

Date: 12 June 2019



District Council

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: cttee.admin@eden.gov.uk

Dear Sir/Madam

Planning Committee Agenda - 20 June 2019

Notice is hereby given that a meeting of the Planning Committee will be held at 9.15 am on Thursday, 20 June 2019 at the Ullswater Room, Penrith Methodist Church, Penrith.

1 Apologies for Absence

2 Minutes

To sign the minutes Pla/1/05/19 to Pla/13/05/19 of the meeting of this Committee held on 23 May 2019 as a correct record of those proceedings (copies previously circulated).

3 Declarations of Interest

To receive any declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

4 Appeal Decision Letters (Pages 7 - 16)

To receive report PP6/19 from the Assistant Director Planning and Economic Development which is attached and which lists decision letters from the Planning Inspectorate received since the last meeting:

Application No.	Applicant/Appeal	Appeal Decision
Listed Building Enforcement Notice (LBEN)	<p>Mr Graham Middleton South Lodge, Boroughgate, Appleby-in-Westmorland, CA16 6XH</p> <p>The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (PLBCAA).</p> <p>The contraventions of listed building control alleged in the notice are as</p>	<p>The appeal is dismissed and the Listed Building Notice is upheld.</p>

	<p>follows:</p> <p>The installation of four UPVC windows to the south elevation of the building; the installation of five UPVC windows to the east elevation of the building and the installation of a UPVC door to the east elevation of the building.</p> <p>The requirements of the notice are as follows:</p> <ol style="list-style-type: none"> 1. Remove the UPVC door and all of the UPVC windows and framings on the south and east elevations of the building as shown in photographs 1, 2 and 3 attached to this notice; 2. Install traditional timber vertically sliding sash windows with a two over two panel design in both the ground floor and the first floor window openings of the south elevation which are labelled 'Opening 1', 'Opening 2' and 'Opening 3' on photograph 1 attached to this notice constructed to match the frame and sash box details of the former original timber sash windows including matching glazing bars as shown in photograph 4 attached to this notice; and 3. Install a traditional timber vertical slit single panel window in the opening of the first floor south elevation labelled 'Opening 4' on photograph 1 attached to this notice to match the appearance of the former original timber window as shown in photograph 4 attached to this notice; and 4. Install traditional timber vertically sliding sash windows with a two over two panel design in the openings of the east elevation 	
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	<p>first floor window labelled 'Opening 5' on photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 4 attached to this notice; and</p> <p>5. Install traditional timber vertically sliding sash windows with a one over one panel design in the east elevation ground floor 3-bay window labelled 'Opening 7' on photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 5 attached to this notice; and</p> <p>6. Install a traditional timber single panel casement window in the east elevation first floor window in the east elevation first floor window labelled 'Opening 8@ in photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 6 attached to this notice; and</p> <p>7. Install a traditional single panel one over one non-opening window in the east elevation ground floor window labelled 'Opening 9' in photograph 6 attached to this notice; and</p> <p>8. Install a traditional white timber frame six panelled door with a glazed fanlight about in the east elevation door opening labelled 'Opening 10' in photograph 3 attached to this notice as illustrated in Appendix A as attached to this notice; and</p> <p>9. Prepare prime and paint with undercoat and apply a minimum</p>	
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	<p>of two coats of white gloss paint to the external frames of the timber door and window frames installed to meet the requirements of paragraphs 2, 3, 4, 5, 6, 7, and 8 above.</p> <p>The period for compliance with the requirements is 18 months.</p> <p>The appeal is made on ground (c) only as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).</p>	
18/0675	<p>Mrs Margaret Longworth of Tebay Parish Council Roundabout at the junction of the M6/A685/B6260, Tebay, CA10 2SS</p> <p>The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.</p> <p>The advertisements proposed are 6 metal signs, pole mounted to be placed on the edge of the roundabout, each measuring 450(H) x 900(W) x 6mm(D), the base of each being 750mm above ground, each consisting of black letters or symbols, no more than 150mm high, on a white background, non-illuminated.</p>	The appeal is dismissed.

5 Planning Issues *(Pages 17 - 24)*

To note the attached lists of the Assistant Director Planning and Economic Development.

- a) Applications determined under office delegated powers for the month of May 2019.
- b) Reasons for refusal on delegated decisions for the month of May 2019.

6 Planning Issues - Applications for Debate (Green Papers) *(Pages 25 - 74)*

To consider the reports of the Assistant Director Planning and Economic Development on the following applications:

Item No	Application Details	Officer Recommendation	Page Number
1	<p>Planning Application No: 19/0230</p> <p>Change of use of land from agricultural to equestrian and the formation of an area of hardstanding (part retrospective)</p> <p>Land to south of Church Road, Greystoke</p> <p>Mr R Kellett</p>	<p>Recommended to:</p> <p>APPROVE Subject to Conditions</p>	27
2	<p>Planning Application No: 19/0187</p> <p>Demolition of an existing prefabricated outbuilding and construction of a timber frame extension</p> <p>Ormside Education Centre, Ormside, Appleby</p> <p>Phase 8 Development Company - Mr S Dumbell</p>	<p>Recommended to:</p> <p>APPROVE Subject to Conditions</p>	41
3	<p>Planning Application No: 19/0203</p> <p>Demolition of detached garage and erection of double garage, outbuildings and garden room, addition of single storey front extension and two storey side extension</p> <p>Helm Bar, Melmerby</p> <p>Ms J & A Caffrey & Brown</p>	<p>Recommended to:</p> <p>APPROVE Subject to Conditions</p>	53
4	<p>Planning Application No: 19/0167</p> <p>Change of use of agricultural land to mixed use of agriculture and siting of 6 No holiday huts and associated mixed use building</p> <p>Mains Cottage, Johnby</p> <p>Mr Scott-Harden</p>	<p>Recommended to:</p> <p>APPROVE Subject to Conditions</p>	63

7 Confirmation of Site Visits (if any)

To confirm the date and location of any site visits that may have been agreed.

8 Any Other Items which the Chairman decides are urgent

9 Date of Next Meeting

The date of the next scheduled meeting be confirmed as 18 July 2019.

Yours faithfully



R Rouse
Chief Executive

Democratic Services Contact: *Members Services*

Encs

For Attention

All members of the Council

Chairman – Councillor W Patterson (Independent Group)

Vice Chairman – Councillor

Councillors

P G Baker, Liberal Democrat Group
I Chambers, Conservative Group
M Clark, Independent Group
M Eyles, Liberal Democrat Group
D Holden, Liberal Democrat Group
J C Lynch, Conservative Group

G Nicolson OBE, Conservative Group
A Ross, Green Group
H Sawrey-Cookson, Independent Group
G Simpkins, Liberal Democrat Group
J G Thompson, Conservative Group

Standing Deputies

D Banks, Independent Group
P Connor, Independent Group
L Harker, Liberal Democrat Group
S Lancaster, Independent Group

A Meadowcroft, Conservative Group
J Owen MBE, Conservative Group
D Smith, Liberal Democrat Group
D Wicks, Conservative Group

Please Note:

1. **Access to the internet in the Council Chamber and Committee room is available via the guest wi-fi – no password is required**
2. **Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise) and as such could be filmed or recorded by the media or members of the public**

Report No: PP6/19

Eden District Council

Planning Committee

20 June 2019

Appeal Decision Letters

**Report of the Assistant Director Planning
and Economic Development**

Attached for Members' information is a list of Decision Letters received since the last meeting:

Application Number(s)	Applicant	Appeal Decision
Listed Building Enforcement Notice (LBEN)	<p>Mr Graham Middleton South Lodge, Boroughgate, Appleby-in-Westmorland, CA16 6XH</p> <p>The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (PLBCAA).</p> <p>The contraventions of listed building control alleged in the notice are as follows:</p> <p>The installation of four UPVC windows to the south elevation of the building; the installation of five UPVC windows to the east elevation of the building and the installation of a UPVC door to the east elevation of the building.</p> <p>The requirements of the notice are as follows:</p> <ol style="list-style-type: none"> 1. Remove the UPVC door and all of the UPVC windows and framings on the south and east elevations of the building as shown in photographs 1, 2 and 3 attached to this notice; and 2. Install traditional timber vertically sliding sash windows with a two over two panel design in both the ground floor and the first floor window openings of the south elevation which are labelled 'Opening 1', 'Opening 2' and 'Opening 	The appeal is dismissed and the Listed Building Notice is upheld.

Application Number(s)	Applicant	Appeal Decision
	<p>3' on photograph 1 attached to this notice constructed to match the frame and sash box details of the former original timber sash windows including matching glazing bars as shown in photograph 4 attached to this notice; and</p> <p>3. Install a traditional timber vertical slit single panel window in the opening of the first floor south elevation labelled 'Opening 4' on photograph 1 attached to this notice to match the appearance of the former original timber window as shown in photograph 4 attached to this notice; and</p> <p>4. Install traditional timber vertically sliding sash windows with a two over two panel design in the openings of the east elevation first floor window labelled 'Opening 5' on photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 4 attached to this notice; and</p> <p>5. Install traditional timber vertically sliding sash windows with a one over one panel design in the east elevation ground floor 3-bay window labelled 'Opening 7' on photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 5 attached to this notice; and</p> <p>6. Install a traditional timber single panel casement window in the east elevation first floor window in the east elevation first floor window labelled 'Opening 8@ in photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 6 attached to this notice; and</p> <p>7. Install a traditional single panel one over one non-opening window in the east elevation ground floor window labelled 'Opening 9' in photograph 6 attached to this notice; and</p> <p>8. Install a traditional white timber frame six panelled door with a glazed fanlight about in the east elevation door opening labelled 'Opening 10' in photograph 3 attached to this notice as illustrated in Appendix A as attached to this</p>	

Application Number(s)	Applicant	Appeal Decision
	<p>notice; and</p> <p>9. Prepare prime and paint with undercoat and apply a minimum of two coats of white gloss paint to the external frames of the timber door and window frames installed to meet the requirements of paragraphs 2, 3, 4, 5, 6, 7, and 8 above.</p> <p>The period for compliance with the requirements is 18 months.</p> <p>The appeal is made on ground (c) only as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).</p>	
18/0675	<p>Mrs Margaret Longworth of Tebay Parish Council Roundabout at the junction of the M6/A685/B6260, Tebay, CA10 2SS</p> <p>The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.</p> <p>The advertisements proposed are 6 metal signs, pole mounted to be placed on the edge of the roundabout, each measuring 450(H) x 900(W) x 6mm(D), the base of each being 750mm above ground, each consisting of black letters or symbols, no more than 150mm high, on a white background, non-illuminated.</p>	The appeal is dismissed.

Oliver Shimell
Assistant Director Planning and Economic Development

Appeal Decision

Site visit made on 14 May 2019

by Anthony J Wharton BArch RIBA RIASI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 17 May 2019

Appeal Ref: APP/H0928/F/18/3208718

South Lodge, Boroughgate, Appleby-in-Westmorland CA16 6XH

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (PLCAA).
- The appeal is made by Mr Graham Middleton against a listed building enforcement notice (LBEN) issued by Eden District Council.
- The enforcement notice was issued on 23 July 2018.
- The contraventions of listed building control alleged in the notice are as follows:
The installation of four UPVC windows to the south elevation of the building; the installation of five UPVC windows to the east elevation of the building and the installation of a UPVC door to the east elevation of the building.
- The requirements of the notice are as follows:
 1. Remove the UPVC door and all of the UPVC windows and framings on the south and east elevations of the building as shown in photographs 1, 2 and 3 attached to this notice; and
 2. Install traditional timber vertically sliding sash windows with a two over two panel design in both the ground floor and the first floor window openings of the south elevation which are labelled 'Opening 1', 'Opening 2' and 'Opening 3' on photograph 1 attached to this notice constructed to match the frame and sash box details of the former original timber sash windows including matching glazing bars as shown in photograph 4 attached to this notice; and
 3. Install a traditional timber vertical slit single panel window in the opening of the first floor south elevation labelled 'Opening 4' on photograph 1 attached to this notice to match the appearance of the former original timber window as shown in photograph 4 attached to this notice; and
 4. Install traditional timber vertically sliding sash windows with a two over two panel design in the openings of the east elevation first floor window labelled 'Opening 5' on photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 4 attached to this notice; and
 5. Install traditional timber vertically sliding sash windows with a one over one panel design in the east elevation ground floor 3-bay window labelled 'Opening 7' on photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 5 attached to this notice; and
 6. Install a traditional timber single panel casement window in the east elevation first floor window in the east elevation first floor window labelled 'Opening 8' in photograph 2 attached to this notice constructed to match the frame and sash box details of the former original timber window as shown in photograph 6 attached to this notice; and
 7. Install a traditional single panel one over one non-opening window in the east elevation ground floor window labelled 'Opening 9' in photograph 6 attached to this notice; and
 8. Install a traditional white timber frame six panelled door with a glazed fanlight above in the east elevation door opening labelled 'Opening 10' in in photograph 3

- attached to this notice as illustrated in Appendix A as attached to this notice ; and
9. Prepare prime and paint with undercoat and apply a minimum of two coats of white gloss paint to the external frames of the timber door and window frames installed to meet the requirements of paragraphs 2, 3, 4, 5, 6, 7, and 8 above.
- The period for compliance with the requirements is 18 months.
 - The appeal is made on ground (c) only as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).
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Decision

1. The appeal is dismissed. See formal decision below.

Matters of clarification

2. The appeal is made solely on ground (c), on the basis that South Lodge is not a listed building and, therefore, that there has not been a contravention of listed building control. Because it is not considered listed, ground (e); that listed building consent should be granted for the works, has not been pleaded and thus the merits of the works cannot be considered.

Background information

3. South Lodge is a C19, stone-built building, located to the south-west of Appleby Castle (**Caesar's Tower**) on the north side of Scattergate within the Appleby Conservation Area (ACA). It faces onto Scattergate Green and Castle Park View in a prominent location in this historic market town. It is a typical lodge building, built on the line of the boundary wall to the Castle grounds. The entrance to the grounds has stone piers, from which a driveway leads north-east to a former stable block which is shown on a 1989 OS Map. It is stated to have replaced a previous Lodge building located some 150m to the south-east.

The appeal on ground (c)

4. As referred to above, the appeal is made on the basis that a contravention of the PLBCAA has not occurred because the South Lodge is not considered to be a listed building. The Council, however, contends that although not separately listed the Lodge is mentioned in the listing and is a buildings which lies within the curtilage of Appleby Castle and is therefore, listed in accordance with section 1(5)(b) of the PLBCAA, as amended.

5. Section (5) states that:

'In this Act 'Listed Building' means a building which is for the time being included in a list compiled by the Secretary of State under this section; and for the purposes of this Act ...(b) any object or structure within the curtilage of the building which, although not fixed to the building , forms part of the land and has done so since before July 1 1948 shall [subject to subsection (5A)(a)] be treated as part of the building'.

6. The Council also refers to the Historic England (HE) publication 'Listed Buildings and Curtilage (February 2018)'. The North Lodge, at the main entrance to the Castle at the southern end of Boroughgate, is listed in its own right.

7. The courts have held that the curtilage of a building is **'quintessentially a matter of fact'** (*James v SoS [1991] 1PLR 58*) and that a decision should be made **'on the facts'** (*Lambeth LBC v SoS Environment and the London Residuary Body*). The courts have also held that the curtilage of a listed building should be taken to be that which existed at the time of listing, regardless of subsequent development (*Watts v SoS Environment [1991] JPL 718* and *R v Camden LBC ex p Bellamy [1992] JPL 225*). This is based on the principle that if a pre 1 July 1948 building was within the

curtilage of a listed building at the time of listing, the tests of section 1(5) of the PLBCAA would be met.

8. I have considered this case on the basis of all of the evidence submitted; on my inspection of the site/buildings/surroundings and with regard to the what can be considered to be the curtilage of the listed building at the time of listing and today. In doing so I have applied the three tests in the case of *Sutcliffe and Others v Calderdale Borough Council* [1983] 46 P&CR 399) as set out below and have had regard to all other relevant case law.

The physical layout of the listed building and the South Lodge

9. Having seen the relationship of the listed Castle to the South Lodge it is evident that the latter formed part of an entrance gateway building to the Castle grounds, although it had been built centuries later. The fact that it is referred to in the detailed list description (albeit it not listed separately) indicates that at the time of listing it had been noted as being a lodge building at the entrance to the overall site.

10. I consider that the physical relationship has remained unchanged and that the South Lodge is still perceived as a 'gateway' into the Castle grounds. This is irrespective of whether or not it is currently used by visitors as an entrance to the castle grounds, or the fact that the Castle and Lodge might have been in different ownerships. The boundary walls and the access road all reinforce my view that the physical layout and relationship of the lodge to the main Castle buildings have not significantly changed since the lodge was built in the C19, or since listing.

11. In the case of *Skerrits of Nottingham Ltd v SoSETR* [2000] 2 PLR 102, the Court of Appeal held that it was not an essential feature of a curtilage that it be small. Taking into account their past physical relationships; the relationship at the time of listing in 1984 and their relationship today, it is my view that, as a matter of fact and degree, the curtilage of the listed Castle House physically extends to the boundary walls and the buildings (built before 1948) within or on that boundary. Thus, in my view and as a matter of fact and degree, the South Lodge is physically included within the curtilage of the listed Castle.

