

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2329/0F1
2.	<b>Proposed Development:</b>	RETROSPECTIVE INFILL OF COVERED FARMYARD (RESUBMISSION OF 4/23/2295/0F1)
3.	<b>Location:</b>	FLEMING HALL, GOSFORTH
4.	<b>Parish:</b>	Gosforth
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: NO  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>The application relates to Fleming Hall Farm, located approximately 1 mile west of Gosforth. The site is accessed via a farm track off the A595 and benefits from a number of agricultural buildings.</p> <p><b>PROPOSAL</b></p> <p>Retrospective Planning Permission is sought for the erection of a roof over the existing farmyard.</p>

The roof measures 8.8 metres in width and 11.6 metres in depth. It includes a pitched roof with an eaves height of 5.1 metres and an overall height of 6.7 metres. It has been designed to match the existing farm buildings elevations with corrugated metal sheeting on the upper elevations and a corrugated metal sheet roof.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been several planning applications for agricultural developments within the site.

### **CONSULTATION RESPONSES**

#### Gosforth Parish Council

No comments received.

#### Highway Authority and Lead Local Flood Authority

No objections.

#### Cumbria County Council Footpath Officer

No objections.

#### Public Representations

The application has been advertised by way of site notice - No objections have been received as a result of the 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 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



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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)

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 impact on residential amenity, the landscape and visual impact, 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 farmyard, and it infills the covered farmyard to reduce dirty water run-off. 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.

The scale and design of the roof structure is considered to be appropriate with regard to the existing farm buildings. In addition, the matching materials ensures that the new structure relates well to the existing farm buildings.

On this basis, the proposal is considered to comply with policies ST1 and DM10.

Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The application relates to Fleming Hall Farm, located approximately 1 mile west of Gosforth



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and is accessed along an unclassified farm track. On this basis, there are no residential properties in close proximity to the roof structure and residential amenity issues are considered to be minimal.

Overall, the proposal is considered to satisfy Policies ST1, DM10 and the NPPF guidance.

### 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 Fleming Hall Farm complex on land currently utilised as a silage store. 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 in the middle of the existing farm complex. This will ensure that the character of the area is not eroded with development away from the traditional farmstead. The structure is viewed in the context of the existing working farm and the modern agricultural buildings. The structure matches the existing buildings, and this is considered to 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.

### Flood Risk and Drainage

Policy DM24 seeks to protect developments against risks of flooding.

The proposal is located within Flood Zone 1 and it does not increase the area of non-permeable ground within the farm, as the roof is built over an existing hardstanding area.

The development connects to the existing surface water sustainable system, similar to the previous planning applications at this site. An informative note is attached for the applicant to contact the LLFA for the relevant permits associated with a watercourse connection.

As the development reduces contaminated surface water run-off, the proposal is considered to be an appropriate form of agricultural development and it is not considered to increase flood risk on site or elsewhere.

Overall, the proposal is considered to be acceptable in terms of DM24 of the Copeland Local

	<p>Plan and the NPPG guidance.</p> <p><u>Impact on the Public Right of Way</u></p> <p>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 409011 runs through the farm, consideration must be given to the potential impacts on both the physical and amenity of the footpath.</p> <p>The proposed structure is visible from a small section of the Public Right of Way 409011 and 409039, although it is modest in scale and it is viewed in the context of the existing buildings. As such it does not have any detrimental impact on the Public Right of Way.</p> <p>The site visit confirmed the PROW runs through adjacent to the farmyard but it is not directly adjacent to the proposed structure, which is approximately 20 metres away. Due to this distance, it does not 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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks retrospective permission for the erection of a roof over the existing farmyard. The main issue raised by the application was the development located outside of the settlement boundary, within the open countryside and the potential impacts on the landscape character. However, the proposal relates to an existing farm complex and it reduces contaminated surface water run-off.</p> <p>The proposal is considered to be appropriately located and is modest in scale. The design is also considered to be suitable for its use and it does not have an adverse impact on residential amenity, the landscape character, flood risk or the public right of way.</p> <p>Overall, the potential harm does 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.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1. 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: -</p> <p>Application Form, received 15<sup>th</sup> November 2023;  Location Plan, scale 1:1250, received 15<sup>th</sup> November 2023;  Block Plan, scale 1:500, received 15<sup>th</sup> November 2023;  Retrospective Roof Plans, scale 1:100, drawing M167-10, received 15<sup>th</sup> November</p>



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### 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.

### Informative Notes

1. A PROW (public footpath) number 409011 lies adjacent to/runs through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
2. 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@cumberland.gov.uk](mailto:LFRM.consent@cumberland.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: C. Wootton**

**Date : 19/12/2023**

**Authorising Officer: N.J. Hayhurst**

**Date : 19/12/2023**

**Dedicated responses to:- N/A**