

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                            |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <b>Reference No:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 4/25/2251/0F1                                                                                                                                              |
| 2. | <b>Proposed Development:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ERECTION OF STABLES                                                                                                                                        |
| 3. | <b>Location:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | HIGH VIEW, MILL LONNING, LOWCA                                                                                                                             |
| 4. | <b>Parish:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Lowca                                                                                                                                                      |
| 5. | <b>Constraints:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ASC;Adverts - ASC;Adverts,<br>Coal - Standing Advice - Data Subject To Change,<br>PROWs - Public Right of Way                                              |
| 6. | <b>Publicity Representations &amp;Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Neighbour Notification Letter: YES<br>Site Notice: YES<br>Press Notice: NO<br>Consultation Responses: See report<br>Relevant Planning Policies: See report |
| 7. | <b>Report:</b><br><br><b>Site and Location</b><br><br><p>The application relates to an agricultural field, named High View, located on Mill Lonning, approximately 0.8 miles north-west of Lowca. The site is bound by a hedge and currently contains a gravel hard standing area, with a shipping container and static caravan, and a close boarded fence on the north side elevation having been erected since the submission of this application.</p> <p>Access to the site is located in the Northern corner of the site, off the unclassified road known as Mill Lonning.</p><br><br><b>Relevant Planning History</b><br><br><p>4/23/2283/0F1 – Retrospective planning permission was granted for the retention of an agricultural building on the site in 2023.</p> <p>4/23/2258/0G1 – permission was granted for the removal of condition 3 of planning</p> |                                                                                                                                                            |

application 4/23/2283/0F1 for the retention of a shipping container on the site in 2024.

4/24/2279/0E1 – A Lawful Development Certificate was approved for the siting of a bait caravan on the site in 2024.

### **Proposal**

This application seeks planning permission for the erection of a detached stable. The building will be located between the adjacent road and the existing agricultural building to the east.

The proposed stables will be L shaped in configuration and will measure 7.9m x 6m at the longest section. The proposed stables will have a flat roof with an overall height of 4m. The building will cover an overall floor area of 32.7m<sup>2</sup>. It will contain four stable stalls, each with their own door. Externally, the stables will be finished with Yorkshire boarding above concrete block walls and a profile sheet roof.

### **Consultation Responses**

#### Lowca Parish Council

No response received.

#### Highways and Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions, nor will it increase the flood risk on the site or elsewhere.

#### Environmental Health

This site is relatively remote from other dwellings to affect residential amenity and, therefore from an Environmental Health perspective, there are no objections to this proposed development.

#### Countryside Access Officer

No response received.

#### Ecological Officer

No response received.

#### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to five properties. No comments have been received in relation to the statutory notification procedure.

## **Planning Policy**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

## **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

## **Copeland Local Plan 2021-2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

The policies relevant to this application are as follows:

Strategic Policy DS1 - Settlement Hierarchy

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 - Design and Development Standards

Strategic Policy DS6 - Reducing Flood Risk

Policy DS7 - Sustainable Drainage

Policy RE1 – Agricultural Buildings

Policy RE2 - Equestrian Related Development

Strategic Policy N1 - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N2 - Local Nature Recovery Networks Strategic

Policy N3 - Biodiversity Net Gain

Policy CO4 - Sustainable Travel

Policy CO5 - Transport Hierarchy

Policy CO7 - Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

### **Assessment**

#### Principle of the Development

Policy DS1 of the Copeland Local Plan supports development outside of settlement, which have a proven requirement for such location, including agriculture.

Policy RE1 of the Local Plan states that new agricultural buildings requiring planning permission will be supported where there is a demonstrated need for the building in relation to the functional operation of the agricultural building, the building is located within or adjacent to the existing farm complex unless justified, the building is of appropriate scale, form and design, and the building will not adversely impact on residential amenity or landscape character.

Policy RE2 Local Plan states that domestic equestrian development will be supported where biodiversity conservation interest would not be harmed and where the proposal is for the reuse of an existing building, is well related to existing buildings and structures and statutorily relates to existing vehicle access and bridleways. This policy further states that all development must be of a scale, form and design appropriate to the location and will not result in adverse visual impacts or adverse harm to the landscape character.

