

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2232/0F1	
2.	Proposed Development:	CHANGE OF USE FROM BED AND BREAKFAST TO ANCILLARY DOMESTIC ACCOMODATION USED IN ASSOCIATION WITH OXENRIGGS FARMHOUSE (RETROSPECTIVE)	
3.	Location:	OXENRIGGS FARMHOUSE, EGREMONT	
4.	Parish:	Haile	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	<p>This application relates to a former farmhouse located at Oxenrigg Farm, located to the east of Egremont. Access to the site is from an unmade farm track from the Egremont to Haile road. This track serves the application site, Oxenrigg Farm House, and the adjoining residential dwelling and farm. The application site benefits from a private gated parking area to the front of the dwelling, extensive fields to the south/east, and existing garage/stable located to the south.</p> <p>In November 2023, planning permission (ref: 4/13/2410/0F1) was granted for both a two storey and a single storey extension to the existing dwelling to provide a ground floor bed and breakfast accommodation and annexed living accommodation above. A condition was placed upon this permission to restrict the use of the extension for purposes ancillary to the</p>		

residential use of the dwelling and associated B&B accommodation only.

Relevant Planning History

4/12/2229/0F1 – Stable, storage & garage (re-submission) – Approved.

4/13/2410/0F1 – Extensions and alterations including a change of use to create ground floor bed and breakfast accommodation and first floor living accommodation – Approved.

Proposal

This application seeks retrospective planning permission to change the use of the ground floor of the previously approved extension (ref: 4/13/2410/0F1) from bed and breakfast accommodation to ancillary domestic accommodation to be used in association with Oxenriggs Farmhouse. The proposal will be accommodated within the footprint of the previously approved extension with no external alterations to the property.

Consultation Responses

Wilton & Haile Parish Council

No comments received.

Cumberland Council – Highway Authority & Lead Local Flood Authority

I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Cumberland Council & Westmorland and Furness Council – Resilience Unit

There are no objections to the proposed changes.

Public Representation

This application has been advertised by way of neighbour notification letters issued to two properties. No comments have been received in relation to the statutory notification procedure.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.



Cumberland Council

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 T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM26 - Landscaping

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 the post hearing letter in June 2023, which identified the next steps for the examination. The Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions and identified a number of 'modifications' that are required to ensure the

	<p>ELP is sound and consistent with national planning policy.</p> <p>A subsequent six-week public consultation seeking views on the proposed modifications to the ELP closed on the 28th March 2024. The final report is awaited.</p> <p>As set out in 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 it is considered that full weight can now be attached to policies where no objections have been received or objections have been resolved. Especially as the consultation on the main modifications to the ELP is now complete and just awaiting confirmation, also significant weight can now be afforded to the policies of the ELP where modifications are proposed.</p> <p>The following ELP policies (to which there have been no objections) are relevant to this proposal Strategic Policy DS1PU: Presumption in favour of Sustainable Development</p> <p>Policy DS6PU: Design and Development Standards</p> <p>Policy DS6PU: Design and Development Standards</p> <p>Strategic Policy DS8PU: Reducing Flood Risk</p> <p>Strategic Policy H1PU: Improving the Housing Offer</p> <p>Policy H14PU: Domestic Extensions and Alterations</p> <p>Policy CO4PU - Sustainable Travel</p> <p>Policy CO5PU - Transport Hierarchy</p> <p>Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure</p> <p>Strategic Policy DS8PU: Reducing Flood Risk</p> <p>Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity</p> <p>Strategic Policy N2PU: Local Nature Recovery Networks</p> <p>Strategic Policy N3PU: Biodiversity Net Gain</p> <p>Other Material Planning Considerations</p> <p>National Planning Policy Framework (2023)</p> <p>National Design Guide (NDG).</p> <p>Cumbria Development Design Guide (CDG)</p>
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Cumberland Council

Assessment

The main issues raised by this application are the principle of development; scale and design; impact on residential amenity; highway safety; and impact on ecology.

Principle of Development

The application relates to an existing residential dwelling, within a very small group of dwellings within the open countryside. Policy DM18 of the Copeland Local Plan and H14PU of the Emerging Local Plan support extensions and alterations to residential properties subject to detailed criteria, which are considered below.

