

SCHEDULE A: Applications with Recommendation

19/0101

Item No: 08

Date of Committee: 07/06/2019

Appn Ref No:
19/0101

Applicant:
Mr J Hore

Parish:
Burtholme

Agent:

Ward:
Irthing (Abolished
07/05/2019)

Location: Land opposite Pine Grove, Walton, Brampton, CA8 2JW

Proposal: Change Of Use Of Agricultural Land Together With Siting Of 3no. Yurts
For Holiday Accommodation Together With 3no.
Shower/Washroom/Kitchen Blocks; Improvements To Existing Access

Date of Receipt:
22/02/2019

Statutory Expiry Date
19/04/2019

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 Principle Of Development
- 2.2 Whether The Scale And Design Is Acceptable
- 2.3 Impact Of The Proposal On The Character Of The Area
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Impact On The Occupiers Of Nearby Residential Properties
- 2.6 Method For Disposal Of Foul and Surface Water
- 2.7 Impact Of The Proposal Biodiversity

3. Application Details

The Site

- 3.1 The application site comprises of a 0.17 hectare parcel of land that is currently in agricultural use. The rectangular parcel of land is located to the

south-east of Pine Grove, which is one of four properties located adjacent to the C1029 Garthside to Walton Woodhead road, 3.4 kilometres (2.11 miles) north-east of Walton. The application site lies on the opposite side of the road and is surrounded on the remaining three sides by open countryside.

- 3.2 The land slopes gently from north-west to south-east. The frontage and eastern flanks are bounded by an established hedgerow with several mature trees. The western boundary comprises of a stock fence. An existing vehicular access is located in the north-east corner of the site.

The Proposal

- 3.3 This application seeks planning permission to change the use of the land to facilitate the development for holiday accommodation. The proposal would utilise the existing vehicular access to the land. Within the site, it is further proposed to form a hardstanding area close to the entrance with a small utility building providing a toilet and shower facility adjacent to the northern boundary. Further within the site, it is proposed to site three yurts, each being 5.4 metres in diameter.
- 3.4 The existing drainage within the field would be upgraded and a soakaway formed to accommodate the grey water from the site. The existing land drains would be used to transfer the rain water runoff from the site to the existing ditch.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of three of the neighbouring properties. In response, no representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Highway Authority

No objection subject to the imposition of planning conditions which require the access drive to be surfaced, access gates to open inwards, reduction of boundary hedge to 1.05 metres, prevention of surface water discharging onto the highway and completion of the access prior to the development being brought into use.

There are some concerns regarding the width of the C1029 that the private site joins. The Highway Authority has measured it as approximately 4.8m wide which usually is wide enough for a minor development such as this one. However it is noted that Kingwater Equestrian Centre is opposite the proposed site which will mean that the C1029 is regularly used by large vehicles, trailers and horse boxes. It would be recommended that the

applicant provides passing places on this road to safely accommodate all road users.

Any works within the Highway must be agreed with the Highway Authority.- No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.

Lead Local Flood Authority (LLFA)

The LLFA surface water maps show that the site is very close to an area of flooding and indicates that a 0.1% (1 in 1000) chance of flooding occurring close to the site each year.

The development site is within 20m of an ordinary water course; the applicant should contact the LLFA for any of the works which may affect the ordinary watercourse for information and guidance;

Burtholme Parish Council: - no response received;

Local Environment - Environmental Protection: - on completion of the planning application, if accepted the site owner would need to apply for a Caravan Site Licence under Caravan Control and Development Act 1960 before any commercial use of the site;

Cumbria Constabulary - Community Safety Unit Liaison: - no comment.

6. Officer's Report

Assessment

- 6.1 Section 70(2) 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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, EC9, EC10, EC11, IP3, CC4, CC5, CM5, HE1, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The proposal raises the following planning issues.

1. Principle Of Development

- 6.3 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without

compromising the ability of future generations to meet their own needs.”

- 6.4 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives. Paragraph 10 states “*so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).*”
- 6.5 The location of this type of operation in the rural area must also be justified. Policy SP2 of the local plan requires that development proposals will be assessed against their ability to promote sustainable development. Outside of the specified settlements, development proposals will be assessed against the need to be in the location specified.
- 6.6 This proposal involves the change of use of land to provide holiday accommodation. Policy EC11 of the local plan states that any new buildings within the rural area should be well related to an existing group of buildings to minimise their impact and ensure they blend satisfactorily into the landscape through suitable materials, design and siting and these matters are considered in the following paragraphs of this report.
- 6.7 Paragraph 83 of the NPPF states that:
- “Planning policies and decisions should enable:*
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;*
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

6.8 The Framework continues in paragraph 84 that:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

6.9 Whilst the preferred location for new development will be in existing settlements, changes in agriculture over recent decades have resulted in a decline in farm-related jobs. As a result there is now a need to strengthen the

economy in rural areas by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas.

- 6.10 Policy EC11 of the local plan highlights that development proposals which diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported and encouraged both through the conversion of existing buildings and well designed new buildings. Any new buildings must be well related to an existing group of buildings to minimise its impact and blend satisfactorily into the landscape through the use of suitable materials, design and siting. These aims are reiterated in Policies EC9 and EC10 of the local plan both of which supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.

- 6.11 Specifically in Policy EC9, it is stated that:

“Hadrian’s Wall World Heritage Site (WHS) is a major attraction for tourism and proposals for new tourism development which are sustainable and aim to promote the enjoyment and understanding of the WHS whilst meeting the above criteria will be permitted.”

- 6.12 With such applications, a balance must be struck between allowing development that is sufficiently well related but is not so close that it has an adverse impact on the character or setting of the WHS. The application site is in close proximity to Hadrian’s Wall, being approximately 2.04 kilometres (1.27 miles) to the north when travelling along the County highway.
- 6.13 Within the immediate vicinity, there is a network of public rights of way. Further to the south, is National Cycle Network – National Route 72 (Hadrian’s Cycleway) which follows the line of the Roman frontier for 280 kilometres (174 miles) from Ravenglass to South Shields.
- 6.14 The site is sufficiently well related to national and local cycleways and public rights of way and would provide a positive contribution to the facilities along the WHS. Accordingly, the principle of development is acceptable.

2. Whether The Scale And Design Is Acceptable

- 6.15 Development should also be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.
- 6.16 The height of the yurts would be three metres which would be proportionate to the diameter of the structures. The shower and toilet block located adjacent to the front boundary of the site, would largely have a footprint of 2.4 metres in width by 1.04 metres extending to 2.5 metres at the highest point. The structure would be timber clad. A hard surface would be laid adjacent to the access to form a parking area and existing landscape features bounding the site would be retained.

- 6.17 The location, scale and design of the yurts would be acceptable with adequate parking and access achievable. In overall terms, the scale and design of the yurts and cabin would not form a discordant feature within the landscape. Furthermore, the use of natural materials would soften overtime, thereby, mitigating for any perceived visual impact.

