

SCHEDULE A: Applications with Recommendation

22/0088

Item No: 04

Date of Committee: 24/06/2022

Appn Ref No:
22/0088

Applicant:
Mr Iain Morrison

Parish:
Westlinton

Agent:
Harraby Green Associates

Ward:
Longtown & the Border

Location: Firbank Farm, Firbank, Westlinton, CA6 6AQ

Proposal: Retrospective Permission To Extend Track Approved Under Application 20/0471; Re-Surface Existing Drive; And Form/Replace Areas Of Hardstanding

Date of Receipt:
09/02/2022

Statutory Expiry Date
06/04/2022

26 Week Determination

REPORT

Case Officer: Alanzon Chan

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of The Development Is Acceptable
- 2.2 Impact Of The Proposal Upon The Landscape Character Of The Area
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Upon The Setting Of A Grade II Listed Building
- 2.5 Impact Of The Proposal On Highway Safety
- 2.6 Issues Regarding Surface Water Drainage
- 2.7 Impact Of The Proposal On Biodiversity
- 2.8 Other Matters

3. Application Details

The Site

3.1 The application site, Firbank farm, is located approximately 150 metres to the

north of the C1022 road, 1.3 kilometres to the west of Westlinton, 175 metres to the northeast of a residential property known as East Lodge, and 120 metres to the south of the River Lyne.

- 3.2 Approximately 30m to the southeast boundary of the application site is a property, known as Firbank, which was originally a farmhouse associated to Firbank Farm and was listed grade II on 16 January 1984. Firbank (the former farmhouse) and Firbank Farm were owned by the same owner up until 2000 when the farm owner sold Firbank as a separate domestic dwelling.
- 3.3 Firbank Farm has remained a working farm to this date, albeit under new ownership.

Background

- 3.4 In 2020, planning permission (20/0471) was granted for the removal of an agricultural building and the erection of a replacement agricultural building together with the construction of a new access track. Under planning permission (21/0692), conditions 3 (Surface Water Discharge); 4 (Surface Water Drainage Scheme) & 6 (Construction Traffic Management Plan) of previously approved application 20/0471 have been successfully discharged.

The Proposal

- 3.5 The application seeks planning permission to extend the farm access track approved under application 20/0471, re-surface a section of an existing drive; and form/replace areas of hardstanding. Since the access track has already been extended, this application is made in part-retrospect.
- 3.6 The extended section of the access track has been surfaced in crushed aggregate sub-base, which matches the material for the access track that was approved under application 20/0471. The applicant proposes to form two new areas of hardstanding immediately to the north of the farm buildings and to surface a section of the drive to the south of the replacement agricultural building in concrete. As part of the proposal, the applicant also proposes to repair and level an area of hardstanding which would run through the farm steading leading to the extended track, and to surface the existing external storage area to the immediate west of the courtyard building with chippings.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of a notification letter sent to one neighbouring property. During the consultation period, an objection has been received.
- 4.2 The objections are summarised as follow:

1. objects to the resurfacing of area to the west of Firbank's courtyard

buildings with chippings on the basis that this is incompatible with the setting of this grade II listed heritage asset. The choice of materials is of poor design and completely out of character with Firbank and harms the setting. There is a brick lined well, which is a listed feature in this area which must be safe-guarded from harm.

2. The area between Firbank outbuildings and the listed former dairy parlour used to include original sheep pens, until their unauthorised demolition in 2021, and represented an expanse of area under grass connecting two heritage assets dating back to 1800. Stone chippings hard up to the wall of Firbank, bounded to the west by a further concreted surface will be grossly insensitive to that character and will involve the covering over of an original well, in favour of stone chips, concrete and a jumble of parked up rusting equipment and vehicles.

