

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2366/0F1	
2.	<b>Proposed Development:</b>	ERECTION OF ROADSIDE FENCE WITH SCREEN HEDGE PLANTING, INSTALLATION OF A DOMESTIC OIL TANK, CONSTRUCTION OF GARDEN/BIKE STORE AND SCREENED DOMESTIC WASTE BIN ENCLOSURE (RETROSPECTIVE)	
3.	<b>Location:</b>	MOORLEYS, EGREMONT	
4.	<b>Parish:</b>	St. Bees	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, Coal - Off Coalfield - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor, 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 Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	This application relates to a detached property, known as Moorleys. The former cottage and attached barn are Grade II Listed and are located within the open countryside. The site is	

accessed from a single track road.

### **Relevant Planning History**

4/09/2434/0 – Listed building consent for reinstatement of cottage and extension into attached barn to form new dwelling (resubmission) – Approved.

4/09/2435/0 – Reinstatement of cottage and extension into attached barn to form new dwelling (resubmission) – Approved.

4/12/2388/0F1 – Amendment to approved barn conversion (4/09/2435) – Approved.

4/12/2406/0L1 – Listed building consent for amendment to approved barn conversion (4/09/2435) – Approved.

4/21/2154/0F1 – Reinstatement of cottage and extension into attached barn to form a new dwelling – Approved.

4/21/2155/0L1 – Listed building consent for reinstatement of cottage and extension into attached barn to form a new dwelling – Approved.

4/21/2556/0F1 – Installation of domestic heating oil tank, bike store and screen hedge & fence – Approved.

4/21/2358/DOC – Discharge of condition 5, 6, 7 and 8 of planning approval 4/21/2155/0L1 – Approved.

4/21/2396/DOC – Discharge of condition 5, 6, 7 and 8 of planning application 4/21/2454/0F1 – Approved.

4/21/2564/DOC – Discharge of conditions 3 and 4 of planning approval 4/21/2155/0L1 – Approved.

4/22/2019/DOC – Discharge of condition 4 of planning approval 4/21/2154/0F1 – Approved.

4/22/2003/0L1 – Listed building consent for the installation of domestic heating oil tank, bike store, and screen hedge and fence – Approved.

4/22/2005/0F1 – Reinstatement of cottage and extension into attached barn to form a new dwelling and the creation of a new access – resubmission of application 4/21/2155/0L1 to include amendments of additional first floor rear window, lime render rear barn wall & installation of oil fired boiler – Approved.

4/22/2006/0L1 – Listed building consent for reinstatement of cottage and extension into attached barn to form a new dwelling and the creation of a new access – resubmission of application 4/21/2155/0L1 to include amendments of additional first floor rear window, lime render rear barn wall & installation of oil fired boiler – Approved.



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### Proposal

Following the reinstatement of the cottage and the extension into the attached barn to form a new residential dwelling, additional permissions were granted at this site (ref: 4/21/2556/0F1 & 4/23/2003/0L1) for the installation of a domestic heating oil tank, bike store and screen hedge and fence. This application was required as permitted development rights were removed from the property under the original planning permission.

This current application has been submitted as the works approved under the previous approvals have not been completed in accordance with the approved details. The current application seeks retrospective planning permission for the following:

- Erection of a roadside fence with screen hedge planting: The property currently benefits from a 2m close boarded timber fence which has been erected without planning permission. As part of this application this existing fence will be reduced to 1m in height above existing ground levels.
- Installation of a domestic oil tank: The property has previously been granted planning permission for an oil tank to be located to the area to the east of the application site, alongside the shed and stores. The applicant has however been advised by the installer that the previously approved siting would create potential security risks due to the vulnerable location. Based on this retrospective planning permission is sought for the installation of the oil tank to the rear of the property. The size is as previously approved.
- Construction of garden/bike store and screen domestic waste bin enclosure: The property was also granted permission for the siting of a bike store and bin storage. The location of these elements has not changed, however the bike shed was previously approved with a pitch roof. The shed currently sited on the land benefits from a slightly larger footprint measuring 3.05m x 2m with a mono pitched roof. Bin space is to remain as previously approved.

This application is being considered alongside a Listed Building Consent application (ref: 4/23/2367/0L1) for the same works.

### Consultation Responses

#### St Bees Parish Council

*7<sup>th</sup> June 2024*

No objections.

