

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2125/0F1
2.	<b>Proposed Development:</b>	ERECTION OF AN ALLOTMENT SHED (RETROSPECTIVE)
3.	<b>Location:</b>	ALLOTMENT 8, YEATHOUSE ROAD, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change
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>  <p>This application relates to Allotment 8, situated on existing allotment site just off Yeathouse Road within Frizington. The wider site falls just outside of the Settlement Boundary and currently houses some small allotment outbuildings/greenhouses, and a touring caravan. The outbuildings are of a small scale and a simple form including several greenhouses.</p> <b>PROPOSAL</b>  <p>Retrospective Planning permission is sought for the retention of an shed which has been erected to provide storage and potting space for use in connection with the allotment.</p>	

The shed is elevated 0.3 metres above ground level and has an eaves height of 1.8 metres and includes a dormer type projection on both the front and rear elevations which elevate an additional 1.4 metres in height above eaves level. The overall ridge height of the structure is 3.6 metres.

The front elevation includes a single door and 2 windows. The side elevations remain blank. Internally the shed has been fitted with insulation panels and includes a small mezzanine level within the roof space.

Externally the shed is finished with plywood walls, black metal roofing, and soft wood windows and doors. There is a small raised deck and gravelled area, immediately adjacent to the shed.

### **RELEVANT PLANNING APPLICATION HISTORY**

No previous planning applications at this site.

### **CONSULTATION RESPONSES**

#### Arlecdon & Frizington Parish Council

No comments received.

#### Countryside Access Footpaths Officer

No comments received.

#### Coal Authority

Material Consideration - I have reviewed the site location plans and the proposals and supporting information submitted and available to view on the LPA website and can confirm that the site falls within the defined Development High Risk Area.

The Coal Authority records indicate that a recorded mine entry (CA shaft ref: 303517-014) lies within the application site. The Coal Authority hold no treatment details for this mine entry and therefore should be considered as an untreated mine shaft. Due the historic source plans used to record its current position, this could vary by several metres.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the nature of this particular development proposal (retrospective), it does not appear that any substantial foundations or earthworks have been carried out to facilitate the erection of the plywood allotment shed. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale



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and nature of the development proposed in this particular case and do not object to this planning application.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 1 no. properties. A site notice has also been displayed. No objections have been received as a result of this 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 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.

### **Development 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 Landscapes

Policy ENV6 – Access to the Countryside

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

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 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 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

Strategic Policy N6PU: Landscape Protection

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Design Guide

The Cumbria Landscape Character Toolkit

Copeland Landscape Settlement Study (January 2020) (CLSS)

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design and the impact of the development on the character and appearance of the area, the surrounding landscape and the adjoining Public Right of Way.

#### **Principle of Development**

The proposed application relates to an existing privately owned allotment site just off Yeathouse Road in Frizington. It seeks retrospective permission for the retention of a shed

which has been constructed on the allotment site. The applicant claims that the shed will be used for storage and potting purposes in connection with the allotment.

Frizington is designated as a Local Service Centre in the Local Plan. Policy ST2 of the Adopted Local Plan sets out the defined settlement boundaries for Copeland. The site is located just outside the designated settlement and is therefore considered to be within open countryside.

Policy ST2 seeks to restrict development outside the defined settlement boundary to that which has a proven requirement for such a location. This includes land use characteristically located outside settlements such as agriculture.

Policy DM30 of the Adopted Local Plan sets out the criteria for the erection of rural buildings relating to new agricultural buildings and small holdings. As the building proposed is used essentially for an agricultural purpose, being situated on an existing allotment site, the principle of development for a small ancillary building in this location is considered to be acceptable, subject to the consideration of the proposal against the criteria set out in the relevant policies and the other material considerations which are set out below.

#### The Impact of the Proposed Development on the Character and Appearance of the Area

Policies ST1 and DM10 of the Copeland Local Plan, and Policy DS1PU of the Emerging Local Plan seek to create high quality developments which respond positively to the character of the site and the wider setting.

Policy DS6PU sets out Design and Development Standards to ensure development does not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

Paragraph 130 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The National Design Guide also sets out ten characteristics to reflect the Government's priorities for well-designed places. This guidance is a material planning consideration that carries significant weight in the planning balance. The proposed scale, form and appearance are therefore the main issues raised by this proposal.

The overall site is modest in scale and already houses other small outbuildings, and a touring caravan. The majority of the site is laid to gravel and is bound by a boundary fence. There is a Public Right of Way 401004 which runs adjacent to the Northern boundary of the site.

Policy DM30 expects that new rural agricultural buildings will relate to existing settlement complex, be of an appropriate scale and design on sites outside of the development

boundary, use materials and colours that enable the development to blend into its surroundings, do not adversely impact on the local landscape character or built environment and do not significantly impact the amenity of any nearby residential properties.

The application is not supported by any supporting statement which sets out the need for the structure, as well as any justification for the size or design of the structure.

The shed which has been erected is larger in scale than the other simple and modest structures on the site and is of a more domestic appearance. It includes dormer windows, a mezzanine floor inside the roof space and is also clad internally with insulation panels. There are concerns that the building is intended for a holiday use rather than as a storage facility. The dormer windows are considered to be unnecessary and inappropriate for the functioning of the building as a store. There is no functional requirement to have light penetrating the roof space of the building and these elements give the shed an urbanised appearance that is out of character with the site and its immediate locality. The domestic nature of the building is also reinforced by the siting of a raised patio to its exterior.

The shed has also been elevated above the natural ground level which accentuates its prominence and would have a harmful visual impact on the area.

