

## SCHEDULE A: Applications with Recommendation

21/0951

Item No: 04

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0951

**Applicant:**  
Mr Lovell

**Parish:**  
Stanwix Rural

**Agent:**  
Sam Greig Planning Ltd

**Ward:**  
Stanwix & Houghton

**Location:** Land to the rear of South View, The Green, Houghton, Carlisle, CA3 0LN

**Proposal:** Erection Of Agricultural Building (Revision To Application 14/0678/Part Retrospective)

**Date of Receipt:**  
06/10/2021

**Statutory Expiry Date**  
01/12/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Scale, Design and Impact On The Character And Appearance Of The Locality
- 2.3 Highway Matters
- 2.4 The Impact On The Living Conditions Of Residential Properties
- 2.5 Surface Water Drainage
- 2.6 Biodiversity
- 2.7 Other Matters

#### 3. Application Details

##### The Site

3.1 South View is a large detached property located to the north of Houghton and is accessed via a private road that leads from The Green. The property

comprises of a series of outbuildings including a detached garage and stables.

- 3.2 To the north and west are agricultural land. To the south, on the opposite side of the private road, are land and buildings in separate ownership that are used for equestrian purposes.

## **Background**

- 3.3 Members will note from the planning history that planning permission was granted in 2014 for the erection of a general purpose agricultural building. Following the receipt of a complaint about the building alleging that it wasn't been constructed in accordance with the approved plans, Officers visited the site and measured the building which was found to be larger than that of the approved building.

## **The Proposal**

- 3.4 The application seeks retrospective planning permission for the erection of an agricultural building. An existing access serves the site which is partially screened by established hedgerows of varying heights to the south, west and north.
- 3.5 The building is set within the north-west corner of the site. The structure has been constructed from a portal frame on a concrete base and will be constructed from brickwork to a height of 1.4 metres with juniper green steel cladding above. The roof would comprise of juniper green coloured steel cladding with a galvanised roller shutter door.

## **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, one representation objecting to the application has been received and the main issues raised are summarised as follows:
1. planning application 14/0678 and its associated application form claims a floor area of 121.5m<sup>2</sup>;
  2. construction of the building commenced in June 2021 necessitating a visit from Planning Officers, giving rise to application 21/0951, the application form now proclaims a floor area of 179.65m<sup>2</sup>;
  3. the submitted drawing shows a ridge height 600mm higher than that in the original application;
  4. the structure completely dominates the site and skyline in total contradiction of policies CP5 & LE25 of the local plan [refers to Policies SP6 and EC12 of the Carlisle District Local Plan 2015-2030];
  5. given the most recent refusal of application 21/0299 for the storage of motor vehicles, begs the question as to the real purpose of a building with such biblical proportions.

- 4.2 In addition, a representation has been received from a Ward Councillor who raises the following issues:
1. development on this site has been a very contentious issue;
  2. the application should be refused on the grounds of size, location, Policy LC25 in the local plan [refers to Policy EC12 of the Carlisle District Local Plan 2015-2030], intended use, no correlation between plan submitted and building being constructed and impact on visual amenity.

## 5. Summary of Consultation Responses

**Stanwix Rural Parish Council:** - although the application form for approved application reference 14/0678 proposed an area of 121.50m<sup>2</sup> of new floor space, the approved drawing, Drawing no. 128/1 Block and Location Plan, shows proposed dimensions of 18.146m x 9.234m i.e. 167.56m<sup>2</sup>. It appears, therefore, that consent exists for a building having a footprint of up to 167.56m<sup>2</sup>

Application Reference 21/0951 proposes an area of 179.65 m<sup>2</sup>, i.e. only 12.89m<sup>2</sup> larger than the maximum seemingly permitted under Application Reference 14/0678, but 58.15 larger than the 121.50m<sup>2</sup> proposed by application form.

The Parish Council recommends that clarity be sought with regard to the ability of the surface water drainage system to accommodate run-off from a significantly larger roof area e.g. 58.15 m<sup>2</sup>, while it is probable that a modest increase in roof area of 12.89m<sup>2</sup> should not create an issue. The Parish Council therefore recommends determination in accordance with local and national planning policy and guidance.

## 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. The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP2, SP6, EC12, IP2, IP3, CC5 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. The proposal raises the following planning issues.

