

SCHEDULE A: Applications with Recommendation

17/1097

Item No: 04

Date of Committee: 08/06/2018

Appn Ref No:
17/1097

Applicant:
Mrs Frances Wild

Parish:
Farlam

Agent:
Mr Colin Wild

Ward:
Irthing

Location: Land opposite Crossgates Cottages and Park Terrace, Crossgates Road, Hallbankgate

Proposal: Formation Of Hardstanding; Erection Of Proposed Agricultural Shed

Date of Receipt:
10/01/2018

Statutory Expiry Date
07/03/2018

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

Members resolved to defer consideration of the proposal at the meeting of the Development Control Committee on the 27th April 2018 in order to under take a site visit.

Since the application was deferred there has been no changes to the Officers Report.

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development;
- 2.2 Whether the scale, form and siting of the building is acceptable;
- 2.3 Impact upon the living conditions of neighbouring properties;
- 2.4 Highway impacts;
- 2.5 Impact upon Public Bridleway No.115015;
- 2.6 Impact upon biodiversity;
- 2.7 Drainage; and
- 2.8 Other matters.

3. Application Details

The Site

- 3.1 This application relates to a parcel of land approximately 0.45 hectares in area located on the southern side of Crossgates Road to the east of Hallbankgate village. The land which is rectangular in formation, runs parallel to Crossgates Road with a topography that rises west to east. The field boundaries consist of stone walling to the north and east together with post and wire fencing to the south and west.
- 3.2 Public Bridleway 115015 runs beyond the eastern boundary of the site with a bungalow (Crossgates Cottage) and a terrace of two storey properties (No.s 1-10 Park Terrace) located beyond. There is also a pair of semi-detached two storey properties (No.s 1 and 2 Crossgates Cottages) located on the northern side of Crossgates Road opposite the Public Bridleway.
- 3.3 The site is located in the open countryside within the North Pennines Area of Outstanding Natural Beauty.

Background

- 3.4 In June 2017 the City Council was informed that a green shipping container, generator and hard core had been deposited on the application site without obtaining the necessary planning consents. An enforcement case was opened and the current application that is before Members consideration is a result of the enforcement action undertaken.
- 3.5 Planning application 17/1097 as first submitted sought permission for a 3 bay agricultural shed with a footprint of 210 metres, located in the middle of the field, constructed from green box profile tin sheets. The plans have however since been amended to that outlined in paragraphs 3.6 -3.8 below.

The Proposal

- 3.6 The proposal seeks full planning permission for the formation of hard standing and the erection of an agricultural shed. The submitted plans illustrate that the proposed shed is to be located towards the north-eastern corner of the site, will have a footprint of 56m², an eaves height of 2.5 metres and a ridge height of 4 metres. The building is to be constructed from breeze block faced in natural stone with a box profile tin sheeted roof coloured green. An arched wooden door is to be located on the west elevation of the barn with a number of air vents located on the north, east and south elevations. A door will also be located on the south elevation.
- 3.7 The proposal also includes a hard core track approximately 21.9 metres in length leading from the existing access gate towards the proposed shed.
- 3.8 The applicant has submitted a supporting statement which confirms that the proposed shed will be used to store a tractor, implements, animal feed and

