm shop and does not permit any other uses which fall within the Class E of the Town and Country Planning (Use Classes) Order or any equivalent provision in a reenactment of the order.

Reason

To ensure that the farm diversification is of an appropriate scale and the goods being sold relate to the farming operations in the locality.



**Cumberland
Council**

5. The farm shop hereby approved shall only open to the public between the hours of Monday to Sunday 07:30 to 21:00.

Reason

In the interest of neighbouring amenity.

Informative:

The applicant should also register the farm shop as a food premises. Self-registration may be carried out online via the Gov.uk web portal.

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 : 08/04/2024

Authorising Officer: N.J. Hayhurst

Date : 09/04/2024

Dedicated responses to:- N/A