#### 1. Whether The Principle Of Development Is Acceptable

- 6.2 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.

- 6.3 In this instance, the structure would be located adjacent to agricultural land owned by the applicant and on a similar footprint to the building granted by the previous development. The structure would be reasonable in scale in comparison to the built environment and comparable with buildings on the opposite side of the road. The principle of development has been established through the grant of the previous application. The construction would be appropriate with regard to modern agricultural structures and there is no objection in principle to erect a building of this scale subject to compliance with the other relevant policies in the local plan.

## **2. Scale, Design And Impact On The Character And Appearance Of The Locality**

- 6.4 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

*“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.5 Policies seek to ensure that development is 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. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.

- 6.6 The approved building measures approximately 9.2 metres in width by 18.15

metres in length. The highest to the eaves and ridge are 4.03 metres and 5.3 metres respectively. In comparison, the proposed building measures 9.7 meters in width by 18.65 metres in length. The proposed height to the eaves and ridge measures 4.3 metres and 5.8 metres respectively. Overall, this shows a general increase of 0.5 metres in width, length and height to the ridge.

- 6.7 The building remains proportionate to the site and is similarly positioned within the site to that of the previously approved building. The structure would be commensurate with the scale of the agricultural needs of the applicant and the siting takes account of the existing infrastructure and as such, is acceptable.
- 6.8 Although the site is served by a private road, there is a public footpath that runs to the north of Orchard Gardens leading from Houghton to Kingmoor Park. The building is visible across to the south from the footpath. The hedgerow immediately adjacent along the northern boundary is controlled by the neighbouring owner and the height is currently low, thus exposing the building; however, as previously outlined, the proposed building is not significantly larger than that which was granted planning permission. The control of the hedgerow would also have been the same at the time of the consideration of the previous application. A condition requires the submission of a landscaping scheme is included within the decisions which is consistent with the condition imposed on the previous permission and will ensure additional planting takes place on the site.
- 6.9 In the context of the site, and the previous planning permission which is a material consideration in the determination of this proposal, the building would not result in a significant or demonstrable adverse impact on the character of the locality.

### **3. Highway Matters**

- 6.10 The building would utilise an existing access and would be accessed from a private road on a site where there is sufficient hard standing proposed within the site for access and manoeuvring of vehicles. As such, the proposal does not raise any highway issues.

### **4. The Impact On The Living Conditions Of Residential Properties**

- 6.11 Paragraph 130(f) of the NPPF highlights that developments and decisions should:

*“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.12 Moreover, Policies SP6 and EC12 of the local plan requires that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development

and that development should not be inappropriate in scale or visually intrusive.

- 6.13 The nearest residential property is Orchard Holme, the residential curtilage of which is approximately 83 metres to the east of the proposed building. The orientation and distance of the application site with the neighbouring property means that it is not considered that the occupiers would 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 by virtue of over-dominance. The amenity would be unaffected through noise or odours to those usually associated with the rural area.

## **5. Surface Water Drainage**

- 6.14 In accordance with the NPPF and the NPPG, the surface water should be drained in the most sustainable way. The NPPG clearly outlines the hierarchy when considering a surface water drainage strategy with the following drainage options in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
- 6.15 In order to protect against flooding and pollution, Policy CC5 of the local plan seeks to ensure that development proposals have adequate provision for the disposal of surface water.
- 6.16 The application form states that the surface water will be disposed of by means of a soakaway which is the first option in the national hierarchy but no details have been provided. Although the previous permission didn't contain a drainage condition, it is considered that there is increased emphasis on adequate means of surface water drainage which is evident and indeed required by the current policy framework. Accordingly, it is therefore appropriate to impose a condition requiring the submission and agreement of a drainage scheme which would be a betterment to the extant permission.

## **6. Biodiversity**

- 6.17 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, &c.) 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.

- 6.18 The council's 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 is partially constructed, the development would not harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **7. Other Matters**

- 6.19 Given the historical use of other areas of land within the applicant's ownership, there is concern from third parties that the building may be used for purposes other than those related to agriculture. To preclude any alternative use, it would be appropriate to impose a planning condition restricting the use solely to agriculture which is also consistent with the previous planning permission.