3. object to the proposal to resurface the track and expand the hardstanding area to the west of the courtyard buildings and to the east of the old milking parlour with concrete. The area to be concreted should be limited to the existing footprint of the track, retaining the grassed area, to ensure that the setting of Firbank is not harmed. Concrete is an unsuitable material, being out of character with the existing materials. Any increase in the area of hardstanding will increase surface water run-off, for which there is no proposal at all for improved drainage provision. Heavy vehicle movements should be kept away from Firbank to avoid harm to the setting in the form of noise, fumes and vibration and injurious disturbance to the residents' peaceful enjoyment of their home; and

4. The area of concrete which is in the area hatched black on Plan A is in good condition and does not need to be disturbed. Any disturbance will most certainly result in severe vibrations which will harm the foundations and structure of Firbank. Firbank have drainage rights through this area and any damage to the drains will most likely result in flooding of their property. The levels of noise, vibration and property damage that resulted from use of a concrete picker during unauthorised sheep pen demolition provided ample illustration of the damage likely to result from breaking up concrete in this area or along the west wall of Firbank courtyard buildings in the area purportedly ear marked for stone chippings.

5. The intended use of this area is for the storage of agricultural vehicles. The parking of heavy vehicles close to Firbank risks damage to the listed structures.

6. It is clear that farm vehicle traffic is already a major area of concern and is a material consideration in the determination of these application. For this reason, the Council is requested to require and consult on a construction traffic management plan for the duration of any construction period.

5. Summary of Consultation Responses

Westlinton Parish Council: No comments received

Local Environment - Environmental Protection: No objection

Cumbria County Council (Highways Authority and Lead Local Flood Authority): No objection

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 SP6, CM5, CC5, IP6, HE3, IP3, GI1 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. Section 66 of the Planning (Listed Building) Act 1990 (LBA) is also a material planning consideration.

The proposal raises the following planning issues:

1. Whether The Principle Of The Development Is Acceptable

- 6.3 At the heart of the NPPF is a presumption in favour of sustainable development. In order to promote a prosperous rural economy, paragraph 84 of the NPPF states that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 6.4 It is noted that the principle of the development to construct a new access track has already been established and was considered acceptable under application 20/0471. As such, the assessment of this application will solely focus on whether the extension of the farm track, creation of areas of hardstanding and resurfacing of the drive would be acceptable. Whilst the provision and replacement of a private way and hard surface would normally be classed as permitted development under Schedule 2, Part 6, Class B (d&e) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), since the development would be carried out within 5 metres of the boundary of the agricultural unit, permission is required in this instance.
- 6.5 Nevertheless, the extension to the farm track, the forming of areas of hardstanding and the repair and levelling of an existing area of hardstanding would facilitate the day-to-day operation of an established agricultural farm. Therefore, it is considered that the principle of the development is acceptable.

2. Impact Of The Proposal Upon The Landscape Character Of The Area

- 6.6 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and optimise the potential of the site to accommodate and

sustain the appropriate mix of development. Paragraph 134 of the NPPF states that permission should be refused for development of poor design.

- 6.7 CDLP Policy SP6 also seeks to ensure that proposals respond to the local context by using appropriate materials. Local landscape character should be respected and development should be fully integrated into its surroundings. Policy GI1 of the CDLP also aims to protect landscapes from excessive, harmful and inappropriate development.
- 6.8 The extended section of the access track has been surfaced in crushed aggregate sub-base, which matches the material for the access track that was approved under application 20/0471. Taking into consideration the materials, scale and location of the extended track, it is not considered that it will have an adverse impact upon the landscape character of the area. Likewise, given the proposed areas of hardstanding, and the area where the applicant proposes to resurface and repair would all be within the farm steading and well-related to existing farm buildings, any impact would be localised. Overall, it is not considered that the proposal will have a detrimental impact upon the wider landscape character of the area.
- 6.9 It is noted that there are a few Lime trees located close to the area to the west of the courtyard buildings where the applicant proposes to resurface. According to the submitted heritage, design and access statement, the existing Lime trees will be retained and no trees will be harm as a result of the proposal. Accordingly, it is considered that the development will not have a material impact on the landscape or amenity of the area.