the occasional sheep.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 15 neighbouring properties. During the consultation period 10 representations have been received.
- 4.2 10 letters/emails of objection were received in response to the original plans submitted, these cover a number of matters which are summarised as follows:
1. no need for agricultural building;
 2. no animals grazed on the land for several years;
 3. applicant does not farm/live in the area;
 4. claims from the applicant that people walk and fly tip on the land is not correct;
 5. existing buildings and hard core on the site is an eye sore;
 6. allegations that the applicant wants to built houses on the land and that an application has been previously turned down;
 7. shed is too large for size of the land;
 8. how will livestock on the field be looked after if applicant does not live in the area?
 9. concern that if a shed is built it will make it easier for the applicant to apply for housing on the land at a future date;
 10. loss of view from existing properties and decline in house values;
 11. land is of poor quality and is only capable of carrying 2 sheep in a 12 month period;
 12. impact upon the Area of Outstanding Natural Beauty and landscape character of the area;
 13. materials proposed and colours do not relate to existing buildings on the terrace or at Crossgates;
 14. once building is erected other livestock other than sheep (including slurry) could be in the building which is close to dwelling houses; and
 15. proximity of proposal to houses.
- 4.3 In response to the revised plans a further 4 objections and 1 comment has been received. The objections cover a number of matters which are summarised as follows:
1. no livestock or agricultural machinery kept on the land for many years;
 2. the applicant has undertaken works (porta cabin, small shed and gravel) without planning permission;
 3. no need for an agricultural building on the land;
 4. applicant lives far away and would therefore be unable to look after any animals/machinery;
 5. applicant has tried to sell the property;
 6. land should be returned to its previous condition with current structures removed as it is an AONB;
 7. unable to tell what the changes are on the amended plans;

8. applicant is trying another way to get houses on the land;
9. queries regarding consultation undertaken;
10. land that comes on the market is taken by established farmers and only let on a 5-6 month tenancy;
11. concern that the land will become a small holding;
12. concern that the site will remain a mess; and
13. applicants long term objectives need to be made clear.

4.4 The comment received is summarised as follows:

1. amended plans address scale, building fabric and rationale; and
2. no further comment as long as shed remains a tractor shed and animal food store.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection subject to the imposition of one condition regarding no obstruction to Bridleway 115015. Standing advice also received regarding highway permits;

Farlam Parish Council: - no response received;

North Pennines AONB Partnership: - no response received.

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 are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP2, SP6, EC12, IP3, CC5, CM5, GI1, GI2, GI3, GI5 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Guidance and Toolkit (2011) and the North Pennines AONB Planning Guidelines (2011) and North Pennines AONB Building Design Guide (2011) are also material planning considerations.

6.3 The proposal raises the following planning issues:

1. The Principle Of Development

6.4 At the heart of the NPPF is a presumption in favour of sustainable development. In order to promote a prosperous rural economy paragraph 28 of the NPPF states that the development and diversification of agricultural

and other land based businesses should be supported.

- 6.5 Policy EC12 (Agricultural Buildings) of the CDLP confirms that proposals for new agricultural buildings and structures will be permitted provided that 1) the building is sited where practical to integrate with existing agricultural buildings and/or take advantage of the contours of the land and any natural screening; 2) the scale and form of the proposed structure relates to an existing group of buildings unless otherwise justified; 3) the design and materials used reflect the overall character of the area; and 4) the proposal would not have an unacceptable impact on any adjacent land uses.
- 6.6 Furthermore Policy SP2 (Strategic Growth and Distribution) states that within the District's rural settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be harnessed to positively contribute to increasing the prosperity of the rural economy and to enable rural communities to thrive. Within the open countryside however development will be assessed against the need to be in the location specified.
- 6.7 The submitted supporting statement confirms that the field subject of this application is full of rushes and the applicants intend to restore the land to allow it to become a usable field for livestock. They intend to breed 5-6 pedigree Suffolk Sheep and approximately 30 Jacobs Sheep.
- 6.8 The applicants currently reside in Dumfries and have confirmed that they originally had the offer to rent 20-40 acres of land near Hallbankgate which they have now lost due to planning delays. They have however confirmed that they maybe able to rent 10 acres of land about 4 miles away from the site. The rented land has no buildings and a building is required to store a tractor, agricultural implements and animal feed to manage the application site as well as any rented land. The machinery stored is intended to be used for making hay on the application site and any rented land, transporting sheep to market, fertilising the land, drainage and maintenance of field boundaries. There is also a need to store hay and animal feed in the shed during winter emergencies such as the recent snowfall. The occasional sheep will be housed in the shed if needed.
- 6.9 Although the field subject of this application is unrelated to an existing farm steading it is evident from the applicants supporting statement that the proposed shed is intended for the storage of agricultural materials and machinery to serve the field in which it is located as well as others intended to be rented by the applicant. The applicant has provided sufficient justification for the erection of an agricultural building in a field currently used for agricultural purposes therefore the principle of development is acceptable.