## **Conclusion**

- 6.20 In overall terms, it has been demonstrated that the scale and design of the structure is commensurate with the agricultural needs of the applicant and the scale of the building isn't significantly different from that previously granted planning permission. As such, the character or appearance of the area would not be adversely affected by the development and the development would be enhanced through the provision of an appropriate landscaping scheme.
- 6.21 The development would not affect the living conditions of the occupiers of any neighbouring properties and the proposal doesn't raise any issue in terms of drainage, highway or biodiversity issues. In all aspects the proposal is considered to be compliant with the objectives of the relevant planning policies.

## **7. Planning History**

- 7.1 There is varied planning history relating to both the land encompassed by the current application site area and adjacent land. In terms of the former, part retrospective planning permission was approved for a rear extension to an existing stable block in 2013.
- 7.2 In 2014, retrospective planning permission was refused for the change of use from agricultural and to use for vehicle storage. A subsequent appeal against the enforcement notice was dismissed.
- 7.3 Planning permission was granted in 2014 for the erection of a general purpose agricultural shed.
- 7.4 An application to discharge of condition 4 (landscape scheme) of the previously approved application for the agricultural shed was approved in 2014.
- 7.5 In terms of the adjacent land, planning permission was approved in 1992 for

the erection of building for use as a cattle shed and fodder store.

- 7.6 In 1996, planning permission was approved for the conversion of redundant barn to dwelling.
- 7.7 Planning permission was granted in 2000 for the erection of a detached dwelling and garage.
- 7.8 In 2014, outline planning permission was granted for the erection of 1no. dwelling.
- 7.9 Planning permission was granted in 2014 for the demolition of front porch and erection of replacement porch together with alterations from flat roof to pitched roof.
- 7.10 In 2016, reserved matters approval pursuant to outline approval 14/0679 for the erection of 1no. dwelling was granted.
- 7.11 Planning permission was granted in 2019 for the erection of 1no. dwelling and detached garage.
- 7.12 Earlier this year, retrospective planning permission was refused for the change of use of the former equestrian manege to vehicle storage area.

## **8. Recommendation: Grant Permission**

1. 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 October 2021;
  2. the Site Location Plan received 6th October 2021 (RL/AGRI BUILD/SLP1 Rev A);
  3. the Proposed Site Block Plan received 6th October 2021 (RL/AGRI BUILD/SBP1 Rev A);
  4. the Proposed Elevations received 6th October 2021 (RL/AGRI BUILD/SLP1 Rev A);
  5. the Proposed Plan and Section received 6th October 2021 (RL/AGRI BUILD/ELEV2 Rev A);
  6. the Notice of Decision;
  7. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

2. The use of the whole of the building hereby approved shall be strictly limited to agriculture as defined in Section 336 of the Town and Country Planning Act 1990:

*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the*

*production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.*

For the purposes of this condition, the building can be used to store any equipment, livestock, fodder etc, in accordance with any of the practices above but for no other purpose.

**Reason:** To preclude the possibility of the use of the building for alternative uses inappropriate to the locality in accordance with Policies EC12, IP3 and CM5 of the Carlisle District Local Plan 2015-2030.

3. Prior to the building being brought into use, a landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):
1. new areas of trees and shrubs to be planted including planting densities;
  2. new groups and individual specimen trees and shrubs to be planted;
  3. specification/age/heights of trees and shrubs to be planted;
  4. existing trees and shrubs to be retained or removed;
  5. any tree surgery/management works proposed in relation to retained trees and shrubs;
  6. any remodelling of ground to facilitate the planting;
  7. timing of the landscaping in terms of the phasing of the development;
  8. protection, maintenance and aftercare measures.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and EC12 of the Carlisle District Local Plan 2015-2030.

4. Within 3 months from the date of this permission and prior to the building being brought into use, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority.