3. Impact Of The Proposal On The Character Of The Area

- 6.18 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 6 'Intermediate Farmland'. The toolkit advises that key characteristics of this landscape are: transitional farmland between the lowland and upland landscapes; extensive areas of improved pasture with some arable farming; planned villages with greens displaying topographical and archaeological evidence of their medieval origins; in parts the landscape is dissected by the deeply incised or open river valleys; wooded valleys and ghylls; and sandstone and limestone vernacular.
- 6.19 The guidelines of the toolkit, seeks to:
- encourage farm diversification where it will benefit the landscape and economy;
 - ensure new development respects the variable scale and character of the landscape, creates focal spaces and is also well related to distinctive built forms. This should help protect and enhance historic stone built villages with distinctive nuclear or linear forms;
 - introduce appropriate roadside planting to frame long distance views of fells and estuary and improve visual awareness of the individual settlements, land uses, and cultural landmarks along each road and provide locations for stopping, viewing and picnicking.
- 6.20 The proposal seeks permission for the siting of three yurts on a gently sloping site that is at a lower level than the County highway. Whilst there would be some open views of the structures, particularly when approaching from the south-west, to a degree these would be viewed against the backdrop of the hedgerow and in the context of the residential properties and agricultural structure on the opposite side of the road. Whilst there would be public viewpoints of the development, given the scale and nature of the development, the proposal is unlikely to have a significant detrimental impact on the character of the area.

4. Impact Of The Proposal On Highway Safety

- 6.21 Although the development is well related to national and local cycle and public rights of way networks and is accessible by a variety of means of transport, account also needs to be taken and facilities provided for vehicles accessing the site. Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway.

- 6.22 Vehicular access to the site would be via a gateway from the County highway with adequate parking achievable within the site. A plan has also been provided showing the appropriate visibility splays when exiting the site.
- 6.23 Cumbria County Council as Highway Authority has responded to the revised plans and raised no objections subject the imposition of several highway conditions. In particular, a condition is recommended in relation to the applicant submitted details of a scheme preventing surface water discharging onto the highway. Whilst this is a standard condition, in relation to the circumstances of this site, the land falls down away from the highway and the site is separated by a ditch and as such, the condition is not considered to be reasonable. Instead, it has been suggested that the Highway Authority consider whether the following condition would be more appropriate:

“In the event that surface water discharges onto the highway from the development site hereby approved, details of all measures to be taken by the development to prevent continued surface water discharging onto or off the highway shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within six months of the decision and shall be maintained operational thereafter.”

- 6.24 In addition, the Highway Authority has suggested that the applicant provide a series of passing places due to the proximity of the Kingwater Equestrian Centre. This building has not been in use as an equestrian centre for a significant period of time and planning permission was granted in 2015 for its change of use to agriculture which was subsequently implemented. As such, it is not considered proportionate or reasonable to provide passing places based on this together with the nature of the proposed use. The Highway Authority has been asked for their further views which will be reported at the meeting.
- 6.25 On this basis, however, it is considered unlikely that the proposal will have a detrimental impact on highway safety and would be acceptable.

5. Impact On The Occupiers Of Nearby Residential Properties

- 6.26 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusiveness.
- 6.27 The nearest property would be approximately 26 metres to the north from the boundary of the site. Given the orientation of the application site and the proposed development within it, the neighbouring occupiers would not suffer from an unreasonable loss of daylight or sunlight and due to the siting, scale and design of the property the development would not be over-dominant.
- 6.28 The nature of the use is unlikely to give rise to issues about noise and disturbance and in this respect, the proposal is acceptable.

6. Method For Disposal Of Foul and Surface Water

- 6.29 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The supporting Impact/ Access Statement details that due to the nature of the toilet system, no foul drainage connection is required and the foul waste will be emptied manually.
- 6.30 The surface water would be dealt with by means of a soakaway and existing, albeit upgraded, field drains which flow into a watercourse. These details are acceptable in the hierarchy of drainage arrangements outlined in the NPPF and local plan policies.

7. Impact Of The Proposal Biodiversity

- 6.31 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.
- 6.32 The City Council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves minor development on a small piece of agricultural land, it is unlikely that the proposal would affect any species identified; 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

- 6.33 In overall terms, the principle of development is acceptable in this location which would continue to contribute to and strengthen the economy in rural areas by supporting the sustainable growth and expansion of all types of business and enterprises.
- 6.34 The location, scale and design of the development is appropriate to the character of the area with adequate access and parking achievable. The proposed foul and surface water drainage methods are acceptable.
- 6.35 The proposal would not adversely affect the living conditions of the occupiers of neighbouring residential properties through loss of daylight, overshadowing, loss of privacy or high levels of noise and disturbance.
- 6.36 Furthermore, no issues in respect of biodiversity are raised and in all aspects, the proposal accords with the objectives of the NPPF, PPG and relevant local plan policies.

7. Planning History

- 4.1 There is no planning history relating to this site.

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 development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the Planning Application Form received 6th February 2019;
2. the Site Location Plan received 20th February 2019;
3. the Block/ Site Plan received 14th May 2019;
4. the Drainage Plan received 14th May 2019;
5. the Visibility Splay received 14th May 2019;
6. the Toilet & Shower Block received 22nd February 2019;
7. the Yurt Site Burthinghurst 5.8 M received 13th May 2019;
8. the Planning Statement received 6th February 2019;
9. the Impact/ Access Statement received 6th February 2019;
10. the Access Addendum received 13th May 2019;
11. the Notice of Decision;
12. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. The premises shall be used for let holiday accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

4. The premises shall not be used as a second home by any person, nor shall it be used at any time as a sole and principal residence by any occupants.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in

accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

5. The manager/owner shall keep a register to monitor the occupation of the holiday unit subject of this approval. Any such register shall be available for inspection by the local planning authority at any time when so requested and shall contain details of those persons occupying the holiday unit, their name, normal permanent address and the period of occupation

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

6. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied.

Reason: In the interests of highway safety and in accordance with Policy SP6 and IP3 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

7. Access gates, if provided, shall be erected to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason: In the interests of highway safety and in accordance with Policy SP6 and IP3 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD7 and LD8.

8. An existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05 metres above the carriageway level of the adjacent highway before the development is brought into use and shall not be raised to a height exceeding 1.05 metres thereafter.

Reason: In the interests of highway safety and in accordance with Policy SP6 and IP3 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD7 and LD8.

