

## **Local Planning Authority Appeal Statement**

**Appeal By:**

Mrs Paula Irving

**Appeal Reference:**

APP/Z0923/W/21/3285891

**Local Planning Authority Reference:**

4/21/2115/OF1

**Proposal:**

Erection of a Four Stable Block

**Site Address:**

Land adjacent to Baruth Cottage, Hardmoor Lane, Sandwith, Whitehaven

## **1. Decision of Local Planning Authority:**

- 1.1 On the 19<sup>th</sup> May 2021, application reference 4/21/2115/OF1 was refused under delegated powers by the Planning Development Manager of Copeland Borough Council for the following reasons:

### ***Reason For Refusal 1***

A building on this prominent greenfield site would have a detrimental impact on the character and appearance of this attractive open coastal landscape, and detract from the highly distinctive character of this part of Sandwith, where it would have no relation to any existing development. It would appear as an incongruous blight on the largely open and undeveloped landscape, eroding the strong rural definition of the area.

The development would be conspicuous when viewed from the well-used footpath immediately adjoining the site and other public rights of way along the cliff top to the north, as well as being harmful to the expansive views beyond.

The proposal is therefore contrary to policies ST1, ENV2, ENV5 and DM30 of the adopted Copeland Local plan 2013 – 2035 and paragraphs 8 and 17, Part 15 and Annex 2 of the National Planning Policy Framework.

### ***Reason For Refusal 2***

Development in this location could easily be replicated on the surrounding open fields. Approval would therefore make it difficult to resist further similar applications, setting an undesirable precedent that would result in further cumulative harm to the character and appearance of this rural location.

### ***Reason For Refusal 3***

As a result of the scale and design of the proposal, the development would create an unsatisfactory building which would have a negative effect on the local distinctiveness and immediate and wider setting. Furthermore, the choice of materials would not reflect the local vernacular and would create an unsatisfactory development within the open countryside. The proposal is considered to be contrary to policies ST1, DM10 and DM30 of the adopted Copeland Local Plan and part 12 of the NPPF.

## **2. Statement of Case:**

- 2.1 The case of Copeland Borough Council is detailed in the Delegated Planning Decision report.
- 2.2 A copy of the Delegated Planning Decision report is contained at Annex A to this Appeal Statement.

- 2.3 This Statement of Case outlines changes in respect of relevant material planning considerations that have occurred since the determination of application reference 4/21/2115/0F1.

#### Material Planning Considerations

##### *Emerging Copeland Local Plan 2017-2035 (ECLP)*

- 2.4 The ECLP is subject to public consultation on the Publication Draft from 10<sup>th</sup> January 2022 to 18<sup>th</sup> March 2022.
- 2.5 The Publication Draft Consultation builds upon the completed Preferred Options Consultation, which finished in September 2020.
- 2.5 Given the stage of preparation, the ECLP has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.
- 2.6 The ECLP continues to identify the site as open countryside.
- 2.7 The new Policy RE2PO: Equestrian Related Development seeks to allow proposals for equine related development where biodiversity conservation interest would not be harmed as a result. Development of facilities related to the keeping of horses on a non-commercial basis will only be supported where:
- It reuses an existing building; or
  - It is well related to existing buildings and structures and
  - They satisfactorily relate to existing vehicular access and bridleways.

The policy states that where this is not practical or appropriate, exceptionally buildings will be permitted in open countryside locations where they are demonstrably necessary for and designed for welfare reasons.

All development must be of a scale, form and design appropriate to the location and will not result in adverse visual impacts or adverse harm to the landscape character.

- 2.8 It is considered that the proposal does not comply with this policy as its siting will be unrelated to other buildings and will result in significant detriment to the existing highly attractive landscape in this part of Sandwith.

##### *National Planning Policy Framework (2021) NPPF*

- 2.9 The NPPF was revised on 20<sup>th</sup> July 2021.
- 2.10 With regards to the appeal submitted, the following changes from the NPPF 2019 are pertinent.

