

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2163/0F1
2.	<b>Proposed Development:</b>	ERECTION OF A FARM BUILDING
3.	<b>Location:</b>	FLEMING HALL, GOSFORTH
4.	<b>Parish:</b>	Gosforth
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts,</p> <p>Safeguard Zone - Safeguard Zone,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Outer Consultation Zone - Sellafield 10KM,</p> <p>PROWs - Public Right of Way</p>
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<p><b>Report:</b></p> <p><b>Site and Location</b></p> <p>The application site comprises a farmstead, situated in the open countryside to the west of Gosforth. Access to the site is available via a lane from the A595.</p> <p>The farm complex houses a number of modern agricultural structures.</p> <p><b>Proposal</b></p> <p>The proposal involves the erection of a farm building to the north of the complex. The building would adjoin existing structures and would measure approx. 14.7m x 24.5m, with a height to eaves of approx. 4.3m (max) and overall height of approx. 6.35m. Proposed materials include concrete panel/ metal clad walls and corrugated fibre cement roof.</p>	

An area for Biodiversity Net Gain is proposed to the west of the farm complex.

### **Relevant Application History**

4/23/2170/0F1 – Replacement/ extension to farm building – 07/08/2023 Approve with conditions

4/23/2295/0F1 – Infill of covered farmyard – 27/10/2023 Withdrawn

4/23/2329/0F1 – Retrospective infill of covered farmyard (resubmission of 4/23/2295/0F1) – 19/12/2023 Approve with conditions

### **Consultation Responses**

#### Parish Council

No response received within the consultation period.

#### 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, noting that the Department have not had any complaints about the premises.

#### Emergency Management and Resilience Unit

No objections.

#### Countryside Access Officer

No objections

#### Cumberland Council's Consultant Ecologist

Initially, it was suggested that the BNG documents be reviewed to consider points raised. Upon receipt of these amended details, it is recommended that the BNG be approved with appropriate conditions.

#### 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 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

Strategic Policy DS6: Reducing Flood Risk

Policy RE1: Agricultural Buildings

Strategic Policy N3: Biodiversity Net Gain

**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 and the potential impacts on the amenities of the locality.

Principle of Development

The proposal relates to the erection of a building in connection with an existing agricultural business, located in the open countryside to the west of Gosforth.

Strategic Policy DS1 of the Copeland Local Plan identifies the settlement hierarchy within the Plan area and outlines that development within the open countryside will be limited to the exceptional circumstances outlined within Strategic Policy DS2 of the Copeland Local Plan.

Strategic Policy DS2 of the Copeland Local Plan identifies that proposals for appropriate rural

developments such as agricultural, forestry, farm diversification or tourism proposals which are dependent on an open countryside location will be accepted.

Policy RE1 of the Copeland Local Plan states that new agricultural buildings requiring planning permission will be supported where a clear need for the building in relation to the functional operations of the agricultural business is demonstrated.

As the proposal relates to agricultural development in connection with an existing agricultural business within the open countryside, the principle of development is accepted within the context of Strategic Policies DS1 and DS2 and Policy RE1, subject to other criteria which are considered below.

#### 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.

Policy RE1 of the Copeland Local Plan outlines that new agricultural buildings will be supported where the building is located within or adjacent to the existing farm complex and where the building is of a scale, form and design which is appropriate to the location and will not result in adverse visual impacts or unacceptable harm to the landscape character.

The proposal would result in the erection of an additional building adjoining existing structures at the site. The building would be of a comparative scale and massing to the existing buildings with finishes to reflect those on the site and within the wider surrounding area. The scale, form and design of the proposal is therefore appropriate for the locality.

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 proposed building would therefore not have any greater impact upon the landscape character of the area than the existing farm complex.

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 and RE1 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.

Policy RE1 of the Copeland Local Plan sets out that new agricultural buildings will be supported where the building will not adversely impact upon the amenity of nearby residential

properties.

The proposal site is situated in the open countryside, to the west of Gosforth. The proposed building would be situated alongside existing buildings at the site and would be sufficiently separated from residential properties so as not to have any greater impact upon residential amenity than the existing structures at the site.

The proposal therefore complies with Policy DS4 and RE1 of the Copeland Local Plan in this regard.

#### Public Right of Way

The areas for development are in close proximity to Public Right of Way BW 409039 and FP 409011. The Council's Countryside Officer notes the position of the proposal relative to the Rights of Way and raises no objections to the proposal, with an advisory that the Rights of Way remain unobstructed, should planning permission be granted. It is therefore considered appropriate to attach a suitable informative to any planning consent.

#### 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.

The application has been accompanied by Biodiversity Net Gain details, which indicate a greater than 10% Biodiversity Net Gain can be achieved within the development. Cumberland Council's Consultant Ecologist recommends that the BNG is approved with appropriate conditions. It is therefore considered that the biodiversity gain condition is capable of being discharged. A Planning Condition is suggested to secure the proposed on-site enhancements, 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 development is of an appropriate scale, design and siting for the locality and setting. The development would not adversely impact on the amenities of the locality and the landscape setting to any significant degree.

The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.

8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>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> </li> <li> <p>This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them:</p> <ul style="list-style-type: none"> <li>- Application Form, received 14<sup>th</sup> May 2025</li> <li>- Site Location Plan, scale 1:1250, received 14<sup>th</sup> May 2025</li> <li>- Block Plan, scale 1:500, received 14<sup>th</sup> May 2025</li> <li>- Proposed Elevations, DWG No: 10, scale 1:100, received 14<sup>th</sup> May 2025</li> </ul> <p>Reason</p> <p>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.</p> </li> <li> <p>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.</p> <p>Reason</p> <p>To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.</p> </li> </ol>

## **Informatives**

### **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.

### **Detailed Emergency Planning Zone (DEPZ).**

It should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

The applicant be reminded that liaising with the Council's Joint Emergency and Resilience Team is of importance to ensure that the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

### **Public Right of Way**

The granting of planning permission does not give the right to obstruct, close or divert Public Rights of Way BW 409039 & FP 409011.

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.

	<p><b>Statement</b></p> <p>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.</p>
<p><b>Case Officer:</b> L. White</p>	<p><b>Date :</b> 06/08/2025</p>
<p><b>Authorising Officer:</b> N.J. Hayhurst</p>	<p><b>Date :</b> 07/08/2025</p>
<p><b>Dedicated responses to:-</b> N/A</p>	