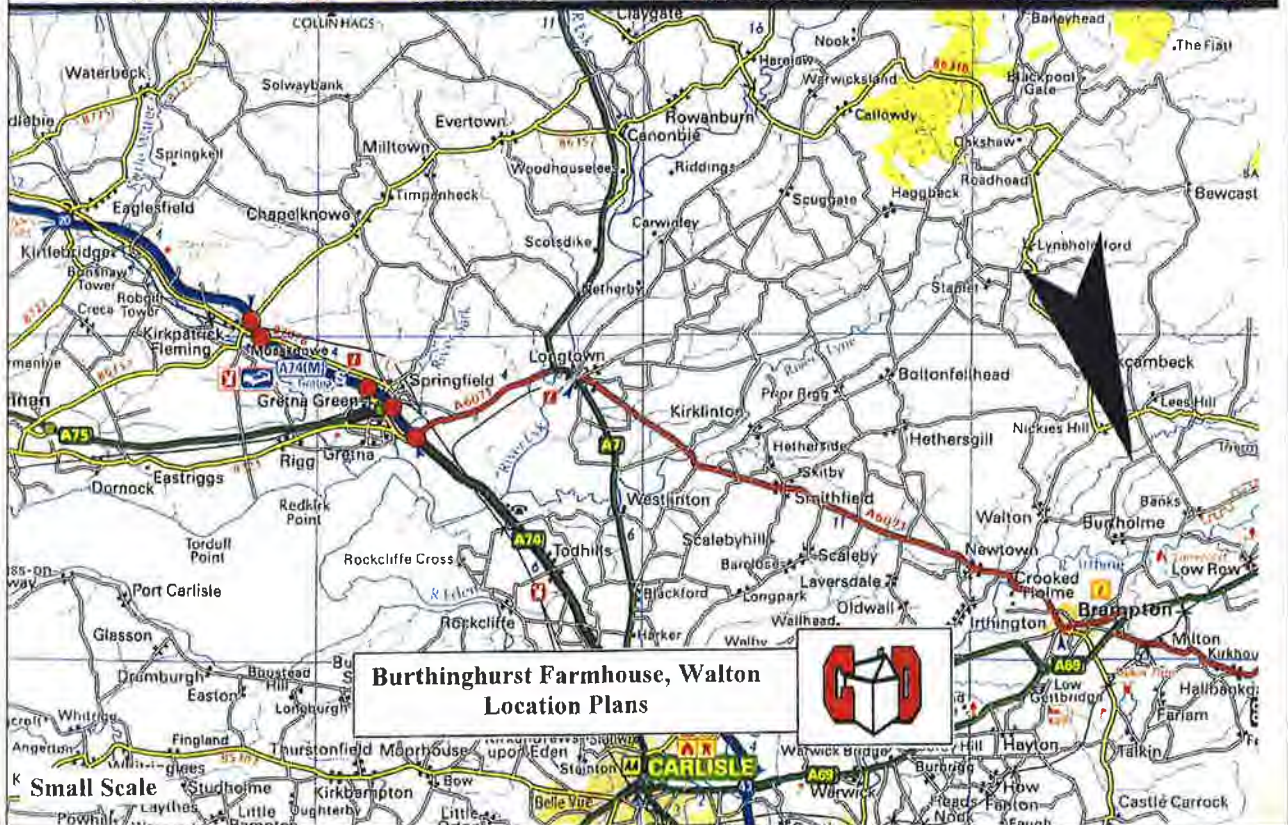
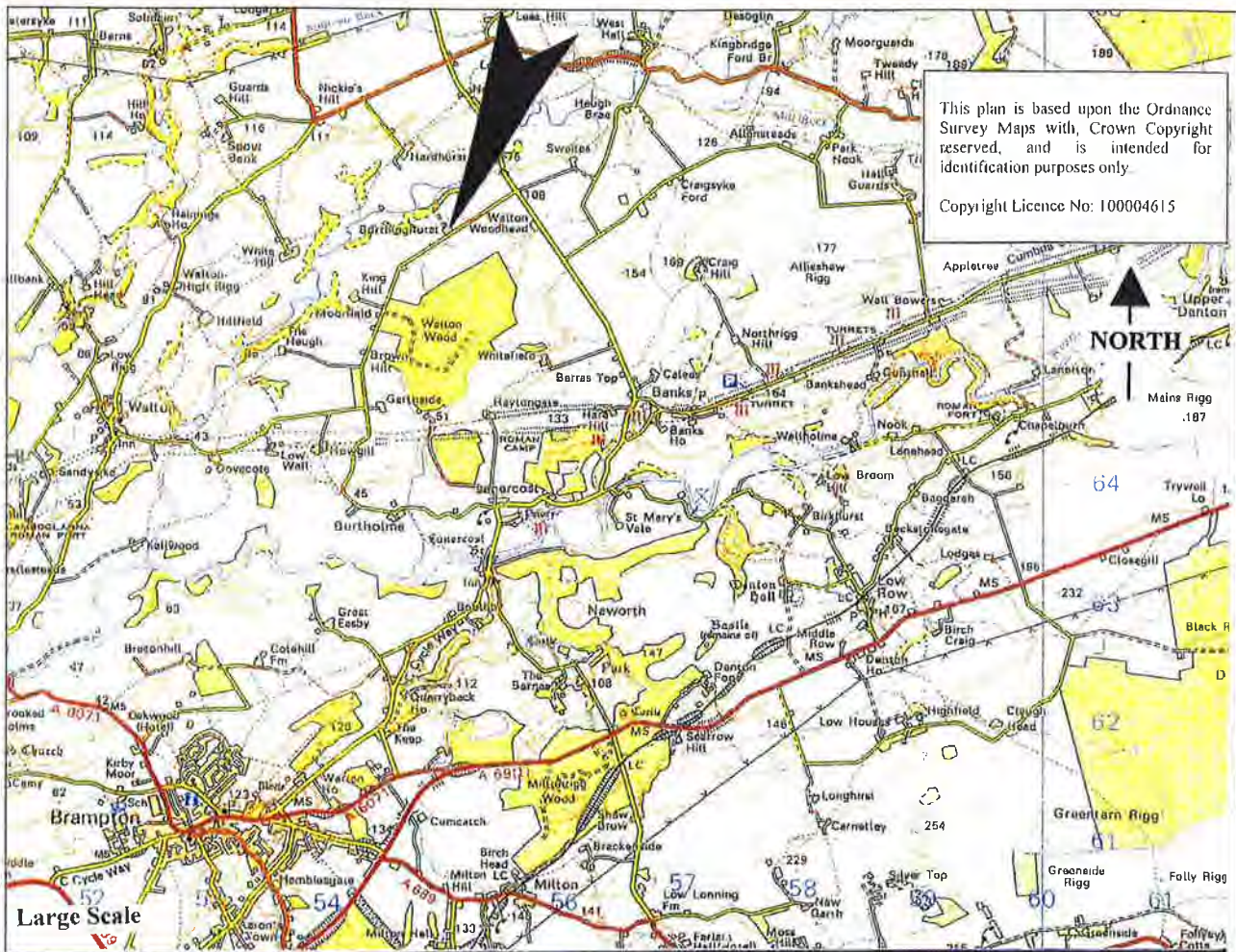
9. The development shall not be occupied until the access, turning and parking facilities have been constructed in accordance with the approved plan. The access and turning provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the local planning authority.

