

## SCHEDULE A: Applications with Recommendation

15/0081

Item No: 06

Date of Committee: 10/07/2015

**Appn Ref No:**  
15/0081

**Applicant:**  
Mr Swainson

**Parish:**  
Burgh-by-Sands

**Agent:**  
Planning Branch Ltd

**Ward:**  
Burgh

**Location:** Bramblebeck Cottage, Moor Park, Thurstonfield, Carlisle, CA5 6HB

**Proposal:** Change Of Use Of Small Area Of Field To Residential; Erection Of Detached Domestic Garage (Revised Application)

**Date of Receipt:**  
04/02/2015 13:00:08

**Statutory Expiry Date**  
01/04/2015 13:00:08

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether The Proposal Is Appropriate To The Dwelling
- 2.2 The Impact On The Character And Appearance Of The Area
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Biodiversity

#### 3. Application Details

##### The Site

- 3.1 This application was deferred at the previous meeting of this Committee to undertake a site visit.
- 3.2 Moorpark Farm is located between Moorhouse and Thurstonfield and is immediately adjacent to the B5307 County highway. Moorhouse is approximately 590 metres to the east and Thurstonfield lies 570 metres to

the west.

- 3.3 The site comprises of a one and a half storey detached dwelling constructed from facing brick under a slate roof. The property is set back some 14.5 metres from the front boundary which itself comprises of a 1 metre high stone wall. The property is situated within a reasonable curtilage.
- 3.4 The vehicular access is located to the west of the property which is taken from one of the farm entrances. Beyond the access to the west, are a series of modern agricultural buildings and the original farmhouse. The property and the farm steading are enveloped by open countryside.

## **Background**

- 3.5 When outline planning permission was granted for the dwelling in 2002, the consent included the provision of a curtilage 14.5 metres to the front of the property and 12.5 metres to the rear. At the time of the Officer's site visit in the assessment of this application, the rear boundary was only approximately 5 metres from the back of the house some 7.5 metres short of its consented position. As the planning permission has been implemented, the boundary could be extended and the remaining land used as curtilage without the need for further consent.
- 3.6 An application for the erection of a garage was refused by Members of the Development Control Committee last year. This application is a revision and attempts to deal with the reason given for refusal.

## **The Proposal**

- 3.7 This application seeks "Full Planning" permission for the change of use of agricultural land to domestic curtilage together with the erection of a detached garage. The land would be to the south-east corner of the property between the house and the road. The garage would be sited jointly within the domestic curtilage and an area of agricultural land for which a change of use is sought.
- 3.8 The double garage would encompass a storage area at the northern end and would be single storey. The structure would be constructed from facing brickwork incorporating a stone plinth and stone detail under a slate roof. The gable of the garage would face the highway and vehicles would access the garage from the existing entrance to the property and across the front of the dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupier of a neighbouring property. In response, 1 letter of objection has been received and the main issues raised are summarised as follows:

1. the building is far too big and is tantamount to a house;
2. the site is a farm with plenty of room to put a garage in the drive area.

## 5. Summary of Consultation Responses

Cumbria County Council - Highways & Transportation: - no objection;

Burgh-by-Sands Parish Council: - the following response has been received:

1. the Parish Council would support development within the current curtilage of the site;
2. the pictures do not represent the current form of the site;
3. there are concerns about extending the current site onto the agricultural land of Burghmoor that is currently an area of unspoilt countryside.

