

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2308/0F1
2.	Proposed Development:	CHANGE OF USE OF LAND FOR THE SITING OF A LODGE FOR AN AGRICULTURAL WORKER
3.	Location:	LAND AT SQUIRREL COTTAGE, ROWRAH
4.	Parish:	Lamplugh
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to a small-holding of approximately 8.2 hectares that has been established upon a section of land that was formerly used for industrial purposes including railway land and a waste water treatment plant. The site is adjoined on its north eastern boundary by 2 dwellings, with further agricultural land to the south east and a mixed use industrial area to the west.</p> <p>The site is located to the east of the village of Rowrah and has a vehicular access running into the site from the northern boundary with the public highway known as Chapel Row.</p> PROPOSAL	

Planning Permission is sought for the change of use of a parcel of land measuring 0.9 hectares to allow the siting of a lodge for an agricultural worker.

The proposed lodge will be single storey and will comprise two bedrooms, an open plan kitchen/living/dining room and a bathroom. It is to be finished with timber cladding and a small wooden deck will be sited off the living room.

The applicant's agent has submitted an agricultural appraisal in support of the application that sets out details of the farming and small holding operations to justify the need for the proposed lodge on the site. The farming comprises the keeping of some livestock (horses, donkeys and alpacas) and also the use of the land as grazing and to produce hay for winter feed for the livestock. There is a range of buildings of the housing of the livestock and for the storage of hay and feedstuff.

The lodge is proposed on a temporary basis of three years to enable the existing business to continue and become more viable.

Due to the size of the farm and the maintenance and security required, the appraisal claims that there is a need for the Applicants to be on site at all times.

The applicants currently use an existing static caravan to provide accommodation and it is proposed that the caravan is removed and replaced by the lodge as part of this proposal.

The site also houses an existing lodge which is used for holiday rental purposes. There are no buildings on the site which are vacant and suitable for conversion.

RELEVANT PLANNING APPLICATION HISTORY

4/20/2081/0F1 - Retention of existing buildings and change of use of parcel of agricultural land to menage (retrospective), approved in April 2020

4/20/2329/0F1– The material change of use of land for the siting of a residential caravan (retrospective) – Land at The Willows, Rowrah – Approved

4/20/2358/0F1 - change of use of land for the siting of one holiday lodge – Land at The Willows, Chapel Row, Rowrah -- Approved

CONSULTATIONS RESPONSES

Lamplugh Parish Council

No response received.

Cumbria Highways and Local Lead Flood Authority

As the development is using an existing access from the public highway onto the applicants land. There are no concerns from a highway perspective.

LLFA



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It is noted that there is an existing package treatment already on site. Should there be a need to upgrade the pipe work to the watercourse to accommodate the new development, then consent will be required from the LLFA. This also applies to any new outfall for surface water drainage should it be required, in line with the drainage hierarchy. The applicant will need to ensure that they meet the general binding rules for discharge to the water course.

Informative- Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email:

LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

With the above in mind the LHA and LLFA have no objections to the development, as this is a single dwelling the remaining aspects of the development can be covered under our Flood & Development Management Service Level Agreement (SLA) The remaining highway and drainage implications of this application would therefore be decided by the Local Planning Authority.

United Utilities

United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal. The letter and Appendix should be read in their entirety to support the determination, the design, and should the scheme be approved, the subsequent delivery of the proposal.

DEVELOPMENT IN PROXIMITY TO ROWRAH WASTEWATER TREATMENT WORKS

We would like to take this opportunity to highlight to the local planning authority and the applicant that the development is in proximity to Rowrah Wastewater Treatment Works. It is important to explain that the wastewater treatment processes may result in emissions including odour and noise. It is important to also add that the facility requires continued access. Water and sewerage companies have a legal right of access to their assets, which includes leaving appropriate vehicular access in order to maintain the operational requirements at our facilities. The access may be used by tankers and other large vehicles, so necessary provision to our facility must be left by the applicant for the lifetime of this development.

DRAINAGE

Please be aware of the condition we advised as part of 4/23/2200/001. There is an expectation for this to be addressed prior to any reserved matters application submission.

To discuss their drainage proposals the applicant should contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk. Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 4 no. properties.