Reason: In the interests of highway safety and in accordance with Policy SP6 and IP3 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

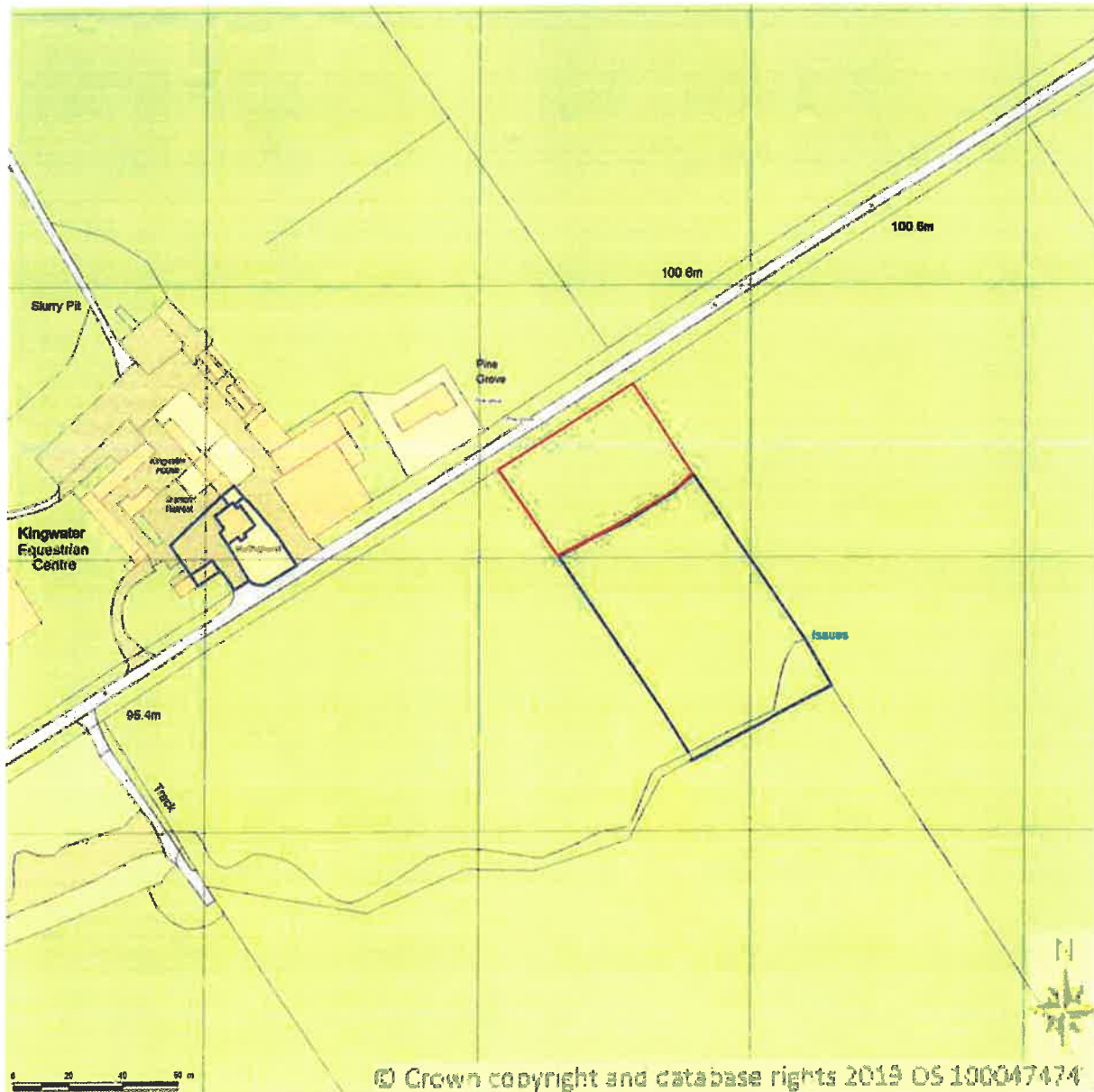
10. In the event that surface water discharges onto the highway from the

development site hereby approved, details of all measures to be taken by the development to prevent continued surface water discharging onto or off the highway shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within six months of the decision and shall be maintained operational thereafter.

Reason: In the interests of highway safety and in accordance with Policy SP6, CC5 and IP3 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.



SITE LOCATION PLAN
AREA 16 HA
SCALE 1:2500 on A4
CENTRE COORDINATES: 355127, 566103



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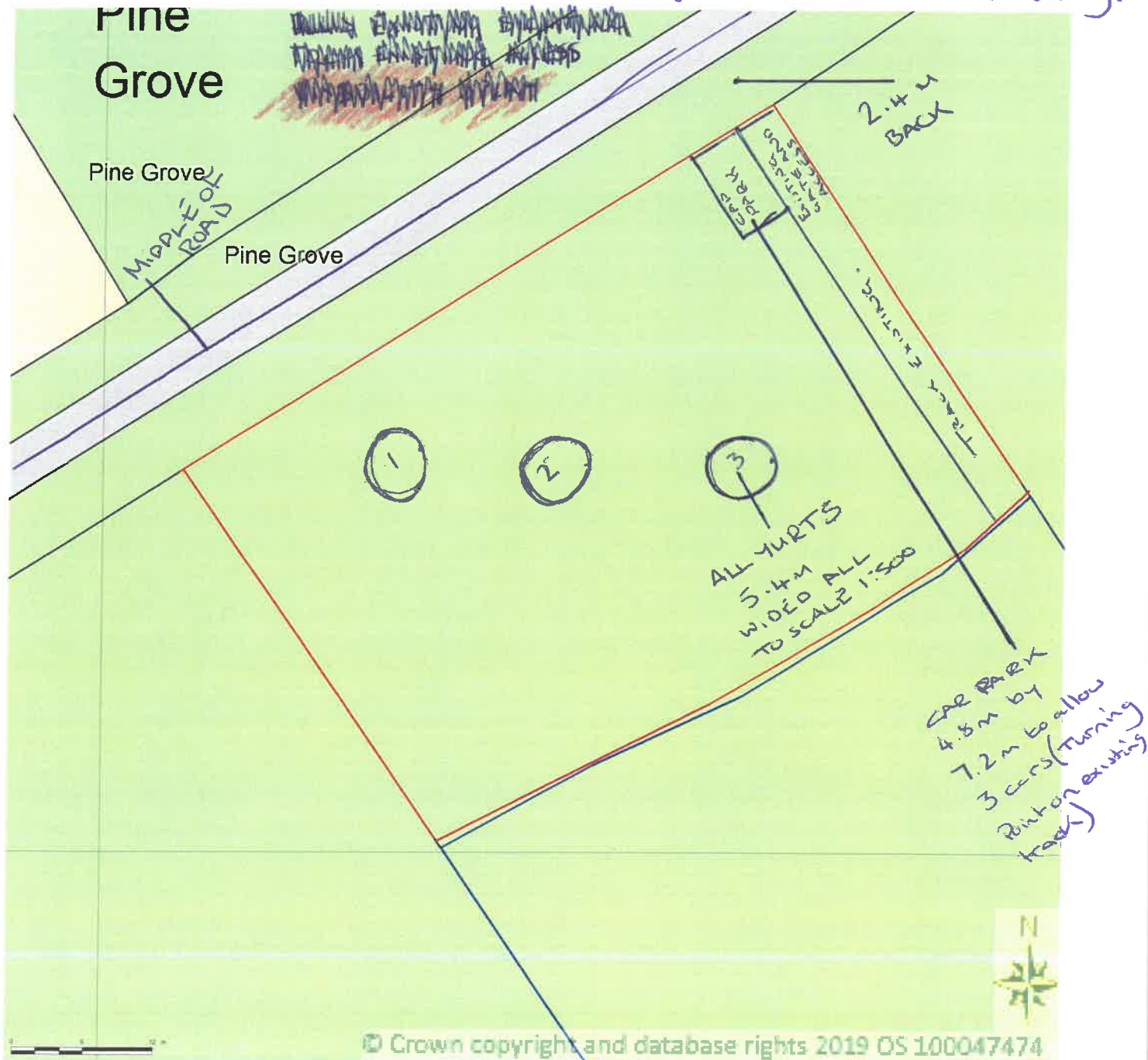
20 FEB 2019

19/01/01

BLOCK/SITE PLAN
AREA 90m x 90m
SCALE 1:500 on A4
CENTRE COORDINATES: 355137, 566127

FOR DRAINAGE SEE
DRAINAGE PLAN

AMENDED YURT POSITION (NO OTHER DETAILS AMENDED).