Ownership past and present

12. There is no detailed evidence before me relating to how the ownership of the Castle and South Lodge might have changed over the years. At the time of listing the lodge was referred to in relation to the rest of the Castle grounds. Even if in completely separate ownerships since listing or before, it is my view that the overall ownership circumstances in this case are not sufficient to overturn my conclusions relating to the physical relationships as set out above and my conclusion that the South Lodge lies within the curtilage of the listed Castle buildings.

Their use/function past and present

13. The original uses of the buildings (Castle Buildings and Entrance Lodge) were clear at the time of listing. The lodge was laid out as a dwelling located at the southern entrance to the Castle grounds. This is still the case today and thus the basic use (a residential unit on the boundary) has remained unchanged despite the change in ownership. Again, therefore, as a matter of fact and degree I consider that the uses and functions of the Castle Buildings and the South Lodge (as a dwelling) are the same today as they were in 1985 when the Castle was listed.

Conclusion

14. Having considered all of the submissions it is my view that, as a matter of fact and degree, the South Lodge remains a curtilage listed building and section 1(5)

applies. Through this section of the PLBCAA, therefore, the South Lodge must be deemed listed. I have taken into account the fact that the South Lodge is not separately referred to as being listed as is the other lodge. However, the fact that it lies within the curtilage of the Castle and has done so since before 1 July 1948 clearly means that it is a 'listed building' in accordance with section (5) of the Act.

15. The works carried out to the South Lodge have, in my view, affected its character as a building of special architectural and historic interest. Listed Building Consent (LBC) is, therefore, required for those works. There is no LBC in place and thus there has been a contravention of the PLBCAA. The appeal must fail, therefore, on ground (c).

Other Matters

16. I have noted that, after the appellant had purchased South Lodge in 2014, he had sought **the District Council's advice as to whether or not** LBC was required for alterations, including the installation of the UPVC windows and door. I also note that a representative of the Council had indicated that South Lodge was not listed; that LBC was not required and that, although the building was in the Conservation Area, the UPVC components would be acceptable.

17. However, there is no written evidence before me and clearly the Council is not of that view now and considered it expedient to issue the LBEN, the subject of this **appeal. For the reasons set out above I have agreed with the Council's current view** that the South Lodge is deemed listed by virtue of it being within the curtilage of the Castle and having been so since prior to 1 July 1948 and the appeal has failed on ground (c).

18. **Thus, whilst sympathising with the appellant's current predicament, I am only** empowered to deal with the appeal against the LBEN. Any grievances relating to the previous advice given by the Council on the question of the listing of South Lodge and the acceptance of the unauthorised works carried out, can only be a matter between the appellant and the Council.

19. In reaching my conclusions I have taken into account all of the points raised by the Council and the appellant. These include the full background and planning history; the initial grounds of appeal; the detailed statements and all other submissions. However, none of these carries sufficient weight to alter my conclusion that South Lodge is deemed listed and that the appeal under ground (c) must fail.

Formal Decision

20. The appeal is dismissed and the Listed Building Enforcement Notice is upheld.

Anthony J Wharton

Inspector



Appeal Decision

Site visit made on 28 May 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5 June 2019

Appeal Ref: APP/H0928/Z/18/3215641

Roundabout at the junction of the M6/A685/B6260, Tebay CA10 3SS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mrs Margaret Longworth of Tebay Parish Council against the decision of Eden District Council.
 - The application Ref 18/0675, dated 10 August 2018, was refused by notice dated 5 October 2018.
 - The advertisements proposed are 6 metal signs, pole mounted to be placed on the edge of the roundabout, each measuring 450(H) x 900(W) x 6mm(D), the base of each being 750mm above ground, each consisting of black letters or symbols, no more than 150mm high, on a white background, non-illuminated.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site lies within the boundaries of a highway, just off Junction 38 of the M6. The application form indicated that the permission of the owner or any other person entitled to grant consent for the proposed advertisements had been obtained, but it was not accompanied (as required by the application form) by evidence that the application is acceptable to the highway authority. Correspondence provided in the course of the appeal suggests that the County Council would not grant permission. It is a condition of any advertisement consent that permission is obtained from the owner and anyone else from whom it is required, and this stipulation would not be overridden even were I to allow the appeal.
3. A requirement of the Regulations, reflected in section 12 of the application form, is a submission by the applicant of a plan of the position of the proposed advertisement(s) on the land or building in question. Although the dimensions of the proposed advertisements have been described, no drawing supplied in the course of the appeal shows the position of the proposed advertisements within the roundabout.

Main Issue

4. The main issue arising in the appeal concerns the effect of the proposed advertisements on the safety of highway users.

Reasons

5. The appeal site is a large roundabout at Junction 38 of the M6, connecting to the west, where it meets the principal Brough-Kendal A685 road, to the south and east, and the B6260 to the north, leading to Old Tebay and Appleby, and to a truckstop services area. The roundabout lies on a north-south incline, with lorries leaving the truckstop entering uphill to the roundabout at generally slow speeds. Other traffic tends to be faster-moving, notwithstanding the restricted speed zone from Tebay village to the south and the cattle grid at the exit from the motorway. A footway adjoins the roundabout to its western side, and a public footpath joins this to the south western corner.
6. Traffic signs abound, advising of weight limits, height limits and much else besides, including local **attractions by way of 'brown' signs. At the time of my site visit an 'A' board in the roundabout, and posters on the A685, advised of events in Orton church.** A series of flags abutting the highway boundary advised of a local retail sale.
7. **The local highway authority's consultation response on the application noted** the absence of details relating to the proposed location of the proposed signs within the roundabout. Without the necessary application drawing showing the positions of the proposed advertisements, it is not possible to conclude that public safety would not be adversely affected. The proposal is for 6 signs within the roundabout. The roundabout has 4 entry and exit points, and these do not attract equal amounts of traffic. It is unclear exactly where the signs are proposed to be placed. **No details of the signs' spacing, that would permit of an assessment of their potential for driver distraction or their effects on visibility,** have been supplied.
8. I have taken account of Policy EC5 of the Eden Local Plan 2014–2032 that is permissive of advertisements that will not have an adverse effect on public and road safety. I am unable to conclude that this policy requirement would be met in this case. The interests of public safety warrant dismissing the appeal, and I do so.

Laura Renaudon

INSPECTOR

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PLANNING COMMITTEE

Agenda Item No.

APPLICATIONS DETERMINED UNDER OFFICER DELEGATED POWERS FOR THE MONTH OF MAY 2019

App No	App Type	Parish	Description	Location	Applicant	Decision
18/0224	Listed Building	Clifton	Listed building consent for changes to windows.	LOW CLIFTON DYKES FARM, CLIFTON DYKES, PENRITH, CA10 2DH	Dr S Soloman	APPROVED
18/0549	Full Application	Penrith	Change of use of part of agricultural field to football pitch.	FIELD TO THE EAST OF INGLEWOOD ROAD, BOWSCAR, PENRITH,	Mr R Threlfell	APPROVED
18/0818	Full Application	Culgaith	New single and two storey dwelling on site of former agricultural depot that is to be demolished.	LAND ADJACENT TO IVY HOUSE, CULGAITH, PENRITH, CA10 1QW	Mr & Mrs Birkett	APPROVED
18/1010	Full Application	Hutton	Proposed change of use from barn to dwelling.	BARN NORTH OF TOWN END, PENRUDDOCK, PENRITH, CA11 0RD	Addis Town Planning	APPROVED
19/0011	Listed Building	Alston	Listed Building consent for works to exterior walls, internal walls, chimney and upstairs windows.	IVY HOUSE, THE ROW, NENTHEAD, ALSTON, CA9 3PE	Mr & Mrs Taylor - Lynch	APPROVED
19/0041	Full Application	Penrith	Extension and improvements to existing dwelling.	130 GRAHAM STREET, PENRITH, CA11 9LG	Mr S Lusby	APPROVED
19/0098	Outline Application	Bandleside	Outline application for residential dwelling with all matters reserved.	ELM COTTAGE, COLBY, APPLEBY- IN-WESTMORLAND, CA16 6BD	Miss A McChesney	APPROVED
19/0123	Full Application	Kirkby Stephen	Change of use from A1 Antiques shop and cafe back to its original use class D1 place of worship.	THE EDEN EMPORIUM, MARKET STREET, KIRKBY STEPHEN, CA17 4QT	Kirkby Stephen Evangelical Church	APPROVED
19/0132	Listed Building	Penrith	Listed building consent for addition of internal partition wall to create meeting room.	EDEN DISTRICT COUNCIL, MANSION HOUSE, FRIARGATE, PENRITH, CA11 7YG	Eden District Council	APPROVED
19/0136	Full Application	Clifton	Change of use of existing barns and courtyard into office complex and associated car parking.	BAINBRIDGE GATE, CLIFTON, PENRITH, CA10 2HD	A W Jenkinson Forest Products	APPROVED
19/0137	Listed Building	Clifton	Listed building consent to enable the change of use of existing barns and courtyard into office complex and associated car parking.	BAINBRIDGE GATE, CLIFTON, PENRITH, CA10 2HD	A W Jenkinson Forest Products	APPROVED
19/0139	Full Application	Crosby Ravensworth	Variation of condition 2 (plans compliance) in respect of the design and size of the stable block attached to approval 18/0816.	COPPER BEECH LODGE, SHAP, PENRITH, CA10 3QX	Mrs S Bradley	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
19/0143	Full Application	Sockbridge & Tirril	The erection of a single storey detached classroom with office and WC provision	YANWATH C P SCHOOL, ASKHAM ROAD, YANWATH, CA10 2LA	Cumbria Education Trust - N Polmear	APPROVED
19/0145	Listed Building	Penrith	Listed building consent for door and window alterations to front elevation and internal alterations.	51 KING STREET, PENRITH, CA11 7AY	Star Pubs & Bars	APPROVED
19/0153	Full Application	Penrith	Residential development of 6 dwellings with associated parking.	LAND OFF TYNEFIELD DRIVE, TYNEFIELD DRIVE, PENRITH,	Atkinson Homes Ltd - Mr R Cowperthwaite	APPROVED
19/0154	Full Application	Ousby	Demolition of existing agricultural building and erection of replacement agricultural storage building.	CROFT HOUSE, OUSBY, PENRITH, CA10 1QB	Mr J Hunter	APPROVED
19/0156	Full Application	Hesket	Amendments to design of plot 28.	PLOT 28 COOPERS CLOSE, HIGH HESKET, CARLISLE, CA4 0JD	Mr R McManus - McManus Builders Ltd	APPROVED
19/0158	Full Application	Culgaith	Addition of storm porch and conversion of outbuilding to form home office, utility and sun room.	CHAPEL COTTAGE, CULGAITH, PENRITH, CA10 1QW	Dr S Ross	APPROVED
19/0160	Full Application	Alston	Conversion of redundant school building into two dwellings.	SALVIN SCHOOL HALL, THE BUTTS, ALSTON, CA9 3JQ	Mr W McNabb	APPROVED
19/0163	Full Application	Bandleyside	Rear extension to provide kitchen, dining and gym spaces.	BECKSIDE VIEW, COLBY, APPLEBY-IN-WESTMORLAND, CA16 6BD	Mr N & Mrs A Clegg	APPROVED
19/0165	Full Application	Penrith	Change of use of A4 former drinking establishment to D2 for church and community activities.	FIRST AND SECOND FLOOR, 36 - 40 BURROWGATE, PENRITH, CA11 7TA	Influence Church - Mr D Hoyle	APPROVED
19/0168	Full Application	Skelton	Removal of Condition 1 (single planning unit) and removal of Condition 2 (holiday accommodation) attached to approval 00/0188.	CROFT HOUSE, LAMONBY, PENRITH, CA11 9SS	Mr T Birks	APPROVED
19/0171	Reserved by Cond	Brougham	Discharge of conditions 5 (HE level 2 survey) and 9 (slate details) attached to approval 18/0252.	WOODSIDE FARM, BROUGHAM, PENRITH, CA10 2AP	Mr & Mrs Hill	APPROVED
19/0175	Full Application	Tebay	Proposed detached garage.	THE ARKE, OLD TEBAY, PENRITH, CA10 3ST	Mr & Mrs S Iniff	APPROVED
19/0176	Full Application	Great Strickland	The laying of underground electricity and communication cables between two Solar Farms.	LAND TO NORTH EAST OF DALLAN BANK FARM, GREAT STRICKLAND, PENRITH, CA10 3DU	Ms J Gittoes - Lightsource SPV 179 Ltd	APPROVED
19/0178	Listed Building	Clifton	Listed building consent for the reinstatement of timber windows.	TOWN END FARM, CLIFTON, PENRITH, CA10 2EP	Mr M Allison	APPROVED
19/0180	Full Application	Dacre	Variation of condition 2 (plans compliance) to reposition the dwelling attached to approval 18/0559.	UNIT 1 JOINERS CLOSE, NEWBIGGIN, PENRITH, CA11 0HU	Mr D Tolmie	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
19/0189	Reserved Matters	Catterlen	Reserved matters application with regard to access, appearance, landscaping, layout and scale attached to approval 17/1095.	LAND ADJ BANKFOOT FARM, NEWTON REIGNY, PENRITH, CA11 0AP	Mr A Robson	APPROVED
19/0190	Full Application	Langwathby	Erection of a one-bedroom dwelling.	GARDEN GROUND OF THE OLD VICARAGE, EDENHALL, PENRITH, CA11 8SX	Mr S Dixon	APPROVED
19/0192	Full Application	Alston	Demolition of existing garage and part demolition of stable block, to be replaced by double garage and workshop.	THE HERMITAGE, ALSTON, CA9 3DB	Mr R Glover	APPROVED
19/0193	Full Application	Clifton	Demolition of existing buildings, erection of a dwelling including a detached double garage, and installation of a package treatment plant with associated field drain.	LAND AT THE OLD STACKYARD, CLIFTON DYKES, PENRITH, CA10 2DG	Mr C Cowperthwaite	APPROVED
19/0195	Listed Building	Penrith	Listed Building Consent for replacement of timber laths and replacement of concrete Hardrow roof tiles with Lagen flat tiles.	MOSTYN HALL, FRIARGATE, PENRITH, CA11 7XR	Mrs K Whitehead	APPROVED
19/0196	Full Application	Dacre	Variation of Condition 2 (plans compliance) to include amendments to design attached to approval 17/0546	LAND BEHIND STAINTON HILL, STAINTON, PENRITH, CA11 0EP	Mr & Mrs Campbell	APPROVED
19/0198	Full Application	Kirkby Stephen	Construction of a B1/B2/B8 Industrial building.	22 ST LUKES ROAD, KIRKBY STEPHEN BUSINESS PARK, KIRKBY STEPHEN, CA17 4HT	K S Business Park	APPROVED
19/0199	Full Application	Penrith	Erection of two-storey side and rear extension for additional living accommodation to the main dwelling and independent annex accommodation.	59 CROFT AVENUE, PENRITH, CA11 7RL	Mr & Mrs M Crouch	APPROVED
19/0200	Full Application	Penrith	Single storey extension.	37 WORDSWORTH STREET, PENRITH, CA11 7QY	Mr & Mrs Sanders	APPROVED
19/0204	Full Application	Dacre	Car Port Building.	1 RAILWAY COTTAGES, BLENCOW, PENRITH, CA11 0DE	Mr & Mrs Holliday	APPROVED
19/0205	Full Application	Dacre	1 No. Shepherds Hut for rental purposes with associated groundworks and screening.	1 RAILWAY COTTAGES, BLENCOW, PENRITH, CA11 0DE	Mr & Mrs Holliday	APPROVED
19/0206	Listed Building	Penrith	Listed building consent for conversion of garage into accessible living accommodation.	CROZIER LODGE, FELL LANE, PENRITH, CA11 8AB	Mrs C Morrison	APPROVED
19/0209	Full Application	Skelton	Retrospective change of use to education facility and extension to car park/hard standing area.	HIGH HEAD CASTLE FARM, IVEGILL, CARLISLE, CA4 0PJ	Messrs Stamper	APPROVED
19/0213	Full Application	Hesket	Permanent roof over existing grain store.	HIGH OAKS FARM, CALTHWAITE, PENRITH, CA11 9QZ	Messrs J R Lyall	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
19/0214	Listed Building	Hesket	Listed building consent for the replacement of timber windows with UPVC.	FIELD HEAD COTTAGE, CALTHWAITE, PENRITH, CA11 9PU	Mrs D Hicks	APPROVED
19/0215	Cert. of Lawful	Skelton	Certificate of Lawfulness for continued use of Linton Ghyll as a single residential dwelling.	LINTON GHYLL FARM, IVEGILL, CARLISLE, CA4 0PH	Mr & Mrs Creighton	APPROVED
19/0216	Full Application	Penrith	Change of use from storage and office space to mobility showroom and shop.	THE OLD REGISTRAS OFFICE, FRIARGATE, PENRITH, CA11 7XR	Cowpers Mobility	APPROVED
19/0217	Reserved Matters	Dacre	Reserved matters application for agricultural workers dwelling attached to outline approval 18/0025.	MOSS THORN FARM, PALLET HILL, PENRITH, CA11 0BY	Mr R Fisher	APPROVED
19/0218	Full Application	Penrith	Front Porch and two storey extension.	29 THE PARKLANDS, PENRITH, CA11 8TF	Mr P Kirkbride	APPROVED
19/0224	Listed Building	Kirkoswald	Listed Building Consent for insertion of window and roof light to east elevation, removal of flue pipe and replacement doors.	SADDLE HOUSE, RENWICK, PENRITH, CA10 1LA	Mr G Brooks	APPROVED
19/0225	Full Application	Bandleyside	Proposed sun lounge extension, store room and roof.	HILLTOP, BURRELLS, APPLEBY-IN-WESTMORLAND, CA16 6EG	Mr J Bywater	APPROVED
19/0226	Listed Building	Appleby	Listed Building Consent for replacement of 3No front elevation casement windows	33 BONGATE, APPLEBY-IN-WESTMORLAND, CA16 6UN	Mr & Mrs D Padgett	APPROVED
19/0228	Reserved by Cond	Sockbridge & Tirril	Discharge of conditions 3 (archaeology), 4 (visibility splays), 5 (carriageways and footways), 6 (construction management plan) and 7 (surface water drainage) attached to approval 19/0024.	LAND ADJACENT TO WALMER, CROFT HEAD, SOCKBRIDGE, PENRITH,	JIW Properties Ltd - Mr Wilkinson	APPROVED
19/0233	Tree Works (CA)	Appleby	1-2m reduction in height of conifer and prune overhanging branches on apple trees (east side of the Guide Hut); Appleby Conservation Area.	THE ARMOURY, HOLME STREET, APPLEBY-IN-WESTMORLAND, CA16 6QU	Mrs K Nunn - Appleby Friends of Guiding	APPROVED
19/0234	Full Application	Hesket	Retrospective application for an access gate for garden use.	PINEGARTH, STATION ROAD, ARMATHWAITE, CARLISLE, CA4 9PP	Genesis Homes	APPROVED
19/0236	Tree Works (TPO)	Shap	1) T1, T3, T4, T7 Lime trees - Pollard at 5-6m; 2) T2 Sycamore, T6 Maple and Group 5 consisting of Elms - Fell trees; Tree Preservation Order No 3, 1978, St Michael's Church, Shap (Group 1 of TPO); Reason: Risk to rail infrastructure.	EAST SIDE OF ST MICHAEL'S CHURCHYARD (ADJACENT RAILWAY LINE), SHAP, PENRITH, CA10 3LD	Mr Neil Edmondson - Network Rail	REFUSED
19/0237	Full Application	Clifton	Change of use of former sales office to form a garden room and part incorporation of adjoining land into domestic garden.	1 JACOBITE GARDENS, CLIFTON, PENRITH, CA10 2FG	Mr R Hancock	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
19/0248	Tree Works (CA)	Penrith	T1, T2, T4, T5, T6 Cypress - Fell trees; T3 Spruce - Fell tree; T7 Pine - Prune to provide 3m clearance; Penrith New Streets Conservation Area.	20 STRICKLANDGATE, PENRITH, CA11 7QA	Ms Sarah Wilson	APPROVED
19/0253	Tree Works (CA)	Penrith	1. Remove lowest branch on tree to prevent damage to Coach House roof; Penrith Conservation Area.	THE COTTAGE, BISHOP YARDS, PENRITH, CA11 7XU	Mr John Richardson	APPROVED
19/0256	Listed Building	Glassonby	Listed building consent for the retention of works associated with the conversion of an agricultural building to a dwelling.	2 TOWN END BARNS, GAMBLESBY, PENRITH, CA10 1HY	Mr K Riddell	APPROVED
19/0293	Tree Works (TPO)	Penrith	Removal of the stem of T6; Replacement tree for G4 - Quercus 10-12cm; Replacement tree for G1 - Quercus Robur 6-8cm; Replacement tree for T6 Quercus Palustris 10-12cm; All replacement trees are either large air pots or containers and each will be staked and after care will be given for the first year. Tree Preservation Order No 77, 1996, Bridge Lane / Tynefield Drive, Penrith; Reason: Replacement trees as required by TPO regulations.	LAND AT BRIDGE LANE / TYNEFIELD DRIVE, PENRITH, CA11 8JA	Mr Judge - Cumbria Partnership NHS Foundation Trust	APPROVED
19/0294	Reserved by Cond	Crosby Ravensworth	Discharge of condition 7 (archaeological assessment and survey) attached to approval 18/0238.	LAND BETWEEN FERN BANK & EAST VIEW, REAGILL, PENRITH, CA10 3ER	Mr K Hall	APPROVED
19/0309	Tree Works (CA)	Great Salkeld	Remove Sycamore tree from shelter belt due to effects of seedlings upon grazing horses; Great Salkeld Conservation Area.	MOSS BANK, GREAT SALKELD, PENRITH, CA11 9NA	Mr A Hannah	APPROVED

