

Cumberland Council

Delegated Planning Application

Reference No: FUL/2025/0072
Valid Date: 8 May 2025
Location: Hazel Gill Farm, Welton, CA5 7HJ
Applicant: Mr Chamberlain
Proposed: Demolition of existing barn and construction of new dwelling
Recommendation: Refused

Site Description

The site is situated at Hazel Gill Farm, Welton. The barn to be demolished and replaced with a new dwelling, is within the farmstead, adjacent to the existing farmhouse. Further agricultural buildings are situated directly to the east of the site, with agricultural fields surrounding the former farmstead. Access to the site is via an existing access track serving the farmstead.

Site History

FUL/2024/0098 - Change of use and extension of agricultural storage barns to create dwelling - Granted with conditions - 20/01/2025.

Proposal

The application seeks planning permission the demolition of the existing barn and the construction of a new dwelling.

Consultation Responses

Sebergham Parish Council - No response to date

Highways & LLFA - No comment

Environmental Health - No objections subject to standard land contamination conditions being imposed.

United Utilities - No objections subject to their assets being not being affected and the drainage hierarchy is followed.

A site notice has been displayed at the site, which has resulted in one representation of objection being received to date and relates to; investigations of UU assets not being carried out, removal of trees and shrubs which screen UU apparatus, and not being able to achieve 60m visibility splay.

Duties

Does the site affect the setting of a listed building?

No

Is the site within a designated conservation area?

No

Is the site within a designated Area of Outstanding Natural Beauty?

No

Is the development likely to have a significant effect upon a Natura 2000 designation?

No

Environmental Impact Assessment

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.

Development Plan Policies

Allerdale Local Plan Part 1 (2014)

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 S29 Flood Risk and Surface Water Drainage

Policy S31 Reuse of Rural Buildings & Replacement Dwellings in the Countryside

Policy S32 Safeguarding Amenity

Policy DM14 Standards of Good Design

Allerdale Local Plan Part 2 (2020)

Policy SA2 - Settlement Boundaries

Other Material Considerations

National Planning Policy Framework (NPPF) (2024)

Case Law - Fall-back position.

Weighting

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 Local Plan (Part 2) 2020 policies have primacy.

Assessment

Principle

The site is outside of any defined settlement boundary. Policy SA2 confirms proposals outside settlement boundaries will be supported where it can be demonstrated that it complies with Policy S3 and other local plan policies. Policy S3 restricts proposals outside of defined settlement limits to -

- a. Housing essential for rural workers in the operation of a rural based enterprise.
- b. Housing following the rural exceptions policy.
- c. An appropriate diversification of an existing agricultural or land based activity.
- d. The optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets.
- e. A recreation or tourism proposal requiring a countryside location.
- f. Facilities essential to social and community needs.
- g. The replacement of an existing dwelling.
- h. A suitably scaled extension to an existing building.
- i. The conversion or reuse of a suitable existing building.
- j. Other development requiring a countryside location for technical or operational reasons.

Planning permission was granted for the conversion of the existing barn to a dwelling house under planning reference FUL/2024/0098. This current proposal seeks to demolish the barn and erect a replacement dwelling. In support of the application, the submission details that the new build is designed to retain the shape and scale of the conversion scheme, and will be completed in reclaimed sandstone where possible, and a slate roof, increasing the sustainability of the proposal by reusing existing materials. The fall-back position of the conversion scheme is also discussed in the submitted design and access statement, in that the principle of a dwelling in this countryside location has already been accepted.

With regards to the above, the principle of development regarding residential development by conversion in the open countryside is subject chiefly to Policy S31 of the Allerdale Local Plan Part 1 2014. This Policy aims to preserve and enhance traditional rural buildings with an appropriate reuse, typically as dwellings. Should the

former application not have secured the reuse of the traditional rural building, it would not have been supported. Whilst officers appreciate the supporting information submitted in terms of the fall-back position, which refers to case law and a former decision, these relate to cases where residential conversions could be carried out under permitted development rights. Also, the re-building of new structures was thought to be an enhancement/betterment for the sites referred to. Having regard to this, each scheme is required to be considered upon its individual planning merits. In the case of this current application, no further information has been provided to demonstrate that the building could be converted under Class Q permitted development rights, with the fall-back position therefore relying solely on the former conversion approval. Whilst officers accept that the principle of a dwelling in this location has been accepted under the conversion scheme, this decision was made taking into consideration other relevant policies -

- S3 which seeks to support proposals outside of the settlement limit where it involves the conversion or reuse of an existing building, and
- S31 which supports proposals that involve the conversion and reuse of redundant rural buildings, with the overall aim of this policy being to protect the loss of such buildings.