- 2.11 Paragraph 11a requires development to meet the needs of the area and improve the environment.
- 2.12 Paragraph 106d seeks to ensure that walking and cycling networks are “attractive”.
- 2.13 An emphasis on good design has been added in Paragraph 134 stating that development should reflect local policies and/or promote high levels of sustainability.

#### *Site Constraints and Designations*

- 2.14 Coal Standing Advice Area – On site  
Known site for the Small Blue – On site  
Site of Special Scientific Interest Buffer Zone – On site  
St Bees Head Adopted Heritage Coast – On site  
Public Right of Way, Footpath number 431039 – Adjoining site  
Site of Special Scientific Interest – Adjacent to site (95 metres north)  
Coast to Coast route – Adjacent to site (95 metres north)

#### Response to Appellant Statement

- 3.0 The reference to the adopted Local Plan “2013 – 2035” is a typing error and should read “2013 – 2028”. Policies included within the reasons for refusal clearly relate to the latter document and this is the adopted policy that the proposal has been assessed against.
- 3.1 The site is located within the Undeveloped Coastal Zone (Policy ENV2, paragraph 7.3.5) and St Bees Head Heritage Coast (Policy ENV2).
- 3.2 The Agent states that the Appellant does not own a farm unit where the stables could be located. Although this is accepted, it is considered that the stables could be located in a more sustainable location where the impact on the landscape is lessened, the building less intrusive overall and located in closer proximity to the applicants dwelling, located approximately 1400m to the south of the site.
- 3.3 During the application process, the Applicant did not provide a landscaping scheme to show how the impacts could be mitigated, nor any assessment which demonstrates that the siting has been fully considered to limit the impacts within the locality and wider landscape, therefore this has not formed part of the decision making process.
- 3.4 The proposed stables are large – measuring 2.7m in height, 3.7m in width and 14.8m in length. The impact of a development this scale would be great.

#### **4.0 Conclusion**

- 4.1 The changes in respect of the material planning considerations identified add weight in favour of the refusal of the planning application.
- 4.2 In overall terms, it remains that the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. The proposal does not represent an appropriate form of sustainable development.

## **5. Planning Conditions**

- 5.1 The required list of planning condition to which Copeland Borough Council would agree if the appeal were to be allowed is contained at Annex B to this Appeal Statement.

**Annex A**  
**Officer's Delegated Report**

**COPELAND BOROUGH COUNCIL**  
**DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2115/0F1
2.	<b>Proposed Development:</b>	ERECTION OF A FOUR STABLE BLOCK
3.	<b>Location:</b>	LAND ADJACENT TO BARUTH COTTAGE, HARDMOOR LANE, SANDWITH, WHITEHAVEN
4.	<b>Parish:</b>	St. Bees, Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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 an area of land adjacent to Baruth Cottage, situated on Hardmoor Lane to the north of Sandwith. The site is currently used as agricultural land for use by grazing horses and is designated as greenfield land.</p> <p>The site slopes from east to west and there is an existing entrance on the eastern edge of the field. A public right of way number 431039 runs adjacent to the site leading to the coast. The site is accessed from Hardmoor Lane which runs north to south, from Baruth Cottage towards Sandwith.</p> <b>PROPOSAL</b>  <p>Planning Permission is sought for the erection of a four stable block. It is proposed to be sited on the eastern boundary of the adjacent to the access road and will be 14.8m x 3.69m. The roof will slope from east to west with the overall height to be 2.77m and the eaves to be 2.44m.</p> <p>It will be constructed from concrete facing blockwork with a painted external finish. It will be sited on concrete strip foundations with concrete floors. The roof will be constructed from profiled metal on timber</p>	

joists with flat steel fascias. The stable doors will be stained timber, there will be plastic rainwater goods and a French drain leading to a soakaway at the rear of the building.

#### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous applications on the site.

#### **CONSULTATION RESPONSES**

Whitehaven Town Council – No objections.

St Bees Parish Council – No objections.