*18<sup>th</sup> September 2024*

No objections.

Cumberland Council – Highway Authority & LLFA

5<sup>th</sup> January 2024

Further Information is required for the following:

Visibility Splays.

The applicant needs to supply a scaled plan showing what the visibility splays are for the proposed access, in this area 215m x 2.4m measured to the nearside kerb in both directions.

*3<sup>rd</sup> June 2024*

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Original application 4/21/2556/0F1 for this property/fence was agreed:

"The visibility splay crosses the hedge and wall which on drawing number 2102-C-200 Rev A (submitted with 4/22/2005/0F1) it has been stated that the wall will be built to max 1.00m and the existing hedge will be reduced in height to 1.00m. The height of the hedge will need to be maintained as to not exceed 1.05m which will obstruct the visibility. Therefore I recommend that a boundary height condition is included. Please note that the fence should also not exceed 1.05m if in the visibility site line."

The new fence height 1.9m does not obstruct through the visibility splay, however as presented on the plan the new hedge planting in front of the fence looking east will obstruct the visibility line in the future. Therefore, I recommend that a boundary height condition is included. The hedge must not exceed 1.00m and will need maintained as to not exceed 1.00m in the future.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued: reduction of existing boundary treatment.

*9<sup>th</sup> September 2024*

With the latest submission, I note that the fence height will be reduced to 1.00m high.

This will ensure suitable visibility is maintained, even though we had no objection to the previous height of the fence at 1.9m (see my response of 04.06.24). However, we did have concerns about the roadside hedge growing to more than 1.00m tall and recommended a condition that maintains this height.

The hedge must not exceed 1.00m and will need maintained as to not exceed 1.00m in the



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future.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued: height of boundary fence.

Cumberland Council – Conservation & Design Officer

*8<sup>th</sup> January 2024*

Conclusion: Request design revision

Assessment:

The following are proposed:

- Erection of roadside fence with screen hedge planting
- Installation of a domestic oil tank
- Construction of garden/bike store
- Construction of screened domestic waste bin enclosure

The need for a fence for screening seems slightly unusual given that the lane is very minor and quiet, however I have no objection to the principle. The 1.8m height combined with the near solid design will make for a very visually intrusive boundary treatment however. I suggest the use of a post-and-rail fence 1.2m high on the basis of visual impact and effect on setting of the house. The planting outside will provide greater screening if this is desired, and if a sounder enclosure is needed, e.g. to contain a dog, stock proof fencing stapled to the inside could be used.

I would consider the proposed oil tank, garden/bike store and waste bin enclosures to have minor impact on the significance of the building, justified on the basis of their necessity to the functioning of the house.

*17<sup>th</sup> June 2024*

Conclusion: Suggest design revision

Assessment:

In my previous response, in January, I requested the use of a different design of fence to reduce the visual impact.

My view remains that the fence is visually intrusive and has a harmful effect on the setting of the house, and that a more attractive fence in combination with hedge planting would provide

sufficient visual screening for the privacy of the house forecourt without suburbanising the appearance of the house to such an extent.

I suggest reducing the height of the fence and providing hedge planting, either outside, inside or on both sides, which will add additional screening and soften the appearance of the fence, mitigating its impact.

*19<sup>th</sup> September 2024*

No objection

Assessment:

In my previous two consultation response (in June and January 2024), I recommended changing the design of the proposed fence to reduce visual impact and harm to the setting of the listed building.

The height of the fence has been reduced to 1m, and I would view this as sufficiently reducing the visual impact that the fence planted in front of it will soften its appearance and more of the house will be revealed, rather than being blocked behind and impenetrable barrier that would quite significantly alter the appearance of the property's frontage.

I have no objection to the addition of a window to the front elevation of the shed.

#### Public Representation

This application has been advertised by way of a site notice. No comments have been received in relation to the statutory notification procedure.

#### **Planning Policy**

Planning law requires that 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.



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### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Strategic Development Principles

Policy ENV4 – Heritage Assets

#### Development Management Policies (DMP)

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

Policy DM26 – Landscaping

#### Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination. The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. As the consultation on the main modifications to the ELP is now complete significant weight can also be afforded to the policies of the ELP where modifications are proposed

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

Policy DS6PU: Design and Development Standards

Policy H14PU: Domestic Extensions and Alterations

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (2023)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Cumbria Development Design Guide

### **Assessment**

The main issues raised by this application relate to the principle of the development; scale, design and impact on amenity; impact on highway safety; and the impact on heritage assets.

