

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2004/0F1
2.	Proposed Development:	DEMOLITION OF DILAPIDATED REAR TWO STOREY EXTENSION AND REPLACEMENT SINGLE STOREY EXTENSION FOR NEW UTILITY ROOM AND STORE
3.	Location:	KELMORE HILLS FARM, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Outer Consultation Zone - Cycliffe 3KM
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: LOCATION <p>This application relates to Kelmores Hills Farm, a detached farmhouse located approximately 1 mile to the east of Distington. The property benefits from a single-storey rear link projection from the farmhouse to the dilapidated two-storey storage barn, adjacent to the farmyard and garden.</p> PROPOSAL <p>Planning Permission is sought for the demolition of the dilapidated two-storey barn and the</p>	

erection of a replacement single-storey rear extension to provide space for a new utility room and store.

The extension will be 3.6 metres in width and the depth will match the existing single-storey rear projection. It has been designed to include a pitched roof and the height will also match the existing single-storey projection. The rear elevation will include two windows and the side elevation facing the farmyard will include an access door. The side elevation facing the garden will include a glazed access door with steps up. It will be finished with wet dash render, Westmorland green slates and UPVC windows and doors to match the existing property.

The application is supported by:

- Site Location Plan;
- Existing and Proposed Floor Plans and Elevations;
- Bat and Barn Owl Survey;
- Planning Statement.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Distington Parish Council

No comments received.

Natural England

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**

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 ENV3 – Biodiversity and Geodiversity

Policy ENV5 - Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Wildlife and Countryside Act 1981

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 H14PU – Domestic Extensions and Alterations

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on visual amenity and protected species.

Principle of Development

The proposed application relates to a farmhouse and it will provide space for a new utility room and store, adjacent to the farmyard and garden. Policy DM18 supports extensions to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM18 and the NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek 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.

The proposed demolition and replacement single-storey rear extension will be modest in scale and appropriately located within the site, behind the main element of the existing farmhouse. The height of the extension will match the existing single-storey projection and this will ensure that the proposal appears subservient to the main dwelling and it will not be excessively prominent within the locality.

The design is considered to be suitable for its use and the matching materials are considered to respect the existing character and appearance of the existing farmhouse.

Overall, the proposal is considered to meet Policy DM18 and the NPPF guidance.

Visual Amenity and Landscape Character

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of both the parent property and adjacent dwellings.

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 Kelmores Farm complex, within the open countryside with no neighbouring properties in close proximity. The replacement extension will be single-storey and therefore it is considered to be modest in scale and design. It will also be located in the centre of the farm complex and therefore it will not be excessively visible from the wider area.

No concerns have been raised as part of the public consultation process.

On this basis, it was considered that the proposal will not have any adverse impacts on visual amenity and therefore the proposal is considered to satisfy Policies DM18, ENV5 and the NPPF guidance.

Protected Species

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

Natural England's 'standing advice' for bats set out in the PPG is a material planning consideration for local planning authorities.

A Bat and Barn Owl Report has been submitted in support of the planning application.

The Report confirmed that there is no potential for bat use in the northern, southern and western walls. There are some cracks in the eastern wall which have potential for bat habitat but no signs were seen. This wall is in danger of collapsing into the yard. In addition, there was no signs of barn owls found and therefore the potential impacts are low risk.

The report also included a mitigation strategy to ensure great care is taken once works commence and that works must stop and seek further advice if bats are found. This will minimise the risk of any harm to individual bats and these measures can be secured by the

	<p>use of a planning condition.</p> <p>Following local planning guidance and in order to achieve a net gain in biodiversity, enhancement measures have been agreed with the agent. The installation of a bat box within the site is considered to enhance the habitat potential for bats on the site. A planning condition is proposed to secure that the completion of relevant enhancement measures.</p> <p>On balance, subject to the inclusion of planning conditions for the mitigation strategy and the proposed enhancement measures, the proposal is considered to comply with Policies ST1, ENV3 and DM25 of the Copeland Local Plan and Natural England's standing advice in the PPG.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to demolish the existing dilapidated two-storey barn and erect a replacement single-storey extension. It will provide space for a utility room and store and the main issue raised by the application was the potential impacts on protected species as part of the demolition and the impact of the replacement extension.</p> <p>Due to the state of the barn, it is considered to be unsafe and the replacement extension is considered to meet the needs of the farmhouse and wider farming operations. The proposal is considered to be acceptable in terms of scale and design and given the location within a group of buildings in the open countryside, it will not have a detrimental impact on the neighbouring amenity or the wider visual amenity and landscape character. In addition, the Bat and Barn Owl Survey confirmed that the proposal will not affect protected species and following discussions with the agent, it will enhance biodiversity with the provision of bat boxes. The mitigation and enhancement measures can be secured by the use of planning conditions.</p> <p>On balance, the application is considered to be acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF and PPG.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>

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 4th January 2024;
 Location Plan, scale 1:1250, received 4th January 2024;
 Proposed Site Plan, scale 1:500, received 4th January 2024;
 Existing Floor Plan and Elevations, scale 1:100, drawing no. 22.11 - 01, received 4th January 2024;
 Proposed Floor Plan and Elevations, scale 1:50 and 1:100, drawing no. 22.11 - 02b, received 4th January 2024;
 Planning Statement, received 4th January 2024;
 Protected Species Survey: Bat and Barn Owls, dated 06/06/2022, received 23rd February 2024.

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. The mitigation strategy associated with bat roosts must be implemented as part of the development hereby permitted in accordance with the details set out in the 'Protected Species Survey: Bat and Barn Owls' received by the Local Planning Authority on 23rd February 2024.

Reason

To enhance biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

4. Prior to the first use of the extension hereby permitted a bat box should be installed within the site at an agreed location in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The bat box must be installed in accordance with the approved details and must be maintained as such at all times thereafter.

Reason

To mitigate the impact of the development and enhance biodiversity on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

Informative Notes

1. It is an offence under Wildlife and countryside Act to damage or destroy a bat roost. The applicant should contact Natural England before the work start to determine if a wildlife mitigation licence is required. For more details on how to apply for a bat mitigation licence, please follow the link:
<https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence>
2. 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:

www.gov.uk/government/organisations/the-coal-authority

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 : 27/02/2024

Authorising Officer: N.J Hayhurst

Date : 29/02/2024

Dedicated responses to:- N/A