

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2075/0F1
2.	Proposed Development:	CHANGE OF USE FROM PRIVATE BOTHY TO PUBLIC LET VIA AIR BNB
3.	Location:	HIGH WREAH CABIN, HENSINGHAM
4.	Parish:	Weddicar
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Coal - Development Referral Area - Data Subject to Change,</p> <p>Coal - Standing Advice - Data Subject To Change,</p> <p>Key Species - Bounds of Sensitive Area for Hen Harriers,</p> <p>Preferred Route Corridor - Within Preferred Route Corridor</p>
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>This application relates to High Wreah Cabin, a small stone built building located within a cluster of buildings at High Wreah near Hensingham, Whitehaven.</p> <p>There are dwellings to the south of the cabin, open fields to the north and amenity land to the west and east.</p>	

Access to the cabin is taken from a small track leading to the access road between Cleator Moor Road and Rheda.

PROPOSAL

Planning Permission is sought for the change of use of the building from a private bothy to an air bnb (Class C3 to Class C1). No External alterations are proposed as part of this conversion.

RELEVANT PLANNING APPLICATION HISTORY

None.

CONSULTATION RESPONSES

Weddicar Parish Council

No response received.

Highways and Local Lead Flood Authority

No response received.

Environmental Health

There are no objections to this proposal from Environmental Health.

It is noted that an existing septic tank is to be utilised for the disposal of foul effluent from the premises. The applicants should ensure that the septic tank is in compliance with the Environment Agency's 'General Binding Rules' if the sewage discharge is made to surface waters.

There is at least one property in the vicinity that may not be financially involved with the development and it is possible that noise disturbance from guests at the premises could affect this property. You may therefore wish to consider if a Noise Management Plan is required from the applicants, as has been the case with other recent Airbnb planning applications.

The Coal Authority

No response received.



Cumberland Council

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 no. properties.

No responses have been received to these advertisements.

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 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.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER10 – Renaissance Through Tourism

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM15A – Conversion of Rural Buildings to Residential Use

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Emerging Copeland Local Plan

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. The Planning Inspectors Report is 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 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 policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy T1PU: Tourism Development

Policy H17PU: Conversion of Rural Buildings to Residential Use

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

ASSESSMENT

Principle of the Development

The encouragement and expansion of new businesses is generally supported throughout national and local policy.

Policy ER10 of the CS and T1PU of the ELP seek to locate tourism accommodation where there is proven capacity for additional visitors without adverse environmental or amenity impacts. Proposals for the change of use of an existing building for overnight of longer stay visitor accommodation will also be supported.

This application seeks permission for an existing building to be used for holiday let use. The rural building is sited to the north of High Wreah Cottage and was previously in use as ancillary accommodation. There are two other dwellings within the vicinity – High Wreah and Fair View. Part C of Policy ER10 of the CS suggests that tourism development within the Ehen/Keekle Valleys should be supported subject to accordance with the principles for sustainable development.

Given that the building is already in existence and is situated close to Whitehaven, Keekle and Cleator Moor for services and tourism, the principle of the development is deemed to be acceptable and complies with policies within the CS and ELP.

Scale, Design and Impact on Residential Amenity

Policies ST1 and DM10 of the CS and DS6PU of the ELP seek to ensure that dwellings and holiday lets are of a suitable scale and layout for purpose and also that there are no negative effects on the neighbouring amenity.

The layout of the building is appropriate, with sufficient facilities available for it to function as a small holiday let.

No external alterations are proposed to the building with the internal layout including a kitchen, living room and mezzanine sleeping area. A small shed is attached to the side. It is considered that the use as a holiday let will ensure the longevity of the building.

The building is located within a short distance of 3 noise receptive properties with a risk of noise transferring and causing a disturbance. In order to mitigate any potential amenity issues, a noise management plan was produced and submitted to detailing the following measures:

- Management will be on site and responsible for any guests utilizing the facility;
- The cabin can house a maximum of two people therefore reducing the noise risk;

	<ul style="list-style-type: none"> • Use of the amenity space will be restricted between 11pm and 7am; • No parties will be permitted; • Any complaints will be formally recorded and responded to by the owners; • The noise management plan will be reviewed annually. <p>It is considered prudent to include a suitably worded planning condition to ensure that development is carried out in accordance with the noise management plan at all times.</p> <p>There have been no objections to the proposal.</p> <p><u>Access and Parking</u></p> <p>Policy DM22 of the CS and CO7PU of the ELP detail the minimum provision of parking that should be available for new developments. Furthermore, a suitable access should be available and turning space within the site to enable access and egress in a forward gear.</p> <p>The existing property features ample space for off street parking and the development will not change the current situation.</p> <p>Overall, due to the location of the development it is considered to be accessible and complies with Policy DM22 of the CS and CO7PU of the ELP.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks to change the use of the private ancillary accommodation for holiday let purposes. Current Local Plan policies and Government guidance encourage the re-use of existing buildings and the use for expanding tourism is welcomed. The principle of the use is therefore acceptable, and this carries significant weight within the planning balance.</p> <p>The use is considered to be compatible in this location close to Whitehaven and within an area supported for tourism. There will not be any significant impacts on residential amenity and a Noise Management Plan has been prepared to provide clarity on the operation of the holiday use. No objections have been received to the proposal from local residents.</p> <p>Sufficient parking is available within the site with no changes to the existing situation therefore carrying neutral weight.</p> <p>Overall this proposal is considered to be an acceptable form of development whereby the benefits greatly outweigh any harm created. The proposal accords with the policies in the adopted local plan and guidance set out within the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be commenced before the expiration of three</p>

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.

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 4th March 2024;

Site Location Plan, scale 1:1250, received 4th March 2024;

Location Plan, Site Plan, Elevations and Floor Plans, scales 1:2500, 1:200 and 1:50, drawing number CC-COU-001, received 26th April 2024;

Noise Management Plan, received 26th April 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. Development must be carried out at all times in accordance with the Noise Management Plan, received 26th April 2024.

Reason

In order to ensure the amenity of the surrounding neighbouring properties in accordance with Policy ST1 of the Copeland Local Plan.

4. The use of the building as a holiday let must be in association with the adjacent dwelling known as High Wreah Cabin and the building shall not sold off, let long term or otherwise used without written permission from the Local Planning Authority.

Reason

To ensure that inappropriate uses are not introduced into the area in accordance with Policy ST2 of the Copeland Local Plan.

	<p>Informative</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>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.</p>
Case Officer: Sarah Papaleo	Date : 14/05/2024
Authorising Officer: N.J. Hayhurst	Date : 15/05/2024
Dedicated responses to:- N/A	