#### Principle of the Development

Policy DM18 of the Copeland Local Plan supports extensions and alterations to residential properties subject to detailed criteria, which will be considered further in this report. Policy H14PU of the Emerging Local Plan also supports proposals for house extensions or alterations within the curtilage of the existing property where detailed requirements relating to design and amenity are met.

The application relates to an existing residential property, Moorleys, which was granted planning permission to operate as a dwelling as part of a conversion application. Permitted development rights were therefore removed from the property. The application seeks permission for a scheme similar to that previously approved at this site, therefore the principle of the works has already been established. The proposed development will provide additional external storage for the property and will ensure the residential property can be heated.

On this basis, the principle of the development is considered to be acceptable and the extension satisfies Policy DM18 of the Copeland Local Plan, Policy H14PU of the Emerging





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Local Plan, and provisions of the NPPF.

### Scale, Design & Impact on Amenity

Policy ST1, DM10, DM11, DM12 of the Copeland Local Plan and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

Policy DM18 of the Copeland Local Plan seeks to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings. Policy H14PU of the Emerging Local Plan also supports proposals for house extensions or alterations within the curtilage of the existing property where detailed requirements relating to design and amenity are met.

The site has previously been granted permission (ref: 4/21/2556/0F1 & 4/23/2003/0L1) for the installation of a domestic heating oil tank, bike store and screen hedge and fence. This current application has been submitted as the works approved under the previous approvals have not been completed in accordance with the approved details. The alterations to the previous approval are minor with the footprint of the shed slightly extended and roof pitch altered, and the oil tank relocated to the rear of the site. The works are not considered to have a detrimental impact on the surrounding area as the site will continue to be screened by appropriate boundary treatment. The site does not have any nearby neighbours therefore the development will not have an impact on residential amenity.

The property currently benefits from a 2m close boarded fence which has been erected without the benefit of planning permission. Concerns were raised with regard to this boundary treatment in terms of the impact on the listed building and the surrounding rural landscape through the installation of such a domestic and prominent structure. The agent submitted additional justification for this boundary treatment which sought to create an enclosed space with privacy within the front garden of the site from the adjacent highway. The minimal benefits that this structure would create was not considered to outweigh the harm of the development, therefore amendments were sought to the proposal.

Based on these concerns, the agent submitted amended plans to reduce the height of the existing fence to 1m from existing ground level. The reduction in the height of the existing fence, and installation of additional planting, ensures that the property is securely enclosed whilst reducing the impact on the character of the area. The reduction of this boundary treatment will be secured by an appropriately worded planning condition.

Based on the inclusion of this condition, the development is considered to comply with Policies ST1, DM10, DM11, DM12, and DM18 of the Copeland Local Plan, Policy H14PU of the Emerging Local Plan, and provisions of the NPPF.

### Impact on Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the

impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

Vehicle and pedestrian access to this site are to remain as previously approved at this site. The application however does seek permission for the installation of a 1.8m close boarded fence on the roadside boundary.

The Highway Authority within their initial consultation response requested a plan to show the proposed visibility splays at this site. Following the submission of this detail the Highway Authority have confirmed that the fence does not obstruct the visibility splay, however the hedge planting would have the potential to impact in the future. A condition is therefore recommended to ensure the hedge does not exceed 1m in height.

Based on the inclusion of this condition, the application is considered to comply with Policies T1 and DM22 of the Copeland Local Plan, Policy CO4PU, CO5PU and CO7PU of the Emerging Local Plan, and provisions of the NPPF.

#### Impact on Heritage Assets

Policy ST1, ENV4, DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need “in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest” [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance (para. 206).

As part of their original consultation response to this application the Council’s Conservation



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Officer confirmed that he had concerns with the proposed 1.8m roadside fence, in particular the solid design which will create a visually intrusive boundary treatment harming the setting of the Listed Building. The Officer also questioned the justification provided as part of the application in that privacy was required given the minor and quiet nature of the adjacent highway. The Officer however confirmed that he has no objections to the other elements of the proposal as they are considered to have minor impact on the significance of the building and allow the property function as a dwelling.

Following the submission of plans reducing the height of the boundary fence to 1m the Officer has confirmed that he has no objections to the proposal as the amendments will sufficiently reduce the visual impact of the fence with planting softening its appearance.