In relation to each application it was considered whether the proposal was appropriate having regard to the Development Plan, the representations which were received including those from consultees and all other material considerations. In cases where the application was approved the proposal was considered to be acceptable in planning terms having regard to the material considerations. In cases where the application was refused the proposal was not considered to be acceptable having regard to the material and relevant considerations. In all cases it was considered whether the application should be approved or refused and what conditions, if any, should be imposed to secure an acceptable form of development.

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Tree Preservation Order Notice of Decision



District Council

Town Hall, Penrith, Cumbria CA11 7QF
Tel: 01768 817817

Email: loc.plan@eden.gov.uk
Direct dial: (01768) 212159

To: Mr Neil Edmondson - Network Rail
North Union House
Christian Road
Preston
PR1 8NB

Application Ref: 19/0236

Town and Country Planning Act 1990

Town and Country Planning (Trees) Regulations 1999, 2008 and 2012

Tree Preservation Order Application To Carry Out Works To Protected Trees

I refer to your application dated 22 March 2019 to carry out work to a tree(s) protected within the above Order at East Side Of St Michael's Churchyard (Adjacent Railway Line) Shap Penrith:

1) T1, T3, T4, T7 Lime trees - Pollard at 5-6m; 2) T2 Sycamore, T6 Maple and Group 5 consisting of Elms - Fell trees; Tree Preservation Order No 3, 1978, St Michael's Church, Shap (Group 1 of TPO); Reason: Risk to rail infrastructure.

Appraisal: This application has been submitted by Network Rail in respect of trees that are on adjacent land within St Michael's Church to address their concerns about risk to the rail infrastructure. Considering the potential consequences of a branch or tree failure onto the railway the Council accepts that remedial work is appropriate, however, the proposed pollarding of the mature trees and felling sycamore T2 is considered excessive and inappropriate. The Council has no objection to the removal of the smaller trees and these are not protected within the TPO although permission will still be required from the tree owner.

DECISION: In pursuance of their powers under the above Act and Regulations, Eden District Council, as local planning authority, hereby REFUSE permission for the tree work proposal described in your application and on the plans and drawings attached thereto. The reason(s) for this decision are:

1. The felling of T2 and the pollarding of trees T1, T3, T4 and T7 is considered excessive work that would be detrimental to the amenity of the area.
2. A new application containing individually specified crown reduction pruning proposals, that meets with the standards and guidance set out in British Standard 3998, Arboricultural Association published advice and International Society of Arboriculture guidance, would be considered acceptable and is likely to be granted approval.

Your Right of Appeal

If you disagree with the decision of the Council or the attachment of any conditions you can appeal to the Secretary of State for the Environment via the Planning Inspectorate. All appeals must be made in writing within 28 days from the date you receive the Council's decision. The Secretary of State has the discretion to allow a longer period.

www.eden.gov.uk Oliver Shimell LLB

Assistant Director Planning and Economic Development



Appeals are handled by the Planning Inspectorate (PINS). The 1999 Regulations have been amended so that as from 1 October 2008 a fasttrack appeal procedure replaces the previous handling of appeals through the submission of written representations. In practice most cases will therefore be dealt with on the basis of the original application and its supporting information, the decision of the LPA and the reasons they gave when making that decision. The inspector may, however, ask for further information. Either party may if they wish have the appeal dealt with at a hearing or public local inquiry.

When giving notice of appeal to PINS, the appellant must at the same time send a copy of that notice to the Council that made the original decision.

Appeals should be sent in writing to:

The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges,
Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol
BS1 6PN

Tel: 0303 444 5000

e-mail: environment.appeals@pins.gsi.gov.uk

Web: www.planning-inspectorate.gov.uk/pins/appeals/tree_preservation/index.htm

Compensation

If you suffer any loss or damage as a direct consequence of the decision made by the Council, or by the attachment of any conditions, you may be entitled to recover from the Council compensation in respect of such loss or damage. If you wish to make a claim you must do so within 12 months from the date of this decision. Claims should be submitted in writing to: Head of Planning Services, Eden District Council, Mansion House, Penrith CA11 7YG.



Oliver Shimell LLB

Assistant Director Planning and Economic Development

Date of Decision: 23 May 2019

Eden District Council

Planning Committee Agenda
Committee Date: 20 June 2019

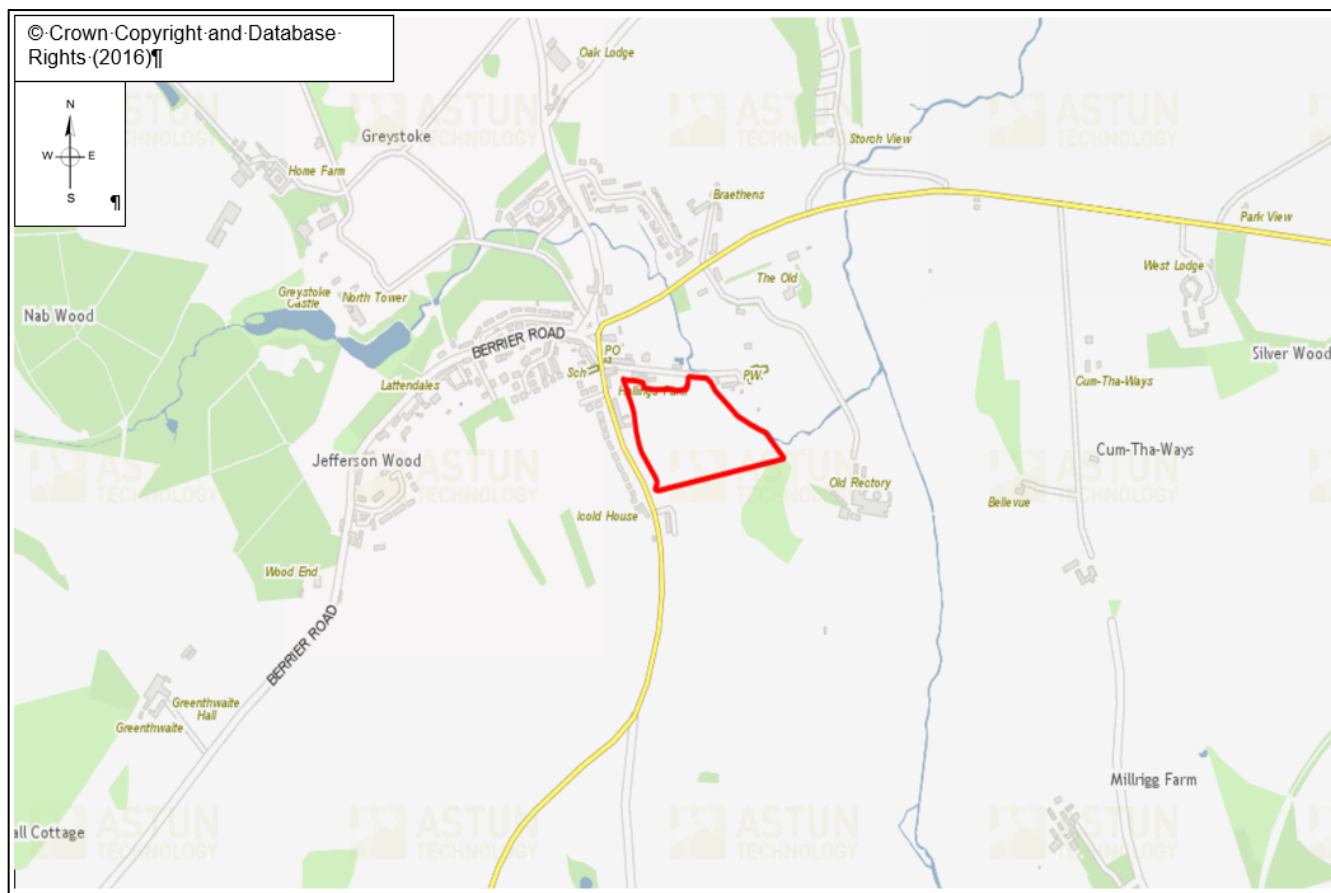
INDEX

Item No	Application Details	Officer Recommendation
1	Planning Application No: 19/0230 Change of use of land from agricultural to equestrian and the formation of an area of hardstanding (part retrospective) Land to south of Church Road, Greystoke Mr R Kellett	Recommended to: <p style="text-align: center;">APPROVE Subject to Conditions</p>
2	Planning Application No: 19/0187 Demolition of an existing prefabricated outbuilding and construction of a timber frame extension Ormside Education Centre, Ormside, Appleby Phase 8 Development Company - Mr S Dumbell	Recommended to: <p style="text-align: center;">APPROVE Subject to Conditions</p>
3	Planning Application No: 19/0203 Demolition of detached garage and erection of double garage, outbuildings and garden room, addition of single storey front extension and two storey side extension Helm Bar, Melmerby Ms J & A Caffrey & Brown	Recommended to: <p style="text-align: center;">APPROVE Subject to Conditions</p>
4	Planning Application No: 19/0167 Change of use of agricultural land to mixed use of agriculture and siting of 6 No holiday huts and associated mixed use building Mains Cottage, Johnby Mr Scott-Harden	Recommended to: <p style="text-align: center;">APPROVE Subject to Conditions</p>

Agenda Item 1

REPORTS FOR DEBATE

Date of Committee:	20 June 2019		
Planning Application No:	19/0230	Date Received:	29 March 2019
OS Grid Ref:	NY344236, 530689	Expiry Date:	25 May 2019 (Time extension agreed to 21 June 2019)
Parish:	Greystoke	Ward:	Greystoke
Application Type:	Full		
Proposal:	Change of use of land from agricultural to equestrian and the formation of an area of hardstanding (part retrospective)		
Location:	Land to south of Church Road, Greystoke		
Applicant:	Mr R Kellett		
Agent:	Mr D Addis, Addis Town Planning Ltd		
Case Officer:	Caroline Brier		
Reason for Referral:	Recommendation contrary to that of the Parish Council		



Agenda Item 1
REPORTS FOR DEBATE



1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

Time Limit for Commencement

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i) Location Plan received 28 March 2019
 - ii) Block Plan received 16 May 2019
 - iii) Flood Risk Assessment received 28 March 2019
 - iv) Information E-mail received 16 May 2019

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Pre-Occupancy or Other Stage Conditions

3. The applicant/developer shall have scheme approved to prevent surface water discharging onto or off the highway within 2 months from the date of this approval. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.

4. The access and parking requirements shall be constructed in accordance with the approved plan within 2 months from the date of this approval. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered.

Reason: To ensure a minimum standard of access provision when the development is brought into use.

Ongoing Conditions

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

Reason: In the interests of highway safety.

6. The trailer used for the storage of manure shall be stored immediately to the southern gable of the food storage building.

Reason: In the interests of visual and public amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that Order) no development falling within Class B (temporary use of land) of Part 4 Schedule 2 to that Order shall be carried out.
- Reason:** To ensure no equestrian events are held on the land subject to this approval, in the interests of public amenity.
8. In addition to the owners personal horses on site, no more than four horses or ponies shall be kept on the land subject to this approval on a grass livery basis.
- Reason:** To avoid over intensification of the site and to avoid any ambiguity as to what constitutes the permission.
9. The owner shall maintain an up to date register stating which horses are on grass livery with proof of ownership and shall make the register available to the local planning authority upon request.
- Reason:** To avoid over intensification of the site and to avoid any ambiguity as to what constitutes the permission.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This proposal seeks to change the use of the land subject to this application from agricultural to equestrian. It also seeks to extend an area of hardstanding by approximately 135m² to a total of 335m² of hardstanding.
- 2.1.2 The land in question has grazed horses for several years; however the mere grazing of horses does not constitute a material change of use. Under the previous application (17/0243 - Part retrospective application for retention of 2 No stable buildings and proposed feed storage building - Allowed at Appeal 25/05/18) sufficient evidence, including evidence gained on a Planning Contravention Notice (PCN) confirmed the use of the land to remain as agricultural at that time.
- 2.1.3 The applicant proposes the following uses which change the land from agriculture to equestrian:
- School/ride the horses on the land.
 - Erect jumps on the field for more than 28 days in a calendar year without having to take them down each time.
- 2.1.4 The applicant also wishes to offer grass livery at the site. Currently on the site are 3 horses and 2 Shetland ponies (5 in total). 2 of the 3 horses are belonging to third parties and the 2 Shetland ponies belong to an animal charity and are kept on the land at no cost. It is advised that should permission be granted, the land could accommodate a further 2 horses. As such, 3 horses/Shetland ponies would be the responsibility of the applicant and non-paying and a maximum of 4 horses, not owned by the applicant and landowner, would be kept on a grass livery basis, meaning 7 horses/Shetland ponies on the land in total.
- 2.1.5 The existing hardstanding (which gained permission under approval 17/0243) measures approximately 200m². The new areas (part retrospective) are located to the north and south of the agricultural style building and to the south and west of the existing hardstanding around the stable area. The new hardstanding measures approximately 135m².

2.1.6 The material used for the hardstanding is to be hard-core.

2.2 Site Description

2.2.1 The application site is an agricultural field accessed off Church Road which is central in the village of Greystoke. The field is currently used for agricultural grazing of horses.

2.2.2 The land in the applicant's ownership stretches some 3.88 hectares and also runs adjacent to Icold Road. It has been split into a number of agricultural fields and also has a feed store and two stable buildings, previously approved under planning permission 17/0243.