2. Whether The Scale, Form and Siting Of The Building Is Acceptable

- 6.10 Policy GI1 (Landscapes) of the CDLP seeks to protect landscapes from excessive, harmful or inappropriate development. Proposals for development are to be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit (CLCGT).

- 6.11 The CLCGT identifies the land subject of this application falling within sub category 11a) foothills. The vision for this landscape type is to enhance and restore. Guidelines for development such as farm buildings is to ensure that new farm buildings are integrated into the landscape by careful siting and design with redundant modern buildings removed.
- 6.12 The application site is sensitive to change as it is located within the North Pennines Area of Outstanding Natural Beauty (AONB). Policy GI2 (Areas of Outstanding Natural Beauty) of the CDLP confirms that any development proposals within the AONB must conserve or enhance the natural beauty of the areas. Development proposals must be appropriate to the landscape setting in terms of scale, siting and design.
- 6.13 The North Pennines AONB Supplementary Planning Documents on Building Design (2011) and Planning Guidelines (2011) state that isolated buildings should, where possible, take advantage of natural dips in the land or be set against a hillside to reduce visual impact. Skyline sites or sites prominent from public viewpoints should be avoided. Careful siting in relation to existing mature trees will help merge a new building into the landscape.
- 6.14 The guidance goes on to state that all new agricultural buildings should be designed to sit in with their surroundings. It is acknowledged that within the AONB there will be certain sensitive locations, such as those highly visible from public viewpoints, where the siting, design and appearance of a new farm building would have to be given considerable attention to avoid an unacceptable impact on its surroundings. It is recognised however that there may be occasion when, for functional reasons, new buildings will have to be sited in such locations. In such situations traditional materials are encouraged with particular regard to the colour/texture of alternative materials. In sensitive locations the guidance confirms that it will be necessary to clad some or all external masonry walls in natural stone.
- 6.15 As stated in paragraph 6.5 above Policy EC12 of the CDLP seeks to ensure that agricultural buildings are sited where practical to integrate with existing agricultural buildings and/or take advantage of the contours of the land any natural screening.
- 6.16 The application site is situated outwith the built form of Hallbankgate within the open countryside. Due to the topography of the land, which rises away from the village, the site is prominent with open views beyond the dwelling houses that sit at the top of the ridge towards the expansive fells. The site is a sensitive area as it is located within the North Pennines Area of Outstanding Natural Beauty therefore it is imperative that any proposals do not have an adverse impact upon the natural beauty/landscape character of the area.
- 6.17 The unauthorised structures that are on the land at present are unduly prominent within the existing street scene, due to their siting, scale, materials and design, and therefore have a harmful impact upon the landscape and the character/appearance of the AONB. The proposed development will tidy up

the land and will provide an agricultural building of a traditional design and construction.

- 6.18 The typography of the land is varied with the land rising from the village towards Park Terrace to the east. The development will be sited in the north-eastern corner of the site in close proximity to the existing stone walls which delineate the north and eastern boundaries of the site. Although the shed is intended to be sited towards the highest point of the field, with the access track running parallel to the existing stone wall boundary, this is considered to be the less intrusive location within the field as the building would be viewed within the context of the existing buildings which are located at the top of the ridge along with the landscaping located within the existing roadside verges.
- 6.19 The scale of the proposed agricultural building is commensurate to the size of the field in which it is located. The proposed use of stone and timber will correspond with the character of traditional buildings found within the AONB. The AONB Building Design SPD acknowledges that farm buildings as well as other buildings such as community halls/chapels have been found to be roofed with metal sheeting which can be visually pleasing and is part of the character of this inexpensive type of building. In such circumstances the proposed roofing materials are deemed appropriate and the proposal is considered to be in keeping with local vernacular within the AONB as the design is sympathetic to its surroundings, whilst providing a building which meets the operational needs of the land. The low roof pitch of the building reduces the overall impact of the building within the landscape furthermore the dull/matt colours proposed for the roofing materials would complement the surrounding landscape. The proposed unbound gravel located in close proximity to the existing stone walling would not be intrusive to the landscape setting.
- 6.20 In overall terms the design and scale of the shed together with the associated hard standing is deemed acceptable.