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

- 6.10 Taking into consideration the nature of the proposal, it is not considered that the creation or resurfacing of areas of hardstanding would have any long-term negative impact upon the living conditions of neighbouring residents. The Council's Environmental Health department has confirmed that they have no objections to the application.
- 6.11 Whilst it is acknowledged that construction works could sometimes cause short-term disturbance to the living conditions of nearby residents, to minimise this, Members are advised that a condition regarding construction hours is to be imposed within the decision notice.

4. Impact Upon The Setting Of A Grade II Listed Building

- 6.12 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

6.13 Meanwhile, CDLP Policy HE3 highlights that development within the locality of a listed building should preserve or enhance its character and setting and be sympathetic in scale, character and materials. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.

6.14 Firbank (the former farmhouse) was listed grade II on 16 January 1984, with the following description:

'Farmhouse. Early C19. Flemish bond brickwork with cream headers, graduated slate roofs, gutter modillions, brick chimney stacks. 2 storeys, 3 bays, and flanking single storey wings with hipped roofs. C20 6-panel door and glazed fanlight, has pilaster strip surround and moulded cornice. Sash windows with glazing bars have flat brick arches and stone sills.'

Firbank (the former farmhouse) forms a noticeable architectural feature from the road with the use of the associated courtyard buildings (stables, byres, cart shed and threshing barn), and the courtyard itself, having evolved from an agricultural use to one that is now as a garden ancillary to the house.

6.15 An objection was raised the resurfacing of area to the west of Firbank's courtyard buildings with chippings and the creation of areas of hard standing with concrete will harm the setting of the listed building. The Council's Heritage Officer was consulted and has confirmed that the use of chipping and concrete will have no detrimental impact upon the setting of the listed building. The proposed works will have no direct or physical impact whatsoever on the historic fabric of the farmhouse, courtyard buildings, nor the courtyard itself. The proposal would not result in any change to the important inter-relationship of the farmhouse to the courtyard buildings and courtyard either. In light of this, it is not considered that the proposal will have any detrimental impact upon the setting of the listed building.

5. Impact Of The Proposal On Highway Safety

6.16 Given the nature of the proposal, it is not envisaged that the proposal will have any detrimental impact upon the existing highways condition or highway safety. Cumbria County Council as the Highways Authority has confirmed that they have no objection to the application.

6. Issues Regarding Surface Water Drainage

6.17 An objection was raised that any increase in the area of hardstanding will increase surface water run-off. The being said, taking into consideration that the extent of additional hardstanding proposed, and that the application site is not located within a flood zone, it is not envisaged that the proposal will lead to substantial surface water run-off that would be of concern. Cumbria County Council, as the Lead Local Flood Authority, was consulted and they have raised no objection to the proposal.

7. Impact Of The Proposal On Biodiversity

- 6.18 Given the scale and nature of the proposal, it is unlikely that the development would 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.

8. Other matters

- 6.19 The objector raised that the formation/replacement of areas of hardstanding will result in severe vibrations which will harm the foundations and structure of Firbank, and any damage to the drains will result in flooding of the property. Construction work may involve the use of equipment causing vibration and in this instance the amount of concrete hardstanding which is levelled and compacted is limited where it is close to the outbuildings of the listed property and areas of chippings are being used which will have a lesser impact. It is noted that there have been many applications for the reconcreting of farmyards including those containing listed buildings. Farms are required to ensure conditions for livestock and drainage meet the required standards and this has involved the upgrading of hard surfaces. Whilst vibration may occur it is not usually of a severe nature to cause damage to buildings and drains however where these works abutt another property Party Wall Act provisions would deal with boundary matters and the owners would be advised to photographically record their buildings before and after works as this is a civil matter.

Conclusion

- 6.20 Having regard to all planning policies and material considerations, it is considered that the proposal would have minimal impact upon the amenity of the area. The proposal will not result in any significant adverse impact upon the surrounding landscape, living conditions of any nearby residents or the setting of listed building. Overall, the application is considered to be in full accordance with both local and national planning policies. Therefore, it is recommended that this application is approved with conditions.

