

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2132/0F1
2.	<b>Proposed Development:</b>	PROPOSED AGRICULTURAL BUILDING
3.	<b>Location:</b>	THREAPTHWAITE FARM, RHEDA TERRACE, CLEATOR MOOR
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC Adverts Coal - Standing Advice
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to Threapthwaite Farm, situated to the northeast of Cleator Moor off Bowthorn Road. The farm is a large agricultural unit located in an open countryside and comprises a large number of modern agricultural buildings alongside more traditional barns and farmhouse. The nearest residential properties are Rheda Terrace approximately 150m to the east and Bowthorn approximately 275m to the west. The B5294 runs adjacent to the southern boundary of the farming unit.</p>  <b>PROPOSAL</b>	

The application seeks permission for the erection of a new general purpose agricultural building on the eastern periphery of the built development of the farm to be used in connection with the existing farming activities on site. The building would be, in part, located on an area that contains a disused slurry pit.

The building would have a single pitch measuring 18.28m x 12.19m x 4.26m in height to the peak and would be constructed of clad walls above concrete panels with a fibre cement roof with an open northern elevation.

### **RELEVANT PLANNING APPLICATION HISTORY**

4/25/2067/0F1 - Agricultural building – approved

4/20/2338/0F1 - Formation of slurry lagoon – approved

4/21/2465/0B1 - Amendment to slurry lagoon - approved

### **CONSULTATION RESPONSES**

#### Parish Council

No response was received within the consultation period.

#### Highways Authority/LLFA

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.

#### Environmental Health

No recent complaints have been received by Environmental Health in relation to this farm. The farm has modern slurry storage and management facilities. As such, there are no objections to this development from Environmental Health.

#### Ecology Officer

The council ecologist confirms that Biodiversity Net Gain (BNG) is in scope for this development and approves the BNG documents, including the Biodiversity Gain Plan, submitted with the application and recommends a biodiversity gain plan condition.

#### Public Representations

One letter has been received as part of the consultation process which neither objects or supports the proposal. The letter highlights the following comments, what is the use of the building and could it raise issues with noise or smell, potential for impacts on tree planting associated with the approval of the slurry lagoon.

### **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

Policy RE1 – Agricultural Buildings

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3 – Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

### **Other Material Planning Considerations**

National Planning Policy Framework 2024 (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

### **ASSESSMENT**

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

#### 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.

On this basis, the principle of development in the open countryside is therefore considered to be acceptable and the development satisfies Policies DS2 and RE1 of the Copeland Local Plan 2021-2039 and the guidance within the NPPF.

#### Siting, Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs, whilst Policy RE1 of the Local Plan seek to ensure agricultural development is of an appropriate scale and design which is appropriate to their surroundings and does not adversely affect the amenities of adjacent dwellings.

The proposal seeks permission for a new agricultural building to expand the accommodation of the farming unit and would remove the existing redundant slurry pit which has been replaced with a larger slurry lagoon to the north of the site.

The proposal is adjacent to existing agricultural buildings on the site and is considered to be well related to the farmstead. The site is accessed via the farmyard and buildings to the west of the proposed development; there is sufficient parking/turning areas within the existing site to meet the highway requirements with no detrimental impacts on the adjoining highway being raised.

The scale of the building is relatively small in comparison to the adjacent modern buildings and proportionate with scale of the existing built development on the unit. The materials have been chosen to reflect the other modern buildings on the unit.

The building would not have a detrimental impact on the visual landscape given it will sit within the context of the existing agricultural buildings and is screened from the highway by mature hedging, topography and existing buildings.

The siting, scale, design and materials are considered to be acceptable and would be compliant with policy RE1 of the Local Plan.

#### Residential Amenity

The nearest residential dwellings not associated with a farming unit are located 150m from the proposed building, at this distance no harm to residential amenity is raised by the proposal and the development would be viewed in the context of the existing buildings and activities on site. Therefore, on balance it is considered that there will be no significant adverse impact upon residential amenity, including from noise and odour, from the siting of the proposal any more than the existing farming activities.

#### 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 is not significantly large in scale, it will be well screened by and will be 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 landscaping scheme for the slurry lagoon would not be affected by the proposed development, in terms of its location and would not have any effects on its ability to become established.

	<p>The proposal is therefore considered to comply with Policy N6 of the Local Plan and the provisions of the NPPF.</p> <p><u>Biodiversity Net Gain</u></p> <p>Policy N1 of the Local Plan defines a mitigation hierarchy with Policy N3 requiring 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.</p> <p>Biodiversity Net Gain is required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), with a small number of exemptions. The site is, in part, on a previously developed area with the remaining area laid to grass covering an area over 25m<sup>2</sup>. The site does not fall under an exemption and therefore requires at least a 10% biodiversity net gain as part of the proposal. The net gain will need to be maintained for a period of at least 30 years under as outlined under section 9(3) of Schedule 7A.</p> <p>The application has been accompanied by Biodiversity Net Gain details which indicate a greater than 10% Biodiversity Net Gain can be achieved on site, with no off site contribution. Given the submitted information outlines that an on site enhancement of greater than 10% can be achieved it is therefore considered that the biodiversity gain condition is capable of being discharged and the standard condition will also be imposed as an informative, requiring the submission and approval of a Biodiversity Gain Plan before development commences, plus, a planning condition to secure the monitoring and maintenance of the biodiversity net gain habitats for the required period.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed building is considered to be of an acceptable scale and design with no significant harm arising to nearby properties in terms of amenity. There are no significant impacts on the appearance of the farming unit or surrounding area nor impacts on highway safety. Biodiversity Net Gain is capable of being achieved on the site.</p> <p>On this basis 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. **Conditions:**

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 as received on the respective dates and development must be carried out in accordance with them: -

Application Form, received 4 April 2025;

Design and Access statement, received 4 April 2025;

Location Plan scale 1:1250, amended plan received 25 June 2025;

Block Plan, scale 1:500, amended plan received 25 June 2025;

Proposed Elevations and Floor Plan, scale 1:100 drawing reference SK001, received 4 April 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. No development shall commence until a Biodiversity Management and Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

### **Informative Notes**

#### Coal – Standing advice

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

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.

### **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





**Cumberland  
Council**

	to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
<b>Case Officer: Sarah Smith</b>		<b>Date : 26/06/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 04/07/2025</b>
<b>Dedicated responses to:- N/A</b>		