



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2011/0F1
2.	Proposed Development:	ERECT ANIMAL HUSBANDRY BUILDING
3.	Location:	WATERBLEAN, THE HILL
4.	Parish:	Millom Without
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>The application relates to Water Blean Farm complex, located to the south of The Hill, Millom. The site is accessed by a single track off the A5093 and benefits from several agricultural buildings. The site also lies within flood zones 2 and 3.</p> <p>PROPOSAL</p> <p>Planning Permission is sought to erect a new animal husbandry building on the site. The proposed structure will be 22.86 metres in width and 18.3 metres in depth. It will include a</p>

pitched roof with an overall height of 5 metres and an eaves height of 3.35 metres. It will be constructed out of concrete panels on the lower elevation with Yorkshire type boarding above and the roof will include grey big six grey corrugated cement fibre sheeting.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- The erection of a roof over a collecting yard (ref: 4/14/2144/0F1);
- The construction of a roof over a concrete yard which is used to store farm manure (ref: 4/15/2110/0F1);
- The erect of a roofed midden (manure storage area) (ref: 4/17/2269/0F1);
- The erection over middens and cattle feeding yard (ref: 4/19/2069/0F1);
- Notice of intention for renewal of concrete yard (ref: 4/19/2245/0N1);
- The erection a roof over an existing midden store (ref: 4/21/2473/0F1).

CONSULTATION RESPONSES

Millom Without Parish Council

Support the application.

Highway Authority and Lead Local Flood Authority

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.

Environment Agency

No objections to the development as proposed.

A basic Flood Risk Assessment is submitted with the application. We have reviewed the submitted FRA in so far as it relates to our remit, and we consider that it is appropriate to the nature and scale of the development. We are therefore satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

As a result of the FRA, the applicant, as owners of the existing property, will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

Footpath Officer

No comments received.



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Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to two properties - No objections and one letter of support has 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 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 DM26 – Landscaping

Policy DM24 – Development Proposals and Flood Risk

Policy DM30 – Rural Buildings

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

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 will close 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. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the landscape and visual impact, the impact on flood risk 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.



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The proposal relates to an existing farm complex at Water Blean Farm, The Hill and it will provide a new animal husbandry building, adjoining an existing calf building to enhance the welfare of the cattle and sheep. A small roof over the existing cattle crush is also to be removed to allow the crush to be incorporated into the new building. 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 proposed structure is considered to be appropriate with regard to the existing farm buildings. The roof pitch and height will reflect the existing building. In addition, the use of matching materials will ensure that the new structure relates well to the existing building.

On this basis, the proposal is considered to comply with Policies ST1, DM10 and DM30 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 Water Blean Farm complex on land currently utilised as a midden store adjacent to the existing agricultural building. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 2d 'Coastal Urban Fringe', which seeks to enhance, restore and improve the landscape.

Despite the proposal being visible from the east of the site, the proposed structure will be viewed in the context of the existing working farm. In addition, the structure will match the existing buildings form and appearance, and this will 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

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policies ENV1 and DM24 seeks to protect developments against risks of flooding.

The application is accompanied by a Flood Risk Assessment as the site falls within flood zones 2 and 3. The supporting documents also include a plan of the estuary tidal protection embankment was erected in 1963.

The proposal is relatively small, and the existing use of the area will remain the same. The LLFA and Environment Agency raised no objection to the proposal as it will not increase the flood risk on site or elsewhere. In addition, the building design will allow floodwater to enter and exit freely without effecting the structure and therefore the measure proposed are considered to be appropriate to protect the buildings from flood damage.

On this basis, it is considered that the proposed agricultural building will not have a detrimental impact on increasing flood risk and therefore, the proposal is considered to meet Policies ENV1, DM24 and the NPPG guidance.

Impact on Public Right of Way

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 416043 runs parallel to the development site, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

The site visit confirmed the PROW 416043 runs through farmyard to the front of the proposed building and it will also be visible from a small section of the Public Right of Way 416044, although it will be modest in scale and it will be viewed in the context of the existing working farm. As such it will not have any detrimental impact on the Public Right of Way.

It is considered that the new building will not significantly harm the amenity of the user or the physical footpath. An informative note can be attached to the decision notice to ensure that the development does not obstruct the footpath during, or after the completion of the site works.

On this basis, the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.

Planning Balance and Conclusion

This application seeks to erect a new building within the farmyard. The main issue raised by the application was the location of the development within the open countryside and the potential impacts on the landscape character and potential flood risk.

The proposal relates well to the existing farm complex, and it will improve animal welfare for



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	<p>cattle and sheep. On this basis, there is a proven requirement for the proposed agricultural development and the proposal is considered to be an appropriate form of development in the open countryside.</p> <p>The building is of a modest scale and the design is considered to be suitable for its use and reflects the form and appearance of the other structures within the complex. Any adverse impact on the character and appearance of the landscape and public right of way will be modest.</p> <p>In addition, the proposal is considered to be an acceptable form of development within flood zones 2 and 3. It is not considered that the proposal will have a detrimental impact on increasing flood risk within the site or elsewhere and the flood resilience and mitigation measures are considered to be appropriate.</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. 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 by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none">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 10th January 2024; Site Plan, scale 1:2500, drawing no. 1793, received 10th January 2024; Block Plan, scale 1:500, drawing no. 1793, received 10th January 2024; Proposed Floor Plan and Elevations, scale 1:100, drawing no. 1793, received 10th January 2024; Flood Risk Assessment, received 10th January 2024;

Design and Access Statement, received 10th January 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. Prior to the first use of the building hereby approved, the flood resilience and mitigation measures shall be implemented in accordance with the details set out in the Flood Risk Assessment received by the Local Planning Authority on 10th January 2024. These measures shall be retained and maintained at all times thereafter.

Reason

To prevent flood risk in accordance with Policy DM24 of the Copeland Local Plan.

Informative Note

- A PROW (public footpath) number 416043 runs parallel to the development site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
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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 : 04/03/2024

Authorising Officer: N.J. Hayhurst

Date : 06/03/2024

Dedicated responses to:- N/A