

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2391/0F1
2.	<b>Proposed Development:</b>	NEW AGRICULTURAL BUILDING INCLUDING ROOF AND SIDE WALLS TO ENCLOSE EXISTING SILAGE PIT PLUS NEW CONCRETE YARD AREA
3.	<b>Location:</b>	ACREWALLS FARM, ARLECDON
4.	<b>Parish:</b>	Weddicar
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to Acrewalls Farm located approximately 2200m from Arlecdon. The site contains two dwellings and a collection of agricultural buildings.  The site is accessed from a private track to the east which adjoins Steel Brow, a minor road that connects Arlecdon with Whitehaven.  <b>PROPOSAL</b>	

Planning Permission is sought for the erection of a new agricultural building and the surfacing of the existing yard.

The proposed building will measure 18.3 metres in width and 27.4 metres in length. It will include a pitched roof with an eaves height of 6.7 metres and an overall height of 8.4 metres. It has been designed to cover the existing silage pit and will have smooth concrete walls with profile sheeting in Juniper Green above and a fibre cement sheet roof with roof lights.

The yard will be concreted surrounding the new building and an existing building to the south east.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been several planning applications for agricultural developments within the site. In this particular area, the following is relevant:

Slurry store, implement shed, livestock shed and extension to livestock shed, approved in May 1992 (application reference 4/92/0733/0 relates).

### **CONSULTATION RESPONSES**

#### Weddicar Parish Council

No response received

#### Highway Authority and Lead Local Flood Authority

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.

#### United Utilities

No response received.

#### Environmental Health

The Environmental Health team have no objections to this planning application. The proposal is to be welcomed and will help reduce surface water run-off and potential pollution to the local environment.

#### Public Representations

The application has been advertised by way of site notice and neighbour consultation letter to 1 property - No objections have been received as a result of the advertisement.



## Cumberland Council

### **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 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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU – Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable

Policy RE1PU – Agricultural Buildings

Strategic Policy N6PU: Landscape Protection

### **Other Material Planning Considerations**

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

### **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 and drainage.

#### **Principle of Development**

Policy ST2 of the CS and DS3PU of the ELP support development outside of settlements, which have a proven requirement for such location, including agriculture related development.

The proposal relates to an existing silage pit and the proposal will allow for this to be covered.



## Cumberland Council

Policy DM30 of the CS and RE1PU of the ELP support new agricultural buildings subject to detailed criteria, which are considered below.

On this basis, the principle of development is acceptable in accordance with the policies within the Copeland Local Plan and emerging Local Plan.

### Scale and Design

Policy ST1 and DM10 of the CS, DS1PU and DS6PU of the ELP and section 12 of the NPPF seek to promote high quality designs. Policy DM30 of the CS and RE1PU of the ELP state that 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. Furthermore, Policy RE1PU of the ELP requires that farm buildings implement measures to reduce ammonia emissions where possible.

The scale and design of the proposed structure is considered to be appropriate with regard to the existing farm buildings. The pitched roof and the height of the building will reflect the existing buildings and character of the farm. In addition, the use of matching materials will ensure that the new structure relates well to the existing farm buildings. The building will be sited next to existing farm buildings and will be viewed in context with these.

On this basis, the proposal is considered to comply with policies ST1, DM10 and DM30 of the CS and DS1PU, DS6PU and RE1PU of the ELP.

### Residential Amenity

Policy ST1 and DM10 of the CS, DS6PU of the ELP 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 an existing farm which is accessed along an unclassified lane with two dwellings on site. No concerns have been received as part of the neighbour consultation and, due to the relationship with the existing farm, the proposed structure will be well screened.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy the policies within the local plan and emerging local plan.

### Landscape and Visual Impact

Policy ENV5 of the CS and N6PU of the ELP state 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 Acrewalls Farm complex on land currently within the yard and utilised for the silage pit. The yard surfacing is within the existing yard and will not encroach into the fields or open countryside outside the unit.

The development is considered to be suitably located within the existing farm complex, adjacent to several existing buildings. This will help to minimise the impact on the character of the area. The structure will be viewed in the context of the existing working farm and the other agricultural buildings. The structure matches the appearance of the existing buildings and this will minimise the impact of the development on the surrounding landscape.

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 CS and Policy N6PU of the ELP.

#### Flood Risk and Drainage

Policy DM24 of the CS and DS8PU and DS9PU of the ELP seek to protect developments against risks of flooding.

The proposal is located within Flood Zone 1 and the development will connect to the existing surface water soakaway. Whilst the surfacing will increase the developed area, this part of the yard is already well used and the surfacing is unlikely to increase the risk of flooding either on site or elsewhere. This is therefore considered to be acceptable.

Overall, the proposal is considered to be acceptable in terms of DM24 of the Copeland Local Plan, DS8PU and DS9PU of the ELP and the NPPG guidance.

#### Planning Balance and Conclusion

This application seeks to erect a new agricultural building and surface part of the yard area. The main issues raised by the application were the location of the development outside the settlement boundary and within the open countryside and the potential impacts on the landscape character. However, the proposal relates to an existing farm complex and it will provide additional farm capacity.

On balance, the proposal is considered to be appropriately located and the scale will be suitable when viewed in context with the existing farm unit. The design is also considered to be acceptable for its use and the proposal will have little impact on residential amenity, the landscape character or flood risk.

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, emerging local plan and the guidance in the NPPF.



## Cumberland Council

8.	<b>Recommendation:</b> Approve (commence within 3 years)
9.	<b>Conditions:</b> <ol style="list-style-type: none"><li>1. The development hereby permitted shall be commenced 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.</li><li>2. 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: -  Application form, received 7th December 2023; Site Location Plan, scale 1:1250, received 21st December 2023; Site Plan, scale 1:1250, received 7th December 2023; Site Layout, scale 1:500, received 7th December 2023; Proposed Plans and Elevations, scale 1:100, drawing number 23-22658, received 7th December 2023; Proposed Roof Plan, scale 1:200, received 7th 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.</li></ol> <b>Informative</b>  The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.  Further information is also available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a>  <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: Sarah Papaleo</b>		<b>Date : 14/02/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 15/02/2024</b>
<b>Dedicated responses to:- N/A</b>		