

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2315/0F1
2.	Proposed Development:	NEW SHEEP SHED AND BOUNDARY FENCE
3.	Location:	HILL FARM, HOLMROOK
4.	Parish:	Drigg and Carleton
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Outer Consultation Zone - Drigg 3KM,</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations & Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>The application relates to Hill Farm, located within the village of Holmrook.</p> <p>The site is accessed off the B5344 and comprises a number of agricultural buildings.</p> <p>It is bound by residential properties to the north, east and south and fields to the west.</p> <p>PROPOSAL</p>	

Planning Permission is sought for the erection of a new agricultural building and boundary fence.

The proposed building will measure 12.192 metres in width and 24.384 metres in length. It has been designed to include a pitched roof with an eaves height of 3.6 metres and an overall height of 5.236 metres and includes 8 rooflights within the roof. It will include one access on the north-west elevation, three openings on the south-east elevation and the two side elevations will be blank. It will be constructed out of concrete panels on the lower elevation (up to 1m) with Yorkshire board cladding to the upper elevation. The roof is to be covered with anthracite grey corrugated fibre cement sheeting.

The proposed 1.8-metre-high timber fence will be 60 metres in length, located along the boundary with the neighbouring property, Irtside.

RELEVANT PLANNING APPLICATION HISTORY

There have been several planning applications for agricultural developments.

CONSULTATION RESPONSES

Drigg and Carleton Parish Council

Initial consultation:

No objections.

Second consultation:

No additional comments received.

Highway Authority and Lead Local Flood Authority

Initial consultation:

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and confirm that we have 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 elsewhere.

Second consultation:

The previous comments still apply.

Environmental Health

Initial consultation:



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No formal consultation comments received but provided advice on the screening fence requirements.

Second consultation:

Further to the above planning application. There has been numerous complaints about strong odours, noise, light pollution and flies from the farm, mainly during warmer weather. Environmental Health has reservations about this development adding to those alleged problems but, at this time, does not have definitive evidence to formally object to this application.

Environment Agency

No comments received.

Public Representations

The application has been advertised by way of neighbour notification to 3 no. properties.

The initial consultation received one formal objection and three queries which raised the following comments:

- Hill farm is unique in that it sits closely within a horseshoe of domestic properties and any expansion in livestock and operation will have a direct impact on the village as a whole both in terms of smell and noise.
- There is already a strong smell of livestock waste from the farm which is of an issue to local residents. This could increase this.
- It is unlikely that the shed is required all year round for sheep.
- Conditions should be put in place that the building does not house cattle at other times.
- This would cause noise and light issues for the neighbour.
- Surface water drainage for the new building.

The initial consultation also received three letters of support which raised the following comments:

- The building would be about 6m distance from the closest neighbour along its entire length. Having spoken to the farmer and discussed the usage, we do not object to this application as it would screen other more unsightly workings on the farm and possibly reduce the noise and light for us from the existing barns.
- The farmer has agreed to install a screening fence on the boundary and therefore in its current location, it would only be visible from the properties the other side on the hill.
- The sheep are often corralled in the adjacent lane for inspection or other purposes, so if the sheep shed kept for its intended use, it will not cause any significant additional disturbance or noise.

- As a retired farmer it's nice to see a young person wanting to come into the industry and caring for the welfare of his sheep.
- This shed is needed for early lambing ewes and needed for animal welfare.

Following the addition of the fence to the proposal, the second consultation included one letter of objection which raised the following comments:

- Previous comments stand.
- Residents have expressed concerns over the smell from the farm and noise.
- If allowed the shed should be for sheep only and not allowed to house cattle outside of the lambing season, as the design of the shed could accommodate young calves, and this would increase the smell emitting from the farm.

Following the addition of the fence, the second consultation received support with the following comments:

- Preferred sheep shed location as not visible from the neighbouring properties.
- Agreed a 6ft fence would provide screening and privacy to neighbouring garden which is immediately next to the fence.

Several concerns have also been raised with the previously approved general purpose agricultural building (ref: 4/23/2096/0N1) which now is housing livestock. This is being followed up with the Planning Enforcement Officer as it is separate from this application.

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.



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Copeland Local Plan 2013 – 2028 (Adopted December 2013):

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV5 - Protecting and Enhancing the Borough's Landscape

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)

National Planning Practice Guidance (NPPG)

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 the potential impact on the landscape character and visual amenity, residential amenity and drainage.

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 farm complex at Hill Farm, Holmrook and it will provide a modern standard building for indoor lambing to enhance the welfare and long-term viability of an expanding flock of rare breed sheep (Dutch Spotted Sheep). Policy DM30 supports new agricultural buildings subject to detailed criteria, which are considered below.

On this basis, 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 as long as they are well related to existing settlement of farm building complex, are of an appropriate design and scale, use materials and colour to blend into its surroundings, and do not adversely impact on local landscape or the amenity of nearby residential properties.