No responses have been received as a result of this advertisement.

PLANNING POLICY

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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments



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Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Emerging Copeland Local Plan

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 policies relevant to this proposal include;

- 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 DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy DS7PU - Hard and Soft Landscaping
- Strategic Policy DS8PU - Reducing Flood Risk
- Policy DS9PU: Sustainable Drainage
- 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
- 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 CO2PU – Priority for improving Transport networks within Copeland
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Strategic Housing Market Assessment 2023 (SHMA)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

ASSESSMENT

Principle of the development

The site is located outside of any designated settlement boundary, close to the village of Rowrah. Policy ST2 of the CS and Policy DS3PU of the ELP seek to restrict housing in the open countryside to that which has a proven and specific need for that location, including the provision of agricultural workers dwellings.

In order to establish whether or not there is an agricultural need for a further dwelling on this site, an agricultural appraisal was submitted in support of the application. This report sets out the following conclusions.

- It is felt that the business meets all the requirements for a dwelling to be situated at Squirrel Cottage;
- There is an overriding need for the essential and proper functioning of the holding that there is a dwelling present;
- This is justified by way of the following:
 1. It is essential that there is sufficient labour residing on the holding to provide the supervision of the business required to ensure that it meets current animal welfare legislation and health and safety law required by the Government and security for the site and it is not practical for the workforce to be living away from the holding.

2. Security of the holding is critical in terms of criminal behaviour and also bio-security.

The agricultural assessment has been independently assessed by a specialist on behalf of Cumberland Council and concluded the following:

- There appears to be clear evidence of a firm intention and ability to operate the enterprises concerned.
- There is a clearly established existing functional need on these landholdings in relation to the care of the livestock although that functional need is currently limited due to the relatively low numbers of livestock.
- If your Council has concerns about the financial returns of the business you should request copies of the accounts or if these are not provided then a business plan showing the predicted income and expenditure over the next 3 years.
- A worker actively involved in the management of this unit should be resident on the holding on a temporary basis to meet the existing functional need and to allow for the livestock enterprises to be expanded and to increase the functional need and income.
- The existing residential accommodation to house that worker is a static caravan in poor condition.
- You should clarify the location of the proposed dwelling.
- If your Council is prepared to support this application then you should make it clear to the applicant that if he intends to apply for a permanent dwelling in due course then the enterprises should generate sufficient work for a full time worker and financially support that worker.

Due to the rural nature of the site and the justification for the location being the agricultural need, it is considered that the dwelling should be tied to the agricultural farm and must only be occupied by agricultural workers. Furthermore, the lodge type is considered to be a temporary housing solution and has been requested for a period of three years. This is considered to be acceptable and fair to serve the needs of the proposed occupants. These details can be controlled by way of appropriately worded planning conditions.

On this basis, it is considered that there is a justified need to house a farm worker on the site in accordance with the exceptions set out in both the NPPF and the Local Plan.

Scale, Layout and Design

The scale of the proposal is modest, being a lodge with a low eaves and overall roof height.

It is to be sited as close as practicable to the existing farm buildings in order that the impact on the landscape can be kept to a minimum and it will be viewed in context with the existing development. The footprint of the lodge is considered to be satisfactory with the internal layout providing suitable living space.

The materials to be used are typical of a lodge of this type and will be in keeping with the character of the area and its rural nature.

The lodge has been located within the site so that it does not directly face the existing

dwelling known as Squirrel Cottage and is on the footprint of the existing static caravan. Squirrel cottage is currently utilised as a holiday let.

It is considered prudent to remove Permitted Development Rights in order to ensure that disproportionate extensions are not added to the lodge and in order to control the curtilage surrounding the property. A suitably worded planning condition is proposed.

Overall, it is considered that the proposal as submitted in accordance with Policies DM10 and DM12 of the Copeland Local Plan and Policies DS6PU and H6PU of the emerging Local Plan.

Landscaping

Although no details of landscaping have been submitted as part of the application this information can be requested and secured via a planning condition. Due to the rural nature of the proposal, the existing established boundaries between the site and the access road should be retained as far as practicable in order to ensure that there is some screening for the property and to help to protect longer views of the site. This can also be controlled with the use of an appropriately worded planning condition.