Based on the amended plans for this application the proposal is considered to preserve the Heritage Asset, therefore the application is considered to comply with Policies ST1, ENV4, DM27 of the Copeland Local Plan, Policy BE1PU and BE2PU of the Emerging Local Plan, and provisions of the NPPF.

### Planning Balance and Conclusions

The application seeks permission for a scheme similar to that previously approved at this site, therefore the principle of the works has already been established.

The proposed development will provide additional external storage for the property and will ensure the residential property can be heated. The proposed development at this site is considered of an appropriate scale and design and will not have any detrimental impact on the amenities of any residential property. Although the development is located within a prominent position adjacent to the highway the development will be screened by appropriate boundary treatment which will mitigate the overall impacts of the development upon the surrounding area. The works are also considered to conserve the heritage asset as they are offset from the main property and are fully justified within the application.

Following concerns it is now confirmed that the existing boundary fence will be reduced to 1m in height which will be secured by condition. The reduction in the height of the existing fence, and installation of additional planting, ensures that the property is securely enclosed whilst reducing the impact on the character of the area. No objections have been received from the Highway Authority subject to condition to retain the visibility splays.

Based on the amended plans the proposal is considered to preserve the Heritage Asset. The Conservation Officer has offered no objections.

The proposed development is therefore considered to represent an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.

8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> <li>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:- <ul style="list-style-type: none"> <li>- Site Location Plan, Scale 1:2500, Drawing Number: 2102-PL-100, Revision: A, received by the Local Planning Authority on the 30<sup>th</sup> November 2023.</li> <li>- Site Block Plan (Amended), Scale 1:200, Drawing Number: 2102-PL-220, Revision: C, received by the Local Planning Authority on the 29<sup>th</sup> August 2024.</li> <li>- Proposed Details (Amended), Scale 1:50, Drawing Number: 2102-PL-620, Revision: D, received by the Local Planning Authority on the 29<sup>th</sup> August 2024.</li> <li>- Existing Vehicular Access Visibility Splay Indicative Site Plan (Amended), Scale 1:100, Drawing Number: 2102-PL-221, Revision: B, received by the Local Planning Authority on the 29<sup>th</sup> August 2024.</li> <li>- Planning Design and Access Statement and Heritage Statement (Amended), received by the Local Planning Authority on the 29<sup>th</sup> August 2024.</li> <li>- Bunded 2000 Litre Ecosafe Slimline Oil Tank, received by the Local Planning Authority on the 30<sup>th</sup> November 2023.</li> </ul> </li> </ol> <p>Reason</p> <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.</p> <p><u>Other Conditions:</u></p> <ol style="list-style-type: none"> <li>2. Within three months of the date of this permission, the existing front boundary close boarded fence must be reduced to 1m in height in accordance with the following approved plans: <ul style="list-style-type: none"> <li>- Site Block Plan (Amended), Scale 1:200, Drawing Number: 2102-PL-220, Revision: C, received by the Local Planning Authority on the 29<sup>th</sup> August 2024.</li> <li>- Proposed Details (Amended), Scale 1:50, Drawing Number: 2102-PL-620, Revision: D, received by the Local Planning Authority on the 29<sup>th</sup> August 2024.</li> </ul> </li> </ol>

The boundary fence must be retained in accordance with these approved details at all times thereafter.

**Reason**

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

3. The roadside screen hedge planting must not exceed 1.05m above the carriageway level of the adjacent highway and must not be raised to a height exceeding 1.05m thereafter.

**Reason**

In the interests of highway safety.

4. The proposed landscaping relating to the development hereby approved must installed and completed within the first available planting season and must be carried out in accordance with the approved document 'Site Block Plan (Amended), Scale 1:200, Drawing Number: 2102-PL-220, Revision: C, received by the Local Planning Authority on the 29<sup>th</sup> August 2024'. The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

**Reason**

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

5. The proposed landscaping relating to the development hereby approved must be maintained in accordance with the approved document 'Site Block Plan (Amended), Scale 1:200, Drawing Number: 2102-PL-220, Revision: C, received by the Local Planning Authority on the 29<sup>th</sup> August 2024'. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

**Reason**

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

	<b>Statement:</b>  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.	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 20.09.2024
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 20.09.2024
<b>Dedicated responses to:-</b> N/A		