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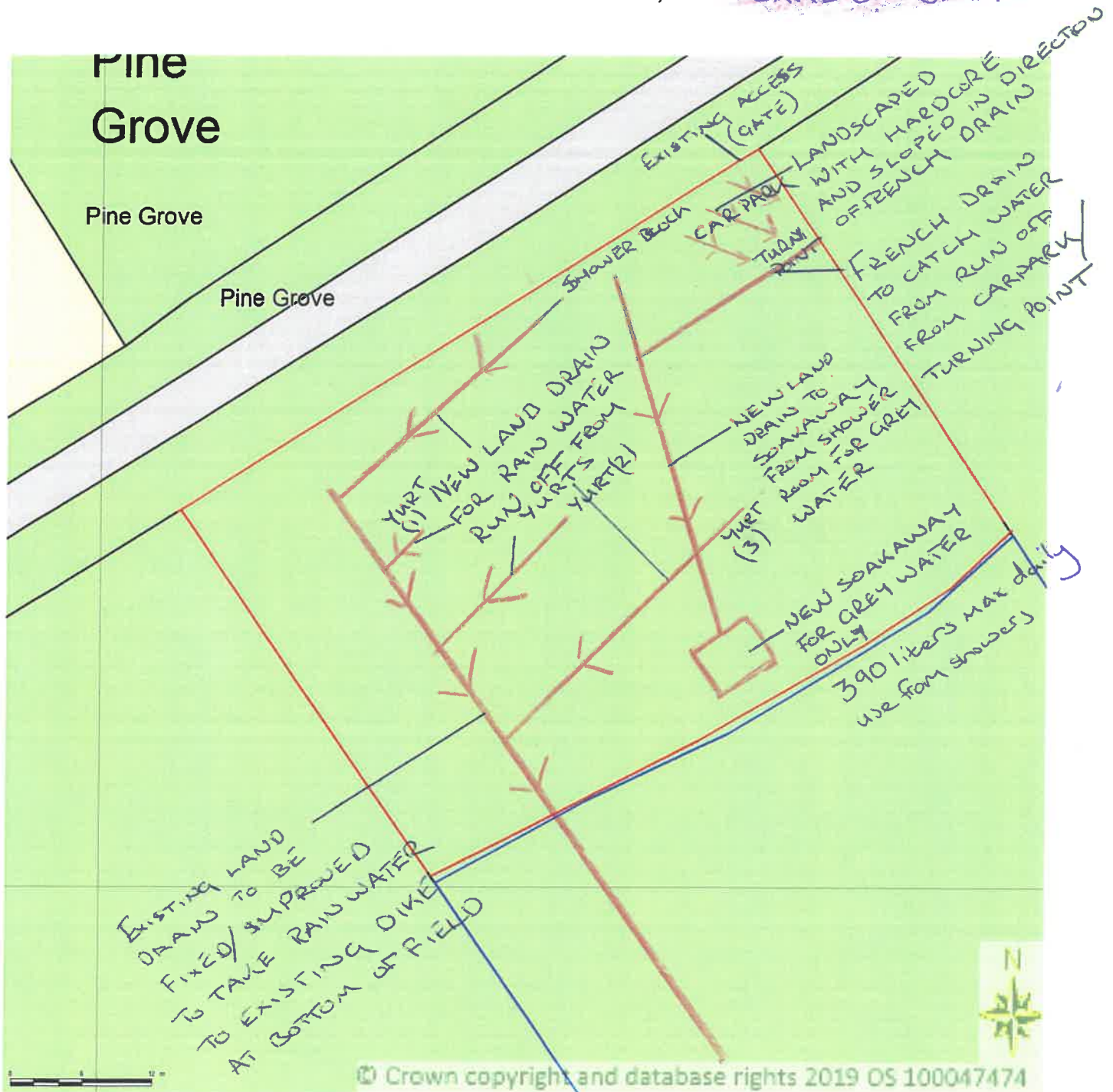
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BLOCK/SITE PLAN
AREA 90m x 90m
SCALE 1:500 on A4
CENTRE COORDINATES: 355137, 566127

DRAINAGE PLAN

NOT TO SCALE FOR

SAKE OF DETAIL



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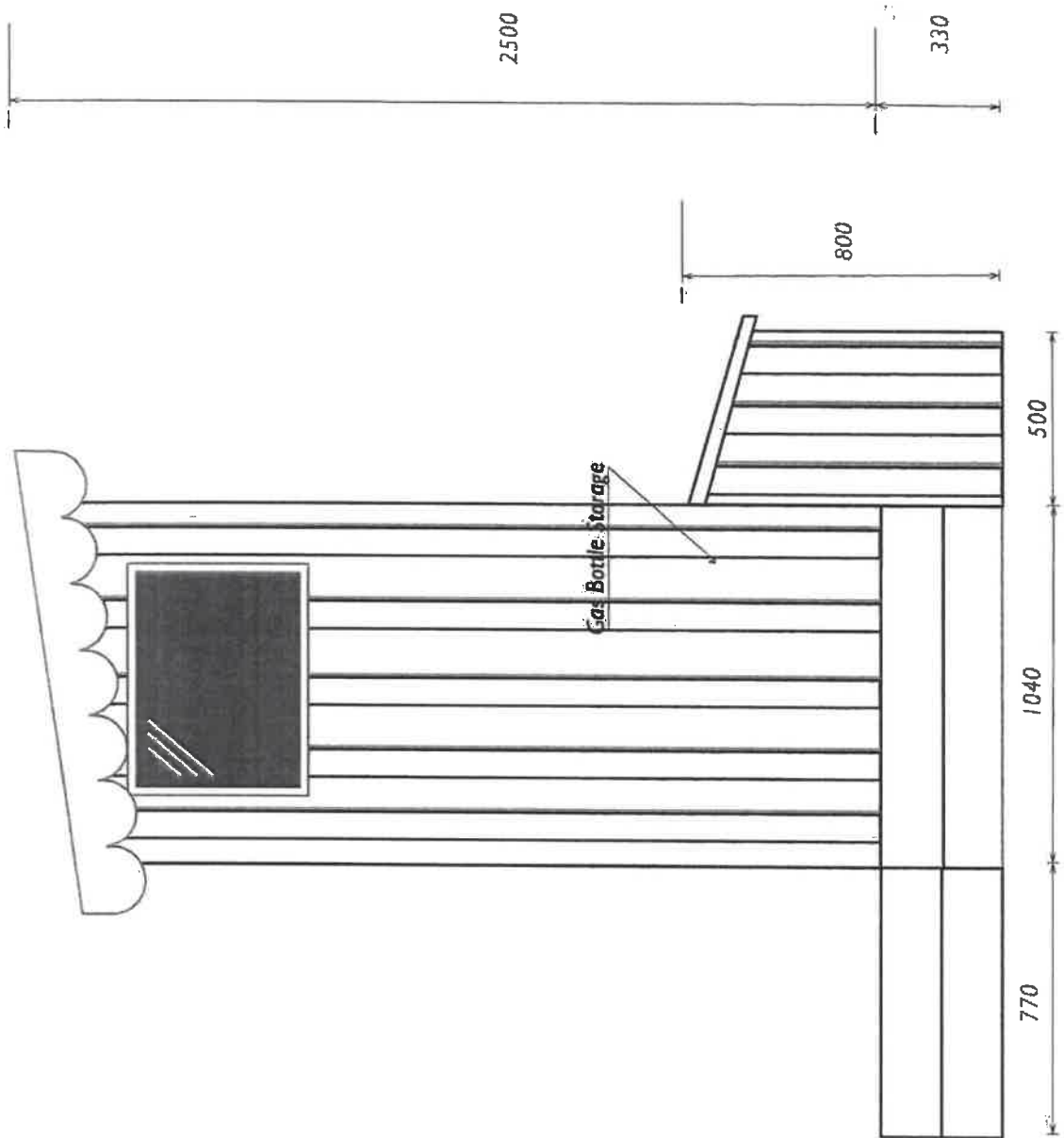
SITE LOCATION PLAN
AREA 16 HA
SCALE 1:2500 on A4
CENTRE COORDINATES: 355127, 566103