3. Impact Upon The Living Conditions Of Neighbouring Properties

- 6.21 As stated in paragraph 3.2 of this report a bungalow (Crossgates Cottage) and a terrace of two storey properties (No.s 1-10 Park Terrace) are located beyond the Public Bridleway which runs parallel to the eastern boundary of the site. There is also a pair of semi-detached two storey properties (Nos 1 and 2 Crossgates Cottages) located on the northern side of Crossgates Road opposite the Public Bridleway.
- 6.22 No.s 1 and 2 Crossgate Cottages and Nos.1-10 Park Terrace are off-set from the proposed development. Furthermore the front elevation of Crossgates Cottage faces north. This property also has no primary windows on the gable facing the application site. In such circumstances the development will not have an adverse impact upon the living conditions of the occupiers of any residential properties in terms of loss of light, over looking or over dominance.

- 6.23 With regards to visual impact of the development it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. It is appreciated that right to a view is not a material planning consideration and the focus of the planning system is to regulate the use and development of land in the public interest. Whilst it is not disputed that the development would be visible from neighbouring properties it is not considered that the development causes a prominent or oppressive impact due to the building being off-set from the primary windows of neighbouring properties, coupled with the relatively low ridge, eaves height and traditional design, to warrant refusal of permission on this basis.
- 6.24 It is appreciated that at present the site is not well used due to the condition of the land. Whilst activity on the land will increase when the land is restored and livestock is reintroduced it is not considered that the use of land for agricultural purposes, and the use of an agricultural building commensurate to the size of the land, would have a significant adverse impact upon the living conditions of the occupiers of adjacent residential properties in terms of noise to warrant refusal of the application on this basis. To protect the living conditions of residential properties a condition is recommended restricting the use of the building to agricultural purposes only. Should any noise issues arise this would be dealt with under Environmental Health legislation.

4. Highway Impacts

- 6.25 The proposed building is to be located in a field that already benefits from an existing access. The relevant Highway Authority has been consulted on the proposed development and has raised no objections. As the proposal seeks to use the existing agricultural access for agricultural purposes the proposal raises no issues with regard to highway safety.

5. Impact Upon Bridleway 115015

- 6.26. As previously stated within this report Public Bridleway 115015 runs parallel to the eastern boundary of the site. As the development will take place within the existing field the proposal would not have an adverse impact upon the use of the Bridleway. The Highway Authority has been consulted on the proposal and has raised no objections subject to the imposition of one condition to ensure that there is no obstruction to the public bridleway during or after completion of site works.

6. Impact Upon Biodiversity

- 6.27 The Council's GIS Layer has identified that the site has the potential for a range of species to be present. Natural England's standing advice has been referred to and it is not considered that the siting of a shed on agricultural land currently used for grazing would harm a protected species or their habitat.

7. Drainage

- 6.28 It is proposed that surface water drainage is to be disposed of via a

soakaway. Whilst the principle of this drainage method is acceptable a condition requesting full details of the surface water drainage system, including percolation tests, is recommended.

8. Other Matters

- 6.29 Allegations have been made from objectors that the applicant intends to erect houses on the land. Members however have to deal with the application that is before them which is for an agricultural shed.
- 6.30 Objections have also been raised regarding impacts on house prices and loss of views. These are not material planning considerations.

Conclusion

- 6.31 In conclusion, the principle of the development is acceptable and the proposal is of a scale and design which is suitable in relation to the surrounding landscape. The proposal uses sympathetic materials which will not have an adverse impact upon the character/appearance of the North Pennines Area of Outstanding Natural Beauty. Given the positioning of the shed in relation to residential properties, the proposal would not be overbearing or create an adverse impact upon existing living conditions. Overall, it is held that the proposal does not conflict with current policies of the Development Plan and therefore is considered acceptable.