2.2.3 Access to the site is through a double gate and leads straight onto the hardstanding which gained approval under application 17/0243.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	No objection - recommend conditions.
Lead Local Flood Authority	No objection - advises the applicant to consult with the Environment Agency regarding a flood risk assessment.
Environment Agency	<i>'We have no objection to the application and we have reviewed the Flood Risk Assessment (FRA), referenced Change of use of land from agriculture to equestrian and the formation of an area of hardstanding (part retrospective), Land South of Church Road, Greystoke, CA11 0TL, produced by Addis Town Planning, dated March 2019, submitted with the application. We are satisfied that the FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere'.</i>
Historic England	Do not wish to offer any comments.

3.2 Discretionary Consultees

Consultee	Response
Environmental Health (Health Team)	No objection however provides the applicant with advice on the legislation for running a business in terms of Environmental Health.
Environmental Health (Pollution Team)	<i>'With regards the tractor trailer for manure, as manure is only taken away once a year and has the potential to cause an odour nuisance, we recommend that this is located at a point furthest away from housing'.</i> Condition recommended.
Conservation Officer	No objection.
Minerals Waste Local Plan (MWLP)	<i>'The criteria 2 and 4 of Policy DC15 (Minerals Safeguarding) in the adopted Cumbria Minerals and Waste Local Plan are satisfied. Cumbria County Council as minerals planning authority therefore does not object to this application'.</i>

4. Parish Council Response

Parish Council	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Greystoke	✓			

4.1 Greystoke Parish Council provided the following comments:

- Concerns that previous application based on agricultural use, not equestrian.
 - Appeal grant based on no business use.
 - Concern that no trees have been planted as agreed in previous application.
 - Hard standing higher than original land - in a 3B flooding area - forcing flood water back on to Church Road - the EDC 3D mapping out of date.
 - Entrance has been doubled in size - does this have permission?
 - Would like to see conditions attached of approved:
 - i. No equestrian events in field which floods.
 - ii. No visual distractions - jumps left out etc when not in use.
 - iii. Limit on number of horses on land - for recreation use only, not business.
 - Concerns regarding the effect the building of the store and other landscaping/hardstanding has done to the attenuation or run off of the site. We would like to raise concerns that this is a flood zone 3 area, which raises pollution concerns for surface water runoff in to the river including top soil, animal waste and whatever else may be lying on the surface of the hardstanding.
- New water rules mean that farmers AND landowners are going to be far more under scrutiny for such issues in the future. GPC are sure there would be a run off in to the river following last month's flood event, when horses had to be removed

REPORTS FOR DEBATE

from the land for their own safety. <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 12 April 2019.

No of Neighbours Consulted	27	No of letters of support	0
No of Representations Received	3	No of neutral representations	0
No of objection letters	3		

- 5.2 Letters of objection raised the following material considerations to the application:

- Flooding issues occur. The level of the field is way higher due to the hard core being placed on top of the original land instead of removing the earth. This has altered the route of the flood flow. Adding more hard core will surely add to the problem.
- Hard core does not allow water to pass through it so it is not permeable.
- Site is within flood zone 3B.
- Parking issues on Church Road if there is a wedding or funeral.
- Manure cart, fencing posts/wires, tyres, riding jumps sections should be removed away from the wall adjacent to Church Road to improve visual/odour distraction.
- Recent flooding, plus historic flood mapping, indicates a 3B zone lies between the Church Road boundary and the agricultural feed store. Impending flood water here, which has to flow in time of flood, resulted last month in flooding back onto Church Road, not long after the hardstanding was laid down. The hardstanding should be removed in this area.
- The current local plan does not have an up to date risk assessment, so the issue to be determined by EDC, in conjunction with the Environment Agency (EA), is to establish the 3A/3B boundary of this significant proportion of the undeveloped land adjacent to the watercourse.
- The last mapping of the flood outlines appears to be Appendix K - North Area Critical Ordinary Watercourses - North Petteril Beck. This is the 22 page Jacobs 2008 report which summarises the beck flood outlines in figure K8. This shows that most of the eastern most fields on the site are likely to fall within flood zone 3B. It is significant that the whole site in 2008 was still within flood zone 2 and that the report's modelling acknowledges it could not explain the whole of the 2007 actual flood outline, particularly to the west of the Church Road Bridge arch, where the edge of the flood line touches the north edge of the feed store, which is 13 metres to the closest point of approach to the North Petteril.
- A practical solution to the 3A/3B (Agriculture/Equestrian) boundary in 19/0230 is to consider designating the existing western fence of the fields adjacent to the North Petteril as this boundary. The preferable alternative is to commission an independent report to establish if the 3B zone is any larger or smaller, and a new boundary fence erected accordingly to establish the boundary between the agricultural grazing 3B strip and the far larger equestrian activity 3A area for riding etc.

REPORTS FOR DEBATE

- The original residual hardstanding provided access to the stables and feed store. This should be sufficient for equestrian use. The recent laying of extra hardstanding above the surface level of the surrounding land has created a large barrier to surface water runoff (the concrete apron to the feed store is not permeable) and is an intensification on the site which was previously open countryside. More importantly, the hardstanding to the north of the feed store prevents flood water from the overflowing beck from taking its natural course through the field gate and stone wall and left down the side of the feed store (see photograph in the Annex). The net result is flooding back onto Church Road which is most unfortunate. The FRA is not correct to assert that the 19/0230 development will not increase the risk of flooding elsewhere.
- Any approval for the change of use of the site from agriculture to equestrian should include conditions on visual distraction, occupancy, management of livestock and the flood Zone 3A/3B boundary, designating equestrian usage to be in the large Flood Zone 3A area and agricultural usage in the Flood Zone 3B area adjacent to the North Petteril.
- The hardstanding should be reverted to its original course. At the very least, it should be removed from the north of the feed store to allow water to flow in time of flood.

5.3 Letters of objection raised the following non-material considerations:

- If property floods as a result of this application gaining approval, will sue all involved.
- Applicant has manipulated system.
- No more horses or buildings/structures should be allowed, to prevent any possible future unofficial livery activity and to prevent further intensification of this open countryside site.
- A 3 metre boundary fence adjacent to the North Petteril is called for in the recent DEFRA regulations to prevent animal hooves wrecking/polluting land adjacent to the watercourse. This should be part of a normal equestrian landscaped pasture management plan, which has not been submitted, to include weed control and prevention of the horse damaged waterlogged field in winter.
- A boundary 3B/3A (fence) on land adjacent to the North Petteril is required under the Strategic Flood Risk Assessment Plan (SFRA) as minor development such as this are not permitted in a 3B flood zone. Establishment of this boundary is crucial to the protection of the functional floodplain.
- The barn has only just been passed and built under agricultural use, so it should stay like that.
- The positioning of the barn does already obstruct the natural flow of the river when in flood.
- Hay and horse manure blowing around on the road which ends up in the drains.
- The owner often burns waste on site causing environmental hazard and personal discomfort and stress.
- The number of horses and shelters need to be managed due to land conditions and visual impact of shelters.

REPORTS FOR DEBATE

- Story Homes were proposing to build approximately 40 homes, which will increase surface water to run into the river. This will cause an unknown strain on the area downstream. If not addressed properly and properties flooded through bad decisions, legal advice and action will be taken.

6. Relevant Planning History

Application No	Description	Outcome
17/0243	Part retrospective application for retention of 2 No stable buildings and proposed feed storage building.	Allowed at Appeal 25 May 2018
18/0425	Discharge of condition 3 (landscaping) attached to appeal decision APP/H0928/W/18/3195565 of application 17/0243.	Condition discharged 2 July 2018

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-32)

- LS1 Locational Strategy
- DEV2 Water Management and Flood Risk
- DEV5 Design of New Development
- ENV2 Protection and Enhancement of Landscapes and Trees

7.2 Other Material Considerations

National Planning Policy Framework 2019:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 11 - Making effective use of land
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

7.3 The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Landscape and Visual Impacts
- Residential Amenity
- Flooding

8.2 Principle

8.2.1 This proposal is to extend an area of hardstanding by approximately 135m² and change the use of the land from agricultural to equestrian.

8.2.2 The application site is located within a flood zone 2 and 3. Eden Local Plan policy DEV2 requires proposals (inter alia) to meet the sequential approach to development in flood risk areas and does not support inappropriate development in flood zones 2 and 3.

REPORTS FOR DEBATE

- 8.2.3 Paragraph 164 of the National Planning Policy Framework (NPPF) states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50.
- 8.2.4 Footnote 50 requires a site specific flood risk assessment (FRA) to be provided for all development in flood zone 2 and 3, this has been provided and forms part of this application. The Environment Agency have confirmed that they '*are satisfied that the FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere*'.
- 8.2.5 Policy ENV2 advises that development will only be permitted where it conserves and enhances distinctive elements of landscape character and function.
- 8.2.6 The use of the land is currently for the agricultural grazing of horses. Whilst this application would change the use of this land, the nature of the proposal is not considered to be out of keeping with the existing use of the field, or with the character of the rural area (Nicky Richards Racing Yard being located approximately 125m to the north east of the proposal site). Therefore, the proposal is not considered to represent an incongruous development.
- 8.2.7 In principle this proposal is considered to be acceptable and in accordance with the Development Plan subject to further considerations on landscaping and visual impacts and flooding.

8.3 Landscape and Visual Impacts

- 8.3.1 The application site is not located within an area of any landscape designation or sensitivity despite its rural village setting.
- 8.3.2 The additional hardstanding extends around the existing yard area and would be seen in this context. As such it is not considered that it would create an adverse visual impact on the landscape of the area.
- 8.3.3 The main landscape/visual impacts from this proposal are considered to be the horse jumps that may be left out on the land. These are portable structures which are unlikely to remain in the same position indefinitely.
- 8.3.4 Under Appeal Decision APP/H0928/W/18/3195565 the Inspector considered that '*it would not be unusual or indeed incongruous to see buildings for equestrian purposes in the area. The stables are of a modest size, set back from the road side and have a functional appearance. They have no harmful effect upon the character and appearance of the area*'. As such, it is considered that equestrian jumps seen within the parameters of an equestrian use of the site is an acceptable feature.
- 8.3.5 It is further noted, that the existing lawful use of the field is for agriculture and not as a maintained parkland, public realm or manicured curtilage garden. In that regard, it is important to consider the proposed equestrian jumps in the context of items of machinery and equipment that could reasonably and lawfully be stored and used at the site without restriction, in association with the agricultural use of this land. In this regard, it is considered that the proposed equestrian jumps would not result in any greater impact upon the visual amenity of the area than could exist under the existing lawful use.
- 8.3.6 The Parish Council have suggested that a condition be attached regarding '*no visual distractions such as jumps being left out when not in use*'. Most jumps are not permanent structures and in planning terms do not constitute development. It is

REPORTS FOR DEBATE

therefore considered to be unreasonable and not necessary to impose such a condition particularly given the application site is not located within a Conservation Area, or within a landscape of any special or sensitive designation.

- 8.3.7 There have not been any details of permanent jumps included with this application. Should a permanent jump be created it may require planning permission and this would be assessed accordingly. Should the land become untidy the Local Planning Authority has the powers under Section 215 of the Town & Country Planning Act 1990, in certain circumstances, to take steps requiring land to be returned to an appropriate condition should its condition adversely affects the amenity of the area. This would be the case for the application site and all other land within the District.
- 8.3.8 On the basis of the above, it is not considered that this proposal would cause an unacceptable harm to the landscape or adversely impact on the visual amenity of the area.

8.4 Residential Amenity

- 8.4.1 The change of use of the land and addition of 135m² of hardstanding is not considered to create a different impact on the living conditions or amenity to neighbouring residents.
- 8.4.2 The application confirms that at most an additional 2 horses may be on the site to the current number. This is considered to be a minor increase in the number of animals in the field, although the use would be different.
- 8.4.3 Concern has been raised that the additional hardstanding may cause properties to flood. However the Environment Agency, who are a statutory consultee, have confirmed that they *'are satisfied that the FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere'*.
- 8.4.4 The Parish Council request that a condition be attached stating no equestrian events on the land. Whilst it has been advised in the application that there would not be any competitions or formal equine events held on the land, in the interests of residential amenity it is considered necessary to attach a condition removing permitted development rights for temporary use of land to prohibit this type of event.
- 8.4.5 Environmental Health's Pollution team have requested that a condition be attached to any approval granted (see recommendation) due to the manure only being taken away once a year which has the potential to cause an odour nuisance. The manure trailer is to be sited at a point furthest away from housing.
- 8.4.6 On the basis of the above and with further mitigation secured through conditions and implemented on site, it is not considered that the residential amenity of the area will be adversely affected by this proposal.

8.5 Flooding

- 8.5.1 The river North Petteril adjoins the north east/eastern boundary of the site. The large majority of the site lies within a flood zone 3. Flood zone 3 is split into 2 separate zones, 3a and 3b by the local planning authority, however Eden District Council do not currently provide a distinction. The evidence provided within the flood risk assessment and guidance from the Environment Agency help to establish the classification.
- 8.5.2 Under Appeal Decision APP/H0928/W/18/3195565 the Inspector advised in relation to the new building (point 17) *'Table 3 of the Flood Risk and Coastal Change PPG sets*

REPORTS FOR DEBATE

out that 'less vulnerable' development in FZ 3a is appropriate, but 'less vulnerable' development in FZ 3b should not be permitted. As the classification of land in the FZ recently changed from 2 to 3, I have no unequivocal evidence indicating whether the site lies in FZ 3a or 3b. However, the appellant asserts that the site is in FZ 3a, and has provided data from the EA flood mapping systems that indicates that the site would be subject to less than 3.3% annual probability of fluvial flooding. They also provide evidence of 'recorded flood outlines' from 30 July 2002 that shows the flood event did not affect the site. The Council does not dispute these findings. Therefore, I agree that the site is likely to be within in FZ 3a, and not part of the FZ 3b functional flood plain. This being the case, the development would be appropriate and the Exception Test is not required'.

- 8.5.3 Whilst the Inspector considers the site to likely be in a flood zone 3a, objectors consider the site to be classed as flood zone 3b, a functional flood plain.
- 8.5.4 In terms of the change of use, it is not considered that the proposed equestrian use would create any greater risk to flooding than the current agricultural use. Should flooding occur the animals would be required to be moved off the area until the water receded.
- 8.5.5 The proposed hardstanding is no closer to the river than the building which gained planning permission through the above mentioned appeal decision. This area is considered to be within flood zone 3a. The hard-core is a permeable surface and whilst the percolation may be slowed down it would still drain.
- 8.5.6 Land management issues have been raised, however they are controlled through other legislation outside of Planning and as such are not material planning considerations.
- 8.5.7 It is fully acknowledged that flooding has been an issue in this area of Greystoke. However it is not considered that this proposal would increase the risk of flooding at the application site or on any surrounding land in accordance with Policy DEV2 of the Eden Local Plan and the NPPF.

8.6 Other

- 8.6.1 Under Appeal Decision APP/H0928/W/18/3195565 the Inspector considered that the use of the site for commercial purposes may lead to additional traffic movements and a more intensive use of the site. As such it was considered necessary to impose a condition that requires non-commercial use only.
- 8.6.2 This application wishes to introduce a business element, so that grass livery could be offered from the site. There are currently 3 horses and 2 Shetland ponies on the land. 2 of the horses belong to third parties. The land could accommodate a further 2 horses. As such, a total of 4 horses on grass livery could be accommodated at the site.
- 8.6.3 The applicant has advised that the site is visited once per day. Thereafter, whoever visits the site then contacts the other owners to advise that their horse has been checked. This arrangement would continue with an additional 2 horses.
- 8.6.4 Highways have advised that they consider the intensification of traffic to the site to be minor and do not object to the application.
- 8.6.5 To ensure that an unacceptable intensification does not occur it is considered necessary to attach a condition limiting the number of horses allowed on grass livery to be limited to 4 in accordance with details provided in the application.

REPORTS FOR DEBATE

- 8.6.6 Due to the area of land available in the applicant's ownership it is not considered reasonable to attach a condition restricting overall numbers of horses on the site. It is considered that by restricting the number of grass livery horses the level of intensification will be controlled.
- 8.6.7 The Parish Council have raised concern that '*no trees have been planted as agreed in previous application*'. Under 18/0425 - Discharge of condition 3 (landscaping) attached to appeal decision APP/H0928/W/18/3195565 of application 17/0243, was discharged on 2 July 2018. A subsequent site visit confirmed that the planting has been carried out in accordance with the approved plan.
- 8.6.8 The Parish Council have also raised concern that the entrance has doubled in size and query the requirement of planning permission for this. The entrance does not appear to have been altered since the 2017 application. However it is confirmed that the entrance to the site is off an unclassified road. Under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 2, Class B, the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road is classed as permitted development. As such any widening of the entrance would not require planning permission.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by other material considerations:
- This proposal is considered to be finely balanced due to the majority of the site being within flood zone 3. However, given the current use of the site, the minor intensification of business use and satisfaction of the Environment Agency that

REPORTS FOR DEBATE

proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, it is considered to be acceptable in planning terms.

- The development is not considered to be an incongruous development and is appropriate for the area, given the rural nature of the area and existence of equestrian businesses within the locality.