The provision of this information will ensure that the proposal complies with Policy DM26 of the CS and Policy N6PU of the ELP.

Access, Highways and Parking

The lodge will be accessed along a private road which serves the existing buildings and Squirrel Cottage only. It is considered that there is unlikely to be an increase in traffic from the siting of a lodge in this location as the occupant will live on site therefore reducing their work commute. The Highways Officer has raised no objections to the proposal, stating that the development is minor and therefore falls to the Local Planning Authority for assessment. There is unlikely to be a material increase in traffic accessing or egressing the site and the access point is existing and therefore considered to be acceptable. The plans include plenty of space within the site for the provision of parking and turning space.

Overall, it is considered that the proposal complies with Policy DM22 of the CS and Policy CO7PU of the ELP and is therefore considered to be acceptable in highways terms.

Drainage

No details of drainage have been received as part of the application. A previous application submitted and subsequently withdrawn prompted a response from United Utilities to include a condition for a full drainage scheme to be submitted and approved as part of any reserved matters planning application. As this application includes full details of the lodge, a planning condition to approve this information prior to the first use of the lodge can be imposed to ensure that there is adequate drainage provision and to minimise the risk of flooding onsite or in the surrounding area.

Planning Balance and Conclusion

In accordance with Policy ST2 of the CS and Policy DS3PU of the ELP, the Applicant has



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	<p>demonstrated a clear justification for the provision of a dwelling within their farmland to ensure that they can tend to their livestock and provide security to the farm buildings. The Applicant does not have another dwelling or building suitable for conversion to serve their needs. The dwelling will be of an appropriate scale to serve the Applicants and there is adequate space for parking and turning on the site.</p> <p>There have been no objections to the proposal. The use of appropriately worded planning conditions will ensure that the outstanding information is submitted, prior to the first use of the dwelling.</p> <p>On balance this is considered to be an acceptable form of exceptional development which is justified in this location and therefore conforms with the guidance set out in the NPPF and the policies in the adopted and emerging Local Plans.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>This permission will expire on 7th February 2027. The lodge must be removed from the site on or before this date and the land restored to its former condition.</p> <p>Reason</p> <p>The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality and in accordance with Policy SS3 of the Copeland Local Plan.</p> <p>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: -</p> <p>Application form, received 26th October 2023; Site Location Plan, scale 1:1250, drawing number 002, received 26th October 2023; Proposed Site Plan, scale 1:500, drawing number 001, received 30th January 2024; Proposed Floor Plan, received 29th January 2024; Proposed Elevations, received 29th January 2024; Cross Section, received 29th January 2024; Agricultural Appraisal, written by PFK, received 26th October 2023; Planning Statement, written by SRE Associates, received 3rd January 2024.</p> <p>Reason</p>

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 Occupation/Siting Conditions

3. Prior to the first occupation of the lodge hereby approved, a full landscaping scheme must be submitted to and approved in writing by the Local Planning Authority. The landscaping must be installed in accordance with the approved plan and retained as such at all times thereafter.

Reason

To ensure mitigation against landscape impact, in accordance with Policy DM26 of the Copeland Local Plan.

4. Prior to the first occupation of the lodge hereby approved, a full drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage must be installed in accordance with the approved plan and retained as such at all times thereafter.

Reason

To ensure mitigation against landscape impact, in accordance with Policy DM26 of the Copeland Local Plan.

5. Prior to the siting of the lodge hereby approved the existing static caravan must be permanently removed from the site.

Reason

To ensure that inappropriate development is not introduced onto the site in accordance with Policy ST1 and in order to maintain the visual amenity of the area in accordance with Policy DM10 of the Copeland Local Plan.

Other Conditions

6. 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 or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason



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To safeguard the character and appearance of the development in the interests of visual amenity in accordance with Policy DM10 of the Copeland Local Plan.

7. The occupation of the lodge must be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The Local Planning Authority would not be prepared to grant planning permission for the erection of a dwelling on this site except for occupation by persons so employed in accordance with Policy ST2 of the Copeland Local Plan.

Informative

Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

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: Sarah Papaleo

Date : 01/02/2024

Authorising Officer: N.J. Hayhurst

Date : 07/02/2024

Dedicated responses to:- N/A