7. Planning History

- 7.1 The following planning history relates to the assessment of this planning application:

Planning histories relate to Firbank Farm:

In 2001, a discharge of condition application was granted for the Discharge Of Conditions 3 (Surface Water Discharge); 4 (Surface Water Drainage Scheme) & 6 (Construction Traffic Management Plan) Of Previously

Approved Application 20/0471. (Reference no. 21/0692), and

In 2020, full planning permission was approved for removal of agricultural building and erection of replacement together with construction of new access track. (Reference no. 20/0471)

Planning histories relate to the dwelling and outbuildings at Firbank (the former farmhouse), adjacent to the applicant site:

In 2021, full planning permission was granted for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access (Reference no. 21/0120);

In 2021, a listed building consent was granted for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access (LBC) (Reference no. 21/0121);

In 2019 a discharge of condition application was granted for the discharge of condition 3 (construction details) of previously approved permission 18/0258 (Reference 19/0314);

In 2018 full planning permission was granted for the alterations to existing boundary walls and gates (Reference no.18/0257);

In 2018 listed building consent was granted for the alterations to existing boundary walls and gates together with blocking up of openings within outbuilding (LBC) (Reference no.18/0258);

In 2004 listed building consent was granted for the erection of a wall with arched doorway and creation of arched opening through outbuildings to paddock (LBC) (Reference no.04/0859);

In 2004 full planning permission was granted for the erection of partition wall, creation of archway opening through existing outbuildings and landscaping of farmyard (Reference no.04/0860); and

In 2000 listed building consent was granted for internal alterations to dwelling

comprising of the replacement of 3no. fireplaces and removal of 2no. partition walls to kitchen and bathroom; alteration to attached byre to form additional living accommodation and alterations to barns to form utility room and garage (LBC) (Reference no.00/0804).

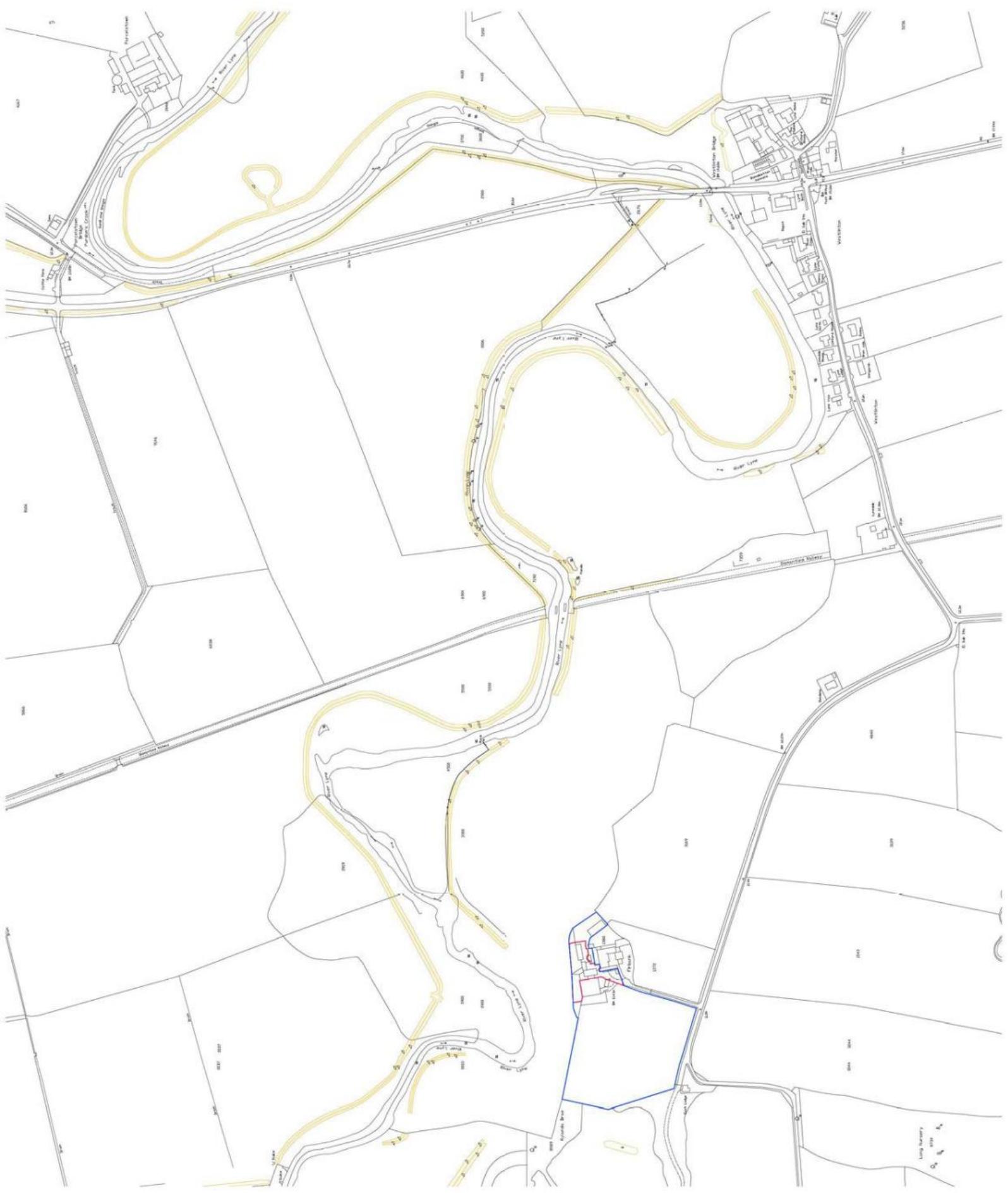
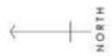
8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 8 Feb 2022;
 2. the location plan (dwg no. 2251-B-01A), received 18 Feb 2022;
 3. the proposed site plan (dwg no. 225-B-05), received 8 Feb 2022;
 4. the proposed block plan (dwg no. 225-B-04A), received 8 Feb 2022;
 5. the Heritage, Design and Access Statement (including Tree Protection), received 8 Feb 2022;
 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. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.