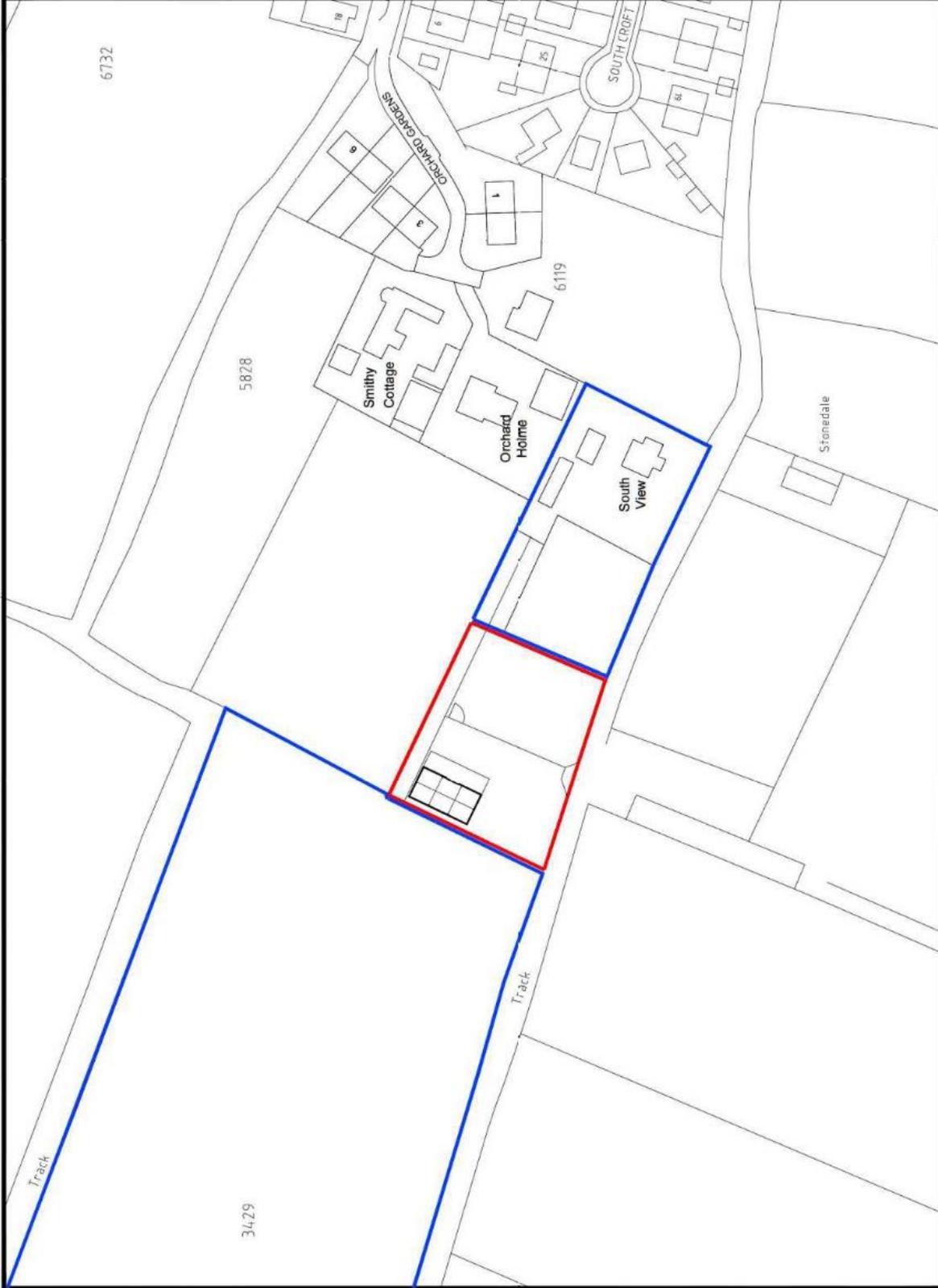
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure a satisfactory means of surface water disposal in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