## 6. Officer's Report

### Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), Policies CP1, CP2, CP5 and H11 of the Carlisle District Local Plan 2001-2016 and the Supplementary Planning Document "Achieving Well Designed Housing".
- 6.2 Policies GI1, GI3, SP6 and HO8 of the emerging Local Plan are also relevant.
- 6.3 Carlisle's emerging new Local Plan 'The Carlisle District Local Plan 2015-2030' was published as a proposed submission draft for consultation, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, on the 4th March 2015. Consultation on the Plan closed on 20th April, beyond which the Council intend to submit the Plan for independent examination in June 2015.
- 6.4 Paragraph 216 of the National Planning Policy Framework identifies that:
 

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

  - *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*
- 6.5 Carlisle City Council resolved at their meeting of the 10th February 2015, with regards to the emerging Local Plan, that *"once published for consultation, weight be given to the Carlisle District Local Plan (2015–2030) as a material*

*consideration when exercising Development Management policy decisions, in accordance with paragraph 216 of the National Planning Policy Framework”.*

- 6.6 In exercising a decision on the proposal regard has therefore been had to the relevant policies and proposals within the emerging Carlisle District Local Plan 2015-2030. The particular weighting afforded to policies and proposals of relevance has been arrived at by considering each in turn and by way of reference to the provisions of paragraph 216 of the NPPF.

- 6.7 The proposal raises the following planning issues.

### **1. Whether The Proposal Is Appropriate To The Dwelling**

- 6.8 Members will note from the Planning History, that a similar application was determined by the Development Control Committee in 2014 for the following reason:

"The proposal, by virtue of its scale, massing and position within the site would not be well related to the existing building. The garage would be visually dominant within the site and would result in an awkward intrusion into open countryside. In this location, the proposal represents an inappropriate development that would result in a discordant feature within the rural area and due to the aforementioned reasons would be detrimental to the character of the local landscape. The proposal is therefore contrary to the National Planning Policy Framework and Policy H11 (Extensions to Existing Residential Dwellings) of the Carlisle District Local Plan 2001-2016."

- 6.9 In the Design and Access Statement, the applicant has outlined that the current proposal involves the repositioning of the building together with a reduction in height of 0.6 metres (by lowering it into the ground). The proposed garage floor level would be 150 mm below the floor level of the dwelling and all 3 of the measures are put forward as means of addressing the reason for refusal.
- 6.10 Additionally, an additional area of agricultural land to the rear of the proposed garage and to the north-east of the dwelling is also included in the change of use to domestic curtilage which wasn't previously considered.
- 6.11 Whilst is acknowledge that the proposal has changed since the previous application, the key judgement for Members is whether there have been sufficient changes which are significant enough to overcome the reason for refusal. In terms of the applicant's statement that the building would reduced by 0.6 metres by excavating the ground, the submitted cross-section shows that this is only true for the south-east aspect of the building. The land slopes down naturally to the north-west and the amount of excavation at this point would only be 0.2 metres.
- 6.12 The proposed garage would be located forward of the front elevation towards the boundary with the highway and would be prominently visible within the character of the area. Due to its siting, the scale and overall size of the building would result in an obtrusive, cramped form of development that

would be poorly related to the existing dwelling and would be inappropriate to its setting.

- 6.13 The proposed garage, therefore, constitutes development inconsistent with the requirements of Policy H11 of the Local Plan and the Supplementary Planning Document “Achieving Well Designed Housing” which seeks to ensure that extensions are of an appropriate scale and must not dominate the original dwelling.

## **2. The Impact On The Character And Appearance Of The Area**

- 6.14 The National Planning Policy Framework (NPPF) was published on the 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, and is a material consideration in planning decisions. The document places an emphasis on the promotion of sustainable growth whilst also protecting the environment.
- 6.15 The guidance sets out a number of core land-use planning principles in paragraph 17, which underpin both plan-making and decision-taking. The core principles embrace good design and protect character, stating that planning should; *“always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings;”* and *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”*. The requirement for good design is further emphasised in paragraph 64 stating that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 6.16 The view when approaching from Moorhouse would be of the rear elevation of the building, an expanse of 9 metres, although this would be partially screened by the hedgerow to the adjoining field, the roof would clearly still be visible. When approaching from the opposite direction, due to the low stone wall to the front of the property, would expose the site and enhance the prominence of the building. Due to the scale and siting of the building, the development would not be well related to the existing property and would adversely affect the character and appearance of the area.
- 6.17 To assist the applicant in achieving the objective of building a garage, Officers advised that the curtilage of the property could be extended to the rear in accordance with the extant consent and the proposed garage resited. Subject to a slight reduction in height, the building may then be exempt from planning permission. In response, a short reply was received verbally from the agent to the effect that this would affect the visibility to the adjacent farm buildings thereby affecting the security of the farm.
- 6.18 Although security can be a material consideration, in this instance the garage would not inhibit direct views over the junction of the farm access with the County highway and with visibility over the entrance to the property and much

of the farm access unaffected. Anyone passing would not be able to do so unnoticed.

