

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                            |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <b>Reference No:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 4/25/2131/0F1                                                                                                                                                              |
| 2. | <b>Proposed Development:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | CHANGE OF USE FROM RESIDENTIAL HOME TO FARM SHOP                                                                                                                           |
| 3. | <b>Location:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | BARN ATTACHED TO COUNTRYMAN PUB, LAMPLUGH                                                                                                                                  |
| 4. | <b>Parish:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Lamplugh                                                                                                                                                                   |
| 5. | <b>Constraints:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ASC Adverts<br>Coal – Standing advice                                                                                                                                      |
| 6. | <b>Publicity Representations &amp; Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Neighbour Notification Letter: YES<br><br>Site Notice: Yes<br><br>Press Notice: No<br><br>Consultation Responses: See report<br><br>Relevant Planning Policies: See report |
| 7. | <b>Report:</b><br><br><b>SITE AND LOCATION</b><br><br><p>The property is located within the open countryside set back off the A5086 which links Cockermouth with Egremont and is separated from the main highway by a wide verge and single width carriageway to the front of the property. There are numerous scattered dwellings within the immediate locality plus small clusters of dwellings and farms within the wider area, two larger scale caravan sites are also located within close proximity to the site.</p> |                                                                                                                                                                            |

The current site comprises a two storey residential property, converted from an attached barn which adjoins to a further dwelling, plus, The Countryman public house and restaurant which are both in the same ownership as the application site.

The site is bound by the access road to the east and adjoins other buildings on site to the remaining elevations. Parking for the wider site is located a short distance to the north which also serves the public house.

### **PROPOSAL**

The application seeks permission for the change of use from a residential property to a retail premises which would not require any significant remodelling works with no external works being required.

It is proposed that the shop would be utilised for selling farm produce and other local produce.

### **RELEVANT PLANNING APPLICATION HISTORY**

4/13/2475/0F1 - Alterations and extensions to existing public house (revised scheme) – Approve

4/13/2098/0F1 - Certificate of lawfulness for use of barns as residential dwelling houses – Approve

4/12/2531/0f1 - Alterations and extension to existing public house – Approve

### **CONSULTATION RESPONSES**

#### Parish Council

No response to date

#### Highways Authority/LLFA

No objections 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

If planning permission is granted, construction works should not cause undue noise disturbance to local residential amenity.

If any refrigeration condenser equipment and / or ventilation plant is required to be sited

externally, thought should be given to the sporadic noise from the equipment turning on and off, especially at night time when the ambient noise environment is very quiet at this location, and its effect on disturbing residential amenity.

Any external artificial lighting (illuminated signage for instance) should not cause obtrusive light pollution also.

The following conditions are therefore suggested:

#### Artificial Lighting (External)

Artificial light 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 Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason: To safeguard the amenities of nearby residential occupiers.

#### Noise from Construction Works

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 09.00 – 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.

#### Informative:

For reasons of food safety and traceability, the food shop should be registered as a food provider with Cumberland Council.

See the following web link from the Gov.UK website – <https://register.food.gov.uk/new>

A food hygiene inspection will be subsequently carried out by the Environmental Health team.

The applicant may contact Environmental Health at any time if there are any queries on the food hygiene aspect of the proposed premises.

### Public Representations

The application has been advertised by way of neighbour notification letter and site notice – no letters of representation has been received.

### **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 2021-2039:**

The council has agreed to adopt the Local Plan on 5 November and full weight is given to the policies contained within.

The following policies are relevant to this proposal:

Strategic Policy DS1 - Settlement Hierarchy

Strategic Policy DS2 - Settlement Boundaries

Policy DS4 – Design and Development Standards

Strategic Policy DS6 - Reducing Flood Risk

Policy DS7 - Sustainable Drainage

Policy DS9 - Protecting Air Quality

Strategic Policy E1 - Economic Growth

Strategic Policy E2 - Location of Employment

Policy RE3 - Conversion of rural buildings to commercial or community use

Policy R5 - Retail and service provision in rural areas

Policy R7 - Sequential Test

Policy R8 - Retail and Leisure Impact Assessments

Strategic Policy N3 - Biodiversity Net Gain

Strategic Policy BE1: Heritage Assets

Policy BE4: Non-Designated Heritage Assets

Policy CO7 – Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework 2024 (NPPF)

Cumbria Development Design Guide

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity..

#### Principle of Development

The proposed application relates to the conversion of an existing building which would see alterations to the internal space to facilitate the use of the building for retail purposes. Policies within the local plan support the development of a broad range of services within the local plan area including the reuse of existing rural buildings of an appropriate scale.

Policy RE3 sets out what development would be acceptable in this open countryside location, including the conversion and re-use of buildings in the open countryside for commercial or community use. The policy sets down the parameters under a-f, with the development being considered to be in line with the principles of Policy RE3.

Policy R5 supports small scale retail developments of less than 150m<sup>2</sup> subject to the development respecting the character of its setting and the countryside and would not lead to harm in terms of biodiversity and heritage assets. Another aspect is the requirement that the justification for its countryside location can be deemed acceptable. On the basis of the submitted information the principle is considered to be in line with Policy R5 with the use in association with the applicants farming business and other local producers within the area.

On this basis, the principle of the development is therefore considered to be acceptable with the extension satisfying the parameters of Policies DS1, DS2, DS4, RE3 and R5 of the Copeland Local Plan 2021-2039 and the guidance within the NPPF.

#### Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs, the Local Plan seek to ensure extensions and alterations are of an appropriate scale and design which is appropriate to their surroundings and does not adversely affect the amenities of adjacent occupiers. Given the site limitations with the existing building built up to boundaries there are

limited opportunities to expand the site, and it was considered to be more economical to utilise the building for retail use as significant upgrades to the building would be required to retain the residential use of the property, whilst minimal alterations would be required for the alternative retail use.

