

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/23/2357/0F1 |
| 2. | Proposed Development: | CREATION OF TRACK (PART RETROSPECTIVE) |
| 3. | Location: | STEPHNEY FARM, CALDERBRIDGE |
| 4. | Parish: | Ponsonby |
| 5. | Constraints: | 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. | Publicity Representations &Policy | Neighbour Notification Letter: NO 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 site relates to Stephney Farm. The site is accessed along a track off the A595, located to the north of Calderbridge. The site lies adjacent to a public footpath (no. 424012).</p> <p>PROPOSAL</p> |

Planning Permission is sought for the installation of hardcore surfacing of the existing partially hardcore track. The development is part of a wider grant scheme to reduce soil poaching and pollution within the area. The track will be 185 metres long and 2.4 metres wide and it will be built out of hardcore.

Part of the track has already commenced, and the application has been submitted in conjunction with 4/23/2353/0N1.

RELEVANT PLANNING APPLICATION HISTORY

There have been several previous planning applications at this site:

- CREATION OF TRACK – Notice of Intention (ref: 4/23/2353/0N1);
- RESURFACING OF YARD AREA – Notice of Intention (ref: 4/23/2354/0N1).

CONSULTATION RESPONSES

Ponsonby Parish Council

Initial consultation:

Raised questions regarding whether there are further intentions for farm diversification and whether the current planning applications are a pre-cursor to further development on the farm. E.g. future housing development, holiday lets, glamping pods etc.

In respect of the farm track which meets the road, has there been any response from Highways in respect of this – there are some concerns regarding visibility from joining traffic, but we would like to take into consideration the view received from Highways prior to making further comment.

The Parish Council have requested this information to allow for a more informed decision to be made. Any information regarding this would be much appreciated.

Second consultation:

No response has been received.

Highways 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 I can 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.

However, a PROW public footpath number 424012 lies adjacent/through the site, the



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Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. The granting of planning permission would not give the applicant the right to block or obstruct the right of way and it must be kept open and unaltered for public use.

Second consultation:

Repeated initial comments.

Countryside Access Officer

No comments received.

Public Representations

The application has been advertised by way of site notice - No objections have been received as a result of this consultation process.

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 ENV6 – Access to the Countryside

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

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 the potential impact on the public rights of way and the landscape character.

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 and it will re-surface an existing farm track to match other tracks on the farmstead. Policy DM30 supports new agricultural developments subject



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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 developments 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 Design and Access Statement states the agricultural track is part of a grant funded scheme and Stepney Farm is a livestock farm. There are a number of livestock tracks around the farmstead which allow livestock and farm vehicles to move around the land associated with the farm avoiding soil poaching to the land which leads to pollution. On this basis, the scale and design of the proposed re-surfacing is considered to be suitably justified.

The track will be built out of a suitable material to ensure that the proposal responds to the character of the site and minimise the impact of the development on the surrounding area.

On this basis, the proposal is considered to comply with Policies ST1 and DM30 and the NPPF guidance.

Impact on Public Right of Way

Policy ENV6 recognises that existing Public Rights of Way are protected in law.

The application site is located adjacent to Public Rights of Way 424012. Despite the development being visible from a small section of the public footpath, the track is modest in scale and will be seen in the context of the existing farm tracks and as such it will not have any detrimental impact on the Public Right of Way.

The site visit confirmed the PROW does not run along the proposed farm track considered in this application and the existing hedges will also screen the development. On this basis, the proposal will not harm the physical footpath or the amenity of the user and therefore it is considered to satisfy Policy ENV6 and the NPPF guidance.

An informative note is attached to ensure that the development does not interfere with the PROW as requested by the Highways Officer.

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;

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| | <p>and, supporting proposals which enhance the value of the Borough’s landscapes.</p> <p>The application site lies within land relating to Stephney Farm on an existing farm track. 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.</p> <p>The track will be viewed in the context of the existing working livestock farm and the associated tracks. The design and material of the track will match the existing and this will help minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT.</p> <p>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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks part-retrospective planning permission for the re-surfacing of an existing farm track.</p> <p>The agricultural development is considered to be appropriately located and the scale will be modest. The design is also considered to be suitable for its use and the proposal will have little impact on the landscape character or the public right of way. The proposal will reduce soil poaching and pollution from the livestock farm, and it will be well screened by the existing field boundary hedge.</p> <p>Although the Parish Council has raised a concern about highway safety the Highways Officer has raised no objections to the proposal.</p> <p>Overall, 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.</p> |
| 8. | <p>Recommendation:</p> <p>Approve (commence within 3 years)</p> |
| 9. | <p>Conditions:</p> <ol style="list-style-type: none"> 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:- Location Plan, scale 1:2500, drawing no. PB1b, received 20th December 2023; Block Plan, scale 1:500, drawing no. PB2a, received 20th December 2023; |



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Design and Access Statement, dated December 2023 revised, 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.

Informative Note

A PROW (public footpath) number 424012 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.

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 : 15/02/2024

Authorising Officer: N.J. Hayhurst

Date : 16/02/2024

Dedicated responses to:- N/A