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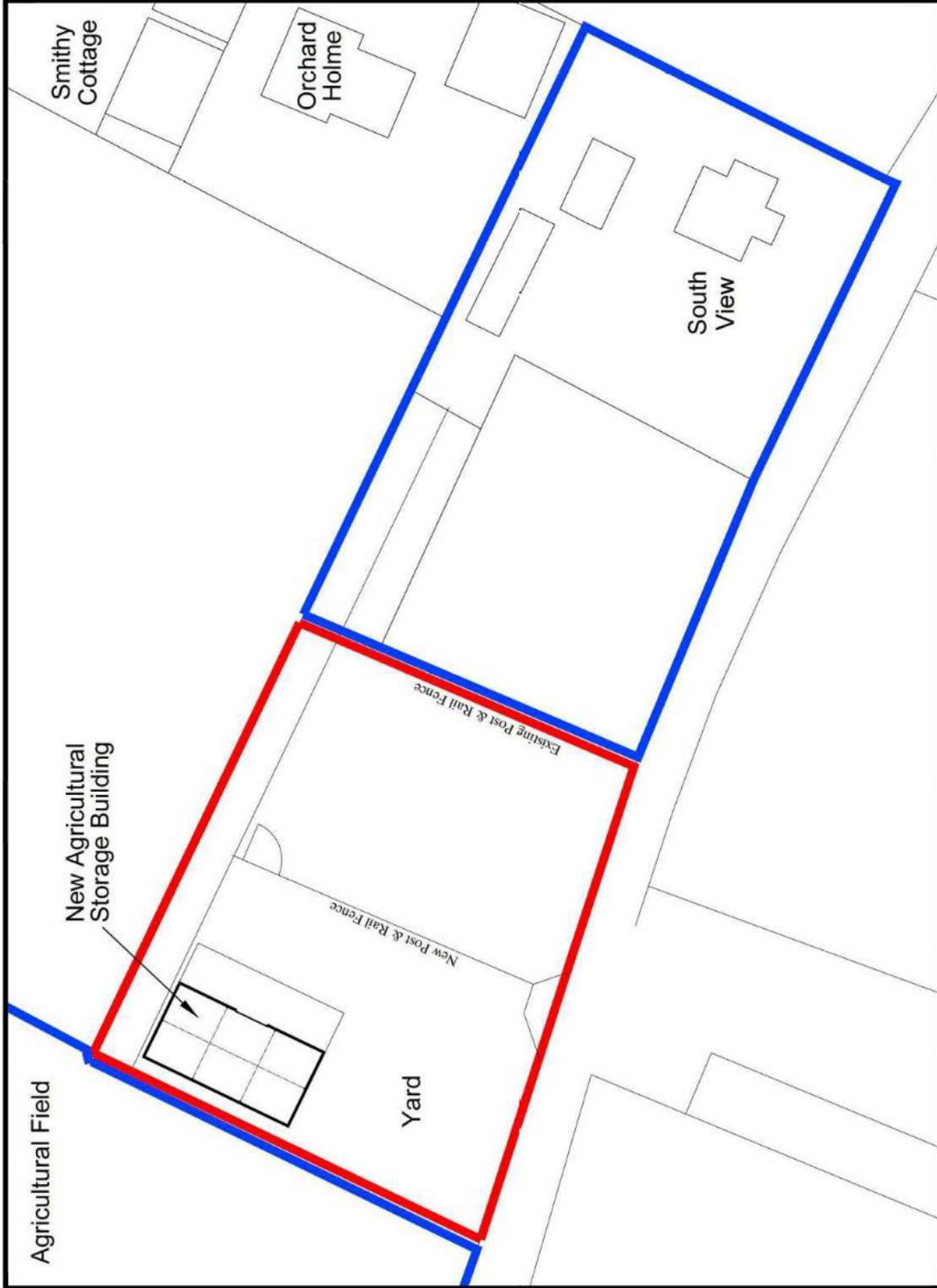
SITE LOCATION PLAN

Proposed Agricultural Storage Building - Land adjacent to South View Farm, The Green, Houghton, Carlisle, Cumbria CA3 0LN.

Drawn	G. Tyler
Scale	1:1250 A3
Date	21st September 2021
Drawing No	RL / AGRI BUILD / SLPI Rev A

Rev.	Date	Description
A	22 / 09 / 21	Original Issue

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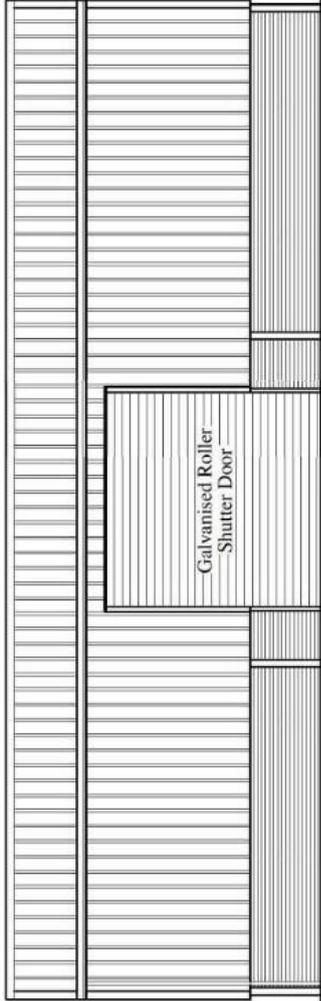
PROPOSED SITE BLOCK PLAN

