

SCHEDULE A: Applications with Recommendation

17/0101

Item No: 12

Date of Committee: 21/04/2017

Appn Ref No:
17/0101

Applicant:
Mrs Joanne Miller

Parish:
Wetheral

Agent:

Ward:
Wetheral

Location: Vienna Rose Stables, Broomfallen Road, Scotby, Carlisle, CA4 8DE

Proposal: Erection Of An Agricultural Building

Date of Receipt:
17/02/2017

Statutory Expiry Date
14/04/2017

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with planning conditions.

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Scale, Design And Impact On The Character Of The Area
- 2.3 The Impact Of The Proposal On The Living Conditions Of Occupiers Of Neighbouring Properties
- 2.4 Surface Water Drainage
- 2.5 Highway Issues
- 2.6 Biodiversity

3. Application Details

The Site

- 3.1 The application site is located to the rear of Vienna Stables, Broomfallen Road, Scotby. The application site is located immediately adjacent to the Public Bridleway that leads from Broomfallen Road to the Garlands.
- 3.2 The site lies approximately 1.3 kilometres from the centre of the village of

Scotby. The land slopes down from Broomfallen Road and existing trees and hedgerows provide a degree of screening to the site. The bridleway forms the western boundary with a copse of trees adjacent and to the north of the site. The site is adjacent to Gypsies and Traveller pitches further to the north, south and west.

The Proposal

- 3.3 This application seeks planning permission for the erection of an agricultural building. The building would be sited immediately adjacent to the rear of the applicant's pitch and would measure 13.7 metres in width by 6.1 metres in depth. The height of the building would measure 3.6 metres to the eaves and 4.41 metres to the ridge. The building would be constructed from juniper green box profile sheeting.
- 3.4 The land and the building would be accessed via the applicant's land and through a gate in the boundary fence to the south of the proposed building.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 12 of the neighbouring properties. No representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the layout details shown on the submitted plan are considered satisfactory from a highway perspective and the Highway Authority has no objection to the proposed development.

However, as outlined by the Countryside Officer, a bridleway number 138037 lies adjacent to the site, the applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works;

Clerk to Wetheral PC: - the parish council objects to the application.

Policy EC12 - the scale of the proposed structure does not relate to existing buildings and does not have any natural screening.

Members question the use of the building as there is no apparent land use for agricultural purposes adjacent to the site? It is further requested that a condition is applied to permit only agricultural use. A site visit is requested;

Cumbria County Council - (Highway Authority - Footpaths): - Public Bridleway 138037 follows the access track to the west of the proposed development and must not be altered or obstructed by the proposed development. If the owner of the site intends to access the site using a vehicle they must ensure they have a private vehicular right to do so;

The Ramblers: - no response received;

Cumbria Constabulary - North Area Community Safety Unit: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies GI1, GI3, GI5, SP6, EC12 and CC4 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues.

1. The Principle Of Development

- 6.4 Criterion 1 of Policy EC12 of the local plan states that proposals for farm buildings and structures should be sited, where practical, to integrate with existing farm buildings and/or take advantage of the contours of the land and any natural screening.
- 6.5 In this instance, the structure would be located on agricultural land adjacent to the applicant's property. The building is modest in scale and would use materials that are appropriate in the construction of agricultural buildings.
- 6.6 The parish council has raised concerns that there is no apparent agricultural use. Prior to planning permission being granted for the development of the foremost part of the applicant's land as a Gypsy and Traveller pitch, the land was used for agricultural purposes. No intervening use has occurred and as such and whilst there may not have been stock on the land, the lawful planning use of the land is for agriculture.
- 6.7 The applicant has submitted supporting information which confirms that the applicant's business has a County Parish Holding (CPH) number. Furthermore, the applicant has confirmed that it is intended to keep sheep on the land. The building would be used for the dry storage of feed and accommodation of the stock at certain times of the year, such as lambing season.
- 6.8 The business may be small in scale in comparison to other agricultural businesses; however, there is a clear intention to use the land in conjunction with its lawful planning use. Given the parish council's concerns about the use of the land, it would be appropriate to impose a condition requiring the building to be used solely for agricultural purposes. On this basis, the principle of development is acceptable.