Revisions
A. In accordance with
Client Ian Munton & Val Brown
Project Revised access track, drive and area of hard standing
Harraby
Weymouth
County Dorset
Dorset DT4 6AQ
Drawing Location Plan
Drawing No. Z251-B-01A
Scale 1:25000(A) 1:50000(B)
Date Jan 2022
Author Ian Munton & Val Brown
Checked Ian Munton & Val Brown
Approved Ian Munton & Val Brown
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FIR BANK

KEY:

- Extent of development site
- Extent of other site ownership



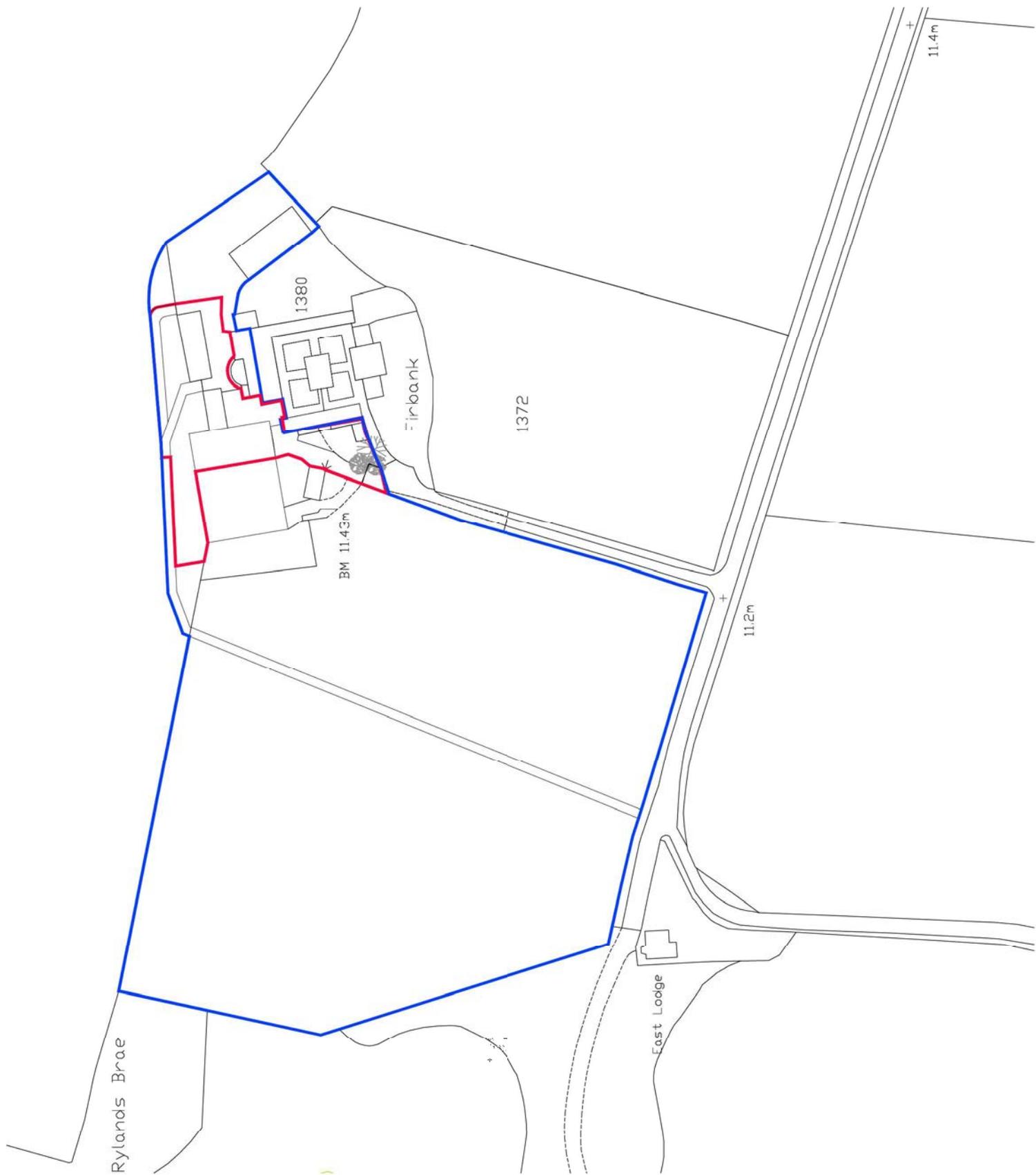
Revisions	A - Site ownership amended	18.02.22 PM
Client	Ian Morrison & Val Brown	
Project	Revised access track, drive and area of hard standing Firbank Westlinton Carlisle CA6 6AQ	
Drawing	Block Plan	As Existing
Drawing No.	225-B-02A	Scale 1:1250@ A3 Drawn OK Date Jan 2022

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FIR BANK

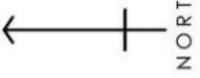
KEY:

- Extent of development site
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Revisions	A - Site ownership amended	18.02.22 PM
Client	Ian Morrison & Val Brown	
Project	Revised access track, drive and area of hard standing Firbank Westlinton Carlisle CA6 6AQ	
Drawing	Block Plan	As Proposed
Drawing No.	225-B-04A	Scale 1:1250@ A3 Drawn OK Date Jan 2022