In November 2023, planning permission (ref: 4/13/2410/0F1) was granted for a two storey and single storey extensions to the existing dwelling to provide a ground floor bed and breakfast accommodation and annexed living accommodation above. A condition was placed upon this permission to restrict the use of the extension for purposes ancillary to the residential use of the dwelling and associated B&B accommodation only. This current application seeks retrospective planning permission to change the use the ground floor of the previously approved extension (ref: 4/13/2410/0F1) from B&B accommodation to ancillary domestic accommodation to be used in association with Oxenriggs Farmhouse. The proposal will be accommodated within the footprint of the previously approved extension with no external alterations to the property.

The principle of extending this residential property to provide additional ancillary accommodation has already been established. The use of the ground floor of the extension will be altered to also include ancillary accommodation for the residential property. On this basis, the proposal is considered to satisfy Policies DM18 of the Copeland Local Plan, H14PU of the Emerging Local Plan and the NPPF guidance.

Scale and Design

Policy ST1 of the Copeland Local Plan, DS1PU of the ELP and section 12 of the NPPF seek to safeguard good levels of quality and attractiveness.

Policy DM10 and DM18 of the Copeland Local Plan and H14PU of the ELP 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.

The proposal will be accommodated within the footprint of the previously approved extension with no external alterations to the property. The scale and design of the extension has therefore been established by the previous permission (ref: 4/13/2410/0F1) at this site.

On this basis, the proposal is considered to meet Policy DM18 of the Copeland Local Plan, H14PU of the ELP and the NPPF guidance.

Impact Residential Amenity

Policy ST1 and DM18 of the CS, H14PU 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 impact of the extension and proposed use has already been considered at part of the previous approval at this site (ref: 4/13/2410/0F1). There will be no further external alterations which would impact on neighbouring properties. The removal of the B&B use to ensure the extension is solely for domestic use will reduce the impact on neighbouring residential properties as it will reduce movements to the property and users of the site. A condition will be placed upon any decision notice to restrict the use to ancillary domestic purposes.

On this basis, the proposal will not have unacceptable adverse impact on the residential amenity and it is considered to comply with Policy DM18 of the Copeland Local Plan, Policy H14PU of the ELP and provision of the NPPF.

Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The proposed works will not alter access arrangements for the site and will retain the existing parking for the dwelling. The Highway Authority have offered no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions. Whilst the development will create additional residential bedrooms within the property, they will replace two B&B rooms which will reduce the number of traffic movements to and from the site.

It is therefore considered that the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Impact on Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.



Cumberland Council

	<p>In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements. This application is supported by a Biodiversity Net Gain Statement which sets out why this proposal is except. In this instance the application is exempt from BNG as the development is for a change of use of an existing domestic extension so there will be no or only a de minimis impact on onsite habitat.</p> <p>On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to change the use of the ground floor of a previously approved extension (ref: 4/13/2410/0F1) at Oxenrigg Farmhouse from B&B accommodation to full domestic use. The removal of the B&B element will ensure the whole extension is utilised as ancillary accommodation to the existing dwelling, which is an appropriate use in this instance.</p> <p>The change of use will be accommodated within the footprint of the extension previously approved and will not include any additional external alterations which would result in adverse impacts on neighbouring dwellings or the design of the property. The removal of the B&B use will reduce the number of movements reducing the impact on residential amenity and highway safety.</p> <p>No objections have been received from statutory consultees or neighbouring properties.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none">1. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -<ul style="list-style-type: none">- Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 29th July 2024.

	<ul style="list-style-type: none"> - Site Block Plan, received by the Local Planning Authority on the 29th July 2024. - Site Plan, received by the Local Planning Authority on the 29th July 2024. - Floor Plans, Scale 1:50, Drg No: 10, Rev: D, received by the Local Planning Authority on the 29th July 2024. - Biodiversity Net Gain Statement, received by the Local Planning Authority on the 29th July 2024. <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><u>Other Conditions:</u></p> <p>2. The extension permitted under application ref: 4/13/2410/0F1, must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as Oxenriggs Farmhouse, Egremont, must not be independently occupied let or sold as a separate permanent dwelling, or used for any business purposes whatsoever.</p> <p>Reason</p> <p>The annexe is not considered appropriate for use as a separate residential unit.</p> <p>Statement:</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: C. Burns	Date : 13.09.2024
Authorising Officer: N.J. Hayhurst	Date : 17.09.2024
Dedicated responses to:- N/A	