10.2 Therefore, a recommendation of approval is made.

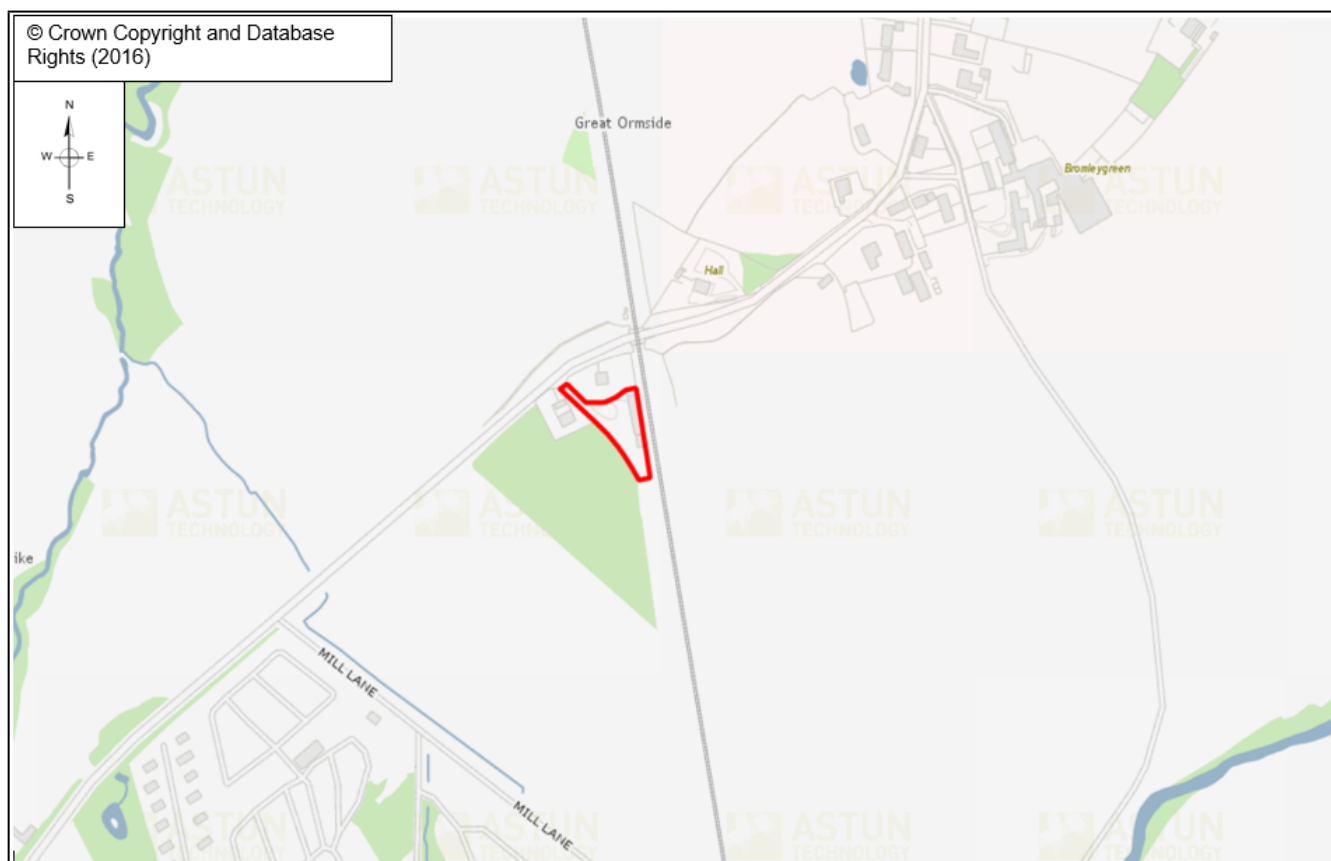
Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
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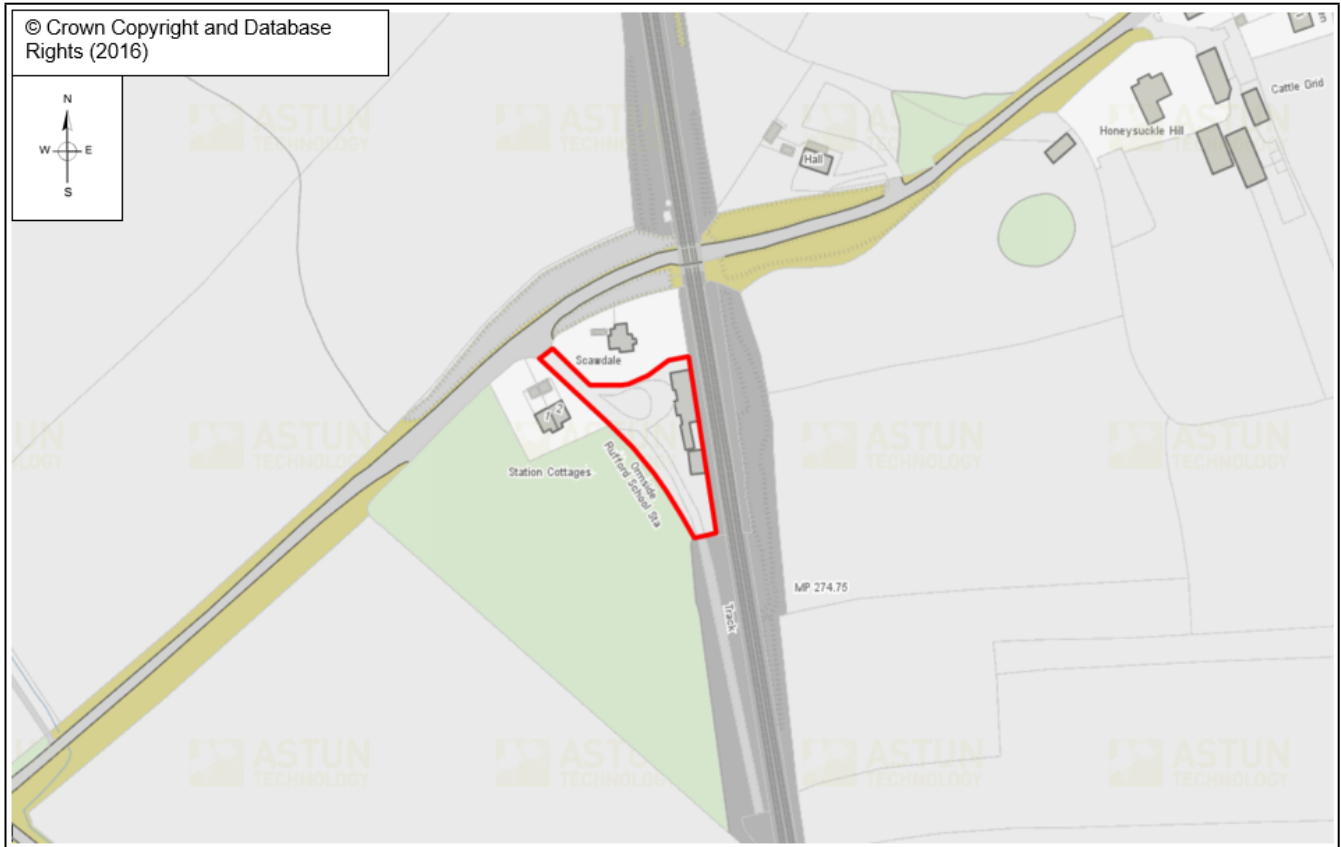
Background Papers: Planning File

Agenda Item 2
REPORTS FOR DEBATE

Date of Committee:	20 June 2019		
Planning Application No:	19/0187	Date Received:	12 March 2019
OS Grid Ref:	3698 5170	Expiry Date:	24 May 2019
			Extension of time agreed to 21 June 2019
Parish:	Bandleyside	Ward:	Warcop
Application Type:	Full		
Proposal:	Demolition of an existing prefabricated outbuilding and construction of a timber frame extension		
Location:	Ormside Education Centre, Ormside, Appleby		
Applicant:	Phase 8 Development Company - Mr S Dumbell		
Agent:	Sam Potter		
Case Officer:	Mat Wilson		
Reason for Referral:	The Officer recommendation is contrary to the view of the Parish Council		



Agenda Item 2
REPORTS FOR DEBATE



1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

- 1) The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby granted shall be carried out strictly in accordance with the following details and plans hereby approved:

- Location plan ref OEC 001 dated 21 January 2019
- Demolition Plan ref OEC 009 dated 21 January 2019
- Proposed Site Plan ref OEC 005 dated 21 January 2019
- Proposed Floor Plans ref OEC 007 dated 21 January 2019
- Proposed Elevations ref OEC 006 dated 21 January 2019
- Material Section A-A ref OEC 011 dated 21 January 2019
- Design & Access Statement submitted with the application
- Travel Plan and Noise Management Plan submitted by email 24 May 2019

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

- 3) Samples of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings. The condition is considered necessary to be complied with prior to construction as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

Informative

- 1) Conservation Area Consent is required for any works proposed to trees over 75mm in diameter, at 1.5m above ground level. Written notice should be submitted to the Local Planning Authority at least 6 weeks prior to the tree works commencing.
- 2) This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement.

It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The former Station Building at Ormside was acquired by Kirkby Urban District Council (subsequently Knowsley Metropolitan Borough Council), in their capacity as Local Education Authority in the 1960s and was converted - and extended - for use as an educational residential facility for Ruffwood School in Kirkby. Since the closure of that school, Knowsley Enterprise Academy has acquired the site and runs outdoor adventure holidays for primary school children who have limited access to rural activities. The centre also accommodates adult care groups such as Tourette's Action.
- 2.1.2 Accommodation space is very limited, as the detached building erected in the 1960s just south of the former Ormside Station, which used to serve as the boy's dormitory, is now deemed not fit-for-purpose due to its insubstantial construction and has been relegated to use as a games room. The former Station building itself accommodates 32 visitors but the layout is unsatisfactory, providing very limited kitchen, dining and meeting room facilities.
- 2.1.3 Planning permission was granted in 2017 for a new extension to increase capacity to 46 beds. It transpired however that the height of the approved extension, kept to a minimum in order to lessen its impact on the Station Building, had been compromised to the extent that the first floor accommodation had become severely restricted. It is therefore proposed to demolish the annex building and to replace it with a new two-storey building increasing the total capacity to 49 beds, with enhanced facilities allowing for the first time people with mobility issues to be accommodated. Constructed in sandstone bricks under a reconstituted slate roof, the development is designed in the representational style of a goods sheds distinctive to the Settle-Carlisle Railway. A short glazed corridor will link to the existing Station Building.
- 2.1.4 The new extension will have a similar footprint to the previously approved scheme but will be 600mm higher at 6.7m, 1m taller than the Station itself.

2.2 Site Description

- 2.2.1 An access track leads from the main road leading into Ormside village to the former Station, situated around 200m west of Ormside Village. The site is bordered by the Former Station Master's House to the north and a pair of Station Cottages to the west.
- 2.2.2 The Station was erected in 1876 by the Midland Railway Company. The building is not listed but it is representative of the mid-Victorian railway vernacular characteristic of the Settle-Carlisle Railway Conservation Area.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	The layout details shown on the submitted plan are considered satisfactory from a highway perspective. I can therefore confirm that the Highway Authority has no objection to the proposed development.

3.2 Discretionary Consultees

Consultee	Response
County Council Minerals and Waste	Cumbria County Council as minerals planning authority does not object to this application
Conservation Officer	A comprehensive report is provided but is summarised herewith: Overall the proposals are considered to have potential to conserve and enhance the evidential, historic, aesthetic and communal values of Ormside Station and its contribution to the Settle-Carlisle railway conservation area. The high quality design of the new building along with the public benefit of extra accommodation in the centre and opportunities for creating new memories of Ormside Station outweigh the negative impact to the aesthetic value caused by the proposed scale of the new building. The proposals are therefore in line with conservation policies in the Planning (LBCA) Act 1990, NPPF 2019 and Eden Local Plan ENV10.
Environmental Health	I have examined the plans for the above application and have no comments or recommendations to make.

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Bandleyside Parish Council	✓			

4.1 The Parish Council responded as follows:

Bandleyside Parish Council feel that the plans are too large for the site and will be overbearing, they are also not in keeping with the area, so wish to object to the planning application.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice publicising the application was posted at the site on 12 April 2019.

No of Neighbours Consulted	3	No of letters of support	0
No of Representations Received	15	No of neutral representations	1
No of objection letters	14		

- 5.2 Local residents have submitted 5 letters individually and 10 copies of an objection letter raising the following issues and concerns:

Noise

- The existing use already gives rise to unacceptable noise levels from large groups of children. Noise disturbance is an existing and known problem at early morning and in the evenings, regularly occurring to 21:00 or beyond and on one occasion to 22:40. This will only be exacerbated with the significant increase in activity levels. Noise carries from the site into the village.

Overdevelopment

- The site is secluded and should remain so, in keeping with the character of the area. The proposal would be an over-utilisation of a small site constituting an unacceptable intrusion on neighbours in terms of noise nuisance and disturbance.

Highway Safety

- The proposal makes no mention of accommodating full size large coaches which are now regularly used. The access roads are unsuitable for large coaches, causing inconvenience and potential danger for other road users. Improved signage on the approach roads should be required.

Scale and Character

- The extension is considerably larger than the original application, dwarfing the historic station itself. The scale is unsuited to this location. The building is out of character with its surroundings.

Community Impact

- Contrary to the Officer's delegated report for the previous application, the benefits of the scheme to the local community are not understood. In fact none of the benefits of extending the facility are derived by the local community.

Location

- Outdoor centres such as this should be sited well away from population centres for the benefit of those visiting the facility and so as not to inconvenience local residents.

- 5.3 One resident presented a balanced opinion, questioning the height of the proposal whilst praising its architectural merit. The development should be used as an opportunity to improve the layout of the facility to reduce the impact on neighbours.

- 5.4 The following non-material issues were raised:

- The need for additional accommodation at the site is questioned
- The development will act in competition with the Village Hall
- It is unclear that the site has a sustainable long term future

6. Relevant Planning History

17/0748: Two storey extension to former Station: - granted 30 November 2017

18/0589: Variation of Condition 2 (plans compliance) of 17/0748: - application returned due to procedural issues

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014-2032 Relevant Policies

DEV1 General Approach to New Development
DEV5 Design of New Development
COM1 Principles for Services and Facilities
COM4 Education and Health
ENV10 The Historic Environment

7.2 Other Material Considerations

National Planning Policy Framework 2019

- Chapter 8 - Promoting healthy and safe communities
- Chapter 12 - Achieving well designed places
- Chapter 15 - Conserving and enhancing the historic environment

The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Impact on character and appearance of the area
- Amenity impact on neighbouring residents
- Highway implications

8.2 Principle

8.2.1 Policy COM1 of the Local Plan - 'Principles for Services and Facilities' - states that *Proposals for the development of or extension to community services and facilities, including proposals that will assist in their retention, will be permitted where:*

1. *The scale and design is suited to the location*
2. *It respects the local built environment, character and conservation interests*
3. *It is compatible with residential amenity; and*
4. *Appropriate parking and servicing arrangements can be made.*

8.2.2 This position of support for the appropriate development of community facilities such as the Ormside Education Centre is rooted in paragraph 92 of the NPPF which notes that planning decisions should, in part, '*provide the social, recreational and cultural facilities and services the community needs...*'. Paragraph 92 of the NPPF goes on to further note that planning decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

REPORTS FOR DEBATE

- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'*

8.2.3 It is acknowledged that the community benefits are largely for residents of Knowsley rather than the local community of Ormside. The facility is however a long-established residential education centre and it is appropriate to apply Policy COM4 - 'Education and Health' which states: *Proposals for the development or expansion of higher and further educational establishments, schools, new doctor's surgeries and health centres will be supported, provided that satisfactory access to the site can be put in place and adequate car parking is made available.* This position is further supported by paragraph 94 of the NPPF which notes the importance of providing sufficient capacity at education facilities, whilst taking a positive approach to development which seeks to achieve greater and wider choice in education. In this regard, paragraph 94 notes that planning decisions should 'give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.' Whilst the Ormside Education Centre is not a school per se, its obvious educational links are considered sufficient to fall within the remit of paragraph 94 of the NPPF.

8.2.4 The facility provides a base for outward-bound style experiences for schools and adult care groups in the Knowsley area. The proposal, to extend and improve the standard of accommodation of an existing education and mental health facility, offering considerable social and educational benefits, is therefore in principle acceptable, subject to the criteria set out above.

8.3 Scale and Design

- 8.3.1 Officers have worked with the applicant in shaping the design of an appropriate extension to the facility to provide sufficient additional usable space within the limitations of the application site. The site is physically constrained by the railway behind and by the requirement to maintain access for Network Rail to the front and side. The limited footprint means that the accommodation requirements can only be met by a two-storey extension to the existing facility.
- 8.3.2 In 2017 planning permission was granted for a two-storey extension taller than the original Station building, which ran counter to the values normally applied in Conservation planning. The decision was marginal and the dominant proportions of the extension were accepted only because the benefits of extending an education and health facility, too small to be used to its full potential, tipped the planning balance in its favour.
- 8.3.3 Notwithstanding this, the applicant later learned that the first floor space of the extension had been overly compromised in order to keep the height to a minimum, and when it came to implementation, it became evident that the approved scheme was no longer viable. A number of alternative solutions have been considered, but the proportions and height of the extensions, whether they replicated the original Station design or introduced a more modern appearance, were such that they dominated the station building and were not appropriate. In the context of the railway architecture of the Settle-Carlisle line, the size of a building in the style proposed was not appropriate.
- 8.3.4 The largest buildings associated with the Settle-Carlisle railway are the goods sheds and numerous examples within Eden District survive, including at Kirkby Stephen, Long Marton, Appleby, Langwathby, Lazonby and Armathwaite, of which the latter two have

REPORTS FOR DEBATE

been converted to a restaurant and a private dwelling respectively. It was suggested to the applicant that an extension in the style of a goods shed might provide the additional space they require in a manner which evokes the character of the Settle-Carlisle line Conservation Area.

