

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2236/0F1
2.	<b>Proposed Development:</b>	CONSTRUCTION OF A 465SQM EXTENSION TO AN EXISTING AGRICULTURAL BUILDING TO PROVIDE A GENERAL PURPOSE & COVERED MANURE STORE
3.	<b>Location:</b>	LOW SHAW FARM, THE GREEN
4.	<b>Parish:</b>	Millom Without
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads
6.	<b>Publicity Representations &amp; Policy</b>	See Report
7.	<b>Report:</b> <b>SITE AND LOCATION</b> <p>The application site is a working farm. It consists of a number of existing agricultural buildings of various sizes, and ages. The nearest residential property is located over 200m away.</p> <b>PROPOSAL</b> <p>The application seeks consent for the erection of an extension to the side of an existing agricultural building. It would measure 30m x 15m with a height of 5.9m. It would be lower than the existing building.</p> <p>The building would be used for general agricultural purposes and a covered manure store. It would be finished in materials matching the existing building.</p> <b>CONSULTATION RESPONSES</b> <u>Env. Agency</u> <p>No objection to the submitted FRA</p>	

Highways Authority

No objections to the development

Env. Health

No objections subject to conditions

Ecology

No objections subject to conditions

Public Representations

The application has been advertised by way of neighbour consultations being sent – No representations have been received as a result of this consultation process.

**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.

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 2001- 2016

**Copeland Local Plan 2021 - 2039**

The following policies are relevant to this proposal:

Policy DS1 – Development Strategy

Policy DS2 – Settlement Boundaries

Policy DS6 – Design and Development Standards

Policy RE1 – Agricultural Buildings

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2 – Local Nature Recovery Networks

Strategic Policy N3 – Biodiversity Net Gain

Strategic Policy N6 – Landscape Protection  
Other Material Planning Considerations  
National Planning Policy Framework (NPPF)  
Cumbria Development Design Guide

## **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its siting, scale and design, impact on residential amenity, the landscape and visual impact, access and flood risk and drainage.

### Principle of Development

Policy DS2 of the Copeland Local Plan supports development outside of settlements, which have a proven requirement for such location, this includes agriculture related developments. The proposal relates to an existing farmstead, and it will provide additional storage. Policy RE1 supports new agricultural buildings subject to detailed criteria, which is set out below. On this basis, the principle of the development is acceptable, and the building satisfies Policies DS2 and RE1 of the Local Plan and the NPPF guidance.

### Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy RE1 states proposals for new agricultural buildings will be permitted as long as they are of appropriate scale and design and do not result in adverse visual impacts or unacceptable harm to the landscape character or the amenity of nearby residential properties.

The scale and design of the proposed extension is considered to be appropriate with regards to the existing farm buildings that are located on site. The design reflects the existing buildings and character of the farm. In addition, the use of similar materials will ensure that the new structure relates well to the existing farm buildings that adjoin the proposal site. On this basis, the proposal is considered to comply with Policies DS4 and RE1 of the Local Plan.

### Residential Amenity

Policy RE1 and section 12 of the NPPF seek to safeguard good levels of residential amenity. The proposal is located over 200m away from the nearest neighbouring property. The application site sits at a lower level than the neighbouring properties.

Therefore, given there is an appropriate separation distance and given the existing land levels on the site, it is considered that the proposal would not create unacceptable dominance or impact upon neighbouring properties.

No concerns have been raised from nearby neighbouring properties and Environmental Health have raised no objections. They have suggested that a condition for lighting be

considered given the fact it is located in an area where dark skies could be affected, but given that it is an extension to an existing building within the complex, it would not be deemed reasonable to condition this building when the other buildings on the site are not subject to the same conditions.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy RE1 and the NPPF.

#### Highway Safety

The existing access tracks within the farmstead are being utilised, therefore it is considered that the access to the proposed building is acceptable and will not cause an unacceptable highway impact to the locality. On this basis, the access and for this proposal is considered to comply with Policy DS4 and the NPPF guidance.

#### Landscape and Visual Impact

Policy N6 states that landscapes will be protected and enhanced by ensuring that development proposals are assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness.

The development is considered to be suitably located within the existing farmstead. As it is to be located adjacent to an existing building this will ensure that the character of the area is not eroded with development away from the traditional farmstead. The building is to be in keeping with the existing buildings and therefore this will minimise the impact of the development on the surrounding landscape

Overall, the works are not considered to have a significant impact upon the character and appearance of the landscape or result in significant intrusion into the open countryside. The proposal is therefore considered to comply with policies DS4, RE1 of the Copeland Local Plan.

#### Flood Risk and Drainage

Policy DS6 seeks that development will not be permitted where; there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere. The Env. Agency and the LLFA have stated that they have 'no objections to the proposed development following the submission of a Flood Risk Assessment

Overall, the proposal is considered to be acceptable in terms of DS6 of the Copeland Local Plan and the NPPF.

#### 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

	<p>gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development.</p> <p>A BNg assessment was submitted with the application. The proposal is to be site don modified grassland which is a low distinctiveness habitat in ecological terms. About half of the grassland will be lost to facilitate the development.</p> <p>The loss of the grassland can be compensated for by the planting of 13 trees alongside the new building. This will result in the uplift of 11.48% in biodiversity units ion the site.</p> <p>This enhancement can be secured by planning conditions.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks to erect an extension to an existing agricultural building.</p> <p>The proposal relates to an existing farm complex and it will provide additional farm capacity. The proposal is considered to be appropriately located and is of a modest scale. The design is considered to be suitable for its use.</p> <p>The necessary 10% uplift in BNG can be achieved on the site.</p> <p>Overall, it is considered that the proposal is an acceptable form of development which accords with the policies set out within the Copeland Local Plan and the guidance in the NPPF.</p>
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>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li> </ol> <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> <ol style="list-style-type: none"> <li>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: -</li> </ol> <p>Application Form, Location Plan, reference 25-02-P-L1 A Proposed Plans, reference 25-02-P-03 Proposed Site Plan, reference 25-02-P-01 B Proposed Elevations, reference 25-02-P-04 3D Elevations, reference 25-02-P-05</p>

Flood Risk Assessment prepared by Rubicon Project Consultancy Ltd, dated October 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those as stated in the application form and submitted drawings unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.

4. No development above ground level shall commence until:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority demonstrating a 10% net gain,
  - b) the planning authority has approved the plan in writing,
  - c) the onsite habitat provision is accompanied by a Habitat Management and Monitoring Plan in place for 30 years, this monitoring plan is to be accepted by the council and,
  - d) Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved information.

Reason

To ensure a Biodiversity Net Gain is achieved onsite in accordance with Policy N1 of the adopted Copeland Local Plan.

5. The development shall be carried out in accordance with the recommendations and mitigation measures d set out in Flood Risk Assessment prepared by Rubicon Project Consultancy Ltd, dated October 2025

Reason

To reduce flood risk within the locality in accordance with Policy DS6 of the adopted Copeland Local Plan 2021-2039

### **Informatives**

#### **Ecology**

Any trenches or excavations that are left open overnight should have a means of escape for mammals i.e. a scaffold board to act as a ramp. This is especially important as hedgehogs have been recorded on site

#### **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 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.

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.

#### **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: D, Gibson**

**Date : 22/11/2025**

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

**Date : 03/12/2025**

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