

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2177/0F1
2.	Proposed Development:	REPLACEMENT FARM BUILDING
3.	Location:	LOWCA COTTAGE FARM, LOWCA
4.	Parish:	Lowca
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to Lowca Cottage Farm located approximately 900m from Lowca. The site contains two dwellings and a small collection of agricultural buildings. The site is accessed from the road leading north from Lowca to an access road leading south east to the farm. PROPOSAL Planning Permission is sought for the erection of a new agricultural building to replace the	

existing barn on the site.

The proposed building will measure 10.6 metres in width and 13.9 metres in length. It will include a pitched roof with an eaves height of 1.9 metres and an overall height of 6.7 metres. It has been designed to replace the existing building and infill a gap adjoining a larger shed. The construction is proposed to be concrete panelled with Yorkshire boarding and a Big 6 corrugated roof.

RELEVANT PLANNING APPLICATION HISTORY

There have been several planning applications for agricultural developments within the site. There are none within this particular area.

CONSULTATION RESPONSES

Lowca Parish Council

Lowca parish council considered the application for a replacement farm building at Lowca Cottage Farm, Lowca at its most recent meeting and has no objections or observations to make on this application.

Environmental Health

There are no previous complaints to Environmental Health concerning this farm and Environmental Health have no objections to this development. Whilst farms are not classified as 'brownfield land', it is accepted that possible historical contamination from use of pesticides, asbestos, hydrocarbons and heavy metals can be associated with farms. This farm is not a large intensive farm, however, and the end use of the development is unchanged from its current use. You may wish to include the following condition on any planning consent:

Land Affected by Contamination – Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority. Following completion of remediation measures identified, a verification report must be prepared and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological



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systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Countryside Access Officer

No response received.

Public Representations

The application has been advertised by way of neighbour consultation letter to 3 properties - No objections have been received as a result of the advertisement.

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 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 DM24 – Development Proposals and Flood Risk

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 stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU – Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable

Policy RE1PU – Agricultural Buildings

Strategic Policy N6PU: Landscape Protection



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Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

ASSESSMENT

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

Principle of Development

Policy ST2 of the CS and DS3PU of the ELP support development outside of settlements, which have a proven requirement for such location, including agriculture related development.

The proposal relates to the replacement of an existing agricultural building for what that is similar on the same part of the site. Policy DM30 of the CS and RE1PU of the ELP support new agricultural buildings subject to detailed criteria, which are considered below.

On this basis, the principle of development is acceptable in accordance with the policies within the Copeland Local Plan and emerging Local Plan.

Scale and Design

Policy ST1 and DM10 of the CS, DS1PU and DS6PU of the ELP and section 12 of the NPPF seek to promote high quality designs. Policy DM30 of the CS and RE1PU of the ELP state that 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. Furthermore, Policy RE1PU of the ELP requires that farm buildings implement measures to reduce ammonia emissions where possible.

The scale and design of the proposed structure is considered to be appropriate with regard to the existing farm buildings. The pitched roof and the height of the building will reflect the existing buildings and character of the farm. In addition, the use of matching materials will ensure that the new structure relates well to the existing farm buildings. The building will be sited next to existing farm buildings and will be viewed in context with these.

On this basis, the proposal is considered to comply with policies ST1, DM10 and DM30 of the CS and DS1PU, DS6PU and RE1PU of the ELP.

Residential Amenity

Policy ST1 and DM10 of the CS, DS6PU of the ELP and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The application relates to an existing farm which is accessed along an unclassified lane with two dwellings on site. No concerns have been received as part of the neighbour consultation and, due to the relationship with the existing farm the proposed structure will be well screened. Furthermore, the existing situation on site will remain the same as the proposal is for a replacement.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy the policies within the local plan and emerging local plan.

Landscape and Visual Impact and Biodiversity Net Gain

Policy ENV5 of the CS and N6PU of the ELP state 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 farm complex on land currently within the yard and utilised for storage.

The development is considered to be suitably located within the existing farm complex, adjacent to several existing buildings. This ensures the character of the area is not eroded with development away from the traditional farmstead. The structure will be viewed in the context of the existing working farm and the other agricultural buildings. The structure matches the existing buildings and this will minimise the impact of the development on the surrounding landscape.

With regards to Biodiversity Net Gain, as the building is a replacement and on an area of hard standing, no biodiversity will be affected and therefore biodiversity net gain is not required.

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 CS and Policy N6PU of the ELP.

Flood Risk and Drainage

Policy DM24 of the CS and DS8PU and DS9PU of the ELP seek to protect developments against risks of flooding.

The proposal is located within Flood Zone 1 and the development will connect to the existing drainage to the watercourse. As this is a replacement building, not materially changing the existing situation, it is unlikely to increase the risk of flooding either on site or elsewhere. This is therefore considered to be acceptable.



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	<p>Overall, the proposal is considered to be acceptable in terms of DM24 of the Copeland Local Plan, DS8PU and DS9PU of the ELP and the NPPG guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to erect a new agricultural building to replace the existing. The main issues raised by the application relate to the location of the development outside the settlement boundary and within the open countryside and the potential impacts on the landscape character.</p> <p>On balance, the proposal is considered to be appropriately located and the scale will be suitable when viewed in context with the existing farm unit. The design is also considered to be acceptable for its use and the proposal will have little impact on residential amenity, the landscape character or flood risk.</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, emerging 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 shall be commenced 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. 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 14th May 2024; Site Location Plan, scale 1:1250, received 14th May 2024; Site Plan, scale 1:1250, received 14th May 2024; Block Plan, scale 1:500, received 14th May 2024; Proposed Plans and Elevations, scale 1:100, drawing number 01, received 14th May

2024;

BNG Statement, received 14th May 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. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority. Following completion of remediation measures identified, a verification report must be prepared and approved in writing by the Local Planning Authority.

Reason

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Informative

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.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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.



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Case Officer: Sarah Papaleo	Date : 04/07/2024
Authorising Officer: N.J. Hayhurst	Date : 04/07/2024
Dedicated responses to:- N/A	