

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2283/0F1
2.	Proposed Development:	APPLICATION FOR NEW AGRICULTURAL SHED AND RETROSPECTIVE APPLICATION FOR ALTERATION TO EXISTING GROUND LEVELS
3.	Location:	HIGHVIEW, MILL LONNING, LOWCA
4.	Parish:	Lowca
5.	Constraints:	ASC;Adverts - ASC;Adverts Coal - Standing Advice - Data Subject To Change
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>The application relates to an agricultural field, named High View, located on Mill Lonning, approximately 0.8 miles north-west of Lowca. The site is bound by a hedge and currently contains a gravel hard standing area, with a shipping container and touring caravan, and a close boarded fence on the north side elevation having been erected since the submission of this application.</p> <p>Access to the site is located in the top North corner of the site, off the unclassified road known as Mill Lonning.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the erection of a new agricultural building and also</p>

retrospective permission for the alterations to existing ground levels that have taken place on the site.

The proposed agricultural building will measure 10.668 metres in width and 9.144 metres in depth. It will include a dual pitched roof with an eaves height of 2.49 metres and an overall height of 3.68 metres. It will be built upon a gravel hard standing area and has been designed to be recessed below the current ground level by approximately 0.981 metres with a 1 metre concrete retaining wall proposed. The building will be clad with juniper green galvanised metal sheets.

The ground levels on site have already been altered by approximately 2.241 metres from the highest point.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications within the site.

CONSULTATION RESPONSES

Lowca Parish Council

No objections.

Highway Authority and Lead Local Flood Authority

No objections.

Footpath Officer

No objections.

Cumberland's Flood and Coastal Defence Engineer

Informal consultation - Acceptable development.

Public Representations

The application has been advertised by way of 5 neighbour notification letters and a site notice displayed - No formal objections have been received as a result of the consultation, however, 1 informal comment was received which raised the following concerns:

- The dumping of a large amount of material mainly outside working hours which was believed to be a way of depositing material from another area.
- The use of water butts to collect the water from the roof will not work and will continually overflow with the amount of rainfall we get.



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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 ENV1 – Flood Risk and Risk Management

Policy ENV5 - Protecting and Enhancing the Borough's Landscape

Policy ENV6 – Access to the Countryside

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 - Landscaping

Policy DM30 – Rural Buildings

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

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

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, residential amenity, flood risk, drainage and the public right of way.

Principle of Development

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including agriculture related development.

The proposal relates to an existing agricultural field and the new building and gravel hardstanding will provide additional capacity for the applicants 10 sheep and 2 horses for grazing, maintenance of the land and livestock. On this basis the proposal is considered to be an appropriate form of agricultural/ part equine development. It will replace an existing shipping container and Policy DM30 supports new agricultural buildings and equine related developments subject to detailed criteria, which are considered below.

On this basis, there is a proven requirement for the proposed agricultural building and therefore the principle of development is acceptable in accordance with Policy ST2 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 if they are



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well related to existing settlements of farm building complex or where this is not possible or appropriate, are accessible and well screened, are of an appropriate scale and design, use materials and colour to blend into its surroundings and do not adversely impact on local landscape or the amenity of nearby residential properties.

The scale and design of the proposed structure are considered to be appropriate with regard to the intended use and proposed operations. The dual pitched roof and the height of the building, in conjunction with the proposed materials, are considered to be appropriate and typical in character of such agricultural structures within the wider area and will enable the structure to blend into its surroundings.

The proposal will be recessed below the current ground level by approximately 0.9 metres with a 1 metre concrete retaining wall and this will help to reduce the overall height of the building.

On this basis, the proposal is therefore considered to comply with policies ST1 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 application site lies on land currently utilised as a part of a field, adjacent to other existing agricultural fields and both Benthow and Blacketholme Gate Farms.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5 'Lowland', which includes extensive areas of lowland agricultural pasture which generally covers large scale open landscapes with simple farmed uses.

