

## **Local Planning Authority Appeal Statement**

**Appeal By:**

Mr and Mrs Watson

**Appeal Reference:**

APP/H0900/1/3346378

**Local Planning Authority Reference:**

4/23/2308/0F1

**Proposal:**

Change of use of land for the siting of a lodge for an agricultural worker

**Site Address:**

Land at Squirrel Cottage, Chapel Row, Rowrah, Frizington, CA26 3XS

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

- 1.1 Full planning permission was granted for the change of use of the land and the siting of the lodge for an agricultural worker on 7th February 2024. This Planning Permission was granted for a temporary period of 3 years only expiring on the 7th February 2027.

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

- 2.1 The case of Cumberland Council is detailed in the Officer Delegated Report.
- 2.2 A copy of the Officer Delegated Report is appended to the Statement of Common Ground.
- 2.3 This Statement of Case outlines an update to the relevant planning policies and details the Council's stance on the matters in dispute (Part 8, page 13 of the Statement of Common Ground).

### Material Planning Considerations

- 2.4 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.
- 2.5 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.
- 2.6 The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.
- 2.7 The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.
- 2.8 Emerging Copeland Local Plan 2017 - 2038 (ELP) - Cumberland Council are continuing the preparation and progression to adoption of the ELP.
- 2.9 The Local Plan Examination Hearing Sessions were completed in March 2023.
- 2.10 The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.
- 2.11 The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e.

positively prepared, justified, effective and consistent with national planning policy.

- 2.12 A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024.
- 2.13 The Inspectors Final Report was received by the Council on 23<sup>rd</sup> September 2024. It is the Council's intention to adopt the Copeland Local Plan at its meeting of the Full Council on 05<sup>th</sup> November 2024.
- 2.14 As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.
- 2.15 Given the advanced stage of preparation of the ELP full weight can now be attached to all of the policies within the ECLP.
- 2.16 The ECLP continues to identify the site as open countryside.

#### Response to Matters in Dispute

- 3.0 A previous outline application on the site for a single dwelling (application reference 4/23/2200/001) was withdrawn by the Applicant as it did not meet the criteria within Policy DS4PU of the emerging local plan. Consequently, the Applicant requested the withdrawal of the application and subsequently submitted an application for a temporary lodge (the application subject to this appeal).

The Planning Statement submitted by the Applicant repeatedly references the “temporary” accommodation being applied for. This document has been submitted to the Planning Inspectorate by the Applicant.

An email was sent to the Applicant’s Agent to confirm that the approval would be for a temporary period only. The response received confirmed that this “would be fine” and “expected”. (See Appendix A).

The Council’s Qualified person assessed the submitted Agricultural Appraisal and concluded that a worker should be *“resident on the holding on a temporary basis to meet the existing functional need and to allow for the livestock enterprises to be expanded and to increase the functional need and income”*. Furthermore, it was concluded that it should be made clear to the Applicant that *“if he intends to apply for a permanent dwelling in due course then the enterprises should generate sufficient work for a full time worker and financially support that worker”*. It is clear that currently, the criteria within Policy H16PU of the emerging local plan has not yet been met to allow for a permanent agriculturally tied dwelling.

Policy DS4PU accepts development outside the designated settlement boundaries where the proposal is for housing and;

- a) the site is well related to and directly adjoins an identified settlement boundary; and
- b) the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes; and
- c) the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or • there has been previous under-delivery of housing against the requirement for 3 years or more or • the proposal is for a specific type of housing supported by Policies H15PU, H16PU or H17PU.

The site subject to this appeal does not directly adjoin the settlement boundary and is not connected to Rowrah by a made and lit highway in order to provide a safe pedestrian route. Furthermore, the Council is currently able to demonstrate a 5 year land supply and the proposal does not meet the criteria within Policies H15PU, H16PU or H17PU.

Part 2 of Policy DS4PU details that proposals with a proven need for an open countryside location, such as agricultural, forestry, farm diversification or tourism proposal may be acceptable.

The Government's Planning Practice Guidance relating to "Housing needs of different groups" details how the need for isolated homes in the countryside for essential rural workers can be assessed. It states that when applying paragraph 79a of the NPPF the following should be taken into account:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Based on the information received from the Applicant within the Agricultural Appraisal, whilst there is a functional need for onsite presence for security, the Applicant has not yet evidenced that the business is viable and profitable. It is therefore concluded that a temporary dwelling is suitable in order to allow the

business to grow and to provide a period of time in which to demonstrate that the business is viable.

#### **4.0 Conclusion**

- 4.1 The Council's case is laid out within the Officer's Delegated Report with no material changes since it's date of publish.
- 4.2 The Emerging Copeland Local Plan 2021 – 2038 is due to be adopted before the end of 2024 and therefore significant weight can be applied to the policies it contains.
- 4.3 In overall terms, it remains that the proposed lodge should be sited on a temporary basis only. Neither the location, the justification for its siting nor the construction of the build are suitable for permanent occupancy and policies within the Copeland Local Plan, emerging Local Plan and NPPF would not support it as such. There are no material considerations which would justify variance from the Development Plan.

## APPENDIX A



To read PFKs legal notice, [click here](#)

---

**From:** Sarah Papaleo  
**Date:** Friday, 19 January 2024 at 11:21  
**To:** Simon Blacker  
**Subject:** 4/23/2308/0F1 - LAND AT SQUIRREL COTTAGE, ROWRAH

Hi Simon,

Can I just confirm that you are happy with a temporary 3 year permission on this application? This is due to the dwelling being a lodge as opposed to traditional construction.

Many thanks!

Please note that the advice in this email is given in good faith on the basis of the information available at the present time. The advice may be subject to revision following further examination or consultation, or where additional information comes to light, and is therefore not binding on any future recommendation which may be made to the Council or any formal decision by the Council.

Kind regards,

**Sarah Papaleo MRTPI**  
Senior Planning Officer | Development Management  
Thriving Place and Investment | Cumberland Council  
The Market Hall | Market Place | Whitehaven | CA28 7JG

---

**Oliver Hoban**

**From:** Simon Blacker  
**Sent:** 19 January 2024 11:42  
**To:** Sarah Papaleo  
**Subject:** Re: 4/23/2308/0F1 - LAND AT SQUIRREL COTTAGE, ROWRAH

**CAUTION: External email, think before you click!**  
Please report any suspicious email to our [IT Helpdesk](#)

Hello Sarah,

Thanks for the below. Yes that would be fine, that's what they were expecting.

Kind regards,

Simon

**Simon Blacker MRTPI**  
Chartered Town Planner

**PFK**

W: [pfkrural.co.uk](http://pfkrural.co.uk)  
10 The Courtyard, Edenhall, Penrith, CA11 8ST