

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2190/0F1
2.	<b>Proposed Development:</b>	Roof over sileage pit (retrospective)
3.	<b>Location:</b>	Hollins Farm, Ennerdale, Cleator
4.	<b>Parish:</b>	Ennerdale and Kinniside
5.	<b>Constraints:</b>	<p>ASC Adverts</p> <p>Coal – Off Coalfield</p> <p>Key Species – Known potential area for Marsh Fritillary</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 north west of Ennerdale Bridge and in proximity to the Lake District National Park. Access to the site is available via a lane from Kirland Road.</p> <p>The farm complex houses a number of modern agricultural structures.</p> <p><b>Proposal</b></p> <p>The proposal relates to the roofing over of an existing sileage pit, positioned to the south east of the farm complex. The resulting structure measures approx. 45m x 10m, 6m to the eaves and 7.5m overall. Finishes include concrete panel/ blue cladding to the walls and fibre cement roof.</p> <p>The application is partially retrospective.</p>	

### **Relevant Application History**

4/09/2368/0 – Purpose built cattle shed (replacement) 14/09/2009 Approve Notice of Intention

### **Consultation Responses**

#### Parish Council

No response received with 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 development should help reduce the surface water run-off from the open silage pit.

#### Environment Agency

No objections.

#### Public Representations

The application has been advertised by way of site notice and a neighbour notification letter issued to an adjacent property. 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

Policy DS7: Sustainable Drainage

Strategic Policy DS6: Reducing Flood Risk

Policy RE1: Agricultural Buildings

Strategic Policy N3: Biodiversity Net Gain

Policy N5: Protection of Water Resources

Strategic Policy N6: Landscape Protection

### **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 visual amenity and landscape character 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.

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 therefore accepted within the context of Strategic Policies DS1 and DS2 and Policy RE1, subject to other criteria considered below.

#### Scale, Design, and Landscape Impact

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.

Strategic Policy N6 states that landscapes within the Plan area will be protected and enhanced and that development should be of a location, scale and design which conserves the natural beauty of protected areas such as the Lake District National Park.

The proposal results in the covering over of an existing silage pit creating a building within the farm complex. The building would be situated alongside existing structures at the site. The building, although relatively large, would be seen against the backdrop of the existing structures at the site. The proposed finishes would replicate those of the adjacent buildings and within the site. The scale, form and design of the proposal is therefore considered to be appropriate for the locality.

The application site and development are situated in close proximity to the Lake District National Park. The proposal would be visible from the National Park. Given that the structure is well related to the existing agricultural buildings at the site in terms of siting, design and finishes, it is considered that the proposal would be seen within the context of the existing agricultural setting and would therefore preserve the landscape character in the immediate and wider locality.

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 Strategic Policy N6, 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 north west of Ennerdale Bridge. 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.

#### Water Resources

Policy DS7 of the Copeland Local Plan states that development should include measures to prevent pollution entering watercourses.

Policy N5 of the Copeland Local Plan sets out that new development must seek to protect or improve the quality of water resources.

The development would cover over an existing sileage, thus preventing significant surface water run-off from the open sileage pit, as an improvement to existing environmental conditions.

The proposal therefore complies with Policies DS7 and N5 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.

The application details indicate that it is believed that if permission is granted for the development to which the application relates, the biodiversity net gain condition would not apply.

There are exemptions to the biodiversity net gain requirement. An exemption applies to retrospective planning permissions made under section 73A. Given that the application

	<p>relates to retrospective development, it is accepted that the biodiversity net gain condition should not be applied in this case.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed development is of an appropriate scale, design and siting for the locality and setting. The development would preserve the amenities of the locality and the landscape setting.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. 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 2<sup>nd</sup> June 2025  Site Location Plan, scale :1250, received 2<sup>nd</sup> June 2025  Block Plan, scale 1:500, received 2<sup>nd</sup> June 2025  Plans and Elevations, Dwg No: 01, scale 1:100, received 2<sup>nd</sup> June 2025</li> </ol> <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> <p><b>Informative</b></p> <p><b>Biodiversity Net Gain – Biodiversity Plan Not Required</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>a) A Biodiversity Gain Plan has been submitted to the planning authority, and</li> <li>b) The planning authority has approved the plan.</li> </ol> <p>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.</p>



## Cumberland Council

There are statutory exemptions and transitional arrangements 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 the statutory exemption listed below is considered apply:

The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

### **Informative Note**

The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010.

The applicant should also ensure the proposed development supports compliance with: -  
The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 known as Farming Rules for Water (FRfW),  
The Environmental Permitting (England and Wales) Regulations 2016 (EPR)  
The Nitrate Pollution Prevention Regulations 2015 (NVZ)

Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.

The applicant is advised to consider both the proposed development and existing on-farm slurry and manure storage to ensure compliance with the regulations (SSAFO, FRfW, EPR, NVZ).

As a condition of SSAFO, you must notify the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction.

If the applicant intends to apply for a grant under the Farming Investment Fund – Slurry Infrastructure grant the proposed development must also fully comply with the grant scheme rules, found at - Slurry Infrastructure grant. In this case the SSAFO notification to the Environment Agency will be satisfied by the submission of the grant application form.

### **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.	
<b>Case Officer:</b> L White		<b>Date :</b> 24/07/2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 25/07/2025
<b>Dedicated responses to:-</b> N/A		