**VISIBILITY SPLAY FOR
 EXISTING ENTRANCE**



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SIDE ELEVATION - B

BURTHINGHURST - TOILET & SHOWER BLOCK

NOTES

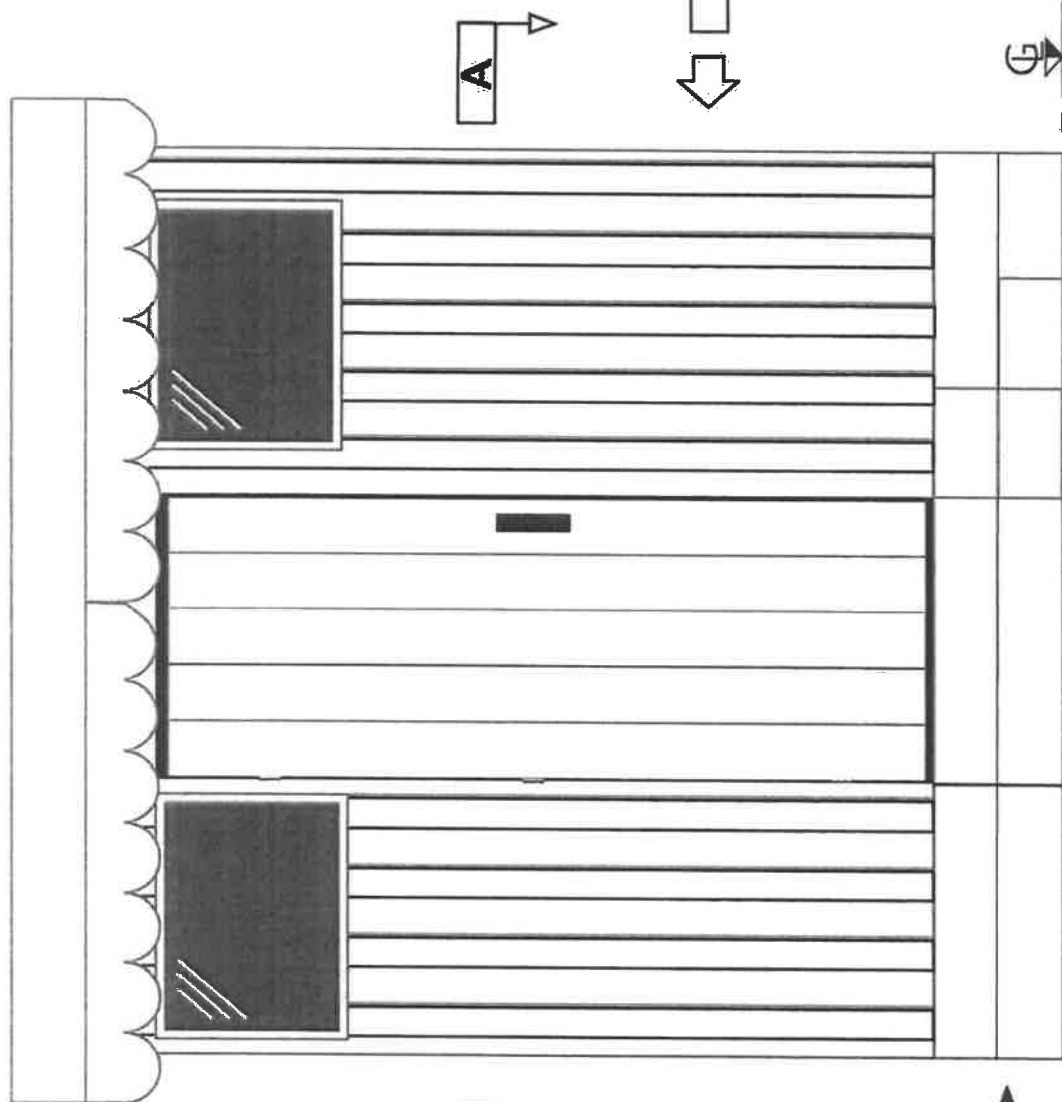
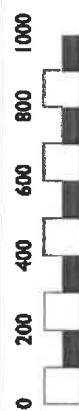
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ALL DIMENSIONS IN mm

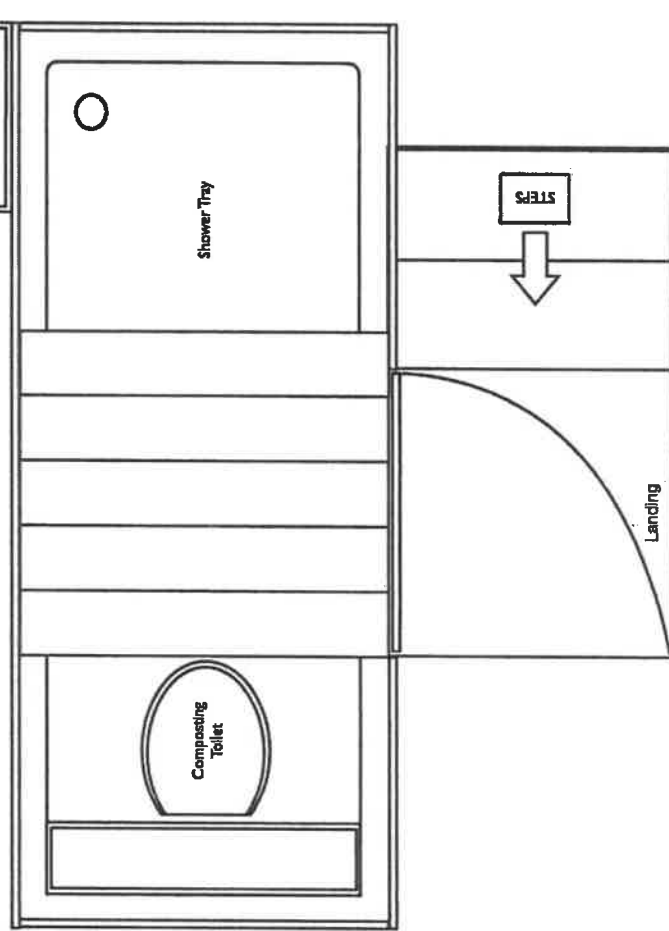
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22 FEB 2023
2019/0141



