

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2090/0F1
2.	<b>Proposed Development:</b>	Proposed erection of steel frame agricultural type shed for storage of implements and equipment as extension of existing sheds. Retrospective approval for retention of open sided shed to the rear
3.	<b>Location:</b>	Hall Senna, Hallsenna
4.	<b>Parish:</b>	Gosforth
5.	<b>Constraints:</b>	ASC Adverts Coal – Off Coalfield DEPZ Zone Outer Consultation Zone – Drigg 3km Outer Consultation Zone – Sellafeld 10km PROWS – Public Right of Way
6.	<b>Publicity Representations &amp; Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The application site comprises land forming part of an existing landscaping business, situated in the open countryside at Hallsena to the east of Seascale. The site is accessible via a lane connecting to the A595. The lane serves a cluster of properties and a farm, as well as the business itself.</p> <p>The land currently houses a large agricultural style building with attached lean to both of which front onto an existing hard standing. An additional lean to is located on the south side of the site and the existing buildings.</p> <p>The application land rises in a south easterly direction, with the buildings being situated to the western side of the land, alongside the access lane.</p>	

Isolated agricultural buildings are in place to the north and west of the site. A small number of dwellings are situated to the south. The agricultural land extends beyond these structures. The Grade II Listed Hallsenna with adjoining Barn Stables and Dovecote are situated approx. 60m beyond the southern boundary.

### **Proposal**

Planning permission is sought for the erection of an additional shed alongside the existing building and attached lean to. The application details indicate the shed would provide additional accommodation for plant and equipment for the applicants' expanding business.

The building would measure approx. 25m x 9.5m, have a height to eaves of approx. 3.5m and an overall height of approx. 4.8m. The building would be cut into the rising land with gabion baskets being used to form a retaining structure. As a result, the floor level would match those of the existing structures. Proposed finished would match those of the existing sheds at the site and include concrete cladding panels with powder coated aluminium cladding above, powder coated aluminium roof with polycarbonate inserts, powder coated roller shutter and steel faced pedestrian door.

The application also seeks retrospective consent for the existing detached lean to building which is in place to the south of the site. This building measures approx. 9m x 4.5m with a height of approx. 2.5m and 2.9m to the lean-to roof. The building is finished with powder coated aluminium cladding.

### **Relevant Application History**

N/A

### **Consultation Responses**

#### Town Council

No response to date.

#### Local Highway Authority and Lead local Flood Authority

No objections to the proposal as it is considered that the development would not have a material effect on existing highways conditions nor would it increase the flood risk on the site or elsewhere.

#### Environmental Health

No objections. Reference is made to the relatively remote location and the potential for conditions to be attached to any planning approval relating to noise from construction works and artificial lighting.

Natural England

No response to date.

Countryside Access Officer

No objections to the development, however, the presence of Public Rights of Way are noted on the boundary of the development site. Informative notes relating to these are advised.

Ecology Officer

No response to date.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to adjacent properties. No resulting representations have been received to date.

**Planning Policies**

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 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 Local Plan as commenced by Copeland Borough Council.

The Local Plan was adopted by Cumberland Council on the 5<sup>th</sup> 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

Strategic Policy E1: Economic Growth

Policy RE1: Agricultural Buildings

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

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 the amenities of the locality and the impact of the proposal on the setting of heritage assets.

#### Principle of Development

The proposal relates to the erection of an additional building and retention of an existing building in connection with an existing rural business, located in the open countryside.

Strategic Policy E1 of the Copeland Local Plan supports the strengthening and broadening of a diverse range of employment and economic opportunities, including those which help the rural economy.

As the proposal would allow for the expansion of an existing rural business, the principle of development is accepted within the context of Strategic Policy E1 of the Copeland Local Plan.

#### Scale and Design

Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards, use good quality materials that reflect local character and vernacular and which are sympathetic to the surrounding context of the built, historic and natural environment and local landscape character.

The proposal would result in the erection of an additional shed adjoining existing structures at the site. The shed would be of a comparative scale and massing to the existing buildings with

finishes to reflect those on the site and within the surrounding area. The proposal would be cut into the land, with floor levels to match those of the existing structures.

The proposed building would be seen alongside and within the same context of existing structures on the site and would be of a comparable design. The applicant's proposal to position the building within the land would ensure the building would not be prominent within the landscape setting. The proposed building is considered to be appropriate for the character and nature of the site.

In addition, the application proposes the retention of an existing structure at the site. The scale and massing of this building is relatively modest. The building is considered to be well related to the existing and proposed buildings at the site.

