

**Supporting Statement – Former Dairy Building, Weddicar Hall,
Weddicar, Cleator Moor**

Proposal: Prior Approval to alter an agricultural building into a dwelling



Weddicar Hall Developments Ltd

June 2022

SRE Associates - Planning and Development Consultancy



1.0 Proposal

- 1.1 This supporting statement has been prepared on behalf of the applicant to accompany of a planning application for prior approval to alter an agricultural building into a dwelling.
- 1.2 The application is a resubmission of planning application 4/21/2374/0F1.
- 1.3 The above application was refused for the following reasons:

'Reason 1

On the basis of the information provided, insufficient evidence has been provided to demonstrate on balance of probability that the building was solely in agricultural use as part of an established agricultural unit on the 20th March 2013 (or the last use before that date) as required by Q.1 of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended).

Reason 2

On the basis of the information provided, insufficient evidence has been provided to demonstrate that the building comprises part of an agricultural unit and that no other such development under Schedule 2, Part 3, Class Q and Schedule 2, Part 6 Class A(a) or Class B(a) of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended) has been completed on the established agricultural holding since the 20th March 2013.

Reason 3

Insufficient information has been provided to demonstrate that the existing access serving the building could accommodate the development without unacceptable adverse impacts upon safe operation of the public highway.

Reason 4

The installation of the roof structure as proposed would result in the external dimensions of the completed building extending beyond the external dimensions of the existing building in conflict with the requirements of Q.1 (h) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended).

Reason 5

No curtilage area is clearly defined; however, reference is made to space for turning and parking. It cannot therefore be determined if the curtilage of the development would need the definition as outlined in Part X of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended).'

- 1.4 The following paragraphs address the above reasons for refusal of the previous application.
- 1.5 On the basis of the information provided, insufficient evidence has been provided to demonstrate on balance of probability that the building was solely in agricultural use as part of an established agricultural unit on the 20th March 2013 (or the last use before that date)

as required by Q.1 of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended).

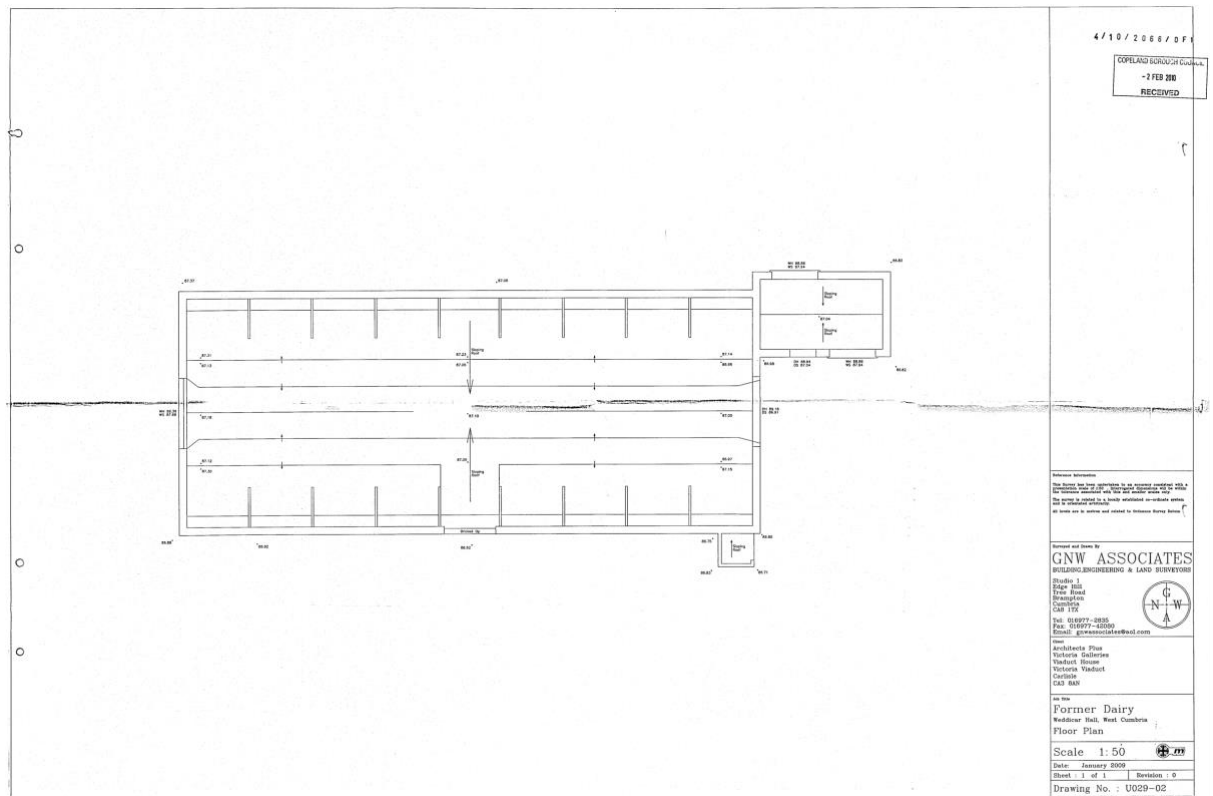
See below information about the agricultural use. Firstly, is a photo on the farm unit in active use from an aerial viewpoint, clearly including the subject building to the left of the site:



The below is a currently photo from the inside of the building. The internal photo of the building shows the layout of the agricultural building as a cow dairy, which is obviously the last use:



Also below is the plan submitted to Copeland during the initial planning application which refer to it as “old Dairy building”:



Finally, there is an extract from a recent Copeland planning panel report which states that the land the was part of the open cast (but not the budlings obviously) and then the land was returned to fields and grazing land.

Introduction

This application relates to an area of land extending to 2.4 hectares to the north of the Frizington road between Rheda Park and Whelpside. The site comprises a group of partially demolished buildings and the footprint of former buildings. The site is accessed via an unmade road from a minor road which links Whitehaven to Frizington.

The site has a long history of industrial activity, with the land surrounding the site forming part of the Keekle Opencast site in the 1980's. The ponds on site formed part of the drainage system associated with the open cast site. Following completion of mining the land was restored to open fields, woodland and grazing land. As such the land appears highly rural in nature.

- 1.6 On the basis of the information provided, insufficient evidence has been provided to demonstrate that the building comprises part of an agricultural unit and that no other such development under Schedule 2, Part 3, Class Q and Schedule 2, Part 6 Class A(a) or Class B(a) of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended) has been completed on the established agricultural holding since the 20th March 2013.

See above information detailing the agricultural usage, and no other development on the unit has taken place under Schedule 2 Part 3 Class Q, which Copeland would have record of if such development had been approved.

- 1.7 Insufficient information has been provided to demonstrate that the existing access serving the building could accommodate the development without unacceptable adverse impacts upon safe operation of the public highway.

The proposed access is marked on the submitted plans and has been subject to an access appraisal by a highways engineer, which is attached to the application. This concludes that the existing access is satisfactory for the use proposed.

- 1.8 The installation of the roof structure as proposed would result in the external dimensions of the completed building extending beyond the external dimensions of the existing building in conflict with the requirements of Q.1 (h) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended).

The plans have been revised in accordance with the original survey plans submitted to, and accepted, by Copeland. These are detailed above. As such, the proposed does not external beyond the external dimensions of the existing building.

- 1.9 No curtilage area is clearly defined; however, reference is made to space for turning and parking. It cannot therefore be determined if the curtilage of the development would need the definition as outlined in Part X of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended).

Part X states "curtilage" means, for the purposes of Class Q, R or S only—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building.

The above is noted and a curtilage area is marked on the plan in this resubmission.

Simon Blacker MRTPI