The proposed retail floor space relates to the whole of the downstairs area of the property measuring 9m in depth x 2.5m in width plus a further small area providing a relatively modest floorspace of 27m<sup>2</sup>.

The existing building is of a traditional style with a pitched roof which has a modern tile roof covering and a feature entrance porch to the front elevation, there are no planned alterations to the front of the building and the internal alterations would not have any impacts on the external appearance of the property.

Given the modest scale of the proposal and no external alterations to the property, it is considered that the development would not have any adverse effects on the appearance of the building from a public point of view; nor, have any negative effects on the street scene.

The scale and design of the proposal is considered to comply with policy.

#### Residential Amenity

DS4 of the Local Plan and Chapter 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The proposed opening hours would be 8-5 Monday-Saturday.

Although the building adjoins a property in residential use, given the scale of the proposal with limited floor space and no external alterations the use as a retail premises is not considered to raise any significant issues in terms of noise or disturbance. The Council's Environmental Health team has not raised any concerns to the proposed use on amenity grounds; however, they have indicated that if refrigeration/ventilation units are required externally, they would need to be controlled to minimise any noise. The proposal does not include any fixed external plant or ventilation, any future requirement would be assessed on its individual merits and therefore no conditions are considered necessary in this regard.

The proposals are not considered to introduce any issues with overlooking from the change of use.

Overall, no significant residential amenity issues are raised by the proposal.

#### Highway Safety

The access to the site would remain unchanged which it is not directly onto the main carriageway, the access points are to the north and south off the minor loop to the front of the site which only serves the public house and two cottages, both access points have good visibility; the highways authority has not objected to the proposal.

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>It is considered that there is sufficient parking and turning within the curtilage of public house which is in the applicant's ownership to accommodate the small number of vehicles that the use would generate. It is considered that the potential small increase in vehicles using the shop would not be significant to require any additional parking requirements directly to the front of the site.</p> <p>The nearby public right of way would be unaffected by the proposal and there would be no impacts on the enjoyment of its use given that it is separated from the development by mature hedgerows and agricultural land.</p> <p><u>Biodiversity Net Gain</u></p> <p>There would no external alterations to the curtilage therefore the development would not require an assessment of Biodiversity Net Gain as it would fall under the de minimis threshold.</p> <p><u>Ecology</u></p> <p>Given the current domestic use of the property and minimal internal alterations to the ground floor, the development would not result in harm to any protected species and no additional assessment is required in this regard.</p> <p><u>Other Issues</u></p> <p>Given the minimal works required to convert the property it is not considered necessary to impose a condition relating to construction activities.</p> <p>Given the rural location a condition to restrict the use to a use falling under Class E (a) is considered appropriate to allow examination of other uses in line with policies within the local plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>On balance, given the small area and its location adjacent to an existing commercial property, the small farm shop would provide a valuable addition to the area in terms of providing for the basic needs of the local community and visitors to the nearby tourist facilities within the village.</p> <p>The development is of an acceptable scale and design with no significant harm arising to neighbouring properties in terms of amenity. There are no significant impacts on the appearance of the building or surrounding area. The proposal is therefore considered an acceptable form of development in line with policies within the Local plan.</p> |
| 8. | <p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 9. | <p><b>Conditions:</b></p> <p>1. The development hereby permitted must commence before the expiration of three</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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 as received on the respective dates and development must be carried out in accordance with them: -
- Application Form, received 4 July 2025;
- Site Location Plan, scale 1:1250, drawing reference p2f/uk/1226331/1646577 - received 4 July 2025;
- Proposed Floor Plans, scale 1:100 drawing reference 001 Rev A, received 4 July 2025;
- Parking Plan, scale 1:1250, drawing reference p2f/uk/1226331/1646577 - received 4 July 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.

3. The goods retailed from the farm shop hereby approved shall be solely limited to:
- Goods and produce from local producers including meat, vegetables, flowers, bread and cakes, eggs, dairy products, cheese, yoghurts and other such products from within a 20-mile radius of 2 The Barn, The Countryman, Lamplugh, Workington Cumbria, CA14 4SB or as may be first agreed in writing by the Local Planning Authority;

Reason

To ensure that the retail use is of an appropriate scale and the goods being sold relate to operators within the locality.

4. The premises shall be used for no other purpose, including any other purpose within Use Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory

instrument revoking and re-enacting that Order with or without modification.

**Reason**

The Local Planning Authority wishes to review the merits of any alternative land use at the site within this open countryside location.

5. The farm shop hereby approved shall only open to the public between the hours of 08:00 and 17:00 Monday to Sunday.

**Reason**

In the interest of neighbouring amenity.

**Informative Notes**

**Mining**

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at:  
<https://www.gov.uk/government/organisations/mining-remediation-authority>

**Biodiversity Net Gain – Not Applicable**

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

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

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cumberland Council.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply.

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 of the statutory exemptions is considered to apply.

Applicable exemption: Development subject to the de minimis exemption. Development that does not impact a priority habitat and impacts less than 25 square meters (e.g. 5m by 5m) of onsite habitat, and 5 meters of linear habitats such as hedgerows.

### **Environmental Health**

Artificial light to the development should 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 Notes for the Reduction of Obtrusive Lighting GN01:2021.

For reasons of food safety and traceability, the food shop should be registered as a food provider with Cumberland Council.

See the following web link from the Gov.UK website – <https://register.food.gov.uk/new>

A food hygiene inspection will be subsequently carried out by the Environmental Health team.

The applicant may contact Environmental Health at any time if there are any queries on the food hygiene aspect of the proposed premises.

### **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 Smith**

**Date : 02/10/25**

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

**Date : 09/10/2025**

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