Significant consideration has been given to the location of the proposed building and alternate locations directly adjacent to an existing building to increase the separation distance from the neighbouring properties were considered. However, following consultation with the neighbours, the original location was the preferred location.

On the basis of the above, the proposal is considered to be well related to the existing farm complex and the scale and design of the building is considered to be appropriate with regard to the existing farm buildings. It will not project significantly into the field beyond the existing farm buildings and the pitched roof designs and heights will reflect the existing buildings and character of the farm. In addition, the use of matching materials with brown and grey colours enables the development to blend into its surroundings.

On this basis, the proposal is considered to comply with Policies ST1 and DM30 of the



Cumberland Council

Copeland Local Plan.

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 within the Hill Farm complex. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b 'Lowland – Low Farmland, which includes an intensively farmed agricultural land. The CLCGT seeks to conserve and enhance the well-maintained working landscape.

The development is considered to be suitably located adjacent to the existing farm complex. This ensures the character of the area is not eroded with development away from the traditional farmstead. The structure will be viewed in the context of the existing working farm and the modern agricultural buildings. The structure matches the existing buildings 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. The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.

Impact on Residential Amenity

Policy ST1, DM30 and section 12 of the NPPF seek to safeguard amenity of any nearby residential properties.

The application relates to Hill Farm, located within the village of Holmrook and the site is bound by residential properties to the north, east and south. Due to the neighbour concerns raised, significant consideration has been given to the proposed location and the additional screening fence has been attached to the proposal.

The new fence is considered to screen the development from the neighbouring properties to the north and the installation can be secured by the use of a planning condition. In addition, the proposed building will be a significant distance from the properties to the east and south and due to the relationship with the existing farm buildings, the proposed structure will be well screened.

Due to the existing nature of the working farm, it is not considered that the additional building will significantly increase capacity at the farm and contribute to unacceptable noise and

disturbance.

Environmental Health noted there has been numerous complaints about strong odours, noise, light pollution and flies from the farm, mainly during warmer weather and despite reservations about this development adding to those alleged problems but, at this time, does not have definitive evidence to formally object to this application. In addition, the noise and smell concerns can be addressed under the Environmental Health legislation.

In addition, objections requested that the shed should be restricted to sheep only and not allowed to house cattle outside of the lambing season, but this does not pass the NPPF paragraph 56 tests to be reasonable and necessary.

On balance, as the proposed boundary fence will provide screening, it is considered that the proposal will not have a detrimental impact on residential amenity and therefore the proposal is considered to satisfy Policies ST1, DM30 and the NPPF guidance.

Drainage

Policy DM24 seeks to protect developments against risks of flooding.

The application site is located in Flood Zone 1 and it is proposed the surface water will be disposed of by a soakaway.

The Lead Local Flood Authority raised no objection as they did not consider that the new building would increase the flood risk on the site or elsewhere.

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

Planning Balance and Conclusion

This application seeks planning permission for the erection of a sheep shed and boundary fence.

The proposal relates to an existing farm complex and it will provide a new building for indoor lambing. The agricultural building is considered to be appropriately located and is modest on scale. The design is also considered to be suitable for its use and the proposal will have little impact on the landscape character, as it will be located adjacent to the existing farm complex.

The application has received both objections and letters of support. The material planning matters have been addressed and the noise and smell concerns can be addressed under the Environmental Health legislation.

The new fence is also considered to screen the development from the neighbouring properties to the north and the installation of this screen can be secured by the use of a planning condition.

On balance, the potential harm will not significantly and demonstrably outweigh the identified



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	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 must commence 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: - Application Form, received 6 th November 2023; Site Location Plan, scale 1:1250, drawing no. HT1648.1.100 REV D, received 22 nd January 2024; Site Plan, scale 1:500, drawing no. HT1648.1.103, received 22 nd January 2024; Proposed Floor Plan and Elevations, scale 1:100, drawing no. HT1648.1.100, received 6 th November 2023; Proposed Solid Fence Details, scale 1:20, drawing no. HT1648.1.102, received 22 nd January 2024; Planning Statement, dated November 2023, received 6 th November 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. Prior to the first use of the building hereby approved, the new 1.8 metre solid boundary fence must be installed in accordance with the approved 'Site Plan' and 'Solid Fence

	<p>Details' received by the Local Planning Authority on 22nd January 2024. The fence must be maintained in accordance with the approved details at all times thereafter.</p> <p>Reason</p> <p>To provide suitable screening in accordance with Policy DM30 of the Copeland Local Plan.</p> <p>Statement</p> <p>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.</p>	
Case Officer: C. Wootton		Date : 15/02/2024
Authorising Officer: N.J. Hayhurst		Date : 15/02/2024
Dedicated responses to:- N/A		