2. Scale, Design And Impact On The Character Of The Area

- 6.9 Policy SP6 of the local plan seeks to ensure that proposals for development in the rural area conserve and enhance the special features and diversity of the different landscape character areas. Development proposals are expected to incorporate high standards of design including regard to siting, scale and landscaping which respect and, where possible, should enhance the distinctive character of the landscape. Policy EC12 requires that the design and materials used reflect the overall character of the area.
- 6.10 The building would be modest in scale and located adjacent to the applicant's property. The land is relatively level although it does slope down at a very slight angle towards the watercourse to the east. There is an existing tree line along the northern boundary beyond which are further Gypsy pitches. The building would be commensurate with the scale of the agricultural operation and the siting is well related to the applicant's property.
- 6.11 The building would be seen against other buildings and existing landscaping. The construction would be appropriate with regard to modern agricultural structures and there is no objection to the scale, design or appearance of the building that would not have an adverse impact on the character or appearance of the area.

3. The Impact Of The Proposal On The Living Conditions Of Occupiers Of Neighbouring Properties

- 6.12 Policies SP6 and EC12 of the local plan both seek to ensure that there is no adverse impact on the residential amenity of adjacent properties. There are Gypsy pitches to the north and south of the site.
- 6.13 Given the scale and use of the building together with the distance from these properties and the agricultural use of the site, the building would not be visually intrusive and would not create any additional adverse impact on the living conditions of the occupiers of these properties, through noise or odours, to those usually associated with the rural area to warrant refusal.

4. Surface Water Drainage

- 6.14 The proposal involves the disposal of surface water to a soakaway. Policy CC5 states that surface water should be managed at source and provides a list of appropriate methods (in order of priority), namely:
1. into the ground (infiltration at source);
 2. attenuated discharge to a surface water body;
 3. attenuated discharge to surface water sewer, highway drain or another drainage system; and as last resort
 4. attenuated discharge to a combined sewer.
- 6.15 BRE (Building Research Establishment) is an independent, research-based consultancy who has published Digest 365 "Soakaway Design" which

describes the processes for the design and construction of soakaways and explains how to calculate rainfall design values and soil infiltration rates. On the basis of the application details, the proposal is compliant with the first priority of the local plan policy and subject to the imposition of a condition requiring its construction in accordance with the BRE Digest 365 the means of surface water disposal is acceptable.

5. Highway Matters And Public Rights Of Way

- 6.16 The use would be on land owned and managed by the applicant. Given the scale and nature of the development, the use would not give rise to any additional vehicle movement. Cumbria County Council as the Highway Authority has not raised any objections.
- 6.17 The Footpaths Officer at Cumbria County Council has advised that Public Bridleway 138037 follows the access track to the west of the proposed development and must not be altered or obstructed by the proposed development. If the owner of the site intends to access the site using a vehicle they must ensure they have a private vehicular right to do so. An informative will be included within the decision notice advising the applicant of these requirements.

6. Biodiversity

- 6.18 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.19 The Councils GIS Layer has identified that the site has the potential for protected species to present on or in the vicinity of the site. As the proposed development would involve the erection of a building on agricultural land and adjacent to existing buildings, the development would not harm a protected species or their habitat; however, an Informative will be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

Conclusion

- 6.20 In overall terms, it has been demonstrated that the scale and design of the structure is commensurate with the intended agricultural operation. To safeguard the future use of the building, it would be appropriate to impose a condition requiring its use for agricultural purposes only.

- 6.21 The character and appearance of the area would not be adversely affected by the development. The living conditions of the occupiers of the neighbouring properties would not be adversely affected.
- 6.22 The proposal does not raise any issue in terms of highways or drainage matters. In all aspects the proposal is considered to be compliant with the objectives of the relevant local plan policies.

