

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2338/0F1
2.	Proposed Development:	ERECTION OF STEEL FRAMED BUILDING TO HOUSE CATTLE
3.	Location:	BROOM FARM, GOSFORTH
4.	Parish:	Gosforth
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION This application site relates to an existing farmstead that is located at Broom Farm in Gosforth. The farmstead is set back from the road and located within an isolated position. There are other agricultural buildings within the immediate vicinity. PROPOSAL Planning permission is sought for the erection of a steel framed building that will be used to house cattle. The proposal is to be 27.4m in length, 10.6m in width and 5.7m in total height. The materials are to be natural grey fibre cement sheets to the roof, timber Yorkshire boarding to the gable ends of the building with concrete panels and tanalised timber yorkshire boarding to the side elevation.	

RELEVANT PLANNING APPLICATION HISTORY

4/22/2292: Application to determine if prior notification is required for the erection of a general purpose/machinery store - Approve

CONSULTATION RESPONSES

Gosforth Parish Council

No objections.

Environmental Health

No objections to the proposed development

Highways Authority

I can confirm that we have no objections 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.

Countryside Access Officer

No objections to the development. However, it should be noted that the FP 409010 passes along the access track leading to Broom Farm and through the farmyard. The applicant must be advised that:

- The granting of permission would not give the applicant the right to block or obstruct the public right of way shown on the attached plan.
- The public right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Environment Agency

Do not identify any constraints relevant to our planning remit. Therefore it is deemed as low risk.

Public Representations

The application has been advertised by way of a site notice being placed adjoining the site – No representations have been received as a result of this consultation process.

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 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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:-

Policy DS1 – Development Strategy

Policy DS2 – Settlement Boundaries

Policy DS6 – Design and Development Standards

Policy RE1 – Agricultural Buildings

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2 – Local Nature Recovery Networks

Strategic Policy N3 – Biodiversity Net Gain

Strategic Policy N6 – Landscape Protection

Strategic Policy CO4 – Sustainable Travel

Strategic Policy CO5 – Transport Hierarchy

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

ASSESSMENT

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

Principle of Development

Policy DS2 of the Copeland Local Plan supports development outside of settlements, which have a proven requirement for such location, this includes agriculture related developments.

The proposal relates to an existing farmstead and it will provide additional accommodation for livestock. Policy RE1 supports new agricultural buildings subject to detailed criteria, which is set out below.

On this basis, the principle of the development is acceptable, and the building satisfies Policies DS2 and RE1 of the Local Plan and the NPPF guidance.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy RE1 states proposals for new agricultural buildings will be permitted as long as they are of appropriate scale and design and do not result in adverse visual impacts or unacceptable harm to the landscape character or the amenity of nearby residential properties.

The scale and design of the proposed building is considered to be appropriate with regards to the existing farm buildings that are located on site. The design reflects the existing buildings and character of the farm. In addition, the use of similar materials will ensure that the new structure relates well to the existing farm buildings that adjoin the proposal site.

On this basis, the proposal is considered to comply with Policies DS4 and RE1 of the Local Plan.

Residential Amenity

Policy RE1 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

The proposal is located over 100m away from the nearest neighbouring property.

The land levels on the site are also lower than the neighbouring properties located to the north-east of the site. Therefore, given there is an appropriate separation distance and given the existing land levels on the site, it is considered that the proposal would not create unacceptable dominance or impact upon neighbouring properties. No concerns have been raised from nearby neighbouring properties and Environmental Health have raised no objections and no conditions to be placed.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy RE1 and the NPPF.

Highway Safety and Public Right of Way

There is a Public Right Of Way 409010 that runs through the farm, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

The proposed building will be visible from the Public Right Of Way 409010, however the proposal is modest in scale, and it will be viewed in context with the existing farm buildings and as such will not have any detrimental impact upon users of the Public Right Of Way.

It is noted that the PROW passes along the access track leading to Broom Farm and through the farmyard, however, the building will not be directly adjacent to the PROW. Therefore, it is considered that the proposal would not have a significant impact upon the amenity of the user. The PROW officer has stated they raise no objections, however, a note to applicant should be provided to ensure there is no obstruction to the PROW. This can be included as an informative on the decision notice.

The existing access tracks within the farmstead are being utilised, therefore it is considered that the access to the proposed building is acceptable and will be not cause an unacceptable highway impact to the locality.

On this basis, the access and PROW issues for this proposal is considered to comply with Policy DS4 and the NPPF guidance.

Landscape and Visual Impact

Policy N6 states that landscapes will be protected and enhanced by ensuring that development proposals are assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness.