7. Planning History

- 7.1 There is no relevant planning history on the 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 submitted planning application form received 4th April 2018;
2. the site location plan, scale 1:2500, received 22nd March 2018;
3. the block plan received 16th March 2018;
4. the proposed site layout plan received 16th March 2018;
5. the proposed floor plans and elevations received 16th March 2018;
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. For the avoidance of doubt the shed hereby approved shall be used for agricultural purposes only.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality. In accordance with Policies SP6 and EC12 of the Carlisle District Local Plan 2015-2030.

4. Public Bridleway 115015 lies adjacent to/runs through the site, the Applicant must ensure that no interference and obstruction occurs to the footpath during, or after the completion of the site works.

Reason: To support Local Transport Plan Policy W1 and W2.

5. Should any external lighting be proposed details of the proposed external lighting scheme should be submitted and approved in writing by the Local Planning Authority prior to its erection.

Reason: To safeguard the amenities of the occupiers of residential properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building, including the hardcore road, have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. For the avoidance of doubt the whole of the building should be faced in stone.

Reason: To ensure that materials to be used are acceptable and in accord with Policies SP6, EC12 and GI2 of the Carlisle District Local Plan 2015-2030.

7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, including percolation tests, has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

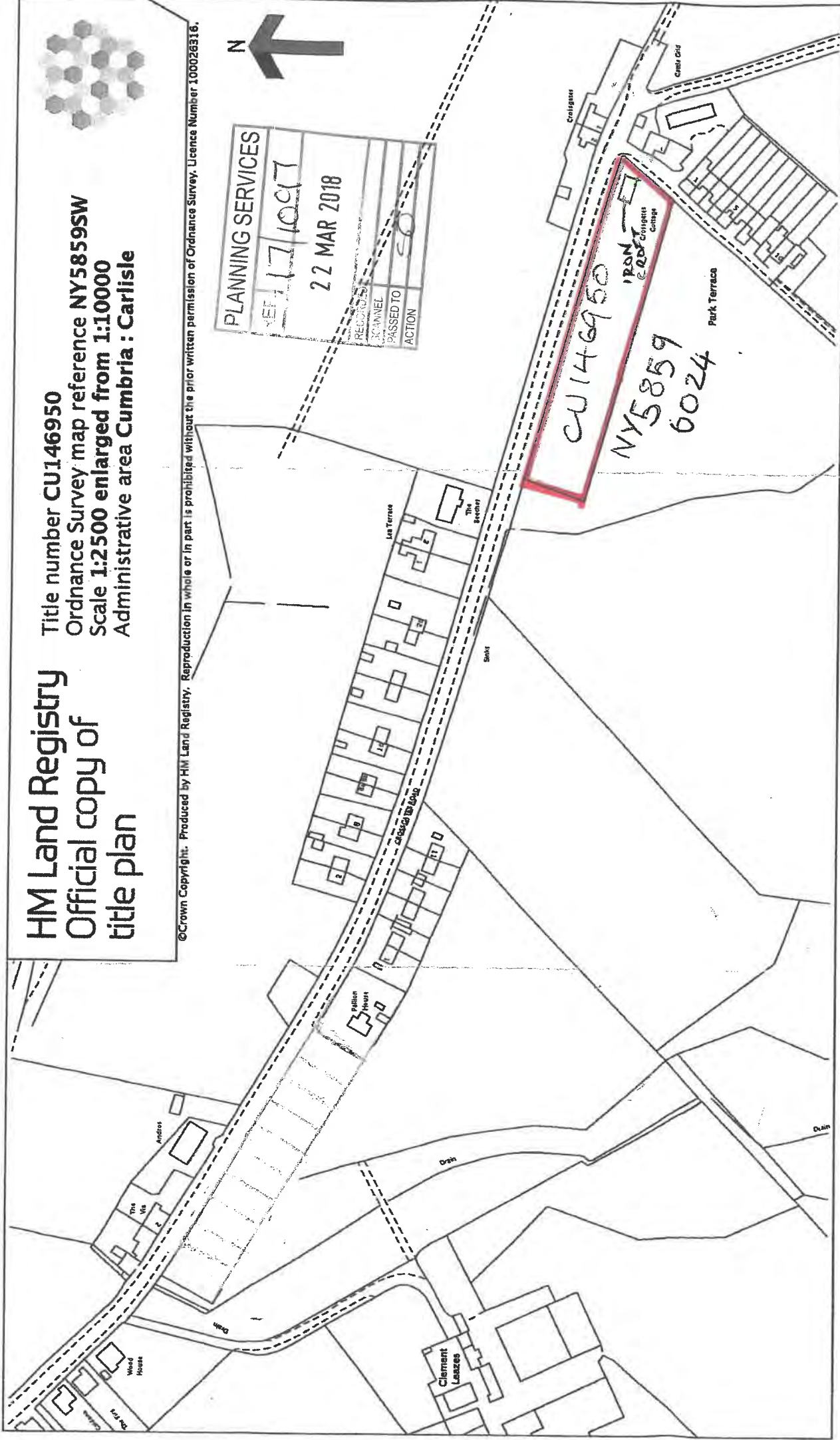
Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CC5 of the Carlisle District Local Plan 2015-2030.