- 6.19 In addition, there are a 2 other entrances to the farm which are not visible from the property and the applicants are unable to monitor most of the farm buildings which are, themselves, screened by other farm buildings. Therefore, limited weight is attached to this argument which is outweighed by the adverse visual impact that would result on the character of the area.

### **3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.20 Whilst planning policies may allow the principle of development, policies also require that consideration is also given to the living conditions of the occupiers of neighbouring properties. The only property close to the application site is Moorpark Farm which is within the same ownership and separated by agricultural buildings. Given the orientation of the application site with this properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties and the proposal will not result in a loss of privacy or unreasonable overlooking.

### **4. Biodiversity**

- 6.21 The Council's GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development is partly within the curtilage of an existing dwelling and involves development of agricultural land, it is not considered that the development would harm a protected species or their habitat. Natural England's standing advice states that in this instance, no protected species surveys are required but works should proceed with caution requires that an Informative should 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**

- 6.22 In overall terms, the property is within a large plot and the principle of additional domestic accommodation on the site is considered to be acceptable; the scale of the garage would be disproportionate and obtrusive to the character and appearance of the existing dwelling. The design is not reflective of the existing property and in combination of these factors, the development would adversely affect the wider landscape character and the proposal. The revisions to the application are acknowledged ;however, they are not considered sufficient to address the previous concerns of the local planning authority and the proposal continues to conflict with the objectives of the relevant Local Plan policies and Supplementary Planning Document.

## **7. Planning History**

- 7.1 Outline planning permission was refused in 2002 for the erection of a bungalow to house an agricultural worker.
- 7.2 In 2002, outline planning consent was granted for the erection of an agricultural workers bungalow and formation of a new access.
- 7.3 Planning permission was granted in 2003 for the erection of a former bungalow for occupation by an agricultural worker.
- 7.4 In 2004, planning consent was granted for a revised proposal for the erection of a dormer bungalow for occupation by an agricultural worker following the approval of outline planning consent.

## **8. Recommendation: Refuse Permission**

- 1. **Reason:** The proposal, by virtue of its scale, massing and position within the site would not be well related to the existing building. The garage would fail to integrate with the existing building and in the context of the site and the size of the curtilage, would result in a cramped form of development. The building would be visually dominant within the site and would result in an awkward intrusion into open countryside. In this location, the proposal represents an inappropriate development that would result in a discordant feature within the rural area and due to the aforementioned reasons would be detrimental to the character of the local landscape. The proposal is therefore contrary to the National Planning Policy Framework, Policies CP5 (Design) and H11 (Extensions to Existing Residential Dwellings) of the Carlisle District Local Plan 2001-2016 and Carlisle City Council Supplementary Planning Document "Achieving Well Designed housing).
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Location Plan (1:1,250)



Revision Status		Initials
Rev	Date	Amendments

Agent

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Client

W Swainson & Son  
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Thurstonfield  
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Drawing