FRONT ELEVATION

Access Under for
reduced height
wheelie bin

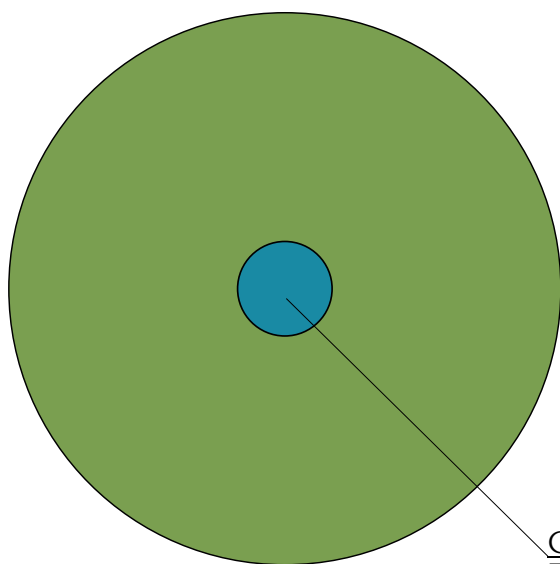


PLAN SECTION A-A

NOTES

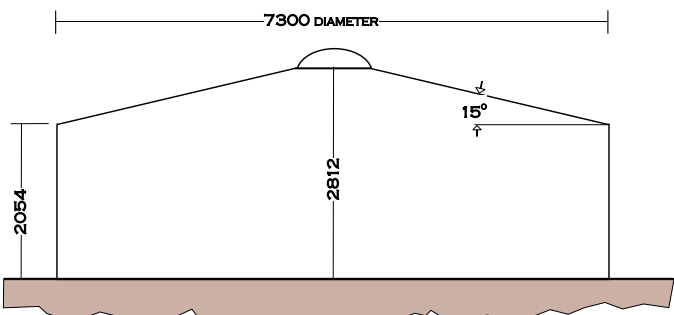
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STANDARD COLOUR = GREEN

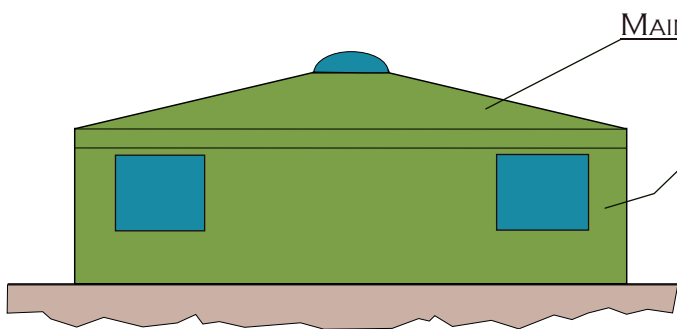


ROOF PLAN

CLEAR POLYCARBONATE
ROOF DOME



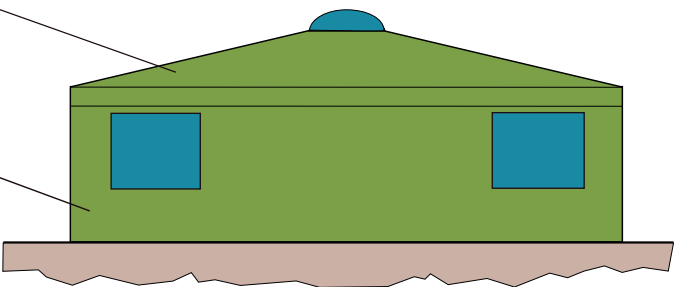
SECTION (TYP)



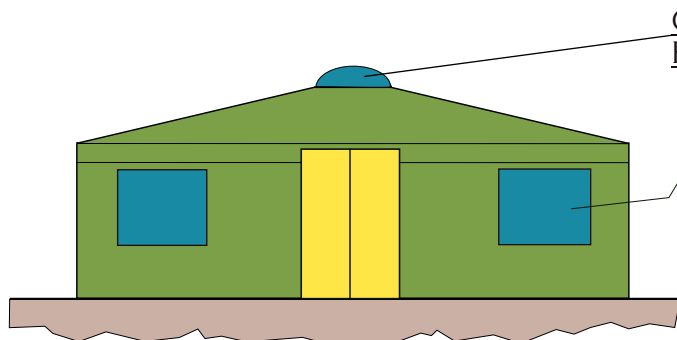
BACK ELEVATION (B)

MAIN ROOF COVERING (PVC)

WALLS (CANVAS)



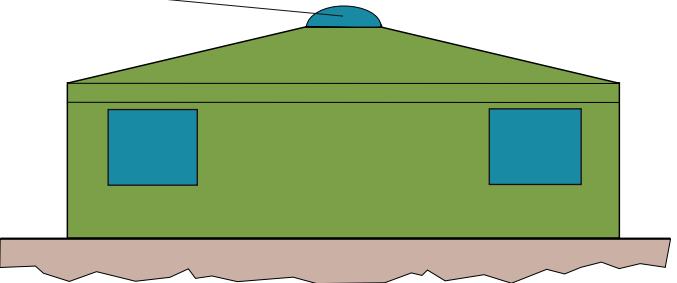
SIDE ELEVATION (L)