The application site lies within Broom Farm, Gosforth and the land is currently utilised as a field to the existing farmstead. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b 'Low Farmland', which includes an intensively farmed agricultural land. The CLCGT seeks to conserve and enhance the well-maintained working landscape.

The development is considered to be suitably located within the existing farmstead. As it is to be located adjacent to an existing building this will ensure that the character of the area is not eroded with development away from the traditional farmstead. Despite the proposal being visible from within the locality and from the PROW, the structure will be seen in context with the existing working farm and modern agricultural buildings. The building is to be in keeping with the existing buildings and therefore this will minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT.

Overall, the works are not considered to have a significant impact upon the character and appearance of the landscape or result in significant intrusion into the open countryside. The proposal is therefore considered to comply with policies DS4, RE1 of the Copeland Local Plan and provision of the CLCGT.

Flood Risk and Drainage

Policy DS6 seeks that development will not be permitted where; there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

The proposal is located within Flood Zone 1 and the development will connect to the existing water system. The LLFA have stated that they have 'no objections 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'. The Environment Agency have also confirmed that no constraints were identified relevant to their planning remit and therefore it is deemed low risk'.

On this basis the proposed drainage for the proposal is considered to be acceptable.

It is appropriate to attach an informative note to any decision as the applicant should contact the LLFA for the relevant permits associated with watercourse connection.

Overall, the proposal is considered to be acceptable in terms of DS6 of the Copeland Local Plan and the NPPG.

BNG

Policy N1 of the Local Plan seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 required 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 N1. This is in addition to any compensatory habitat provided under Policy N1. 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.

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.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the

	<p>statutory exemptions or transitional arrangements are considered to apply.</p> <p>The application is supported by a Biodiversity Net Gain Small Sites Metric Plan and Species Rich Grassland Restoration Plan. A condition will therefore be included upon this decision notice to ensure the development is carried out in accordance with these approved details.</p> <p>Based on the inclusion of the above conditions, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.</p> <p>Planning Balance and Conclusion</p> <p>The application seeks to erect a new agricultural building.</p> <p>The proposal relates to an existing farm complex and it will provide additional farm capacity.</p> <p>The proposal is considered to be appropriately located and is of a modest scale. The design is considered to be suitable for its use and the proposal would have little impact upon residential amenity, the landscape character, flood risk and the public right of way.</p> <p>The information submitted as part of the application in relation to BNG will be secured by condition.</p> <p>Overall, it is considered that the proposal is an acceptable form of development which accords with the policies set out within the Copeland Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted must commence 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. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-</p> <p>Application Form, received 08/10/2024;</p>

Site Location Plan, scale 1:2500 received 08/10/2024;

Site Block Plan, scale 1:500 received 08/10/2024;

Proposed Plans and Elevations, scale 1:200 received 08/10/2024;

Foundation Drawing, received 08/10/2024;

Biodiversity Net Gain (BNG) Small Sites Metric Plan, received 08/10/2024;

Species Rich Grassland Restoration Plan, received 08/10/2024;

Reason

To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved must be carried out in accordance with and implement all the mitigation measures set out in the following approved documents:

- Biodiversity Net Gain (BNG) Small Sites Metric Plan, received 08/10/2024,
- Species Rich Grassland Restoration Plan, received 08/10/2024.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

4. The development hereby approved must not be operational until the species rich grassland restoration plan and the biodiversity net gain small sites metric plan secured by planning condition 3 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

5. Within 3 months of the completion of the species rich grassland restoration plan and the biodiversity net gain small sites metric plan secured by planning condition 3, a completion



Cumberland Council

report, evidencing the enhanced grassland and creation must be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

6. The species rich grassland restoration plan and the biodiversity net gain small sites metric plan secured by planning condition 3 must be managed and maintained in accordance with the provisions of approved restoration plan and small sites metric plan secured by planning condition 3 for a minimum period of 30 years post completion of the enhanced grassland and creation works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

7. Monitoring reports demonstrating how the grassland restoration plan and small sites metric plan secured by planning condition 3 is delivering on its site-wide aims and objectives and species rich targets must be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the grassland restoration and creation works detailed in the species rich grassland restoration plan secured by planning condition 3 unless otherwise stated in the species rich grassland restoration plan secured by planning condition 3.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Informative Notes

1. The granting of planning permission would not give the applicant the right to block or obstruct the adjoining public right of way.
2. The public right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

3. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email LFRM.consent@cumberland.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required, it should be noted that a fee of £50 will be required and that it can take up to two months to determine.
4. The proposed development site 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.

Case Officer: K. Bamford

Date : 28/11/2024

Authorising Officer: N.J. Hayhurst

Date : 02/12/2024

Dedicated responses to:- N/A