Title: Location Plan

Scheme: New Double Garage to Serve Dwelling

Scale: 1:1,250

Date: Oct 2014

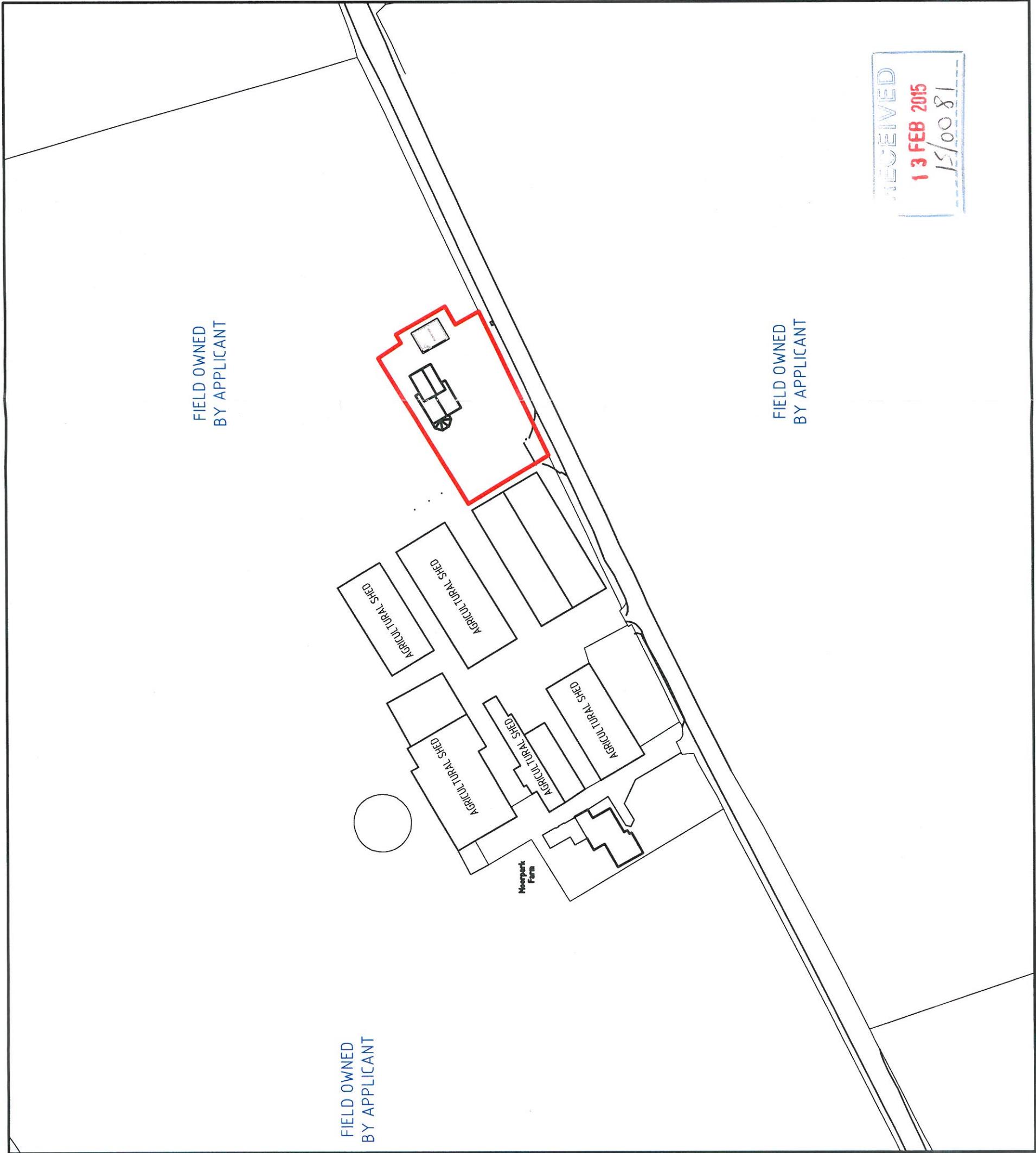
Dwg No.: P-03

Drawn: D Gray