- 8.3.5 The plans now under consideration propose a large extension to the Station building, one which has the appearance of a typical Settle-Carlisle Railway goods shed. Its proportions, fenestration, materials and detailing are representative of the distinctive architectural style adopted by the Midland Railway in the building of the line. A small glazed link proposed between the former Station and the new extension provides a distinct separation from the historic building to the contemporary addition. Through an iterative design process, the scheme has arrived at a considered design which rationalises the scale and massing of a two storey extension on a single-storey building.
- 8.3.6 The proposal raises no objections from the Conservation Officer, who commends the scheme and notes the development has the potential to conserve and enhance the Ormside Station and the Settle-Carlisle Railway Conservation Area.
- 8.3.7 Therefore, in light of the above it is considered that the design and scale of the proposed development, on balance, are considered to be acceptable in this instance.

8.4 Residential Amenity

- 8.4.1 The concerns of neighbouring residents are acknowledged and the legitimate issues they raise in respect of noise and disturbance are understood. The facility is some 200m from Ormside village but the former Station Master's House and Station Cottages are very close to the facility where, as an outward-bound style residential centre, activity is likely to be most pronounced in early mornings and evenings.
- 8.4.2 The objectors are concerned that by increasing the capacity of the facility, the development will intensify existing noise problems. It is not acceptable that the use should impinge on neighbour's amenity or unduly affect the enjoyment of their property. The development does in fact present an opportunity to improve matters for the near neighbours, and by relocating the main entrance to the facility to the new extension, this provides an additional 30m separation distance to the nearest neighbour and will significantly reduce the disturbance from arrivals and departures. Moreover, the extension allows for more of the games and activities to take place indoors, and whilst the existing annex has provided a space for games in recent years, it is poorly constructed and unlikely to contain noise within the building. The new extension will provide significantly improved noise insulation.
- 8.4.3 The applicant and agent have each responded to the concerns raised. Noise and disturbance will be monitored and controlled by school and group leaders who sign a Code of Conduct, limiting outdoor activities to a 9pm finish. The applicant has run at least two local community engagement events to listen to the neighbour's concerns and to respond to issues raised.
- 8.4.4 The outcome of these events was reported to be overwhelmingly positive. The nearest neighbour to the site retained concerns and whilst his request, that no outdoor activity takes place after 7pm, could not be agreed to, the applicant does propose new measures to curb noise impact, including limiting external activities to 9pm, and moving activities away from the neighbouring houses to the far end of the site.
- 8.4.5 A number of further factors must be taken into consideration. The educational residential facility was set up in the 1960s and could continue to operate without the

extension. The proposal will improve internal noise insulation and provide greater separation to the neighbours. There is an extant permission for a two storey extension which could still be implemented. These matters are material planning considerations in the context of considering the present application. Further, no concerns were raised by the Environmental Health Officer in relation to the proposal, and no noise complaints have been registered against the premises. The neighbour's objections in respect of noise are recognised and appreciated, particularly the potential intensification of noise disturbance at certain times, but given the improvements in both noise insulation and noise management, it is considered that the proposed development will not result in an unacceptable additional noise impact on the neighbouring residents.

8.5 Impact on the Built Environment

- 8.5.1 The former Station is not listed but that should not detract from its heritage value, which is considered significant as a relatively intact surviving example of the Midland Railway architectural style of the Settle-Carlisle Railway. Its character and status should not be diminished by new development.
- 8.5.2 The proposal is to improve and increase the accommodation of the residential education centre through the addition of a two storey extension to the Station. This will take the form of a goods shed, the type of which had been built by the Midland Railway at many of the stations along this line. The scheme picks up design cues from the existing Settle-Carlisle line goods sheds - the use of pointed arches, gable end rounded ventilation windows, angled boarding on the doors - but it is a representation rather than a recreation, particularly in respect of its shallow roof pitch. The extension is a substantial building, much bigger than the existing station, but in representing the typical goods shed of the Midland Railway this design gives the building a legitimacy which an over-dominant extension in the style of the Station would not. It respects the heritage of the Settle-Carlisle line.
- 8.5.3 The site is secluded and the proposed extension will have very limited streetscene or landscape impact.
- 8.5.4 As such, the proposal is considered to respect and preserve the character and appearance of the Settle-Carlisle Railway Conservation Area.

8.6 Infrastructure/Drainage

- 8.6.1 Local residents have raised concerns that the facility is utilising coaches rather than minibuses as a mode of transport, which due to their size are causing inconvenience and potential dangers for other road users. However, the road into Ormside is not subject to size or weight restrictions, other than the railway bridge beyond the point of access into the site from the road. With the proposed increase in the facility's capacity it is reasonable to expect that coaches would be used rather than multiple minibuses and, whilst there may be some minor inconvenience for local residents, there is nothing to prevent coaches using the Ormside road and no substantiated planning grounds on which to limit access to the site to cars and minibuses. Furthermore, it is important to note that an increase in the numbers or size of vehicles using a public highway, does not in itself represent harm nor warrant the refusal of this planning application, so long as the highway network is capable of safely absorbing the proposed traffic levels.
- 8.6.2 No objections are raised by the Highway Authority to the proposal and as such it is considered the development is acceptable in respect of highway safety.

REPORTS FOR DEBATE

- 8.6.3 Foul water drainage will be as per the previous permission, installing a new package treatment plant to comply with forthcoming new non-mains foul water drainage legislation.

8.7 Natural Environment

- 8.7.1 The application does not specify that any trees or hedgerows are required to be removed to allow the development to proceed, although a few self-set minor trees may be pruned or removed to create a new parking area. Conservation Area Consent may be required for their removal, and it is appropriate to include an informative note on the decision notice to this effect.
- 8.7.2 It is not considered the proposal has any significant impact on the natural environment.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 The proposed development would provide enhanced facilities and additional capacity for an established residential education centre, allowing the facility to accommodate people with mobility issues. The extension is suitably designed to respect the heritage of the Settle-Carlisle Railway without itself dominating the character or status of the original Station building. The proposal will result in an intensification in use with a potential 50% increase in capacity, but the applicant has demonstrated that he is proactive in working with the local community to address any issues arising. It is not considered that the development would result in unacceptable impacts on neighbouring residents in terms of increased noise and disturbance. In the absence of any significant or demonstrable material adverse impact the proposal is considered to be in accordance with policies in the NPPF and the Eden Local Plan, and is therefore recommended for approval.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File 19/0187

Agenda Item 3
REPORTS FOR DEBATE

Date of Committee: 20 June 2019

Planning Application No: 19/0203 **Date Received:** 22 March 2019

OS Grid Ref: NY 361527, 537556 **Expiry Date:** 18 May 2019

Parish: Ousby **Ward:** Hartside

Application Type: Householder

Proposal: Demolition of detached garage and erection of double garage, outbuildings and garden room, addition of single storey front extension and two storey side extension

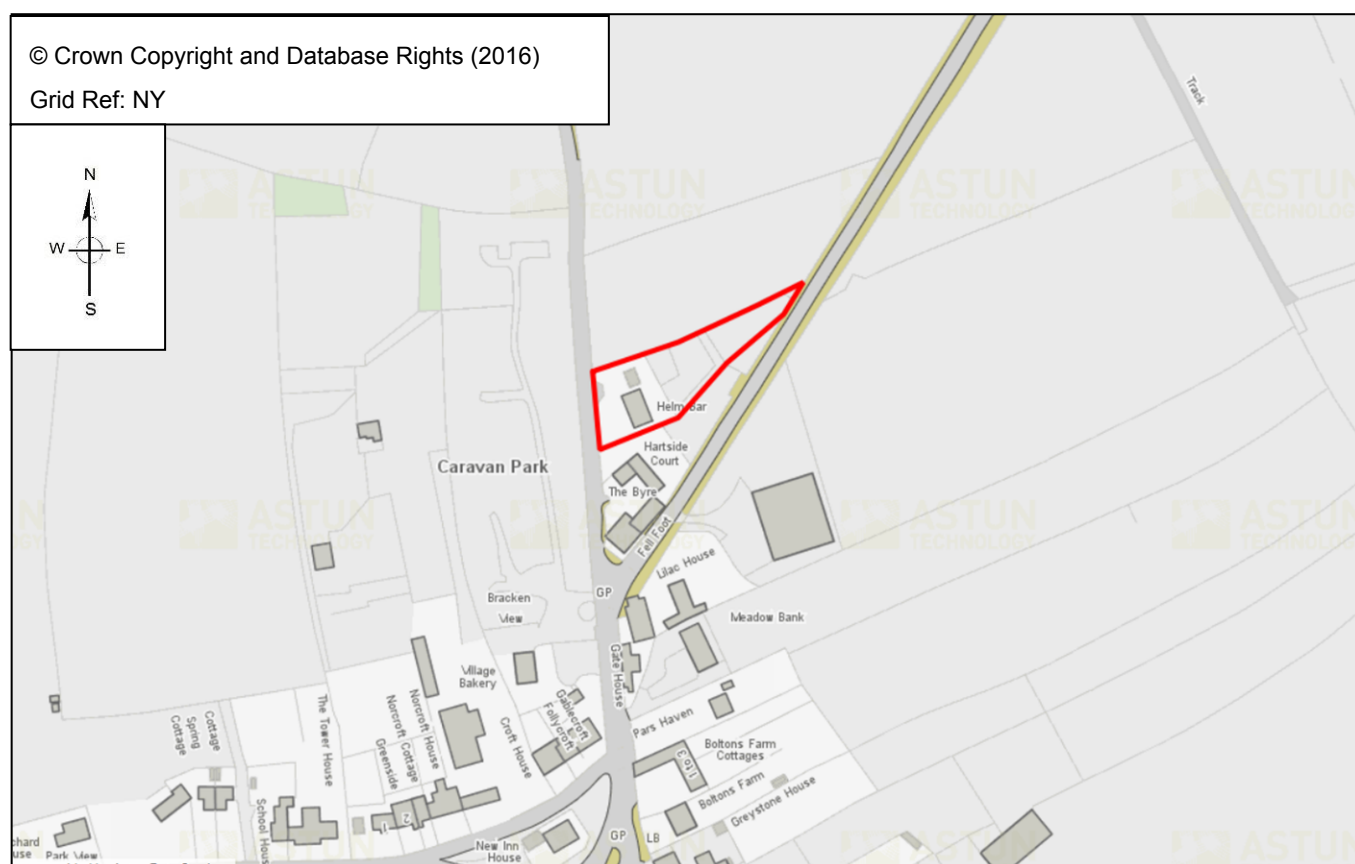
Location: Helm Bar, Melmerby

Applicant: Ms J & A Caffrey & Brown

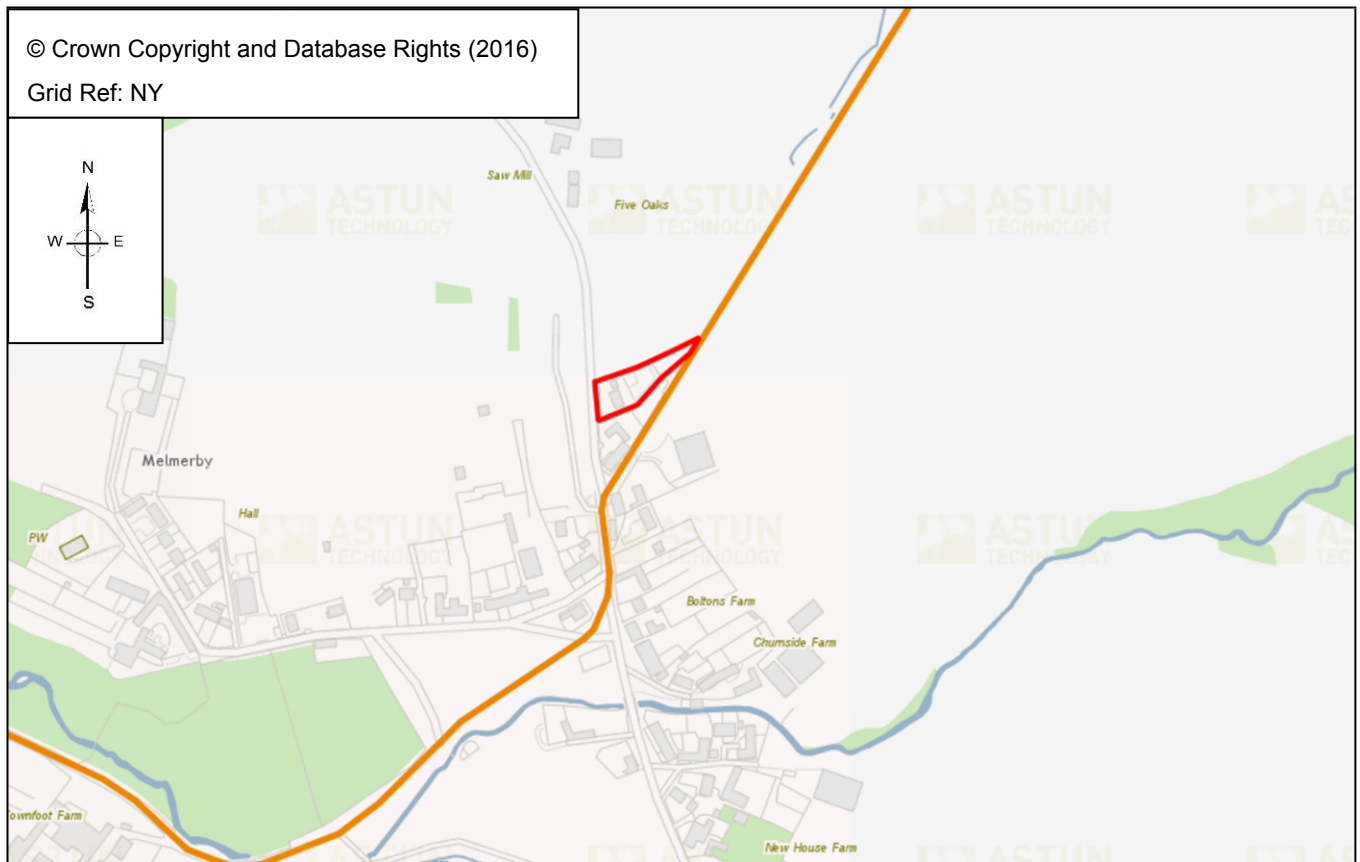
Agent: Mr Lee Page

Case Officer: Nicholas Unwin

Reason for Referral: Officer recommendation contrary to that of the Parish Council



Agenda Item 3
REPORTS FOR DEBATE



1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings and documents hereby approved:
 - i. Application Form, dated 18 March 2019;
 - ii. D&A Statement, dated March 2019;
 - iii. Elevations as Proposed (202A), dated January 2019;
 - iv. Plans as Proposed (201A), dated January 2019.

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Ongoing

3. No demolition or construction works shall takes place except between the following times:

Monday to Friday 08.00 - 17.00

Saturday 08.30 - 12.00

No construction works are permitted during Sundays, Bank and Public Holidays.

Reason: To safeguard the amenity of the area.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal is for the demolition of detached garage and erection of a double garage, outbuildings and garden room, addition of single storey front extension and two storey side extension.
- 2.1.2 Approval 15/1063 on the proposed site was for the demolition of an existing dwelling and garage and erection of replacement two storey dwelling and garage/classroom. Approval 15/1063 was a two storey traditional style dwelling with stone quoins, lintels and rendered walls and slate roof. The approved dwelling is considerably larger than the existing bungalow and attempts to replicate a farm house/barn conversion however from the design it is unclear which it is attempting to imitate with a mock barn door opening completely glazed and multiple symmetrical window openings on the front elevation including three roof lights. The rear elevation of the approved dwelling is

REPORTS FOR DEBATE

erratic and architecturally inconsistent, with a litany of irregular windows not consistent with window openings seen in traditional farm houses or barns throughout the district, which the design is clearly trying to imitate. Approval 15/1063 additionally included a single storey garage/classroom adjacent to the Northern curtilage boundary.

- 2.1.3 The current proposed development which would be implemented instead of the previous approval is contemporary in design, using a variety of materials. The main body of the existing bungalow is retained however the roof is replaced with Zinc and the walls are a mixture of smooth white render and timber cladding. There is a single storey mono-pitched roof added to the right of the front elevation protruding approximately 6.4 metres to the West of the original Western elevation. The existing garage is to be demolished and a two storey extension erected in its place, again utilising the white render and timber clad walls with zinc roof. There is a single storey flat roofed element connecting the bungalow with the two storey element. The two storey element continues to the East (rear), maintaining the roof height and utilising the slope of the site so that it becomes single storey when viewed from the East. The proposal involves a detached garage of white render walls, timber doors, zinc roof and garage door and glazed Eastern elevation. The dimensions are similar to that approved under 15/1063; however it is positioned further South from the Northern curtilage boundary and is of a more high quality and appropriate design.