7. Planning History

- 7.1 In 2014, an application was submitted for part retrospective planning permission for the siting of 1 residential Gypsy/ Travellers pitch with utility/ day room and static caravan and was refused in 2015. A subsequent appeal to the Planning Inspectorate was allowed in 2016.
- 7.2 An application to discharge the planning conditions imposed by the Planning Inspectorate was submitted and approved in 2016.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 7th February 2017;
2. the Site Location Plan received 7th February 2017;
3. the Overhead Site Plan received 17th January 2017;
4. the Inside Layout received 9th February 2017;
5. the Roof Plan received 9th February 2017;
6. the Front Elevation received 9th February 2017;
7. the Back Elevation received 17th January 2017;
8. the Side Elevations received 9th February 2017;
9. the Notice of Decision;
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The building hereby approved shall be used for agricultural purposes only as defined in Section 336 of the Town and Country Planning Act 1990 and for no other purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policy

EC12 of the Carlisle District Local Plan 2015-2030.

4. The soakaway shall be completed prior to the building hereby approved being brought into use. The soakaway shall be designed and constructed in accordance with the BRE (Building Research Establishment) Digest 365 "Soakaway Design".

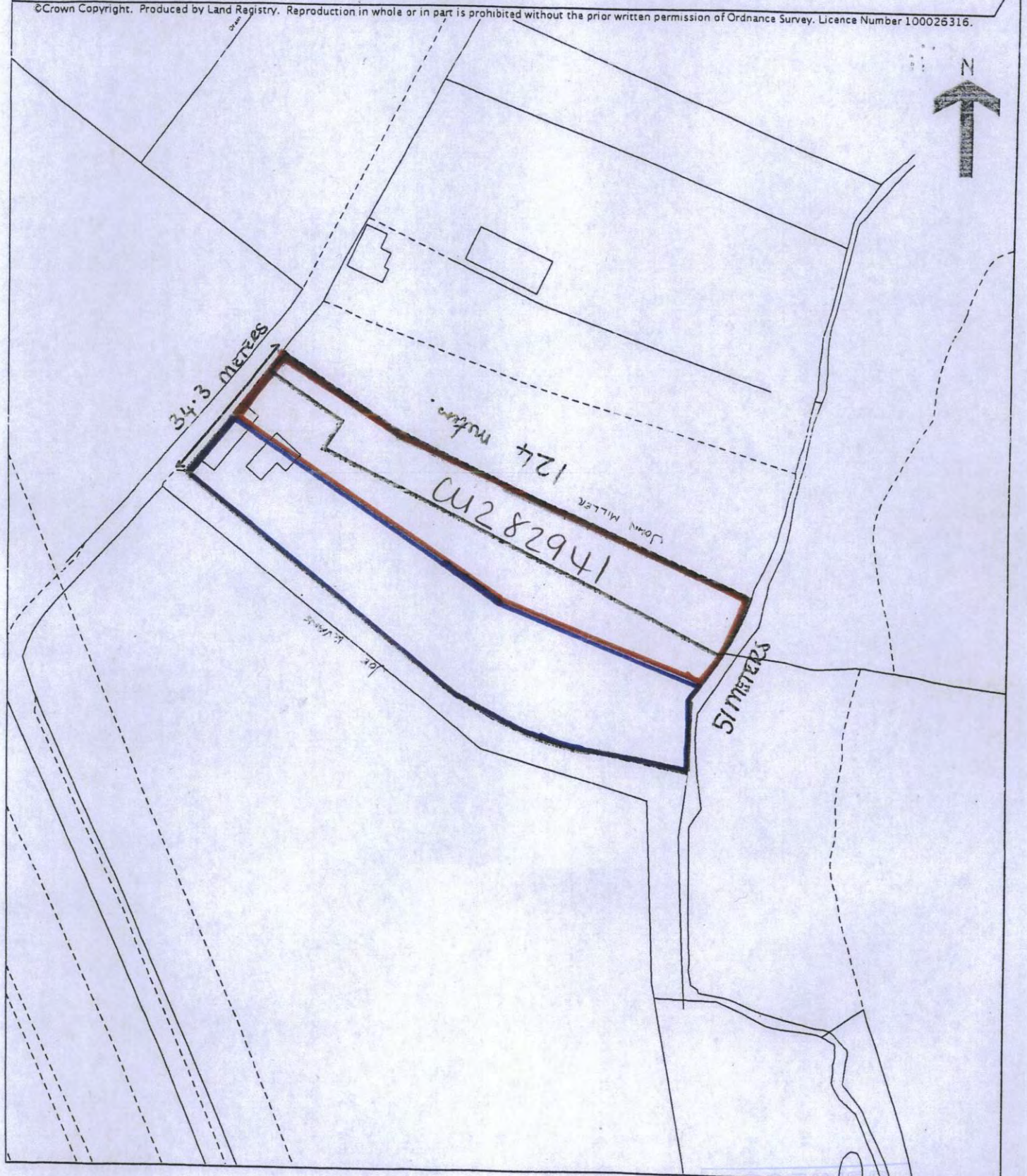
Reason: To ensure an adequate means of surface water drainage in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