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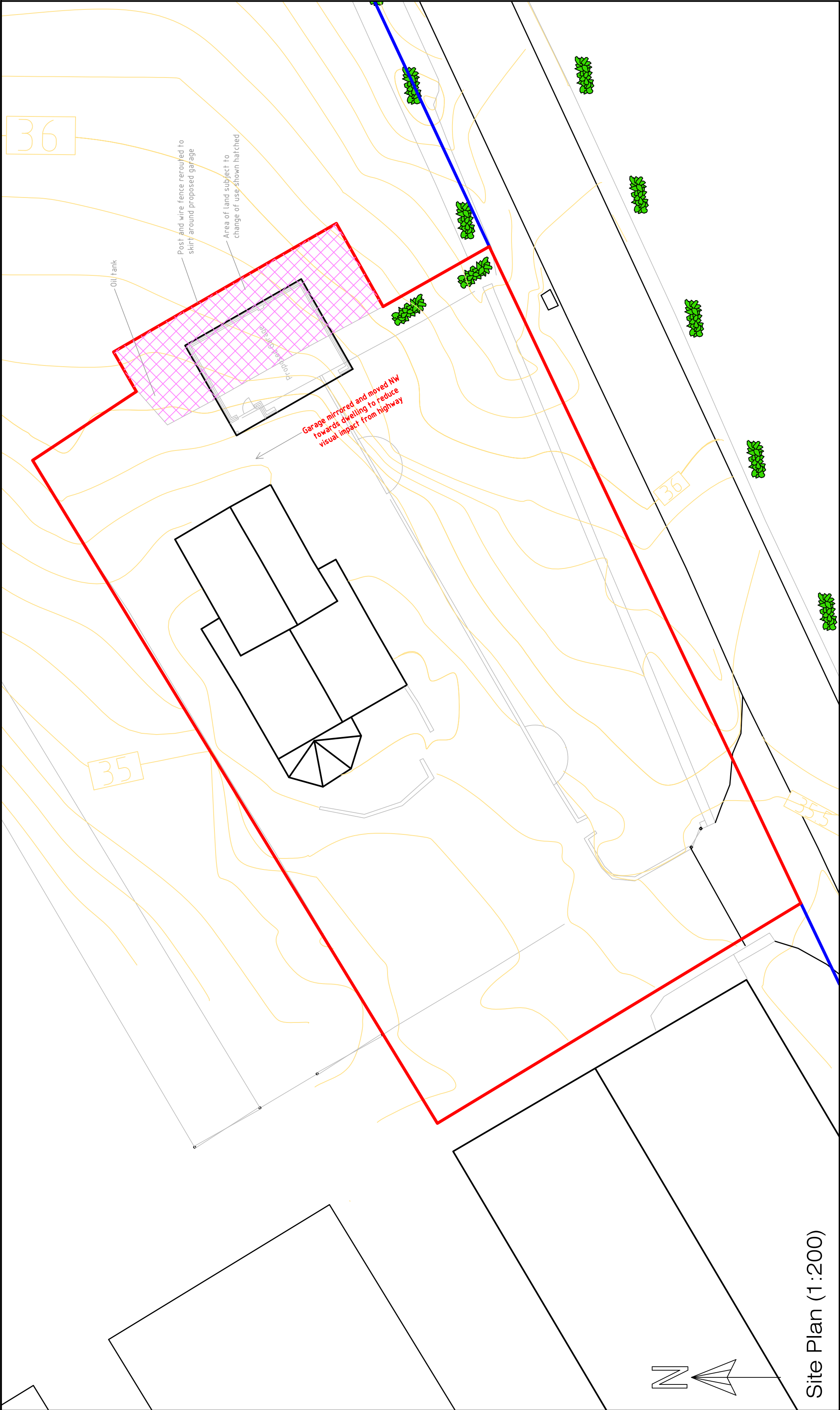
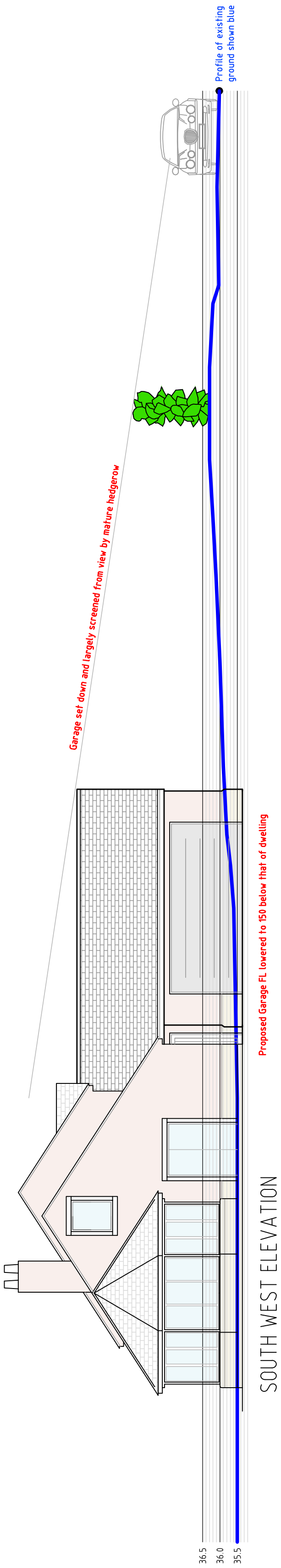
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Drawing to be printed at A3