#### **Public Representation**

The application has been advertised by way of a site notice and neighbour notification letters issued 3 no. properties.

No responses have been received as a result of this advertisement.

#### **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**

Copeland Local Plan 2013-2028 (Adopted December 2013)

#### **Core Strategy**

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV2 – Coastal Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

#### **Development Management Policies (DMP)**

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM26 – Landscaping

Policy DM30 – Rural Buildings

#### **Other Material Planning Considerations**

National Planning Policy Framework 2019 (NPPF)

#### **Cumbria Landscape Character Toolkit (2011)**

The Cumbria Landscape Character Guidance and Toolkit maps describes the character of different landscape types across the county and provides guidance to help maintain their distinctiveness.



This site falls within the urban area category with the land immediately to the west designated as type 4 – Coastal Sandstone. The key characteristics of this location are for coastal sandstone cliffs and sandstone rolling hills.

#### Copeland Landscape Settlement Study 2020 (Draft)

This emerging document is due to be published in October 2020 and provides a landscape character and sensitivity assessment to provide a tool for decision making in the development management process. This document has been produced as part of the evidence base to support the new Copeland Local Plan 2017-2028.

The area is sub categorised as character type 4ii – Sandstone Coastal Downs which consists of mainly unsettled farmland and coastal heath at the clifftops. The settlement pattern is sparse with isolated farmsteads being the main feature, with a vernacular of stone and render with slate roofs. Panoramic seaward views and distant views to the Lakeland Fells are a feature from the exposed cliff tops.

The area is valued as the Heritage Coast and the document seeks to preserve the qualities of remoteness and the tranquility of the open countryside.

#### Planning Practice Guidance – Design: process and tools (2014)

Sets out the 10 characteristics of good design, as set out in the National Design Guide to include context, identity, built form, nature and public spaces.

#### The Copeland Local Plan 2017-2035 (Preferred Options 2020)

The Council has commenced work on its new Local Plan which will contain strategic policies, site allocations and development management policies. The Plan will consider how much development should be supported over the plan period 2017-2035, where such development should go and what it should look like and which areas should be protected from development.

The emerging Copeland Local Plan 2017-2035 was the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

### ASSESSMENT

#### Introduction

This application is for the erection of a four stable block to be located in a field, north of Sandwith. The field is currently in agricultural use and contains grazing horses.

The main issues raised by this application are the principle of the development, the scale and design of the proposal, the impact on the local landscape and impacts on the wider setting. These concerns were raised with the applicant during pre-application discussions and prior to the determination of the application.

#### Principle of the development

Policy ST2 sets out the defined settlement boundaries for Copeland. The site is located outside any designated settlement and is therefore considered to be in open countryside. Policy DM30 sets out the criteria for the erection of rural buildings relating to an equestrian use, within the open countryside. It states the following:

*“Proposals for new agricultural buildings, small holdings and equine related development will be permitted so long as they:*

*A Are well related to an existing settlement or farm building complex, or where this is not possible or appropriate are accessible and well screened*

*B Are of an appropriate design and scale*

*C Use materials and colours that enable the development to blend into its surroundings*

*D Do not adversely impact on the local landscape character or built environment*

*E Do not significantly impact the amenity of any nearby residential properties*

*Such developments may also require an appropriate planting scheme.”*

In relation to the principle of the development, Policy DM30 expects that rural buildings are sited in a location that is well related to other buildings. The proposed stables will be standalone with the closest building being Baruth Cottage, approximately 55 metres to the north. Due to this separation distance it is considered that the proposed building would not be viewed in context with this property and would create a standalone structure in the open countryside. Furthermore, Baruth Cottage is not designated as a farmstead, nor under the ownership of the Applicant therefore would form a separate development. The stables would be utilised for the keeping of horses for a hobby usage and therefore would not be considered under an agricultural justification.

The building will therefore not comply with criteria A of Policy DM30 in relation to the principle of the development.