and Registry
Official copy of
title plan

Title number CU226791
Ordnance Survey map reference NY4353NE
Scale 1:1250 enlarged from 1:2500
Administrative area Cumbria : Carlisle



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RECEIVED
19 AUG 2014
14/0719



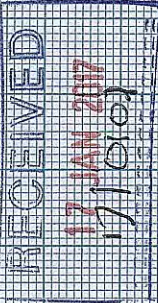
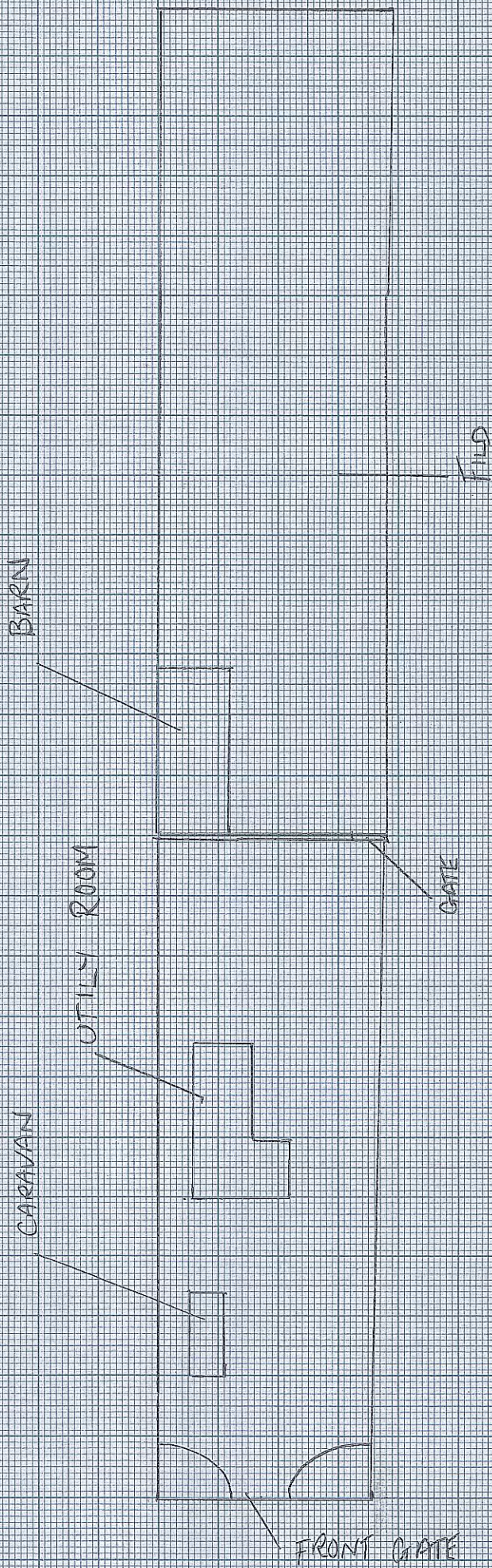
NORTH