Section Detail (1:100)



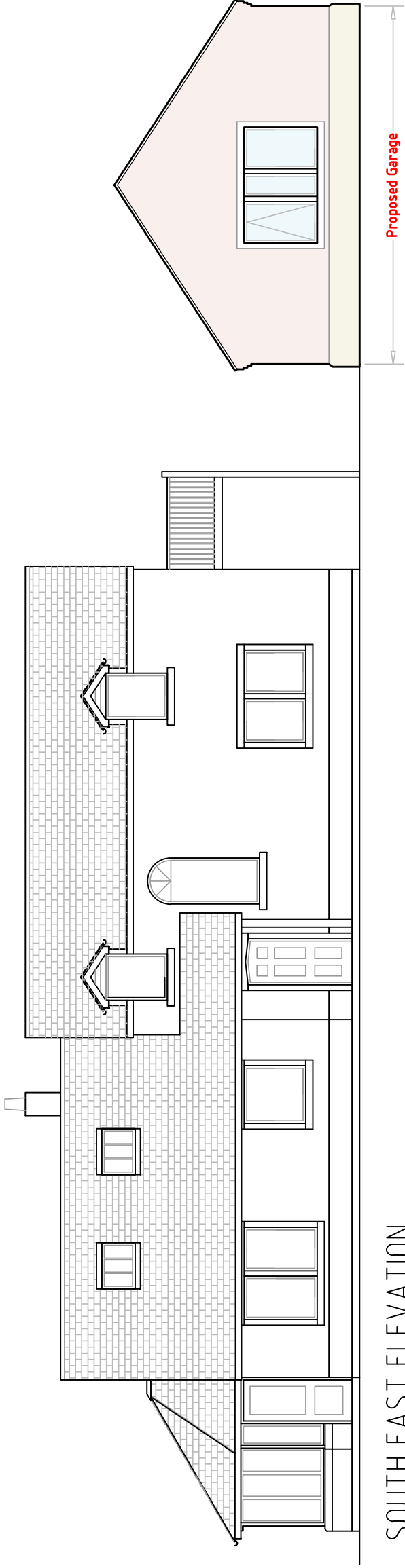
Revision	Status	Rev	Date	Amendments	Initials

