

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2167/0F1
2.	<b>Proposed Development:</b>	CONVERSION & EXTENSION OF WORKSHOP/GARDEN STORE TO CREATE ASSISTED LIVING ONE BEDROOM DWELLING
3.	<b>Location:</b>	BRACKENEY, SALTER, KIRKLAND
4.	<b>Parish:</b>	Lamplugh
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - 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>The application relates to Brackeneay, a detached dwelling located within the open countryside off Sheriffs Gate near Kirkland. The site benefits from an existing vehicle access and turning area with parking area and a garden which houses a detached outbuilding to the front of the main dwelling. This building was previously used as a workshop/garden store ancillary to the main dwelling and it lies within land under the applicant's ownership.</p> <b>PROPOSAL</b>  <p>Planning Permission is sought to alter and convert the detached outbuilding to create a separate self-contained assisted living one bedroom dwelling.</p> <p>The outbuilding is approximately 4.3 metres in width and 11.3 metres in length which will be reconfigured to also include an additional small extension to the front elevation. The</p>	

extension to the front elevation will extend by an additional 4.1 metres in width, and 4.7 metres in length from the existing structure and will create space for the provision of one-bedroom, a bathroom and a living/dining room and small lobby/porch area.

The main original structure has been re designed to include a pitched roof with eaves height of 2.5 metres and overall height of 4.9 metres.

The new unit will include two windows and an access door for the porch on the South elevation, three windows and a central apex window within the dual pitch roof as the main focal point on the East elevation with an eaves height of 1.9 metres and an overall height of 4 metres, a window and access door on the West elevation and two windows on the North elevation.

The conversion will be finished with painted wet dash render with natural stone feature slate sills, a natural slate roof and white UPVC windows and doors.

### **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission was previously granted for the following:

- 4/94/0356/0 PORCH AND ENTRANCE/CONVERTING EXISTING GARAGE TO, INNER HALL AND UTILITY
- 4/94/0406/0 SINGLE STOREY UPVC CONSERVATORY
- 4/96/0823/0 EXTEND ROOF SPACE TO CREATE WORKROOM

### **CONSULTATION RESPONSES**

#### Lamplugh Parish Council

No comments received.

#### Highways and LLFA

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

#### Countryside Access – Footpaths Officer

No comments received.

#### Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 1 no. properties - 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 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

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM15A – Conversion of Rural Buildings to Residential Use

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

### **Emerging Copeland Local Plan 2017 - 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. 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 H14PU – Domestic Extensions and Alterations

Policy H17PU: Conversion of Rural Buildings to Residential Use

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

## **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity and highway safety.

### Principle of Development

The proposed application relates to an existing residential property and it will provide a detached one-bedroom self-contained living unit. The proposed development will be used to accommodate an elderly parent of the main property's owner. The building has been designed to meet her needs and will allow her to retain independence yet live in close proximity to family members who can provide the necessary support and assistance required.

The site lies outside any designated settlement identified under Policy ST2 of the adopted Copeland Local Plan or Policy DS1PU of the Emerging Local Plan.

Policy DM18 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the justification is considered to be acceptable, and the principle of the development is therefore considered to be acceptable in accordance with Policies ST2,



## Cumberland Council

DM18 and the NPPF guidance.

### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10, DM18 and Policy H14PU 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.

Policy DM15A and Policy H17PU support conversions of rural buildings to residential use proving that the building is structurally sound and capable of conversion without the need for significant extension, alteration or reconstruction and is appropriate in scale to the character of the building.

The proposed unit is to be suitably located within the large site of the host property, Brackeney. It will be well related to the host property, within a parcel of land to the side of the property and it will share services, pedestrian and vehicular access and parking arrangements.

The scale of the original scheme has been reduced following initial concerns that the additional extension to the front of the existing outbuilding was considered to be a significant extension of the existing structure which proposed two bedrooms (one to be used as a work room/studio), a utility room, shower room and open plan kitchen dining room/lounge.

The new scheme will now be much more modest in scale by converting the existing outbuilding with an additional small extension. This will limit the accommodation provided to a single bedroom, bathroom and living room/kitchen diner with small lobby/porch area. The design will reflect a modern aesthetic which is of a good design standard, and it will not be excessively prominent within the locality in this rural location due to distance it is set back from the roadside and existing boundary treatments of well-established hedgerows.