2.2 Site Description

- 2.2.1 The proposed site is within the North Pennines Area of Outstanding Natural Beauty (AONB). Helm Bar is a bungalow with detached garage to the North. The design is fairly basic and architecturally uninteresting with a mixture of render and red brick walls, white UPVC windows and interlocking concrete tiled roof. Helm Bar is accessed via the C3004 road to the West. The existing site is set at a slightly higher elevation than the C3004 road with the site rising further to the East then levelling off. There is a low stone wall and hedge adjacent to the Western curtilage boundary with the C3004 road. To the West of the C3004 road is a caravan park comprising modern green painted static caravans.
- 2.2.2 To the South of the proposed site is The Byre, a traditional two storey sandstone farmhouse at a slightly lower elevation than the proposed site. The East of the proposed site is adjacent to the A686 road. To the North of the proposed site is the site of approval 18/0665 for five dwellings and is at the same ground level as the proposed site. These five dwellings are all two storey detached dwellings constructed of local sandstone and red brick walls and grey slate roofs. The design of these dwellings is more modern however it effectively incorporates traditional design features that complement and integrate them into the surrounding built environment. The closest of these dwellings to the proposed site is 1 Maiden Way Close.
- 2.2.3 The South West elevation of 1 Maiden Way Close is level with the rear elevation of the existing detached garage and at a higher elevation than Helm Bar and detached garage. The South-East elevation of 1 Maiden Way Close is approximately 1 metre from the boundary of the proposed site and 6 metres from the existing detached garage. The South West elevation of 1 Maiden Way Close contains a single door in the ground floor and two obscure glazed bathroom windows and stairwell window in the first floor.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	No objection, response received 8 April 2019
Lead Local Flood Authority	No objection, response received 8 April 2019

3.2 Discretionary Consultees

Consultee	Response
North Pennines AONB	No response received.

4. Parish Council

Parish Council	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Ousby Parish Council	✓			

4.1 The following reasons for objection were given by the Parish Council:

- The scale of the proposed development as a whole. Whilst there will be large detached houses adjacent, the size of the plot at Helm Bar is small and we think the size of the extensions are disproportionate to the size of the plot. Also whilst the agent asserts that the overall area is reduced against the current planning consent, he omits to mention that includes a two storey building.
- The proposed front extension brings the line of the property too far forward.
- The proposed construction is very contemporary and we believe it is not in keeping with the buildings in the immediate vicinity. All the other properties are more traditional in an area of the village that is quite open to passing traffic of all kinds.
- We are in favour of the owners of the property seeking to extend and improve we are not convinced this is the right design.

5. Representations

5.1 A site notice was posted on 11 April 2019 and letters were sent to neighbouring residents. No public representations were received.

No of Neighbours Consulted	3	No of letters of support	0
No of Representations Received	0	No of neutral representations	0
No of objection letters	0		

6. Relevant Planning History

Application No	Description	Outcome
15/1063	Demolition of existing dwelling and garage and erection of replacement two storey dwelling and garage/classroom.	Approved through delegated powers 8 January 2016.

7. Policy Context

7.1 Development Plan

Local Development Plan 2014-2032:

- DEV1 General Approach to New Development
- DEV5 Design of New Development
- ENV3 The North Pennines Area of Outstanding Natural Beauty

7.2 Other Material Considerations

Housing Supplementary Planning Document 2010

North Pennines AONB Building Design Guide

National Planning Policy Framework 2019:

- Chapter 2 Achieving sustainable development
- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural environment

7.3 The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Scale & Design
- Amenity

8.2 Scale & Design

- 8.2.1** Chapter 12 'Achieving well-designed places' of the National Planning Policy Framework (NPPF) states that "the creation of high quality buildings and places is fundamental to what the planning and development process should achieve", going on to say that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".
- 8.2.2** The importance of good design and its encouragement is echoed within Policy DEV5 Design of New Development of the Local Development Plan which states that "the Council will support high quality design" going on to say that "all development proposals will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability, and place making".
- 8.2.3** The proposed development is located within the North Pennines AONB places further weight on the proposal being of a high standard of design with Paragraph 172 of the NPPF placing great weight on the conservation and enhancement of landscape and scenic beauty within AONBs.

REPORTS FOR DEBATE

- 8.2.4 Design principles within the North Pennines AONB Building Design Guide sets out seven qualities that development within the North Pennines AONB should consider:
- Siting - How the building fits within the landscape in terms of placing and orientation.
 - Massing - How the building is brought together to achieve a balanced composition.
 - Scale - The size and space of the structure.
 - Proportion - The relationship of all elements to achieve a balance and harmony.
 - Rhythm - The arrangement of these individual elements and their interaction with one another.
 - Materials and Colour - The interaction of materials and colour with one another and surrounding environment.
 - Landscape and External Features - Hard and soft landscaping to integrate the proposal with its landscape.
- 8.2.5 **Siting** - The proposed development utilises the same orientation and relationship with its environment as the existing bungalow. The Western elevation remains the front elevation so as to maintain the existing interaction and relationship with the adjacent C3004 road. The Western elevation remains the same distance from the road as the existing bungalow aside from the mono-pitch roof extension which protrudes approximately 6.4 metres West towards the road.
- 8.2.6 Within the Parish Council's response they state that "the proposed front extension brings the line of the property too far forward". Despite this extension to the West, it remains approximately three metres East of the C3004 road and due to its low level mono-pitched roof, will be relatively well screened by the existing hedgerow. Additionally other dwellings within the vicinity such as The Byre are approximately 4 metres East of the C3004 road and Fell Foot, 1 metre. Therefore this increase is not deemed to be out of character with the existing street scene.
- 8.2.7 **Massing** - The South element of the proposal will retain the existing form of the bungalow (with the addition of the front extension), while the new element replacing the garage is two storey. The design innovatively links the two with a flat roofed element subservient to both North and South elements allowing the spaces to become one building whilst visually retaining two distinct sections. This affords the building a balanced composition.
- 8.2.8 **Scale** - The proposal utilises a similar footprint as the existing bungalow and detached garage. The Byre to the South is at a slightly lower elevation than the proposal and to mitigate any potential impact, the Southern element of the proposal retains the height of the existing bungalow. 1 Maiden Way Close to the North is at a similar elevation and two storey, therefore the Northern section is two storey to reflect this.
- 8.2.9 The Parish Council object to the scale of the development stating that "the size of the plot Helm Bar is small and we think the size of the extensions are disproportionate to the size of the plot". The curtilage of Helm Bar is approximately 0.18ha giving it a significantly lower density than the dwellings of Maiden Way Close to the North and The Byre, Hartside Court and Fell Foot to the South. A site of this size is considered more than adequate to accommodate the proposed development. Additionally approval 15/1063 was all two storey whereas the proposal utilises one and two storey elements

which is considered to be more appropriate for the site particularly considering its topography.

- 8.2.10 The proposed garage has the same scale and form as that approved under 15/1063 however it is located slightly further South so as to lessen any potential impact on the adjacent Maiden Way Close.
- 8.2.11 **Proportions** - The proposal utilises two distinct sections, single storey South section and two storey Northern section. The two storey element retains the same roof height as it extends to the East, utilising the slope of the site. This allows the first floor to continue East finishing at ground level, reducing the profile of the dwelling when viewed from the East and creating a balance throughout.
- 8.2.12 **Rhythm** - The single storey Southern section and two storey Northern section complements the lower roof line of The Byre to the South and higher roof line of 1 Maiden Way Close to the North and results in a transition from both dwellings from the North to the South of the proposed development giving a rhythm to the building.
- 8.2.13 The use of timber cladding further ties the different elements of the proposal together including the proposed garage. The glazed Eastern elevation of the garage matches that of the Eastern elevation of the Northern extension with the slope of the land meaning both are at ground level when viewed from the East. Although the Council has historically sought slate roofs in this locality, in this instance the zinc roofs again permit a continuity and rhythm between these two elements.
- 8.2.14 **Materials and Colour** - The proposal utilises render as seen in the existing bungalow, approval 15/1063 and throughout the surrounding built environment. The use of render in this respect is done in a contemporary manor and utilises other modern materials such as zinc and timber cladding that compliment this. Page 63 of the North Pennines AONB Building Design Guide encourages the use of modern materials stating that “materials not available to previous generations suggest new opportunities for expression of form”, going on to say that “the palette of new materials might be selectively extended to include large units of glass with structural and thermal properties, metals such as stainless steel and bronze which perform much better in damp conditions than mild steel”.
- 8.2.15 **Landscaping and External Features** - The proposal does not utilise any specific additional landscaping, however the design will retain the existing hedge adjacent to the Western boundary which screens the proposed Western extension and mitigates any potential impact on the street scene.
- 8.2.16 The Parish Council state that “the proposed construction is very contemporary and we believe it is not in keeping with the buildings in the immediate vicinity”. Good design: the fundamentals produced by the Design Council states that “questions of taste and fashion often arise in discussions about architecture. Tastes vary and fashions change” going on to say that “it is possible to design well in a variety of styles. The important thing is that 21st century society has the opportunity to contribute worthy additions to the accumulating pattern that makes up our towns and cities”. This is supported by Paragraph 131 of the NPPF which states that “great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area”.
- 8.2.17 The Parish Council are of the opinion that good design in the vicinity of traditional buildings can only be achieved through imitation of this traditional architectural style and materials. However, high quality modern design can respect the character and

REPORTS FOR DEBATE

complement the historic environment and can be more appropriate than designs that attempt to imitate the existing architecture. This is supported by Good design: the fundamentals produced by the Design Council which states that “poor imitations of the styles of the past do not do justice to our own era’s capacity for creativity and self-expression”.

- 8.2.18 Local Development Plan Policies such as Policy DEV5 state that “the Council will support high quality design, which reflects local distinctiveness” and that “shows a clear understanding of the form and character of the district’s built environment”. This is not demanding the design replicates that of surrounding traditional buildings, simply that aspects such as scale, mass, form, layout, design and materials complement and enhance the existing built environment. This can be achieved through the use of modern architecture and materials as seen throughout the district such as approval 06/0862 Blencow Hall.
- 8.2.19 The proposal is considered to be of a high quality design that follows the design principles set out in the North Pennines AONB Building Design Guide SPD. Paragraph 130 of the NPPF states that “where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”. Therefore the scale and design of the proposed development is considered appropriate for this location.

8.3 Amenity

- 8.3.1 Policy DEV5 of the Eden Local Plan states that development should “optimise the potential use of the site and avoids overlooking”, “protect the amenity of existing residents” and provide an “acceptable amenity for future occupiers”. This is supported by Chapter 12 Achieving well-designed places of the NPPF which states that new development should provide “a high standard of amenity for existing and future users”.
- 8.3.2 The proposed development utilises a single storey on the Southern section retaining the height of the existing bungalow so as to prevent any overshadowing. The Northern section is two storey as it is adjacent to 1 Maiden Way Close, a two storey dwelling at a similar topography. Windows in the North and South elevations are kept to a minimum to avoid overlooking. Based on the above the proposed development is considered to have a negligible impact on amenity.

9. Implications**9.1 Legal Implications**

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Human Rights

- 9.5.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 The proposed development is considered to be compliant with both National and Local Planning Policy regarding design of new development. Furthermore the proposal is considered to be compliant with the North Pennines AONB Building Design Guide which specifically guides development within the North Pennines AONB. Para 130 of the NPPF states that “where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”. Therefore the design of the proposed development is considered appropriate.
- 10.2 The proposal utilises a two storey extension to the North, adjacent to Maiden Way Close comprising two storey dwellings at a higher elevation and retains a single storey to the South adjacent to The Byre at a lower elevation in addition to minimising window openings in the North and South to avoid overlooking. The proposal is considered to have a significantly reduced amenity impact compared to that of approval 15/1063 which was all two storey and is of considerably greater architectural merit and display higher quality design.
- 10.3 Based on the above, the design of the proposed development is considered to be high quality and appropriate in planning terms for its location, in addition to having a limited impact on the amenity of neighbouring residents. Therefore the application is recommended for approval.

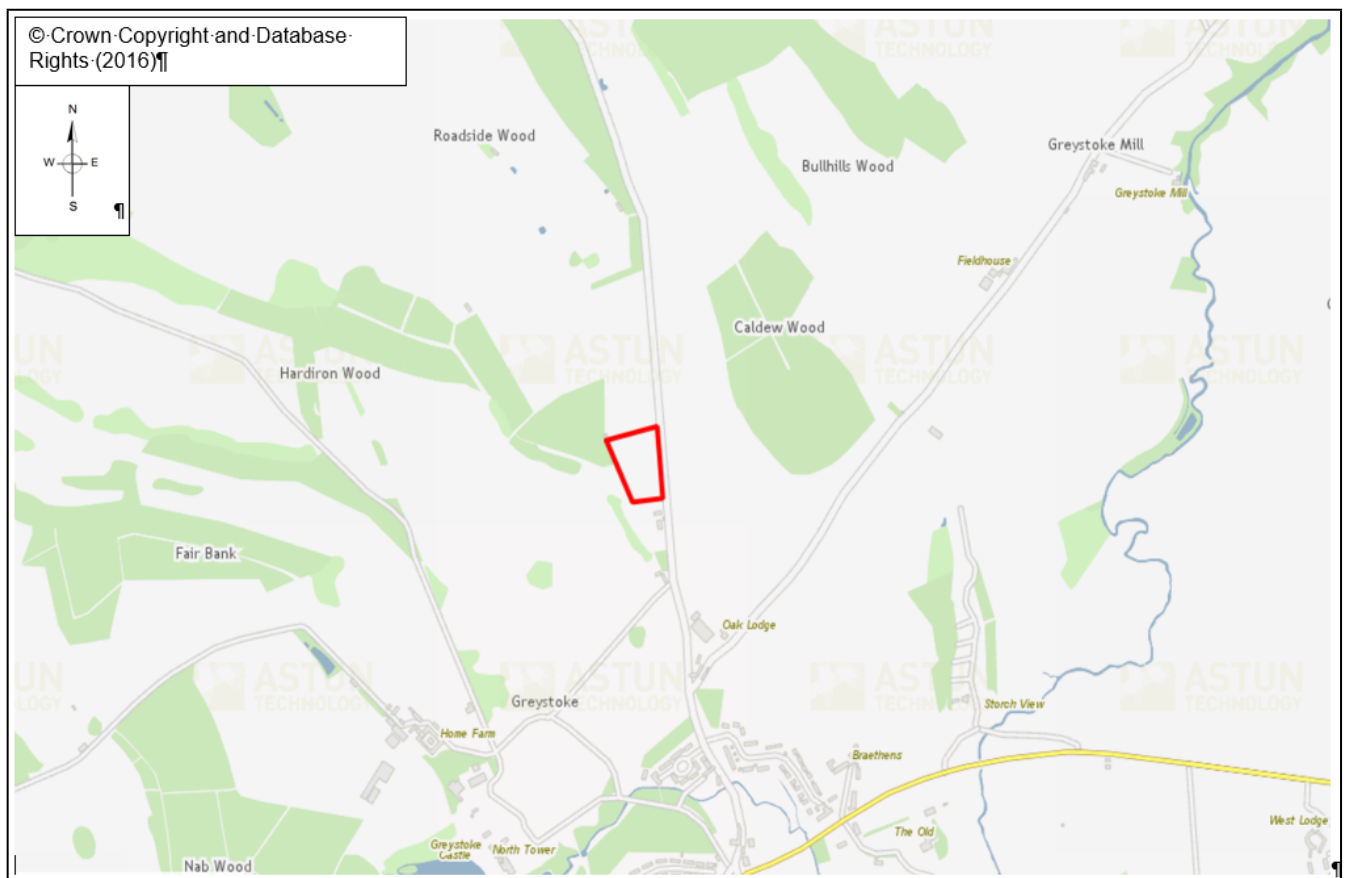
Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
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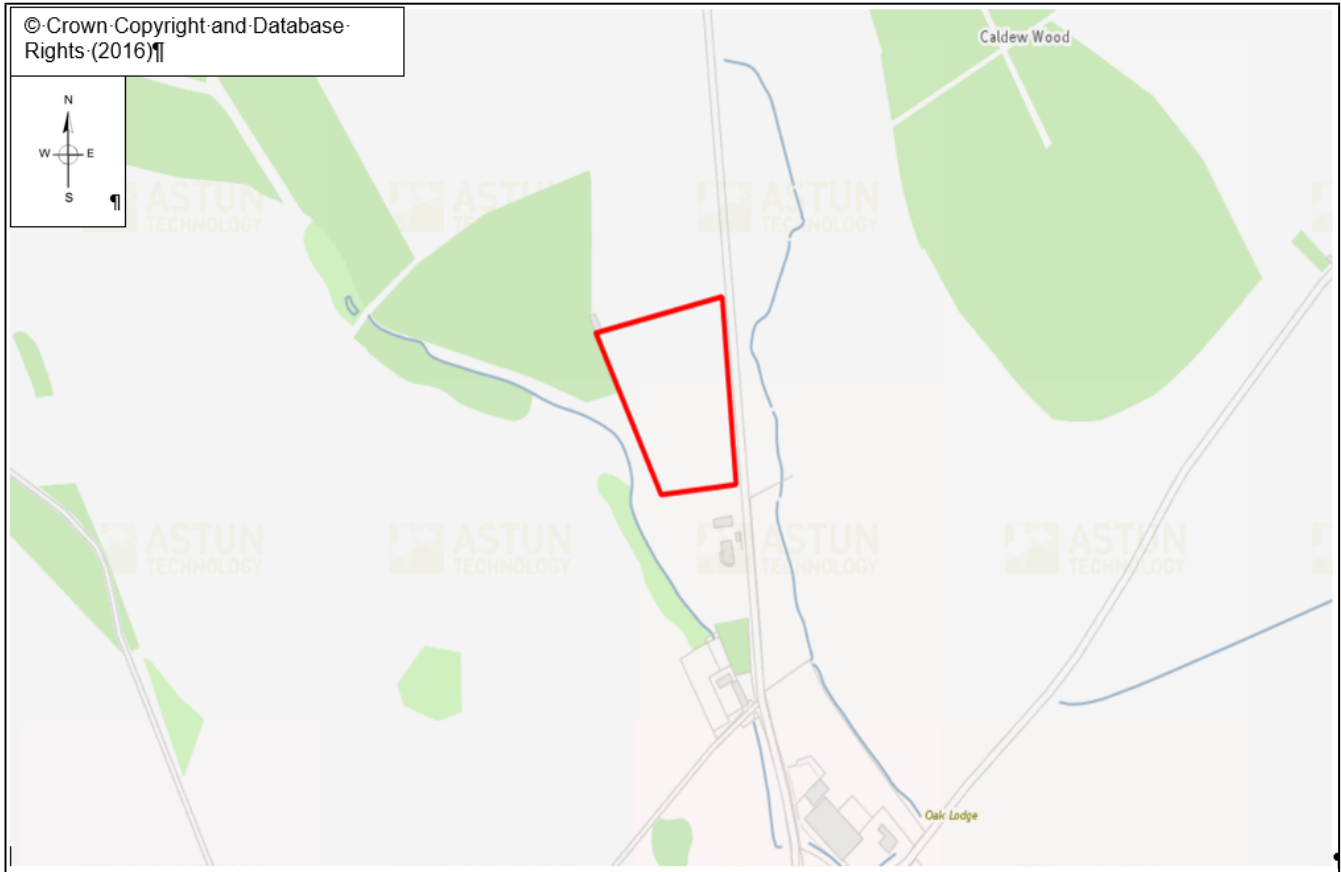
Background Papers: Planning File 19/0203