Currently the site contains a large shipping container and a touring caravan which are not considered to be acceptable on this site and are exert a more significant impact on the visual amenity of the area than the proposed agricultural building. The CLCGT seeks to manage, enhance and restore the landscape. The removal of the storage container and touring caravan can therefore be justified with an appropriate planning condition to ensure that this does not result in over intensive use or erode the character of the local area.

Despite the proposal being visible from the surrounding fields and the adjacent PRow, the structure is considered to be suitably located within the site and is typical of an agricultural building, reflecting the rural character of the area. The choice and colour of materials in conjunction with a simplistic and typical design will enable the structure to blend into its surroundings. In addition, it will not be excessively visible due to the existing boundary hedges and this will minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT.

Overall, the works are not considered to have a significant impact on the character and appearance of the landscape or result in a significant intrusion into the open countryside. The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.

Residential Amenity

Policy ST1, DM30 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the site and adjacent dwellings.

The application relates to a field, Highview, located on Mill Lonning, approximately 0.8 miles north-west of Lowca and is accessed along an unclassified road. Whilst there are three neighbouring properties nearby, the closest one is approximately 90-100 metres away from the proposed agricultural building. This is considered to be a significant separation distance which is considered to be acceptable in terms of mitigation against any potential amenity issues.

Whilst the topography of the site had been altered prior to the submission of this application, the advice given to the applicant not to reposition the current access, and to offset the proposed building below the existing ground level was adhered to so as to avoid the need to alter the ground levels any further, and to minimise the overall impact and view from the site.

Furthermore, following issuing pre-application advice to the applicant regarding the intentions for this site, the advice has been taken on board and this reflects the proposed scheme, which is significantly smaller than what was originally proposed, and on this basis, the amenity issues are now considered to be minimal.

Furthermore, an additional planning condition can be stipulated to ensure that the proposed agricultural building is used for the purposes outlined in Section 3 of the approved Planning Statement which will also provide further justification for supporting the application to ensure that the development is appropriately managed and that non-conforming uses are not introduced into the area.

Overall, it is considered that the proposal will not have a significant detrimental impact on the residential amenity and the proposal is considered to satisfy Policies ST1, DM30 and the NPPF guidance.

Ecology

Policy ST1, ENV3 and DM25 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that may have an effect on nature conservation sites, habitats and protected species.

Whilst the application site does not contain any ecological a Preliminary Ecological Appraisal as part of the application. This provides a survey for the presence of any protected species and notable habitats including Amphibians, Badgers, Bats, Birds, Brown Hares and Red Squirrels to establish the presence or absence of notable species at the site or in proximity



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such that they may be affected by the proposed development.

Overall, the Ecological Appraisal confirms that no bats were recorded roosting on or near the site. Birds are likely to utilise the hedgerows for nesting between March and September and therefore any vegetation clearance should be undertaken outside of this period. No other notable or protected species were recorded on the site.

The survey confirms that the development will occur on an area of hardstanding with negligible ecological value which will not adversely affect the site, or the species surveyed.

On this basis, it is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.

Flood Risk and Drainage

Policy DM24 seeks to protect developments against risks of flooding.

Whilst the proposal is not located within a Flood Zone, the changes to the topography of the site are viewed in the context of a potential increase in surface water runoff.

The proposal originally contained water butt collection as surface water collection, however, it was considered that, given the size of the site and changes to the topography, an alternative surface water drainage system could be implemented to mitigate any additional runoff, and amended plans were submitted. The development now proposes to include a soakaway system following percolation tests, which is considered acceptable, and a planning condition has been attached to ensure the drainage scheme is retained in perpetuity.

An informal consultation with Cumberland Council's Flood and Drainage Engineer confirmed that he was satisfied with the proposal connecting to a soakaway. There were also no objections received from the Local Lead Flood Authority as it is considered that the proposal will not increase the flood risk on the site or elsewhere.