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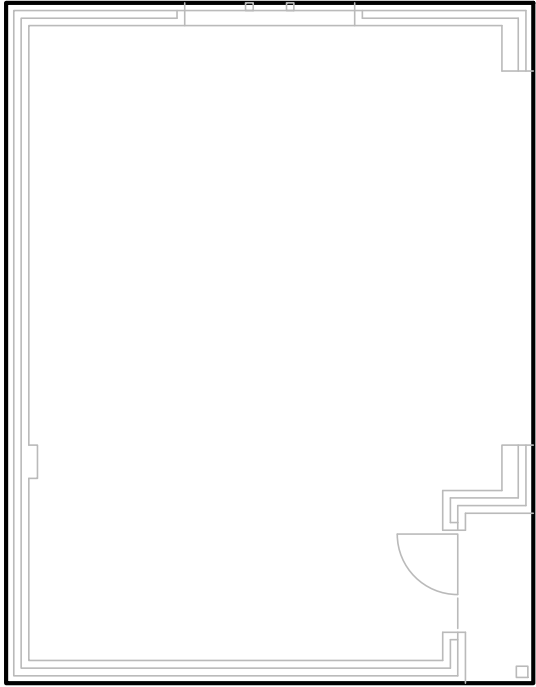
Client  
**W Swainson & Son**  
Moor Park Farm  
Thurstonfield  
Carlisle  
CA5 6HB

Drawing		
Title:	Section Detail & Site Plan	
Scheme:	New Double Garage to Serve Dwelling	
Scale:	1:100 & 1:200	
Date:	Oct 2014	
Dwg No.:	P-02	
Drawn:	D Gray	

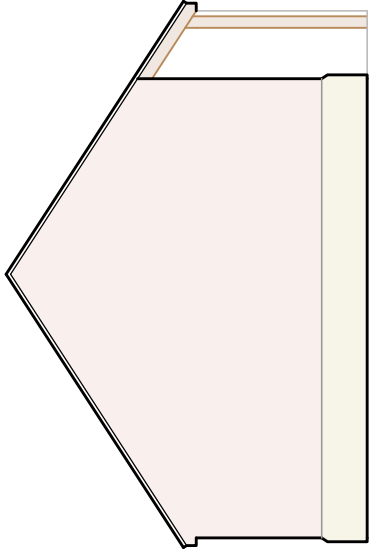
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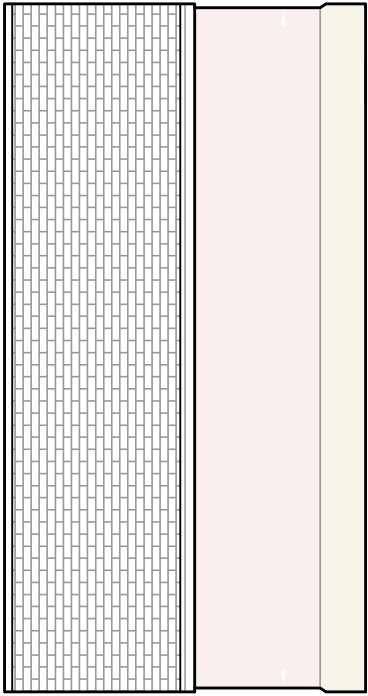
SOUTH EAST ELEVATION



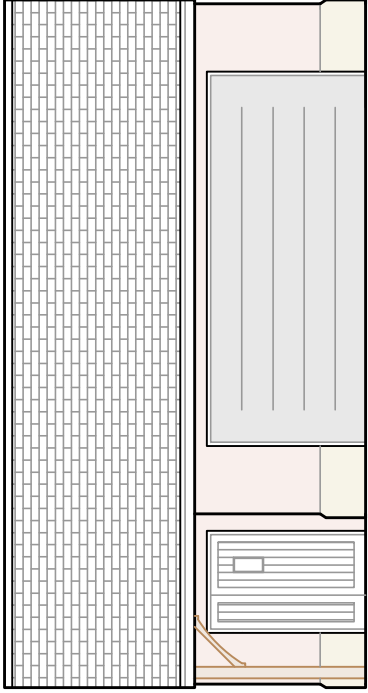
PROPOSED FLOOR PLAN



NORTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

Agent

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Client

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Carlisle  
CA5 6HB

Drawing

Title: Floor Plan & Elevations  
Scheme: New Double Garage to Serve Dwelling  
Scale: 1:100  
Date: Dec 2014  
Dwg No.: P-01  
Drawn: D Gray