The current proposal is contrary to the above policies and undermines Policy S31, which seeks to protect rural buildings. Furthermore, the erection of a new dwelling in this location would not result in any enhancement above that which would be achieved with the implementation of the former conversion approval. Officers therefore consider that the principle of the proposal for the erection of a new dwelling in this open countryside location is not acceptable.

Design, Scale and Appearance

The proposed scale of the dwelling is in keeping with that of the approved conversion scheme and would result in a footprint equating to that of the existing barn and the concrete base to the west where a lean-to used to be. It would be of single storey and be completed in reclaimed and matching coloured sandstone, with grey upvc windows under a slate roof. Overall, the design, scale and appearance are considered acceptable and would replicate the design and appearance of the former conversion scheme, which followed the design principles for barn conversions.

Access and Parking

The existing access, which also serves the farmhouse and adjacent agricultural buildings, will be utilised for the development, with sufficient space incorporated to the east of the proposed dwelling to accommodate car parking spaces. The access and parking arrangements are considered acceptable and will not result in any detriment to users of the adjacent highway.

Residential Amenity

The proposed dwelling is within close proximity of the existing farm dwelling situated at the site. However, where there is potential for direct overlooking between the properties, there is an adequate separation distance of approximately 10 metres, and with those windows in the proposed scheme only serving a bedroom and hallway. Other fenestrations within the scheme will have no direct impact upon the neighbouring

property. The removal of permitted development rights for alterations and extensions could further safeguard this.

On balance, residential amenity of the existing dwelling at the site is not considered significantly harmed.

Landscape Impact

The proposal will result in the loss of a traditional rural building. However, due to the design of the proposed dwelling, the rural character of the area will be preserved. Despite the glazing to the south west elevation, which adds a contemporary feel to this elevation, landscape character is not considered harmed. Similarly, the change of use of land to provide curtilage space is not considered harmful.

Ecology

A bat survey has been submitted with the application which concludes whilst there is no evidence of any bat roost at the site, there is a low potential for hibernating bats. Due to this, the report recommends various mitigation measures which could be controlled via an appropriate planning condition.

Drainage

A sewage treatment plan is proposed for foul drainage, details of which have been submitted with the application and are considered acceptable. The septic tank would be located on land within the applicants ownership to the north west of the site. With regards to surface water, it is proposed to discharge this to a soakaway. In order to ensure this means of surface water drainage is acceptable, a condition could be imposed requiring further details to be submitted for approval.

Biodiversity Net Gain

The submitted metric and BNG report demonstrates that the development can provide 10% net gain through retained habitats and the planting of 2 trees. Officers are satisfied that the required BNG can be achieved on site and will be controlled via condition.

Balance and Conclusions

The proposal would result in a non-essential new build dwelling in the open countryside, which is outside of any defined settlement limit, contrary to policy S3. Additionally, it would result in the loss of a rural building which has been demonstrated suitable for conversion in line with policy S31. Officers therefore recommend that the application is refused.

Conditions / Reasons for Refusal

1

The proposed development would result in a non-essential new build dwelling outside of the defined settlement limits within the open countryside, contrary to policy S3 of the Allerdale Local Plan (part 1) July 2014, which limits new dwellings to housing essential for rural workers in the operation of a rural based enterprise, or housing following the rural exceptions policy.

2

The proposal results in the loss of a rural building within the open countryside which has been demonstrated suitable for conversion and therefore does not accord with policy S31 of the Allerdale Local Plan (part 1) July 2014, which seeks to encourage proposals that involve the conversion and reuse of redundant rural buildings.

3

Dwg No. 012 Rev A - Location Plan
Dwg No. 010 Rev A - Proposed Block Plan
Dwg No. 011 - Proposed Elevations & Floor Plan
Bat Survey Report dated August 2024
Biodiversity Net Gain Statement dated 09/08/2024
Foul Drainage Assessment Form
Design & Access Statement
Ensign Package Sewage Treatment Plant Brochure

Pro-active Statement / Notes to Applicant

Statement

Application Refused Following Discussion – Where there is no Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the proposal and discussed those with the applicant, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and, due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.