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

Impact on the Public Right of Way

Section 7.7 of Policy ENV6 recognises that existing Public Rights of Way are protected in law. On this basis, as the Public Right of Way FP 413011 is directly adjacent to the proposed development, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

The proposed structure will be somewhat visible from the Public Right of Way 413011, however, it will be modest in scale, and has been designed to be recessed below the current ground level by approximately 0.9 metres to minimise the visual impact. Materials used will also help the structure to blend in with its surroundings and as such will not have a significant detrimental impact for the users of the Public Right of Way.

A site visit confirmed the PRow runs to the north adjacent to the proposed building, however,

it is screened by a hedgerow running the length of the site. The proposal will not interfere with the footpath, nor will it significantly harm the physical footpath, or the amenity of the user and the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.

Planning Balance and Conclusion

This application seeks to erect a small agricultural and equine building within an agricultural field and retrospective permission for the changes in levels and hardstanding. The main issues raised by this proposal are the principle of development, the location of the development within the open countryside, its scale and design and impact on residential amenity, the landscape and visual impact, flood risk, drainage, ecology and the public right of way.

Due to the nature of the development, the proposal is considered to be appropriately located within this agricultural field. It will replace an existing shipping container and the proposed building is modest in scale given the size of the overall site. It will be screened by existing boundary hedges which will limit its impact on landscape character and visual amenity. There is a significant separation distance between the proposed agricultural building and the nearest neighbouring dwellings which will result in little impact on residential amenity.

Whilst the land levels on site had been altered prior to the submission of this application, this application merely seeks to determine whether the levels are acceptable in the context of erecting an agricultural building for its proposed use. The informal comment made which raised concerns regarding the dumping of a large amount of material to alter the levels mainly outside working hours which was believed to be a way of depositing material from another area is an issue that should be dealt with by Waste and Minerals as a waste recycling scheme, and Environmental Health if there are issues with operating hours and/or noise nuisance.

The land access and level at the entrance to the site remain unchanged.

The design is also considered to be suitable for its use and given the scale and design of the proposal, is considered to have minimal impacts on flood risk or the public right of way.

Overall, it is considered that 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.

8. **Recommendation:**
Approve (commence within 3 years)

9. **Conditions:**
1. The development hereby permitted shall be commenced before the expiration of three



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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. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -
- Application Form, received 4th October 2023;
 - Existing Location Plan, scale 1:1250, drawing no. DWG01, received 4th October 2023;
 - Existing Location Plan, scale 1:5000, drawing no. DWG01, received 4th October 2023;
 - Proposed Floor Plan, scale 1:50, drawing no. DWG01, received 4th October 2023;
 - Proposed Elevations, scale 1:100, drawing no. DWG01, received 4th October 2023;
 - Surveyed Existing & Estimated Original Levels, drawing no. DWG01, received 4th October 2023;
 - Preliminary Ecological Appraisal, received 4th October 2023;
 - Planning Statement, received 4th October 2023;
 - Proposed Site Cross Section, scale 1:200, drawing no. DWG02, received 4th October 2023;
 - Proposed Block Plan, scale 1:500, drawing no. DWG02, received 4th October 2023;
 - Soakaway Design (Amended), received 20th December 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. Before development commences, the shipping container and touring caravan shall be permanently removed from the site. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

4. The proposed agricultural building shall be used for the purposes detailed in Section 3 of the approved Planning Statement received by the Local Planning Authority on 4th October 2023 only, and for no other purpose whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area.

5. The surface water drainage scheme must be carried out in accordance with the Percolation Test and Soakaway Design document received by the Local Planning Authority on 20th December 2023. The approved scheme must become operational before the development is brought into use and must be maintained thereafter.

Reason

To ensure the provision of a satisfactory surface water drainage scheme in accordance with Policy DM24 of the Copeland Local Plan.

Informative Notes

1. A PROW (public footpath) number 413011 lies adjacent to 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 also 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



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	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: Demi Crawford	Date : 23/01/2024	
Authorising Officer: N.J. Hayhurst	Date : 26/01/2024	
Dedicated responses to:- N/A		