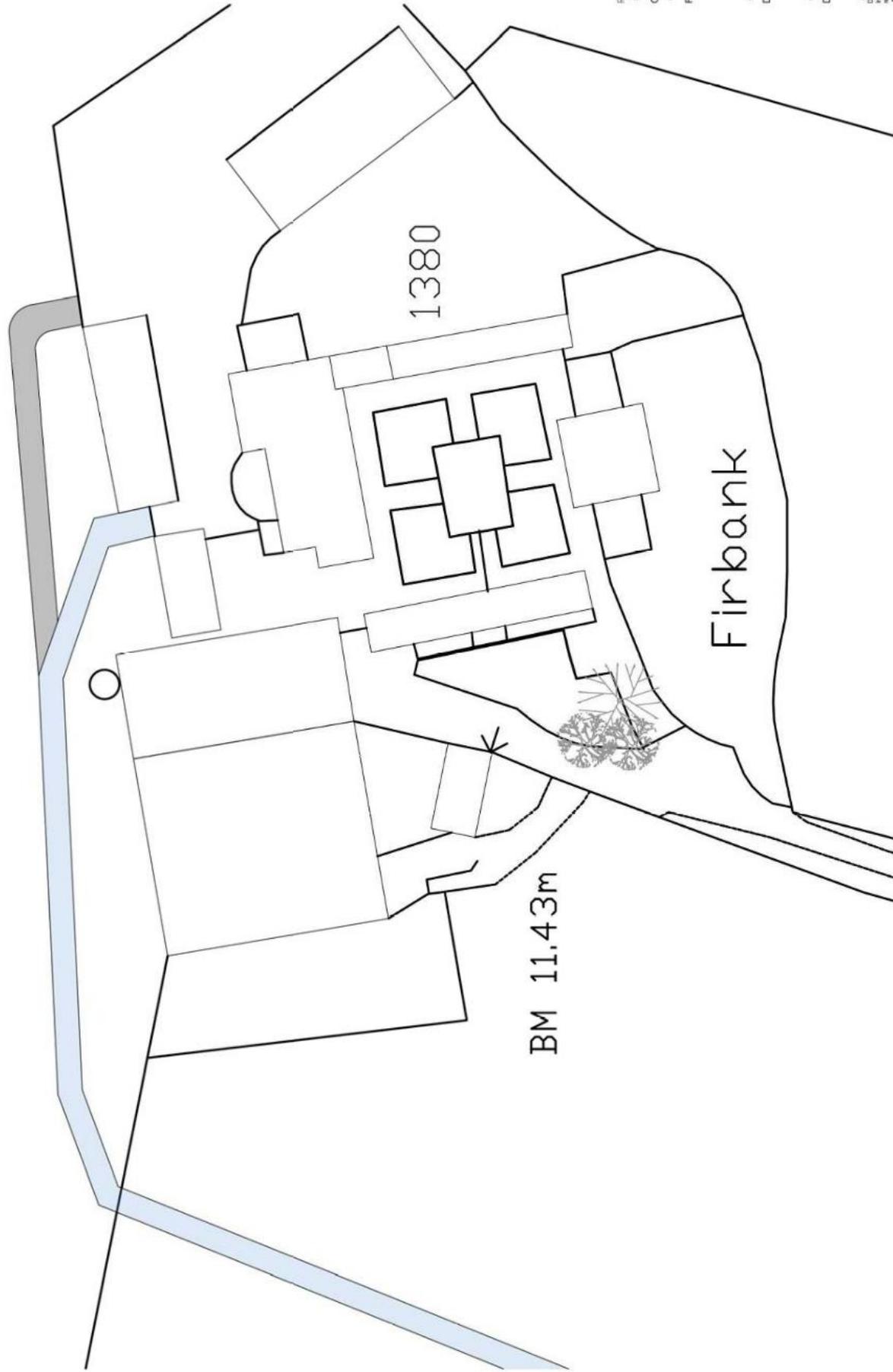
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FIRBANK

KEY:

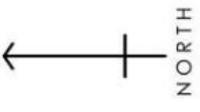
- Extent of development site
- Extent of other site ownership



Revisions - Jan 22 Drawing set up for discussion purposes. GC

Client	Ian Morrison & Val Brown
Project	Revised access track, drive and area of hard standing Firbank Westlinton Cairnle CA6 6AQ
Drawing	Site Plan As existing
Drawing No.	225-B-03
Scale	1:500@ A3
Drawn	OK
Date	Jan 2022

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Repair and leveling of existing hard-standing areas

Access track as proposed

Access track approved under application 20/471

Hardstanding access

1380 Firbank

BM 11.43m

Concrete

Surface with chippings



Revisions

Client	Ian Morrison & Val Brown
Project	Revised access track, drive and area of hard standing Firbank Westlinton Carisle CA6 6AQ
Drawing	Site Plan
	As proposed
Drawing No.	225-B-05
Scale	1:500@ A3
Drawn	OK
Date	Jan 2022

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