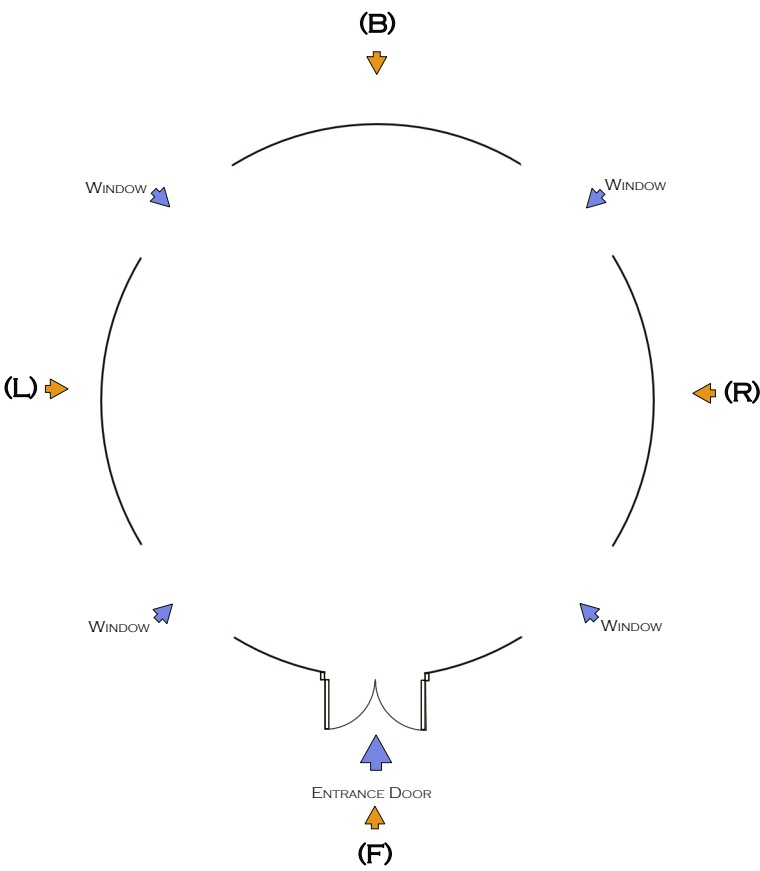
FRONT ELEVATION (F)

CLEAR POLYCARBONATE
ROOF DOME

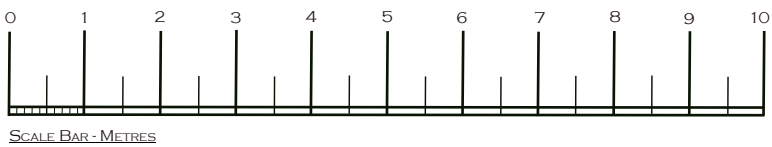
CLEAR PVC WINDOWS



SIDE ELEVATION (R)

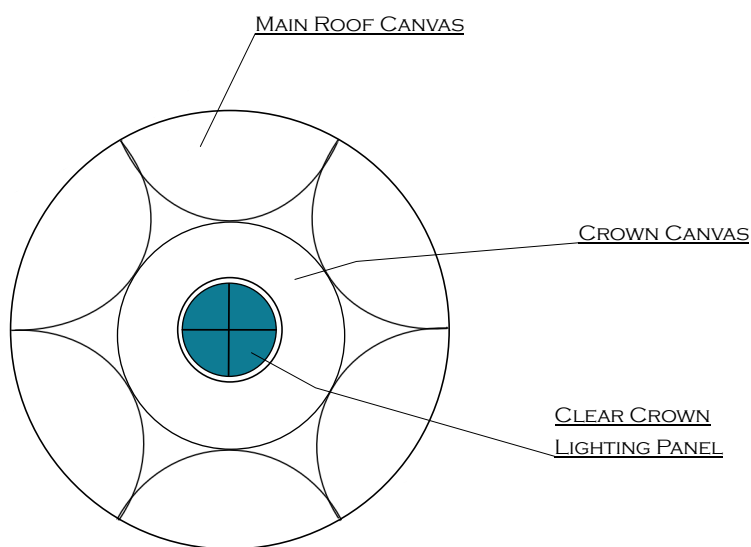


PLAN

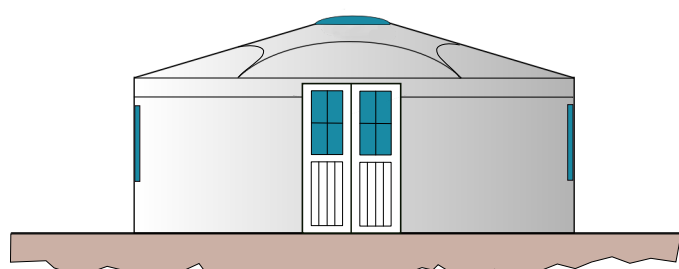


**YURT SITE BURTHINGHURST
- 7.2M (24") YURT CONSTRUCTION**

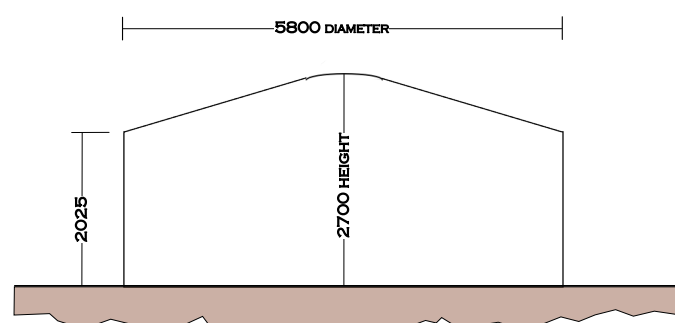
- NOTES:**
- DRAWING FOR PLANNING PURPOSES ONLY.
 - SCALE 1:100
 - ALL DIMENSIONS IN MM
 - PRINT SIZE A3



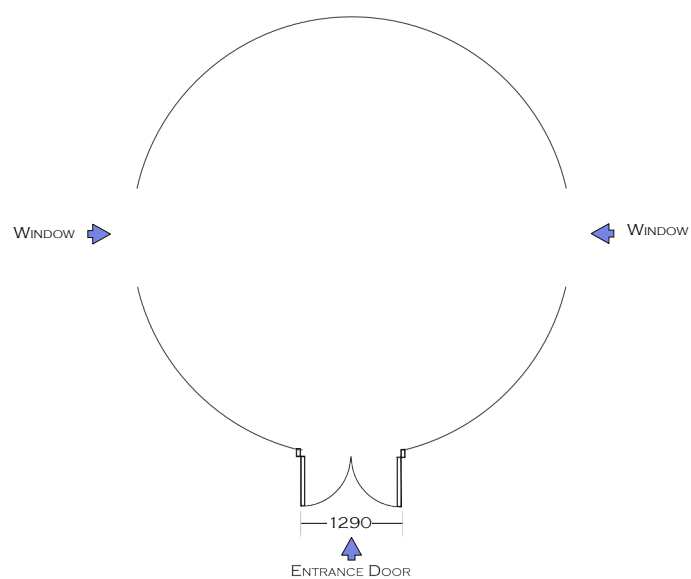
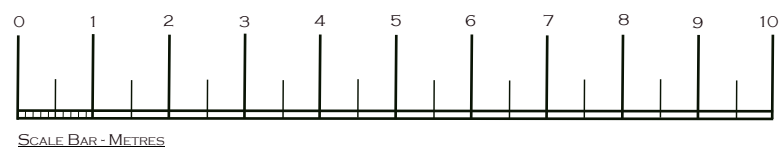
ROOF PLAN



FRONT ELEVATION (F)



SECTION (TYP)



PLAN

NOTES

DOOR NUMBERS & POSITIONS ARE ILLUSTRATIVE ONLY & MAY VARY

WALL CANVAS & ROOF PVC COLOURS SHOWN ARE ILLUSTRATIVE ONLY & MAY VARY

STANDARD COLOUR - WHITE

YURT SITE BURTHINGURST - 5.8M (18") YURT CONSTRUCTION

NOTES:

- DRAWING FOR PLANNING PURPOSES ONLY.
- SCALE 1:100
- ALL DIMENSIONS IN MM
- PRINT SIZE A3