OVERHEAD SITE PLAN

APPN REF: 17/0101

Jocanne Miller
Vienna Rose Stables
Broomfallen Rd
Scotby, Cumbria
CA4 8DE

Scale 1:500



Scale 1:50

INSIDE
LAYOUT

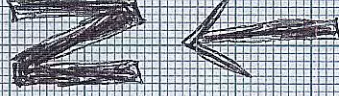
Joanne Miller
Viggo Rose
Stables
Broomfield RD
Scotby
CALY SDE

PP-05812486

13.715

6.100

6.100



4700

Juniper Green sliding door

4300

4700

4700

4300

4700

1:50

2017/01/01

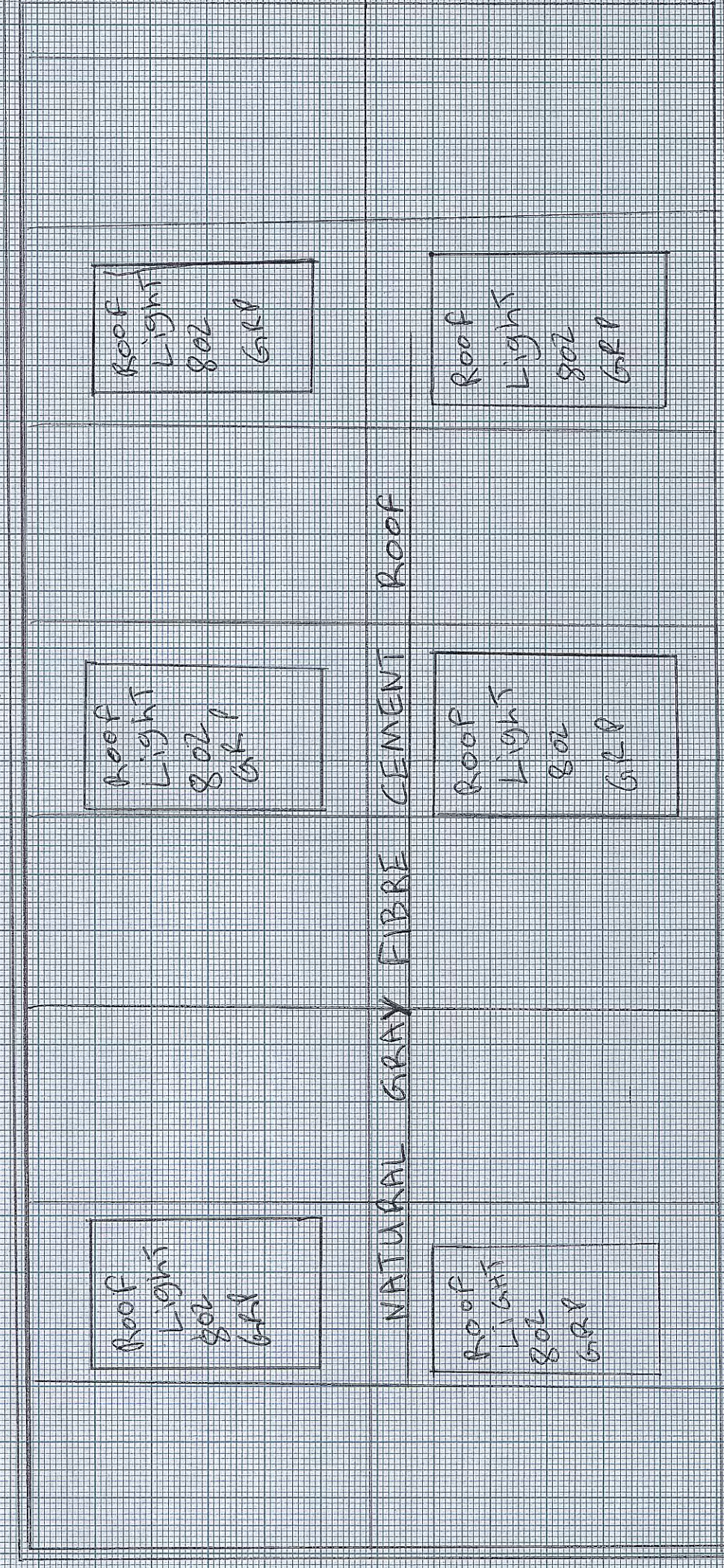
Roof PLAN

SCALE 1"=50'