#### Scale and design

Policy DM10 seeks to ensure that all development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness throughout. This should include the provision of an appropriately scaled building that has careful selection of materials which reflect the local character.

The building is large in scale to include 4 stalls for horses and measuring 14.8 metres in length. Although the overall height is modest at 2.7m the building would still be highly visible in the surrounding areas and long views due to the substantial footprint. The building is proposed to be constructed from painted concrete blockwork with a profiled metal sheet roof. Although the proposed green colours would help to soften the development, the materials are more typical of a commercial building and would not provide a soft, rural building suitable for siting within the open countryside. This would be likely to create an urbanising effect that would be out of character with the surroundings.

Overall, the scale and design of the building is considered to be contrary to Policy DM10 and therefore fails on assessment of Criterion B and C of Policy DM30 of the Copeland Local Plan.

#### Landscape impacts

The site proposed for development is situated close to the coast and a well used public right of way (431039). It is also considered that the landscape impacts will be significant from wider views within the locality. Policies ENV5 and DM26 seek to protect the landscape from potential impact ensuring that the harm created by the development does not outweigh the benefits.

The site is close to the coastal slope, north of Sandwith and adjacent to the coastal footpath running from Whitehaven to St Bees head (public right of way 422008). The Cumbria Landscape Character Toolkit (CLCT) defines this adjacent area as Type 4 – Coastal Sandstone. The guidelines within the document for future

	<p>development intend to strengthen the definition between town and country and reduce the impact of any new buildings by careful siting and design. It is considered that the addition of a building on this site would impact greatly on the openness of the area, introducing a building that would be alien to the rural site and have a negative impact due to the siting, scale and design.</p> <p>The CLCT defines the key characteristics of this particular area to include coastal sandstone cliffs, large open fields and wide, uninterrupted views across to sea horizons and along the coast. The document states that the main objective is to <i>“manage, enhance and restore the landscape”</i> with concern that development could <i>“erode the undeveloped and rural character”</i> of the landscape. Furthermore, Policy ENV5 seeks to <i>“protect all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area”</i>. The character of the landscape in this area would be altered with the long views of the coast affected.</p> <p>The recent Copeland Landscape Settlement Study (January 2020) (CLSS) identifies the open exposed character of this coast line which provides a recreational resource close to the urban area. It states that <i>“the views across the landscape towards open sea and views of expansive skies are sensitive to development that would enclose or interrupt these views”</i>.</p> <p>Public Right of Way (PROW) number 431039 runs alongside the site towards the coast from the south. It joins to the coastal paths which link Whitehaven to St Bees Head including PROW 431038 and 431049 to the east and 422008 to the west. The development would be visible from all of these footpaths which would be likely to have a negative effect on the users of the footpaths and their enjoyment of the path and local landscape.</p> <p>No screening of the development has been proposed which would therefore increase the impact of the development on the landscape. Should the stables be allowed on this site, a harmful precedent could be set whereby other applications are submitted for similar development. The cumulative effect would create an irreparable harm to the open landscape and untouched Copeland coast.</p> <p>Based on this assessment, the proposal is therefore considered to be contrary to Policies ST1, ENV2, ENV3, DM26 and criteria D of Policy DM30 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusions</u></p> <p>The application site is situated outside any designated settlement boundaries and is therefore considered to be open countryside. As a result, the development has been considered under Policy DM30 relating to rural buildings which requires that new development is situated close to existing farmsteads, be of an appropriate scale and design and not have a negative effect on the surrounding landscape.</p> <p>It is considered that there would be a substantial detrimental impact on the character and appearance of this attractive open coastal landscape and detract from the highly distinctive character of this part of Copeland. The development would have no relation to other buildings or farmsteads and would therefore erode on the existing open space. The development would be prominent when viewed from surrounding public viewpoints and create harm to the expansive views from the many surrounding Public Rights of Way. Furthermore, the development could create a harmful precedent which could result in further cumulative harm to the character and appearance of the locality.</p> <p>Taking into account the above factors, it is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the very limited benefits, when assessed against the policies in Copeland Local Plan and NPPF as a whole. On this basis the proposal is considered to be an unacceptable form development and should be resisted.</p>
8.	<b>Recommendation:</b>