The proposed development is of an appropriate design and form for the location, which would not result in adverse visual impacts or unacceptable harm to the landscape character of the locality.

The proposal therefore complies with Policies DS4 of the Copeland Local Plan in this regard.

#### Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity.

The proposal site is situated in the open countryside, to the east of Seascale. The proposed building would be situated alongside existing buildings at the site. The existing detached building is located alongside these structures and the southern boundary of the site.

Although remote, there are dwelling houses within proximity of the site. The Council's Environmental Health Officer has advised that there have been no complaints in relation to the site and activities. They suggest that planning conditions may be considered relating to noise from construction works and artificial lighting. Given the proximity of neighbouring properties, it is therefore considered appropriate to attach the suggested conditions to any planning approval, to safeguard adjacent residential amenity.

The proposal therefore complies with Policy DS4 of the Copeland Local Plan in this regard.

#### Heritage

Strategic Policies BE1 and BE2 of the Copeland Local Plan indicate that heritage assets and their setting will be preserved and enhanced by ensuring new development is sympathetic to local character and history.

The proposal site is located approx. 60m north of the Grade II Listed Hallsenna with adjoining Barn Stables and Dovecote. The buildings are Listed for their historic and architectural interest. The Listed structures are separated from the application site by intervening buildings.

Although relatively close, the setting of the heritage assets would be retained, being one of dwellings and agricultural buildings with open countryside beyond. On this basis, it is considered that the proposed development would not have a significant adverse impact upon the setting of the Grade II Listed Building.

The proposal therefore complies with Strategic Policies BE1 and BE2 of the Copeland Local Plan in this regard.

#### Biodiversity Net Gain

Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for biodiversity net gain involves discharge of the biodiversity net gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development.

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. 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.

The development area comprises an open field of well-maintained modified grassland.

The application has been accompanied by Biodiversity Net Gain details, which indicate a greater than 10% Biodiversity Net Gain can be achieved as part of the development. This is to be achieved by offsetting any loss through tree planting (10 trees are to be planted with the retained area of shrubbery). It is therefore considered that the biodiversity gain condition is capable of being discharged.

Planning conditions are proposed to secure a detailed scheme of habitat creation, to ensure that the net gain is delivered at an appropriate time in the delivery of the project and to ensure that the net gain is maintained for a minimum of 30 years in line with paragraph 19, 21 and 22 of the Planning Practice Guidance relating to Biodiversity Net Gain.

The standard condition will also be imposed as an informative, requiring the submission and approval of a Biodiversity Gain Plan before development commences.

#### Planning Balance and Conclusion

The proposed developments are of an appropriate scale, design and siting for the locality and setting. The development would preserve the amenities of the locality and would not significantly impact the landscape character of the locality. the landscape setting. The setting of the Grade II Listed building, situated to the east of the site, would be preserved.

It has been demonstrated that a 10% uplift in BNG can be achieved as part of the development.

	The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.
8.	<b>Recommendation:</b> Approve (commence within 3 years)
9.	<b>Conditions:</b>  <u>Standard Conditions</u>  1. The development hereby permitted must commence before the expiration of three years from the date of this permission.  Reason  To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.  2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them:  Application Form, received 18 <sup>th</sup> March 2025 Plans and Elevations, Drawing No. 24.31.02c, scales 1:1250, 1:250 and 1:100, received 13 <sup>th</sup> May 2025 Design and Access Statement, received 18 <sup>th</sup> March 2025  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.  <u>Construction Working Hours</u>  3. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:-  Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday.  Deliveries to and removal of plant, equipment, machinery and waste from the site must

only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.

Biodiversity Net Gain

4. Prior to the commencement of development a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan shall include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

5. The development hereby approved shall not be brought into use until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 4 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.





## Cumberland Council

6. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 4, a completion report, evidencing the completed habitat creation and habitat enhancements shall 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

7. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 4 shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by Planning Condition 4 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

8. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 5 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports shall be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 4 unless otherwise stated in the Habitat Management and Monitoring Plan secured by Planning Condition 4.

### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

## **Biodiversity Net Gain – Biodiversity Plan Required**

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 statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

The template for the preparation of a Biodiversity Gain Plan can be accessed via this link: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

## **Informative Notes**

### Public Right of Way

The granting of planning permission does not give the right to obstruct, close or divert Public Rights of Way BW 409046 & FP 409002.

The Public Rights of Way 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.

### Artificial Lighting

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for environmental zone E2 contained within The Institute of Light Engineers Guidance Note GN01/21 (dated 2021) for The Reduction of Obtrusive Light.



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Council**

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**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:** L White

**Date :** 13/05/2025

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

**Date :** 20/05/2025

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