Drawn	G. Tyler
Scale	1:500 A3
Date	21st September 2021
Drawing No	RL / AGRI BUILD / SBPI Rev A

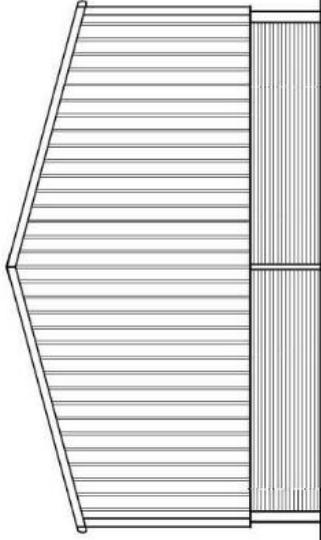
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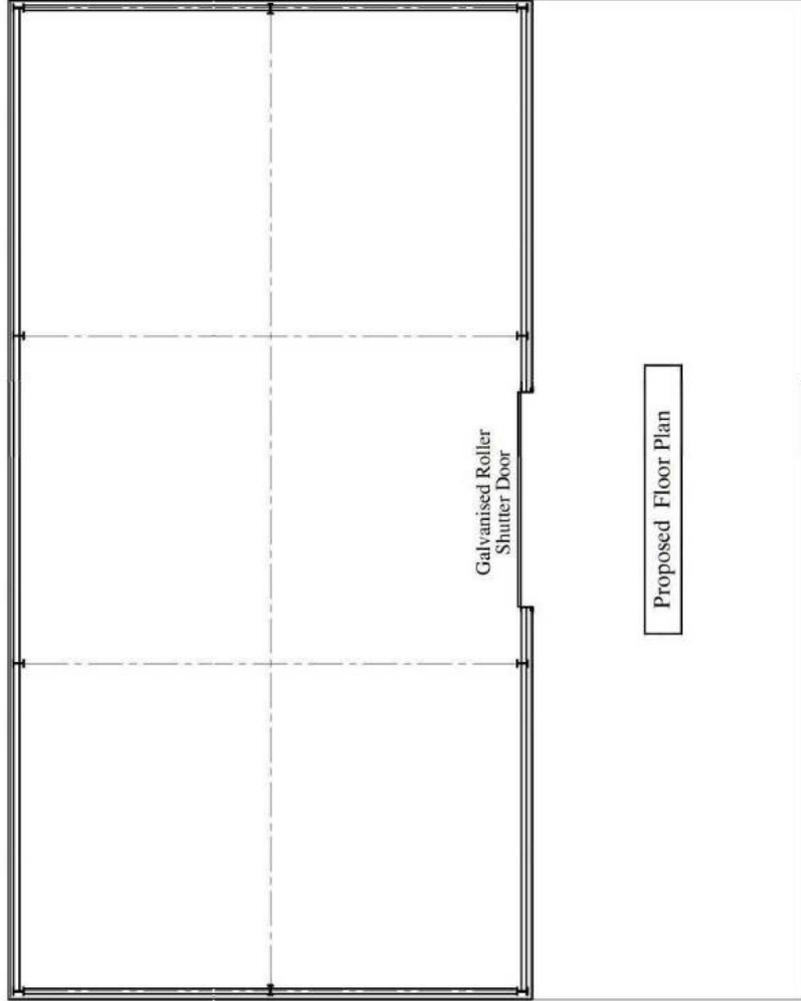
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Proposed East Elevation



Proposed North Elevation

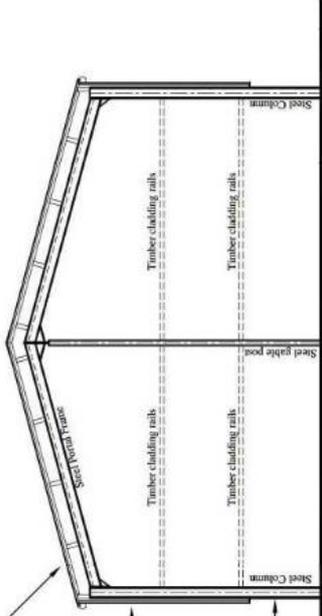


Proposed Floor Plan

Profiled Steel Cladding Sheets ("Juniper Green") Roof & Walls

Profiled Steel Cladding Sheets ("Juniper Green") Roof & Walls

Steel Framed Building



Proposed Section Thro'