HM Land Registry Official copy of title plan

Title number CU146950
Ordnance Survey map reference NY5859SW
Scale 1:2500 enlarged from 1:10000
Administrative area Cumbria : Carlisle

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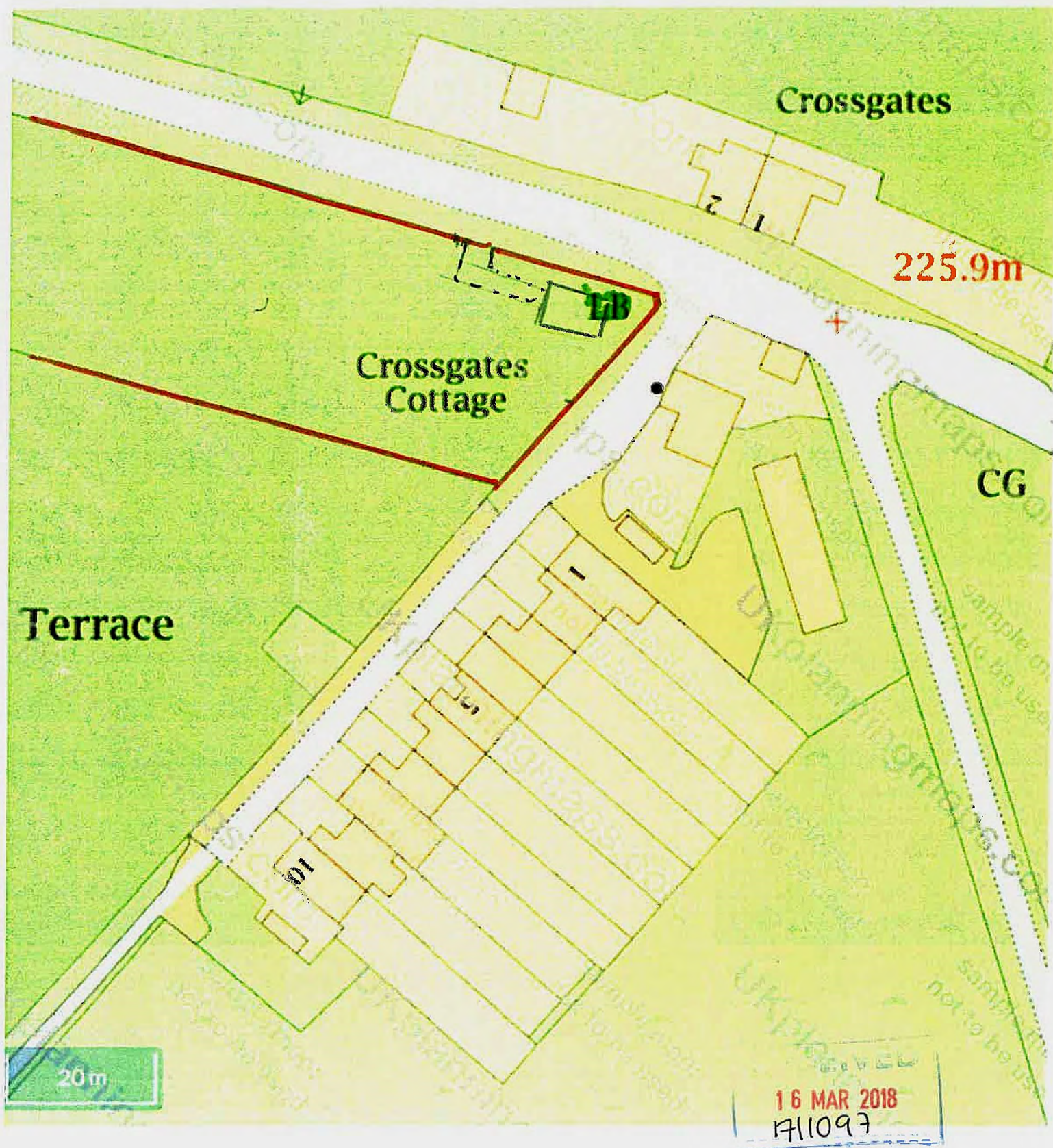
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BLOCK PLAN

