

Allerdale Borough Council

**Planning Application
Development Panel Report**

Reference Number: FUL/2021/0188

Valid Date: 02/07/2021

Location: Cherry tree stables, Mealrigg, Aspatria, Wigton

Applicant: Mr M Wheeler

Proposal: Replacement dwelling

RECOMMENDATION

APPROVE

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The principle of a replacement dwelling in the open countryside is acceptable subject to meeting the criteria of Policy S31 of the Allerdale Local Plan (Part 1), see below.
Siting, Scale and Design in relation to the character of the area.	<p>The siting of the proposal is constrained by electricity infrastructure crossing the site which hinders compliance with the policy requirement to be located on the footprint of the existing residential caravan. The siting of the proposal therefore constitutes a departure to the local plan.</p> <p>Although a departure, due to the circumstances of the site, the grounds for the dwelling's relocation are considered to be reasonable. The revised siting of the dwelling would be more exposed than that of the existing caravan. However, the scale of the dwellinghouse has been reduced, and on balance, the revised proposal is considered appropriate for its rural setting.</p>

Drainage	The drainage details are considered satisfactory.
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2. Proposal

2.1. The applicant seeks full consent for a three bedroom dormer bungalow to replace an existing residential caravan at the site which benefits from a Certificate of Lawfulness.

2.2. The Plans for consideration are:-

Amended drawing DWG01 Rev H proposed plans 1/11/21

Amended drawing DWG02 Rev D location and Block plans 1/11/21

3. Site

3.1. The application site relates to an existing smallholding within an agricultural setting on the southern side of the road to New Cowper approx. 55m west of its junction with the B5301 Silloth-Aspatria road.

3.2. The site comprises of a couple of open agricultural fields supporting a central cluster of stables/outbuildings. A residential caravan is positioned in a screened location on the northern edge of the site.

3.3. Access to the site is via an existing field gate. Two overhead electricity lines traverse the site. The majority of the northern boundary with the road is bordered by a tall hedgerow. The site is detached and isolated within open agricultural fields divided by hedgerows, forming the surrounding landscape. The small hamlet of New Cowper is located approx. 300m to the west.

4. Relevant Planning History

4.1. The site was the subject of planning consent 2/2001/0281 for a stable block, tack room and feed storage.

4.2. A Certificate of Lawfulness CLDE/2021/0001 was recently granted for the residential caravan on site, after it was demonstrated that it had been continuously in residential use for a period over ten years.

5. Representations

5.1. Westnewton Parish Council

No objections.

5.2. CCC Highway/LLFA

No objections subject to a condition ensuring the provision of a turning area.

5.3. Environmental Protection

No comments.

5.4. Cumbria Fire Officer

No objections – encourage the use of sprinklers.

5.5. Cumbria Mineral

No comments.

5.6. Natural England

No comments.

5.7. The application was advertised as a departure on site and within the press.

6. Environmental Impact Assessment

6.1. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development is neither within schedule 1 nor 2 and, as such, is not EIA development.

7. Duties

7.1. The site does not affect the setting of a listed building or conservation area, nor is it likely to have a significant effect upon a Natura 2000 designation.

8. Development Plan Policies

8.1. Allerdale Local Plan (Part 1) ALP1

Policy S1	Presumption in favour of sustainable development
Policy S2	Sustainable development principles
Policy S3	Spatial strategy and growth
Policy S4	Design principles
Policy S5	Development principles
Policy S22	Transport principles
Policy S29	Flood risk and surface water drainage
Policy S31	Reuse of rural buildings and replacement dwellings in the open countryside
Policy S32	Safeguarding amenity
Policy S33	Landscape
Policy S35	Protecting and enhancing biodiversity and geodiversity
Policy DM14	Standards of good design
Policy DM17	Trees, hedgerows and woodland

8.2. **Allerdale Local Plan (Part 2) ALLP2**

Policy SA2 Settlement limits

9. **Other material considerations**

National Planning Policy Framework (NPPF) (2021)

Allerdale Borough Council Strategy 2020-2030

10. **Policy weighting**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

11. **Assessment**

Principle of the development

- 11.1. Policy S3 of the Allerdale Local Plan (Part 1) outlines the hierarchy for housing growth within Allerdale. There is a general presumption against new residential development outside the defined settlement limits under Policy SA2 of ALLP2 i.e. within the open countryside, unless it complies with one of the exemption criteria within S3. Criteria “g” of the policy makes allowance for the “replacement of an existing dwelling”.
- 11.2. The criteria for considering this type of development is further set out within Policy S31 of ALP Part 1.
- 11.3. The site has benefited from a residential caravan being continuously on the site for a period in excess of 10 years, prompting the granting of certificate of lawfulness in early 2021. The proposal seeks to replace this static caravan with a dwelling of standard construction. Therefore subject to compliance with the criteria of Policy S31, the principle of the development is considered acceptable.

Siting, scale and impact on the character of the location

- 11.4. Policy S31 states:
“In the open countryside proposals to replace/re-build dwellings will be acceptable provided that:
- d) The proposal is well designed, of an appropriate scale for its location and does not detract from the character or distinctiveness of the location;
- e) the relevant building to be replaced substantially exists and is deemed not to have lost its lawful use as a dwelling.

Proposals for the replacement of dwellings in the open countryside will only be acceptable in line with national policy and where the building can be replaced without the substantial alteration to the original footprint.”