	Refuse						
9.	<p><b>Statement:</b></p> <p>The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.</p> <p>Reasons for Refusal</p> <ol style="list-style-type: none"> <li>1) A building on this prominent greenfield site would have a detrimental impact on the character and appearance of this attractive open coastal landscape, and detract from the highly distinctive character of this part of Sandwith, where it would have no relation to any existing development. It would appear as an incongruous blight on the largely open and undeveloped landscape, eroding the strong rural definition of the area.</li> </ol> <p>The development would be conspicuous when viewed from the well-used footpath immediately adjoining the site and other public rights of way along the cliff top to the north, as well as being harmful to the expansive views beyond.</p> <p>The proposal is therefore contrary to policies ST1, ENV2, ENV5 and DM30 of the adopted Copeland Local plan 2013 – 2035 and paragraphs 8 and 17, Part 15 and Annexe 2 of the National Planning Policy Framework.</p> <ol style="list-style-type: none"> <li>2) Development in this location could easily be replicated on the surrounding open fields. Approval would therefore make it difficult to resist further similar applications, setting an undesirable precedent that would result in further cumulative harm to the character and appearance of this rural location.</li> <li>3) As a result of the scale and design of the proposal, the development would create an unsatisfactory building which would have a negative effect on the local distinctiveness and immediate and wider setting. Furthermore, the choice of materials would not reflect the local vernacular and would create an unsatisfactory development within the open countryside. The proposal is considered to be contrary to policies ST1, DM10 and DM30 of the adopted Copeland Local Plan and part 12 of the NPPF.</li> </ol>						
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# **Annex B**

## **Conditions**

1. The development hereby permitted shall be commenced 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. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

Site Location Plan, scale 1:1250, received 24<sup>th</sup> February 2021;

Block Plan, elevations and floor plan, scales 1:500 and 1:100, received 24<sup>th</sup> February 2021;

Construction notes, received 24<sup>th</sup> February 2021.

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.

Prior commencement condition

3. Prior to the commencement of the development hereby approved, full details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Landscaping must be carried out in accordance with the approved details and in situ prior to the development of the stable block.

Reason

In the interests of visual amenity and to protect the surrounding landscape in accordance with Policies DM26 and DM30 of the Copeland Local Plan.

Other conditions

4. The stable block must be for private use only and for no commercial or business purposes whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area and to protect neighbouring amenity in accordance with Policy ST1 of the Copeland Local Plan.

5. No outdoor lighting is permitted without the consent of the Local Planning Authority.

Reason

In the interests of highway safety, to protect the surrounding designated landscape and neighbouring dwellings in accordance with Policies ST1 and DM10 of the Copeland Local Plan.

Informatives

1. Manure should be managed in accordance with The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). Permanent stores for solid horse manure should have bases that do not let liquids pass through and the bases should slope such that liquid run-off is contained within the store. Applicants should consider providing a roof to keep rainfall off the manure to minimise the volume of liquids produced and reduce odour by keeping the manure as dry as possible.

2. Manure should not be stored or applied

- within 10 metres of any ditch, pond or surface water
- within 50 metres of any spring, well, borehole or reservoir that supplies water for human consumption or for farm dairies

3. Manure is not subject to waste controls whenever it is used as a fertiliser on land for benefit. It can be used as a fertiliser without the need to register an exemption and moved without a waste carrier registration. The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air recommends that the manure should not be applied when:

- the soil is waterlogged
- the soil is frozen hard
- the field is covered in snow
- the soil is cracked down to field drains or backfill
- the field has been pipe or mole drained or subsoiled over drains in the last 12 months
- heavy rain is forecast within the next 48 hours
- on very steep slopes where run-off is a high risk throughout the year

4. 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 Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com) <<http://www.groundstability.com>>