In addition, the choice of materials will respect the existing property and the overall character of the area however, the use of a planning condition is proposed to remove permitted development rights to ensure that the unit is not extended or altered without prior consent from the LPA.

Overall, subject to the inclusion of planning conditions, the proposal is considered to meet Policies DM10, DM15A and DM18 of the Copeland Local Plan, and Policy H14PU, and Policy H17PU of the Emerging Local Plan.

### Residential Amenity

Policy ST1, Policy DM18, Policy H14PU and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

Whilst amenity issues between the proposed unit and the immediate neighbouring property were considered, the proposal is relatively modest in scale and appropriately located within the site, by converting an existing structure. It will also be screened by an existing hedgerow

surrounding the site.

In addition, the proposal will be located an adequate distance away from the roadside and the immediate neighbouring property Birtree and this is considered to mitigate any potential issues.

No concerns were raised as a result of the neighbour consultation process however, a planning condition is proposed to ensure that this new unit remains ancillary to the main dwelling, Brackeney and within the same ownership to further protect residential amenity.

On balance, it is considered that the proposal will have minimal impacts on neighbouring amenity and therefore it is considered to comply with Policy DM18 and the NPPF guidance.

#### Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking.

The proposal contains a gentle ramp access onto a patio area for the main access into the new unit from the proposed lobby/porch area.

The site benefits from a large driveway and the workshop conversion is not proposed to alter the off-street parking arrangement.

On this basis, the proposal will not have a detrimental effect on the existing highway conditions, and the proposal is suitable for its use in terms of accessibility. It is therefore considered to comply with Policy DM22 and the standards set out in the Cumbria Development Design Guide.

#### Planning Balance and Conclusion

This application seeks to convert the detached outbuilding that currently exists on a parcel of land within the applicant's ownership to the side of the main dwelling, to create a separate self-contained assisted living one bedroom dwelling. This is to be occupied by the applicant's mother.

The unit is considered to be ancillary accommodation to the main dwelling and a planning condition can control the use of the accommodation and ensure that the whole site will be retained as one planning unit. Given that the building was previously in use as an ancillary use to the main dwelling it provides an adequate solution to the need to provide ancillary accommodation to meet the needs of the family.

The proposal is also considered to be of an appropriate scale and design and it will not have any detrimental impact on neighbouring amenity or highway safety. A planning condition is proposed to remove the permitted development rights to ensure that the unit is not altered or extended without prior consent from the LPA to further protect residential amenity.

On balance, subject to the imposition of the planning conditions proposed, the application is considered to be acceptable form of development which accords with the policies set out

	within the adopted Local Plan, the Emerging Local Plan and the guidance in the NPPF.
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>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: -</p> <ul style="list-style-type: none"> <li>- Application Form, received 13<sup>th</sup> May 2024;</li> <li>- Location Plan GD5, scale 1:500 received 13<sup>th</sup> May 2024;</li> <li>- Existing Plans and Elevations GD1, scale 1:50, received 13<sup>th</sup> May 2024;</li> <li>- Floor Plan (amended), scale 1:50, 24<sup>th</sup> June 2024;</li> <li>- Block Plan (amended), scale 1:500, received 24<sup>th</sup> June 2024;</li> <li>- West &amp; North Elevations (amended), scale 1:50, received 24<sup>th</sup> June 2024;</li> <li>- North &amp; South Elevations (amended), scale 1:50, received 24<sup>th</sup> June 2024;</li> </ul> <p>Reason</p> <p>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.</p> <p>3. The dwelling/conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Brackeney and shall not be let or sold as a separate permanent dwelling.</p> <p>Reason</p> <p>The annexe is not considered appropriate for use as a separate residential unit.</p> <p>4. Notwithstanding the provisions of the Town and Country Planning (General Permitted</p>

Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification) no external alterations, including replacement windows, doors or skylights and roof coverings, or painting or rendering shall be carried out to the converted building nor shall any building, enclosure, extension, porch, domestic fuel container, pool or hardstanding be constructed within the curtilage without the prior written consent of the Local Planning Authority.

Reason

To safeguard the appearance of the building in the interests of visual amenity.

**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: Demi Crawford**

**Date : 19/07/2024**

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

**Date : 22/07/2024**

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