

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2147/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/23/2197/0L1	
3.	Location:	ORCHARD BROW BARN, HAILE	
4.	Parish:	Haile	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies	No No No See Report See Report
7.	Report:		
	Site and Location	<p>This application relates to Orchard Brow Barn, a Grade II Listed Building located within village of Haile. The owners of the site currently live within a third of the building which has previously been converted to a three bedroomed dwelling, whilst the remainder of the barn is currently used as storage associated with the residential property. The barn fronts onto the main road through Haile, Hardgates Road, and backs onto open countryside.</p>	

Relevant Planning History

4/18/2021/0F1 – Material change of use of agricultural barn to residential use and associated works to incorporate remainder of barn into existing residential property; and creation of a self-contained residential unit – Approved.

4/18/2022/0L1 - Material change of use of agricultural barn to residential use and associated works to incorporate remainder of barn into existing residential property; and creation of a self-contained residential unit – Approved.

4/23/2196/0F1 – Material change of use of agricultural barn to residential use and associated works to incorporate remainder of barn into existing residential property; creation of a self-contained annex within lower floor; and installation of solar panels on rear roof slope – Approved.

4/23/2197/0L1 – Listed building consent for works associated with material change of use of agricultural barn to residential use and associated works to incorporate remainder of barn into existing residential property; creation of a self-contained annex within lower floor; and installation of solar panels on rear roof slope – Approved.

4/24/2146/DOC – Discharge of condition 3 of planning application 4/23/2196/0F1 – Approved.

Proposal

In February 2024, Listed Building Consent (ref: 4/23/2197/0F1) was approved for the works associated with the material change of use of agricultural barn to residential use and associated works to incorporate remainder of barn into existing residential property; creation of a self-contained annex within lower floor; and installation of solar panels on rear roof slope. This current application seeks to discharge condition 3 attached to Listed Building Consent 4/23/2197/0F1. This condition states:

Prior to Installation Conditions:

3. Prior to the first installation within the development hereby approved, details of the proposed solar panels will be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter and must not be altered without the prior consent of the Local Planning Authority.

Reason

To safeguard the traditional appearance of the Heritage Asset.

The information submitted to support this application comprises of the following:



Cumberland Council

- Application Form, received by the Local Planning Authority on the 1st May 2024.
- As Proposed, Scale 1:100, Drawing No: 002, Rev: C, received by the Local Planning Authority on the 1st May 2024.
- JinKo Solar: Tiger Neo N-type, received by the Local Planning Authority on the 1st May 2024.
- Solar Edge Designer Report, received by the Local Planning Authority on the 1st May 2024.

Consultation Responses

Conservation & Design Officer

Conclusion: No objection

Assessment:

- Information has been submitting that clarifies the intention to install a PV array, and confirming its main details.
- There does not appear to be information on the location of the inverters and power supply unit internally, however, as the entire inside of the building is being lined out in accordance with the approved applications, I do not view this as having a bearing on the building's significance.
- I would view the details as acceptable, the impact less-than-substantial and justified in terms of improving the long-term viability of the building.

Planning Policy

Planning law requires that 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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM15b – Conversion of Rural Buildings to Commercial or Community Use

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

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. As the consultation on the main modifications to the ELP is now complete significant weight can also be afforded to the policies of the ELP where modifications are proposed.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H17PU: Conversion of Rural Buildings to Residential Use

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping
Strategic Policy DS8PU: Reducing Flood Risk
Policy DS9PU: Sustainable Drainage
Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity
Strategic Policy N2PU: Local Nature Recovery Networks
Strategic Policy N3PU: Biodiversity Net Gain
Strategic Policy N6PU: Landscape Protection
Strategic Policy N9PU - Green Infrastructure
Strategic Policy BE1PU: Heritage Assets
Policy BE2PU: Designated Heritage Assets
Policy BE3PU: Archaeology
Strategic Policy CO4PU - Sustainable Travel
Policy CO5PU - Transport Hierarchy
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)
National Design Guide (NDG)
Cumbria Development Design Guide (CDG)
The Conservation of Habitats and Species Regulations 2017 (CHSR)
Wildlife and Countryside Act 1981
Planning (Listed Building and Conservation Areas) Act 1990
Conservation Area Design Guide SPD (Adopted December 2017)

Assessment

The current application seeks to discharge the details of the proposed solar panels to be utilised within the development. The Council's Conservation Officer has reviewed the information and has confirmed that he has no objections to the information submitted.

Based on this, the Local Planning Authority are satisfied with the information provided and



Cumberland Council

	confirm that the proposed details are considered acceptable for the site. It is therefore confirmed that condition 3 can be discharged.	
8.	Recommendation: Approve discharge of condition.	
Case Officer: C. Burns		Date : 19.06.2024
Authorising Officer: N.J. Hayhurst		Date : 19.06.2024
Dedicated responses to:- N/A		