PROPOSED TRACTOR SHED + BARN.

12.3.18

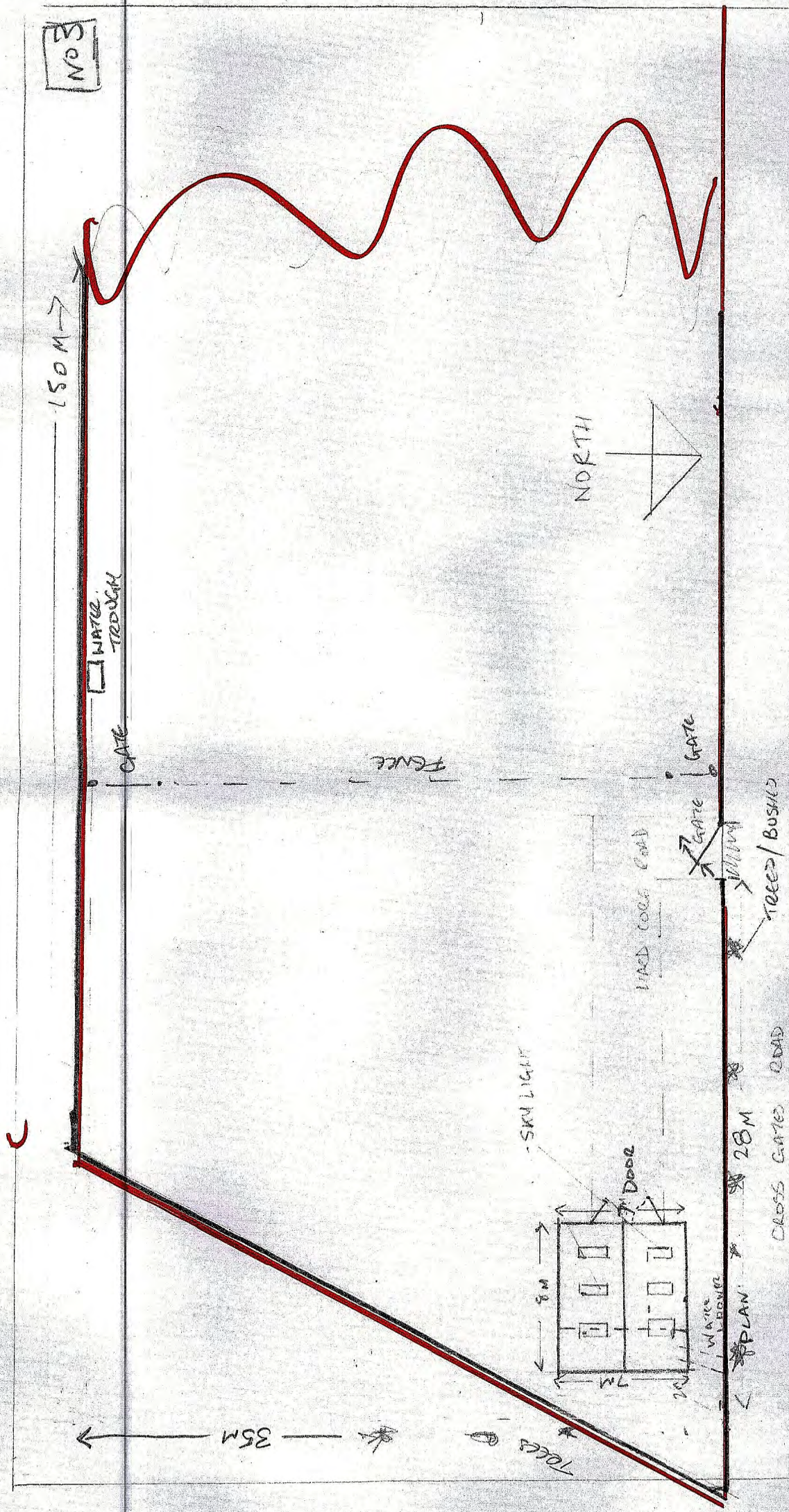
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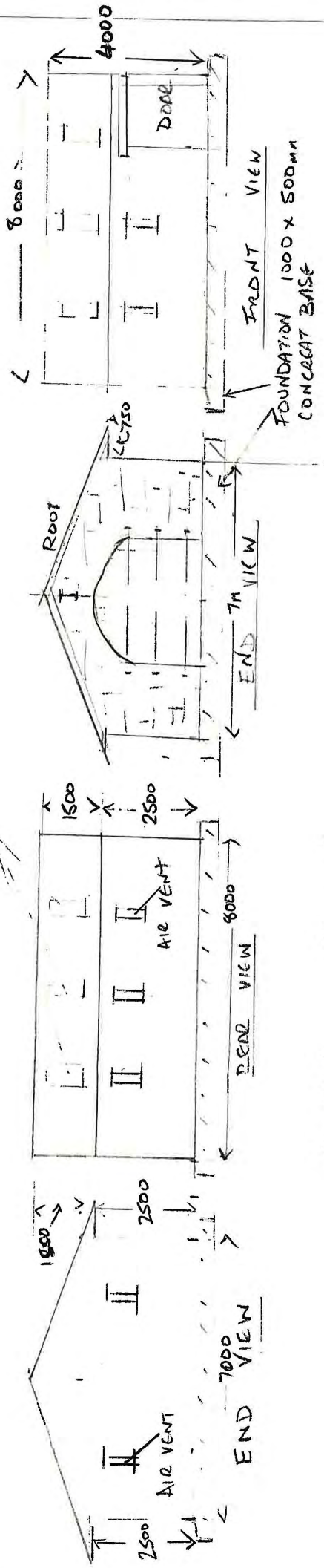
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REF SJS 17/01/49EC DATE 12/3/18 No 3
COLIN WILD @ IRON CROFT CROSS GATES RD
HALL BARN GATE CAB2 PL



PROPOSED TRUCK SHED + BARN 7M X 8M WIDE.
NATURAL STONE WALL FACING WITH
THREE FRAME OF BRICKS 2.00M
INTERMEDIATE, WITH PICKED ROOF
WITH GREEN DE GRAY BOX PROFILE TIN SHEET
WITH SKY LIGHTS

No 3

ROOF. SKY LIGHTS



BOX PROFILE TIM SHEET
GREEN OR GRAY.
SKY LIGHTS.

100 x 50 TIMBER INTERIOR WALL OR 150 x 450mm
BREEZING WITH NATURAL STONE
WALL (EXTERNAL)

16 MAR 2018
171097

PROPOSED TRACTOR SHED
+ BARN

SCALE	1:100
PROPOSED	TRACTOR SHED + BARN
COLIN WILD	IRON CAGES
DATE	12.3.18
FILE	BARN GATE CABZ PL