

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2067/0F1
2.	Proposed Development:	PROPOSED AGRICULTURAL BUILDING
3.	Location:	THREAPTHWAITE FARM, BOWTHORN ROAD, CLEATOR MOOR
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	Report: Site and Location <p>This application relates to Threapthwaite Farm, situated to the north east of Cleator Moor off Bowthorn Road.</p> <p>The Farm comprises a number of agricultural buildings set in agricultural land. The nearest residential properties lie at Rheda Terrace approximately 155m to the east and Bowthorn approximately 165m to the west.</p> <p>The B5294 runs adjacent to the site to the south.</p> Relevant Planning History	

Notice of intention to concrete existing road, approved in September 2018 (application reference 4/18/2375/0N1 relates).

Proposal

This application seeks planning permission for the erection of a new agricultural building to aid with milking capacity on the existing farm. The building will replace an existing smaller shed and be erected in the same location.

The proposed building will have an overall length of 42m and width of 23.2m. It will be 6.3m in height to eaves level with an overall height of 7.4m. The proposed dual pitched roof will include a ventilation chimney.

The building will be constructed from concrete panels with a fibre cement roof. It has been designed to be open sided.

Consultation Responses

Arlecdon and Frizington Parish Council

No response received.

Natural England

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details.

Highways and Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) 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.

Environmental Health

There are no objections in principle to this development from Environmental Health subject to the following comments.

Upgraded slurry retention facility on the farm was given planning approval in 2021 with the provision of a slurry lagoon and there was also related investment into the provision of solids separation of the slurry and slurry injection / dribble bar facilities in line with DEFRA advice.

There has since been no complaints relating to agricultural odours from the farm and its slurry spreading activities, and Environmental Health are satisfied that this development will not impact on residential amenity.

Council GIS mapping indicates that there is a former coal mine entry in close proximity, to the north of the site.

Further advice on this and confirmation of whether the site is within a Development High Risk Area may be sought from the Mining Remediation Authority.

Ecologist

The county ecologist confirms that Biodiversity Net Gain (BNG) is not in scope for this development and therefore the development is BNG exempt.

Environment Agency

No response received.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to seventeen properties.

One letter of support has been received as a result of these advertisements.

Public Reconsultation

Following the receipt of amended/additional information for the application and an amendment to the application description a reconsultation was undertaken for all neighbouring properties. No comments have been received in relation to this 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.

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 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:

Strategic Policy DS1 – Settlement Hierarchy

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards

Policy RE1 – Agricultural Buildings

Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Policy N3 – Biodiversity Net Gain

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide (CDDG)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

Principle of Development

Policy DS2 of the Local Plan supports development outside of settlement, which have a proven requirement for such location, including agriculture.

Section 6 of the NPPF supports proposals for small holdings and equine related developments as long as they are well related to existing settlement or farm complexes, and do not adversely impact on local landscapes or the amenity of nearby residential properties. Policy RE1 of the Local Plan states that new agricultural buildings requiring planning permission will be supported where there is a demonstrated need for the building in relation to the functional operation of the agricultural building, the building is located within or adjacent to the existing farm complex unless justified, the building is of appropriate scale, form and design, and the building will not adversely impact on residential amenity or landscape character.

The proposal seeks permission for an agricultural building to replace an existing facility within the existing farm unit. The proposed works are considered to be an appropriate form of development in the countryside in accordance with Policy DS2 and Policy RE1 of the Local Plan and provisions of the NPPF.

Siting, Scale and Design

The proposal seeks to erect a large agricultural building within the existing farm unit which will replace an existing agricultural building. The building will be 90 metres from the existing farmhouse and will be in excess of 150m away from any other residential property. It will be viewed in context with the existing farm buildings on the site and the existing farm buildings will provide separation and screening for the development. The building reflects typical agricultural buildings within the locality in terms of design and appearance.

On this basis, the siting, scale and design of the proposal is considered to be appropriate with regard to the existing site and is unlikely to cause any demonstrable harm, in accordance with Policy RE1 of the adopted Local Plan.

Impact on Landscape Character

Strategic Policy N6: Landscape Protection of the LP seeks to protect all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5a: Lowland – Ridge and Valley. The Key Characteristics of the land comprise: a series of ridges and valleys that rise gently towards the limestone fringes of the Lakeland Fells, well managed regular shaped medium to large pasture fields, hedge bound pasture fields with native woodland, tree clumps and plantations, scattered farms and linear villages and generally scarce large scale structures.

The Guidelines for development include: the discouragement of further nucleation of the settlement pattern, the improvement of visual awareness of the individual settlement, the insurance that new development makes a contribution to the character of the area and the reduction of the impact of large scale new buildings by careful location away from ridge tops and subservient to traditional farm and landscape proposals using a choice of sympathetic colours and non-reflective finishes. Furthermore, traditional farm buildings should be respected and enhanced.

The proposed building is located on land within the existing farm unit and is surrounded by other agricultural buildings. The building will replace an existing structure on the site. Whilst the building is large in scale, it will be well screened by and seen in context with the existing agricultural buildings.

Given the scale, form and nature of the development, it will not impact the key landscape characteristics of the area.

The proposal is therefore considered to comply with Policy N6 of the Local Plan and the provisions of the NPPF.

Access & Highway Safety

Policies CO4, CO5 and CO7 of the ELP promotes active travel.

The proposal does not alter the access to the farm or associated land. The Highway Authority has confirmed that the proposal will not have a material effect on existing highway conditions.

On this basis, the development is not considered to have a detrimental impact on highway safety in accordance Policies CO4, CO5 and CO7 of the Local Plan and provisions of the NPPF.

Ecology and Biodiversity Net Gain

Policy N1 of the LP defines a mitigation hierarchy.

Policy N3 of the LP 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 N1 above. 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.

The Councils Ecologist has confirmed that Biodiversity Net Gain (BNG) is not in scope for this development and therefore the development is BNG exempt. This is due to the building being located on an existing hardstanding.

	<p>The applicant has agreed to plant 4 oak trees in a nearby hedgerow as part of this scheme. In addition to this the applicants are planting hedgerows around the farm. These measures will help to improve biodiversity on the agricultural holding.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks planning permission to erect an agricultural building on land at Threapthwaite Farm.</p> <p>The building is considered appropriate in terms of its siting, scale and design. Given the scale, form and nature of the development, it will not impact the key landscape characteristics of the area.</p> <p>The information submitted as part of this application is considered acceptable in terms of BNG and the Council's Ecologist has confirmed that Biodiversity Net Gain (BNG) is not in scope for this development and therefore the development is BNG exempt.</p> <p>Overall this is considered to be an acceptable form of development which is compliant with policies of the adopted Copeland Local Plan and the provisions of 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: - <p>Application form, received 20th February 2025; Site Plan, scale 1:1250, received 20th February 2025; Site Plan, scale 1:2500, received 20th February 2025 Site Plan, 1:500, received 20th February 2025 Proposed Plans and Elevations, scale 1:100, drawing number 1B, received 20th February 2025 Biodiversity Gain Plan, received 20th February 2025 BNG Map, received 20th February 2025 Design and Access Statement, written by Edwin Thompson, received 20th February 2025.</p>

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.

Biodiversity Net Gain – Exemption

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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions:

De Minimis - The development is located on an existing hardstanding and does not affect a priority habitat and impacts less than 25sq.m of green habitat or 5m of linear habitats.

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: Sarah Papaleo

Date : 03/04/2025

Authorising Officer: N.J. Hayhurst

Date : 14/03/2025

Dedicated responses to:-N/A