On this basis, it is considered that the structure results in an inappropriate form of development that has an adverse effect on the character and appearance of the area. This conflicts with Policies ST1, DM10 of the Copeland Local Plan 2013-228: Core Strategy and Development Management Policies DPD (the Local Plan), Policy DS1PU and Policy DS6PU of the Emerging Local Plan and the guidance set out in the National Design Guide. These policies seek to ensure that developments are of an appropriate scale, design and material, which are appropriate to their surroundings and respond positively to the character of the area.

#### Impact of Development on the Landscape

The allotment site is situated in close proximity to a public right of way (401004). Policies ENV5 and DM26 seek to protect the landscape from potential impact ensuring that the harm created by the development does not outweigh the benefits. Furthermore, Policy ENV5 seeks to protect all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area.

The Cumbria Landscape Character Toolkit (CLCT) defines this area as Type 5 – Lowland, sub type 5a, Ridge and Valley. The guidelines within the document for future development intend to strengthen the definition between town and country and reduce the impact of any new buildings by careful siting and design.

The CLCT defines the key characteristics of this particular area to include a series of ridges and valleys that rises gently toward the limestone fringes of the Lakeland Fells, well managed regular shaped medium to large pasture fields, hedge bound pasture fields dominate,

interspersed with native woodland, tree clumps and plantations, scattered farms and linear villages found along ridges and large-scale structures are generally scarce.

The document states that the main objective is to enhance and restore this pleasant working farmed landscape where Ridge top clutter will be restricted to strengthen the rural environment and minimise the effects of urban influences.

The recent Copeland Landscape Settlement Study (January 2020) (CLSS) summarises the sensitivity to development for this area as High to Medium and identifies the character of this area as peaceful pastoral atmosphere sensitive to large scale development and unsympathetic expansion.

It is considered that this structure, due to its siting, scale and design would have a negative impact upon the landscape within this character area and would erode the rural character of the area which lies outside the main form of the settlement.

It is also considered that allowing a structure of this scale and design on this allotment site would set a precedent which is likely to result in other applications being submitted for similar development in this area. The cumulative effect would create an irreparable harm to the landscape and the associated harm to the visual amenity and character of the area.

Based on this assessment, the proposal is therefore considered to be contrary to Policies ST1, ENV5, DM26 of the Local Plan, Strategic Policy N6PU of the Emerging Local Plan, The Cumbria Landscape Character Toolkit and The recent Copeland Landscape Settlement Study.

#### Impact on the Public Right of Way

Section 7.7 of Policy ENV6 recognises that existing Public Rights of Way are protected in law. The Public Right of Way 401004 runs alongside the site, adjacent to the Northern Boundary of the site and links Frizington to Windermere. As the PRoW is adjacent to the structure, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

The development is visible from the footpath and, due to its scale and massing has a negative effect on the amenity of the users of the footpaths and their enjoyment of the path and local landscape.

#### Planning Balance and Conclusion

Section 12 of the National Planning Policy Framework and the National Design Guide clearly sets out that one of the key principles of the planning system is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings. This aim is reflected in the Adopted Copeland Local Plan, particularly within policies ST1 D(i)

	<p>and D(ii) and DM10, and Policies DS1PU and DS6PU of the Emerging Local Plan which set out the criteria on which this proposal has to be assessed.</p> <p>The application site is situated outside of the designated settlement boundary and is therefore considered to be within open countryside. As a result, the development has been considered under Policy DM30 relating to rural buildings. This policy requires that new development be of an appropriate scale and design and not have a negative effect on the surrounding landscape.</p> <p>The structure, in terms of its scale and design, particularly the presence of the dormer windows on the roof, is considered to be an inappropriate form of development that would be out of keeping with the character and appearance of the area and it would fail to relate in a coherent manner to its surroundings due to lack of adequate screening from public vantage points including from the adjacent PRow.</p> <p>Whilst the materials used seek to create a modern aesthetic, they, along with the scale and design of the structure, are not considered to mimic a typical allotment shed and it would therefore accentuate its prominence within the locality and be out of character with the allotment site and its immediate surroundings.</p> <p>The NPPF and the National Design Guide place significant emphasis on high quality designs and therefore carry significant weight in the planning balance. The proposal is considered to produce an incongruous form of development that has a detrimental impact on the character and appearance of the site and the wider amenity area, which is contrary to the above design priorities.</p> <p>Despite no objections to the proposal being received the minor benefits that would result to the applicant are not considered to be sufficient to demonstrably and significantly outweigh the wider adverse impacts of granting permission when assessed against the policies in the Adopted Copeland Local Plan, the Emerging Local Plan and the NPPF as a whole.</p> <p>On this basis the proposal is considered to cause harm to both the visual amenity and landscape character of the area. The proposal is considered to be in conflict with Policies ST1, ST2, ENV5, ENV6, DM10, DM26 and DM30 of the Adopted Local Plan and Policies DS1PU, DS6PU, RE1PU and Strategic Policy N6PU Emerging Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Refuse</p> <p><b>Reasons for Refusal:</b></p> <ol style="list-style-type: none"> <li>1. The structure, due to its scale, siting, design and appearance would result in an incongruous form of development within the locality. The elevated design would</li> </ol>





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accentuate its prominence and it would have a detrimental impact on the character and appearance, landscape and visual amenity of the wider area. This would therefore be in conflict with Policies ST1, DM10 ENV5 and DM26 of the Copeland Local Plan 2013-2028 and Policies DS1PU, DS6PU, RE1PU and Strategic Policy N6PU of the Emerging Local Plan and guidance set out in section 12 of the NPPF and the National Design Guide.

### Statement

The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.

**Case Officer: Demi Crawford**

**Date : 11/06/2024**

**Authorising Officer: N.J. Hayhurst**

**Date : 11/06/2024**

**Dedicated responses to:- N/A**