Agenda Item 4
REPORTS FOR DEBATE

Date of Committee:	20 June 2019		
Planning Application No:	19/0167	Date Received:	26 March 2019
OS Grid Ref:	NY 343822, 531662	Expiry Date:	22 May 2019 (time extension to 21 June 2019 agreed)
Parish:	Greystoke	Ward:	Greystoke
Application Type:	Full		
Proposal:	Change of use of agricultural land to mixed use of agriculture and siting of 6 No holiday huts and associated mixed use building		
Location:	Mains Cottage, Johnby		
Applicant:	Mr Scott-Harden		
Agent:	Mr Scott-Harden		
Case Officer:	Caroline Brier		
Reason for Referral:	Recommendation contrary to that of the Parish Council		



Agenda Item 4
REPORTS FOR DEBATE



1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

- i) Location Plan (SSH-MCWPS-A-001) received 4 March 2019
- ii) Site Visibility Splays & Entrance Detail (SSH-MCWPS-I-001) received 17 May 2019
- iii) Site Sections (SSH-MCWPS-B-002) received 4 March 2019
- iv) Site Sections (SSH-MCWPS-B-003) received 17 May 2019
- v) Site Dimensions (SSH-MCWPS-H-002) received 17 May 2019
- vi) Log Cabin Detail (SSH-MCWPS-D-002) received 17 May 2019
- vii) Log Cabin Image (SSH-MCWPS-C-001) received 4 March 2019
- viii) Agricultural Building Detail (SSH-MCWPS-E-003 received 17 May 2019
- ix) Proposed Wooden Huts and Agricultural Building (SSH-MCWPS-D&S-Statement) received 4 March 2019

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Pre-Occupancy or Other Stage Conditions

3. The use of the land to mixed use of agriculture and siting of 6 holiday huts and associated mixed use building shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered.

Reason: To ensure a minimum standard of access provision when the development is brought into use.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic

is safeguarded.

Reason: In the interests of highway safety.

Ongoing Conditions

5. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority.

Reason: In the interests of road safety.

6. The holiday accommodation hereby approved shall not be occupied other than for holiday purposes and shall not be used as a sole or main place of residence. The owner shall maintain an up to date register of names and addresses of the occupiers of the holiday let, together with their dates of occupation, and shall make the register available to the local planning authority upon request.

Reason: To ensure the accommodation remains available for holiday accommodation purposes and is not used for unauthorised permanent residential occupation.

7. The approved landscaping scheme shown on drawing No SSH-MCWPS-B-002 & SSH-MCWPS-B-003 shall be carried out within 6 months of the commencement of works at the site; any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planning season with others of similar size and species and quality.

Reason: To ensure the satisfactory appearance of the site in the interests of visual amenity.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This proposal seeks to change the use of part of an agricultural field to a mixed use of agriculture and the siting of 6 No holiday huts. The proposal also includes a mixed use agricultural style building.
- 2.1.2 The 6 No wooden holiday huts would all be of the same scale and design and sit on a raised decked area that is on posts raised above the ground to cause minimal disturbance to the ground. They would be sited across the field in an east to west direction at the lower part of a natural ridge within the field.
- 2.1.3 The huts are proposed to be temporary structures that would be removed from the site in the off peak season and stored off site.
- 2.1.4 The mixed use building would be sited adjacent to the eastern boundary hedge, centrally within the field. A new fence is proposed to separate the holiday huts area from the agricultural field and provides an opening to the south facing elevation providing access to/from the agricultural field. The north facing elevation would provide access to the facilities in association with the holiday huts and the east and west elevations would be blank.
- 2.1.5 The mixed use building would see approximately a third being used to provide facilities (W/C, showers, dish washing area, clothes drying area etc) for guests of the holiday

REPORTS FOR DEBATE

huts and the rest of the area would primarily be used to support the adjoining agricultural field. However it could also be used as a recreational space for the guests or local workshops to be held to help the local community.

- 2.1.6 Access to the site would be gained through an existing gateway in the north east corner of the field. Parking would be provided along the eastern hedge line providing 10 spaces.

2.2 Site Description

- 2.2.1 The site lies in an isolated location approximately 450 metres to the north of the village of Greystoke.
- 2.2.2 The field in question rises in a northerly direction away from the property (Mains Cottage) and is approximately 2.8 acres.
- 2.2.3 The site does not affect the setting of any listed buildings or conservation areas and is within a flood zone 1.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	No objection - recommend conditions
Lead Local Flood Authority	No objection - <i>'This is a minor development, the surface water drainage should not be greater than the already existing'.</i>

3.2 Discretionary Consultees

Consultee	Response
United Utilities	No objection.
MWLP	No objection - it is considered that the criterion 4 of Policy DC15 (Minerals Safeguarding) in the adopted Cumbria Minerals and Waste Local Plan is satisfied.

4. Parish Council Response

	Please Tick as Appropriate			
Parish Council	Object	Support	No Response	No View Expressed
Greystoke	✓			

- 4.1 The Parish Council firstly raise *'issues with the design of these huts, they would look out of character to this area. A more oval shape like the ones at Low Side Threlkeld would look more in keeping to the area, also issues with them all placed in a row, there should be space between them'.*
- 4.2 The Parish Council then provided second comments stating *'are the huts temporary or permanent? Boundary fence needs fence and hedge to allow stock to graze without disturbances and less chance of a dog getting in with sheep'.*
- 4.3 It was confirmed to the Parish Council that as per the design and access statement submitted with the application, the huts are proposed to be temporary structures which

REPORTS FOR DEBATE

would be removed from the site in the off peak season. The Parish Council confirmed their objection is on design grounds.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 4 April 2019.

No of Neighbours Consulted	1	No of letters of support	0
No of Representations Received	1	No of neutral representations	0
No of objection letters	1		

5.2 Letters of objection raised the following material considerations to the application:

- In addition to noise/disturbance from Mains Cottage this proposal would constitute a significant overdevelopment of the site.
- Major concerns regarding grey and foul water discharge.
- Both Mains Cottage and Mains House were flooded by surface water in Storm Desmond. A natural spring in the land north of Mains Cottage runs in times of heavy rain. A field drain brings the flow onto the road which could be problematic. A full flood risk survey, including surface water flooding will be required.
- The new holiday huts should have their own independent system, including soak away on the agricultural land concerned.
- Surface flow should be managed by connecting the current surface catch drain to local drainage outlet such as the stream on the east side of the lane.
- Concern regarding pedestrians walking to and from the village of Greystoke. Would be wise to extend the 30 mile an hour speed limit to beyond the entrance of the new development.
- A condition should be attached stipulating strict opening hours, including out of season's hours.
- A condition should be attached requiring the huts to be removed in the winter.
- If approval granted it should only be given on a temporary basis for a period of three years so as to ensure that any issues with its can be easily reviewed.

5.3 Letters of objection raised the following non-material considerations:

- Application presented as development of an existing business at Mains Cottage. Objector considers it to be proposal for new development on land to the north of Mains Cottage.
- The land is in different ownership to Mains Cottage and may in the future not be connected by common ownership to the residential property.
- Concern that Mains Cottage could, in the future, include a campsite office or a campsite shop. This would increase traffic through a shared driveway.
- The extension of Mains Cottage has resulted in increased traffic and noise/disturbance.

REPORTS FOR DEBATE

- Foul drainage at Mains Cottage designed for cottage but has been significantly extended with no increase made in capacity of the foul drainage system. Comprehensive drainage analysis required by an independent specialist.
- The septic tanks for Mains Cottage and Mains House are located on Mains House land. The filtered water from both tanks runs onto land owned by the applicant. The drainage survey needs to consider the capacity of the soak away.
- The drainage rights of Mains Cottage relies on a legal agreement as they run on to the property next door.
- Concerned that the water pressure of the current supply could become an issue with the demands of the new development.
- Trade waste should not be collected from Mains Cottage.
- Storage and delivery arrangements of presumed butane gas cylinders need to be specified.

6. Relevant Planning History

There is no relevant planning history.

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014-2032:

- LS1 Locational Strategy
- DEV5 Design of New Development
- EC4 Tourism Accommodation and Facilities
- ENV2 Protection and Enhancement of Landscapes and Trees

Supplementary Planning Documents:

7.2 Other Material Considerations

National Planning Policy Framework 2019:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 - Building a strong, competitive economy
- Chapter 12 - Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment

7.3 The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Landscape and Visual Impacts
- Scale and Design
- Residential Amenity
- Infrastructure
- Natural Environment

8.2 Principle

- 8.2.1 Under policy LS1 in the Eden Local Plan, the proposal site is classed as 'other rural areas' which restricts development to the re-use of traditional buildings, the provision of affordable housing as an exception to policy only, or where proposals accord with other policies in the Local Plan.
- 8.2.2 Policy EC4 supports small scale tourism development for temporary accommodation (caravan, camping and chalet sites) where it meets all of the following criteria:
- The site is screened by existing topography and vegetation.
 - Suitable access and car parking arrangements are defined and the site does not give rise to unacceptable impacts on the local road network either through traffic generation from the site itself or through cumulative impacts alongside other sites.
 - The development is capable of being removed without damage or material change to the land on which it was sited.

The Council may impose planning conditions to avoid permanent residential use of such sites or seasonable restrictions where necessary to safeguard the landscape.

- 8.2.3 Policy ENV2 requires development to conserve and enhance distinctive elements of landscape character and function. Proposals should take account of and complement (inter alia) natural elements such as hedgerows, woodland and location topography and the tranquillity of the open countryside.
- 8.2.4 Policy DEV5 looks for developments to protect and where possible enhance the districts distinctive rural landscape, natural environment and biodiversity.
- 8.2.5 It is considered that in principle this proposal is in accordance with the development plan subject to further considerations on landscape and visual impacts, suitability of access and environmental impacts.

8.3 Landscape and Visual Impacts

- 8.3.1 The land inclines gently from south to north and east to west. To the most northern end of the field there is a higher area of ground. To the north and west of the proposal site is agricultural land. To the east is the Greystoke to Johnby road and agricultural land beyond and to the south is the residential property, Mains Cottage which is in the same ownership as the field in question.
- 8.3.2 Due to the location of Mains Cottage, a well-established beech hedge that runs along the eastern boundary and the topography of the site, it is well shielded from public view and in accordance with policy EC4.
- 8.3.3 The mixed use building will be visible from the road and it is a common feature within the Eden landscape to see this type of agricultural style building. The timber construction would have a relatively neutral/sensitive impact on the character of the area.
- 8.3.4 During pre-application discussions the siting of the wooden huts along the lower area of the ridge at the northern end of the field was agreed to be a desirable location to lessen the visual impact. The wooden huts have been located to follow the natural lay of the land.

REPORTS FOR DEBATE

- 8.3.5 Additional planting of native species including pine and hazel trees are proposed to widen the existing wildlife corridor and enhance biodiversity. This planting should help to ensure that the site remains secluded and would be secured through a condition.
- 8.3.6 The holiday huts are proposed to be removed in the off season months, for the area of land to be grazed and to ensure the huts are not damaged by the animals.
- 8.3.7 It is considered that the limited landscape and visual impacts that this proposal would create are localised to the immediate area and would not cause a detrimental harm to the wider character of the area.

8.4 Scale and Design

- 8.4.1 The wooden huts would have an approximate length of 5 metres, width of 4 metres and height of 2.2 metres. They would be oval in shape with an overhang area at the front. They would be sited on a raised decked area which would measure 7.25 metres by 4.37 metres.
- 8.4.2 The Parish Council are objecting to this application on design grounds as they consider the huts would look out of character to this area. They have suggested a *'more oval shape like the ones at Low Side Threlkeld would look more in keeping to the area, also issues with them all placed in a row, there should be space between them'*.
- 8.4.3 It is appreciated that in most circumstances design is a subjective matter. The proposed design is considered to be innovative, and would introduce a new style of holiday hut to the area. The site is well screened and whilst the Parish Council's comments are duly noted, it is not considered reasonable or necessary to request an alternative design or to recommend refusal on design grounds.
- 8.4.4 The huts are proposed to be placed to follow the natural lay of the land at the bottom of the ridge so as to reduce their visual impact and are in accordance with the separation distances as required by Environmental Health.
- 8.4.5 The mixed use building would measure approximately 20 metres by 15 metres (300m² floor space) with a height of 4 metres. It would be constructed from timber and suspended on wooden posts, meaning that the building will have a largely neutral appearance and limited visual impact.
- 8.4.6 In terms of size of this proposed building, it is considered to be relatively small in comparison of other agricultural style buildings in the area (which can be up to 1000m² under the Notice of Intention allowance, so long as all other criteria is met).
- 8.4.7 The scale and design of this proposal is considered to be acceptable and in accordance with the development plan.

8.5 Residential Amenity

- 8.5.1 The closest residential property to the site is Mains Cottage, which is approximately 100 metres to the south of the site. This property is used for holiday letting and is within the same ownership as the applicant for this application.
- 8.5.2 Beyond Mains Cottage, further to the south is Mains House. This property is fully screened from the proposal site through existing landscaping within the garden and the location on Mains Cottage. Given the separation distance it is not considered that the proposed holiday huts or mixed use building would adversely affect the living conditions or amenity to this property.

REPORTS FOR DEBATE

- 8.5.3 An objector has suggested that a condition should be attached stipulating strict opening hours, including out of season hours and also that a condition should be attached requiring the huts to be removed in the winter. It is not a requirement of the local plan to apply such conditions and is not considered to be reasonable or necessary due to the remote location of the proposal and the nature of the holiday business. The huts are temporary structures which are able to be removed from the site to allow for the applicant to graze animals.
- 8.5.4 The application advises that all visitors will be required to agree to site rules regarding minimising noise and light disturbance in advance of making a booking and again be reminded of this within the guest literature which would be provided in each hut.

8.6 Infrastructure

- 8.6.1 The proposal seeks to use the existing access to the site which is located in the north east corner of the field. Alterations are proposed to widen this access and parking would be provided adjacent to the boundary hedge closest to the road. Cumbria County Council raise no objection to the proposal and the details provided satisfy the Highway requirements. Standard conditions have been included at the request of Cumbria County Council as the Highway Authority.
- 8.6.2 A soakaway is proposed to the south of the mixed use building for surface water drainage which is the highest in the hierarchy recommended by United Utilities.
- 8.6.3 An objector has raised concern regarding drainage and these matters have been given full consideration. It is noted that Cumbria County Council as the Lead Local Flood Authority and United Utilities raise no objection to the proposal. It is also noted that many of the issues raised are in relation to a previous development on land outside of this development site. As such the matters are not material planning considerations for this application and are a civil matter out with of planning.
- 8.6.4 An objector has suggested that the 30mph signs should be moved beyond the entrance to the site to protect pedestrians walking into the village. However the Highway Authority have not raised any objections and confirmed that the proposal meets their requirements. This is not considered to be a matter for this planning application.
- 8.6.5 It is considered that the site can be developed with satisfactory and sufficient infrastructure.

8.7 Natural Environment

- 8.7.1 The land in question is currently agricultural grazing land. The holiday huts would be sited on raised platforms allowing wildlife to move across the site and agricultural style buildings are a common feature in the area. Additional planting is proposed to enhance the natural environment. Therefore it is not considered that this proposal would create an adverse impact upon the natural environment.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by other material considerations:

The proposal is considered to be an appropriate small scale tourism development that can be constructed with the appropriate access and drainage. Due to the setting, scale, design and use of construction materials, it is not considered to have an unacceptable impact on the local amenity, visual or otherwise. Therefore, it is considered that the proposal meets the aims and requirements of the NPPF and Eden Local Plan policies LS1, DEV5, EC4 and ENV2 and is recommended for approval.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File

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