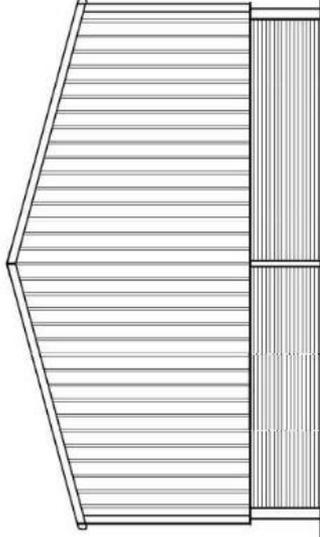
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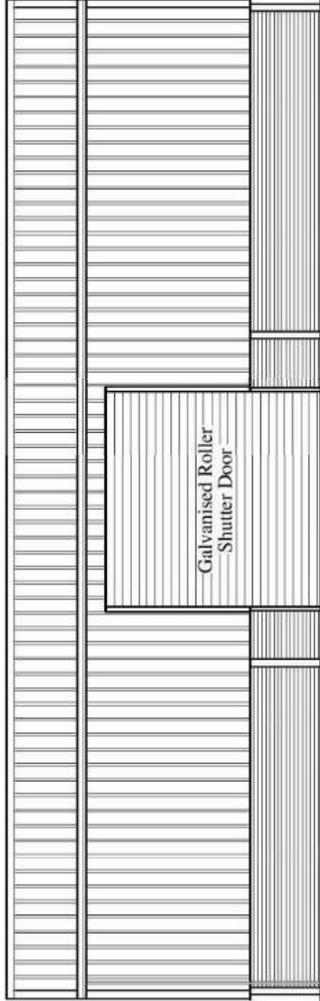
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Scale	1:100 A3
Date	21st September 2021

Drawing No RL / AGRI BUILD / ELEV2 Rev A

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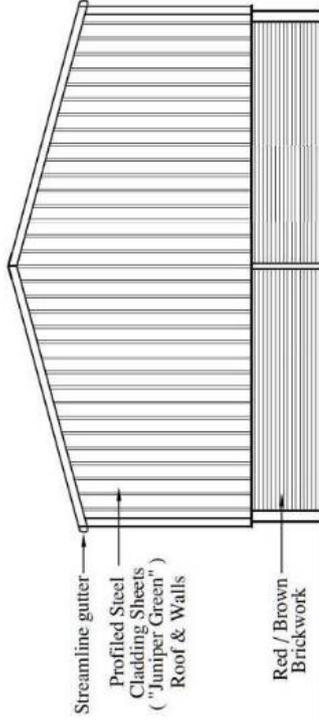


Proposed North Elevation

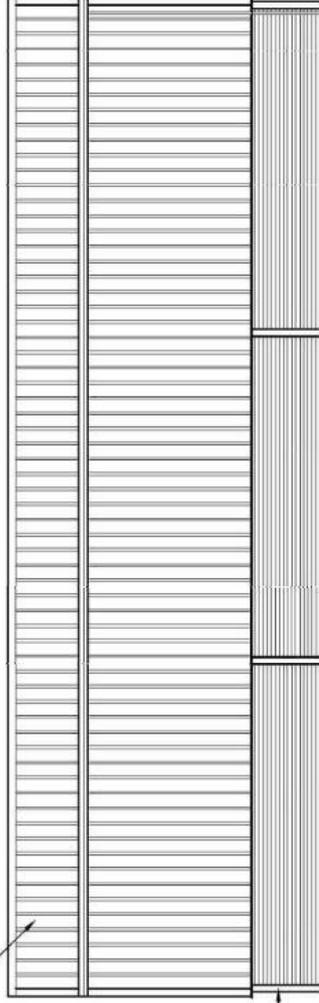


Proposed East Elevation

Profiled Steel Cladding Sheets ("Juniper Green") Roof & Walls



Proposed South Elevation



Proposed West Elevation

Proposed Agricultural Storage Building - Land adjacent to South View Farm, The Green, Houghton, Carlisle, Cumbria CA3 0LN.

Rev.	Date	Description
A	22/09/21	Original Issue

Drawn	G.Tyler
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