Roof PLAN
Joanne Miluck
Vienna Rose Stables
Bloomington, IN
Scotby
CA 4806



BLACK PVC GUTTERS



BLACK PVC GUTTERS



2017/10/10

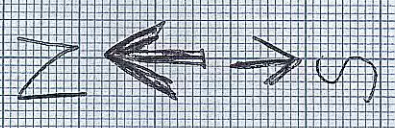
2017/10/10

13.715

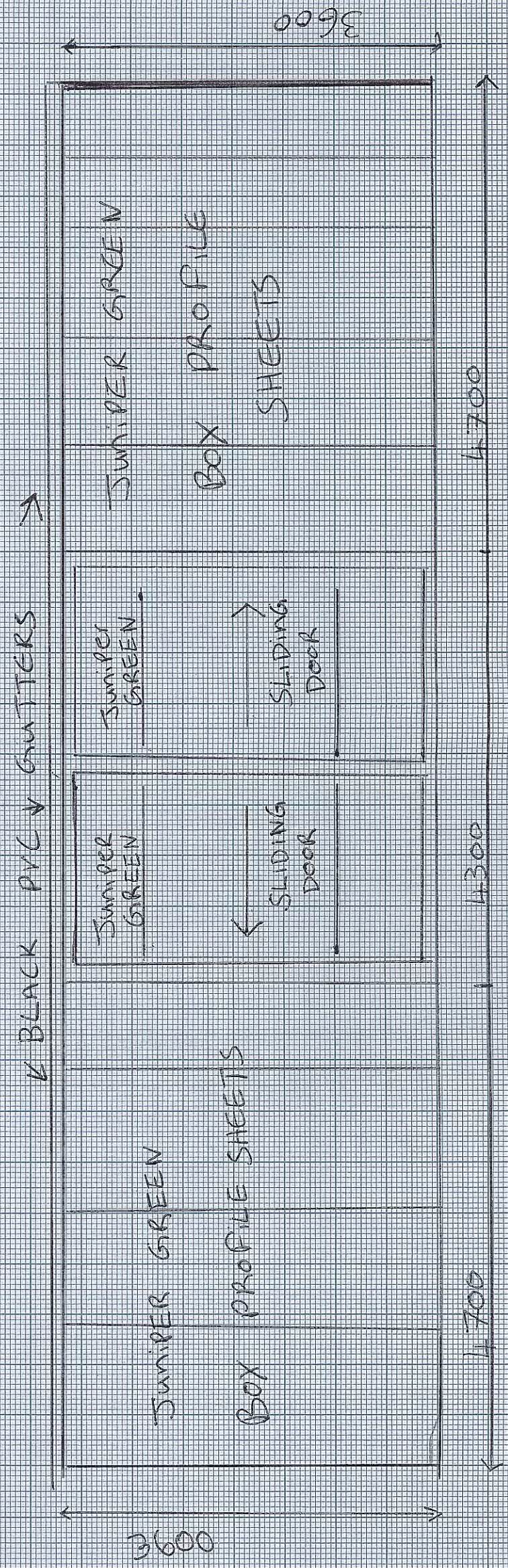
FRONT ELEVATION ①

Joanne Miller
Vienna Rose Stables
Bloomington RD
Scotty
CA 48 DE
PR-05 81 2486

SCALE 1:50



2017/01/01



Scale 1"=50'

BACK ELEVATION

JOANNE MILLER
VIENNA ROSE STABLES
BROOMFALL RD, SCOTSDALE

APPN REF: 17/0101

C44 SDE.

BLACK DEEP FLOW
UPVC GUTTERING.



SOUTH.

RECEIVED
17 JAN 2017
17/0101

SONNE MILLER
VIENNA ROSE STABLES
VIENNA BLOOMFALLEN RD
SCOTDALE
CA 4806

SIDE ELEVATIONS ②

PR-05812486

PVC BRACKET
BRACKETS

2017/01/01