- 11.5. The existing caravan occupies a position on the northern perimeter of the site, which is largely screened from public view by a tall hedgerow on the highway boundary.
- 11.6. An existing set of overhead electricity lines traverse above the residential caravan. The applicant advises that they have been in discussions with the electricity stakeholder and that they are unable to site a replacement dwellinghouse below the corridor of the overhead lines on safety grounds, with additional easements being specified for the future maintenance of the existing lines which criss-cross over the site.
- 11.7. As a consequence, the applicant has re-sited the footprint of the proposed dwellinghouse away from location of the existing caravan and the route of the overhead lines. This results in a differing footprint, raising conflict with Policy S31. However, in officer's opinion these individual grounds specific to this site, are considered reasonable in this case. Compliance with the policy would only achievable if the applicant went to the significant expense of relocating the alignment of the overhead line.
- 11.8. The applicant's alternative location does occupy a more central location in the holding, which will be more visible to public view than that of the existing caravan. However, it remains well related to the cluster of stables buildings and it would be seen as part of this group and not a standalone building. Officers advise that the merits of the revised siting are therefore acceptable.
- 11.9. Interrelated to the prominence and impact of the building is its size and scale, given its location in the open countryside. The applicant has amended the proposal, reduced its floorspace to 148sqm, even so, the footprint and overall size of the proposed dwelling is larger than the existing caravan. The applicant has provided supporting information advising that they need three bedrooms as they are a young, growing family thus requiring at least two bedrooms. Reference is made to the reduction in the scheme's size, and to a comparative replacement dwelling proposal for a caravan at Dearham, which was over 220sqm. It is further advised that two bathrooms are need as the applicant is a farrier/farmer and this requirement is commonplace in agricultural workers dwellings.
- 11.10. Each application is assessed on its individual planning merits. Officers consider that adopted Policy S31 was not designed specifically to consider the replacement of a residential caravans under its criteria, because it would be difficult to achieve a replacement dwelling, which kept the scale and proportions of the existing caravan unit. However, it does require that proposals be of an appropriate size and scale for their setting, so as not to detract from the character and distinctiveness of the location, noting that the siting of this proposed dwelling is more visible to public view. Noting the amended plans Officers do maintain some reservations relating to the resulting size and scale

arising from a dormer bungalow house type rather than a bungalow and the inclusion of two bathrooms and three double bedrooms, elements which increase its scale, contrasting with the smaller scale of the stable buildings and the existing caravan. However, it is accepted that the scale of the floorspace is now below that associated with an agricultural workers dwellinghouse. Furthermore there is an established hedgerow on some sections of the highway boundary which will assist in screening the development.

- 11.11. On balance, given the amendments reducing its initial scale, officers consider that the siting and scale of the proposed dwelling would not detract from the character or distinctiveness of the location to a degree that would warrant refusal of the application. It is for Members to consider and conclude whether they concur with this judgement, in order for the proposal to be acceptable under policy S31.

Access

- 11.12. The access utilises the existing field gate. Although it does not benefit from the standard splay requirements for housing development, as a replacement residential unit, the proposal will not generate any additional traffic, thus no increased highway hazard.

Drainage

- 11.13. Policy S29 outlines drainage and flood risk considerations. Foul drainage is to be via package treatment plant, which given the open countryside location, is acceptable. Surface water is to be via a sustainable drainage system. As a result of the size of the applicants holding, Officers are satisfied that this can be adequately conditioned.

Residential amenity

- 11.14. Policy S32 seeks to safeguard residential amenity including the occupiers of future development. Whilst officers would normally express concern on the close proximity of the proposed dwellinghouse to the existing stables and the activities therein, due weight is given to the existence of the residential caravan, which similarly is in very close proximity to the stable buildings and by virtue of its Certificate of Lawfulness, has no occupancy restrictions. Officers therefore consider that it would be unreasonable in these circumstances to restrict by condition the occupancy of the proposed dwelling to the operator of the stabling activity.

12. Local Financial Considerations

- 12.1. Having regard to S70 (2) of the Town and Country planning act. There are matters regarding the New Homes Bonus and Council tax revenue for the Council. This has carried no weight in the determination.

13. Conclusions

- 13.1. The principle of a replacement dwelling is acceptable under Policy S31 of ALP Part 1. Officer acknowledge the site is constrained by the existing overhead electricity lines hindering the means to fulfil the requirements Policy S31 in terms of utilising the same footprint. Officers therefore consider there are reasonable grounds for its relocation as a departure to the local plan policy.
- 13.2. Officers consider that the key planning consideration relates the scale of the replacement dwelling and its suitability for to this location, when compared to the existing caravan. Weight is given to the reduced scale of the revised scheme and for the reasons outlined above, Officers consider that the proposal can be supported.
- 13.3. There are no other identified constraints relating to the development of the site and therefore officers consider the scheme as amended, may be approved.

14. RECOMMENDATION

APPROVE

Annex 1

CONDITIONS

Time Limit:

- 1. The development hereby 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.

In Accordance:

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:**

Amended drawing DWG01 Rev H proposed plans 1/11/21

Amended drawing DWG02 Rev D location and Block plans 1/11/21

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

Post-commencement/Pre use commencing conditions:

- 3. The use 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 without the prior consent of the Local Planning Authority.**

Reason: To ensure that proper access and parking provision is made and retained for use in relation to the development.

- 4. Upon occupation of the dwellinghouse hereby approved the existing residential caravan shall be removed from the site and shall not be reinstated for residential use.**

Reason: The proposed dwelling has been deemed acceptable as a replacement dwelling for the existing caravan only, and the caravans removal is necessary to ensure that the proposal does not result in an increase in the number of non-essential residential units in the open countryside, contrary to Policy S3 of the Allerdale Local plan (Part 1) and Policy SA2 of the Allerdale Local Llan (Part 2)

- 5. No part of the dwellinghouse hereby approved shall be sited within an easement strip of 3 metres either side of the centre line of each existing overhead lines traversing across the site.**

Reason: In order to protect the existing electricity infrastructure services on the site.

- 6. Prior to the occupation of the development, a surface water drainage scheme based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