The application site forms part of the land already utilised for agricultural use – with a large agricultural building to the east and static caravan used for a bait room to the south. The site is surrounded by land associated with the registered small holding use. The land subject to this application is not domestic curtilage. The proposal seeks planning permission to erect a stable block at this site to accommodate the applicants four horses, and is considered an appropriate form of development within open countryside at this small holding.

The proposal is therefore considered to be an appropriate form of development in the countryside in accordance with Policies RE1 and RE2 of the Local Plan, and the provisions of the NPPF.

#### Scale, Design and Impact of Development

The proposal seeks permission for one additional building sited to the east of the existing



## Cumberland Council

agricultural building and within a yard utilised for agricultural use. The nearest residential property is located approximately 210m to the south east of the proposed building and are separated from the proposals by the existing buildings on the site, and the existing landform and well established vegetation. The building will be of a much smaller scale than the adjacent agricultural building and will be constructed from materials that are typical of this type of development.

On this basis, the scale and design of the proposal is considered to be appropriate with regard to the existing site and is unlikely to cause any demonstrable harm, in accordance with Policy RE1 and RE2 of the Local Plan, and provisions of the NPPF.

### Impact on Landscape Character

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhance by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5a: Lowland – Ridge and Valley. The Key Characteristics of the land comprise:

- a series of ridges and valleys that rises gently toward the limestone fringes of the Lakeland Fells;
- well managed regular shaped medium to large pasture fields;
- hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations;
- scattered farms and linear villages found along ridges;
- large scale structures generally scarce.

Whilst the application site is located within the open countryside, the land is within the grounds of the existing small holding. The proposed building lies adjacent to the recently approved agricultural building (application reference 4/23/2283/0F1), shipping container (application reference 4/24/2258/0G1) and the bait caravan (application reference 4/24/2279/0E1). The site is well screened by existing well-established vegetation and trees and substantial security gates to the north west of the site. The proposal will therefore be

viewed in the context of the existing buildings at the site and is not considered to result in any significant adverse visual impact on the surrounding area.

The proposal is therefore considered to comply with Policy N6 of the Emerging Local Plan, the Cumbria Landscape Character Toolkit and provisions of the NPPF.

#### Access and Highway Safety

Policies CO4, CO5 and CO7 of the ELP promotes active travel and require developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The proposal does not alter the access to the site. The Highway Authority has confirmed that the proposal will not have a material effect on existing highway conditions.

On this basis, the development is not considered to have a detrimental impact on highway safety in accordance with Policies CO4, CO5 and CO7 of the Local Plan and provisions of the NPPF.

#### Drainage and Flood Risk.

Policy DS6 of the Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 of the Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site lies within Flood Zone 1. The application confirms that the development will dispose of surface water by soakaway. The LLFA have confirmed that the proposal is not considered to increase flood risk on the site or elsewhere.

On this basis, the proposal is not considered to have a detrimental impact on flood risk in accordance with Policies DS6 and DS7 of the Local Plan, and the provisions of the NPPF.

#### Biodiversity Net Gain

Policy N3 of the LP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1 above. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG



## Cumberland Council

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>requirements.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain plan before development is begun because the application falls within the definition of de-minimus exception due to there being no on-site habitats as the proposal will be sited on hardcore. Therefore the proposal falls within the list of developments excepted from providing Biodiversity Net Gain.</p> <p><u>Planning Balance and Conclusions</u></p> <p>This application seeks planning permission for the erection of a stable block at this small holding. The building is considered to be appropriate in terms of its use and scale in this location, and the siting minimises potential impacts on the surrounding landscape and the nearby residential properties. These points are considered to carry significant weight within the planning balance.</p> <p>The development is not considered to have an adverse impact on highway safety or flood risk. It is exempt from Biodiversity Net Gain requirements.</p> <p>On this basis the proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan, the Cumbria Landscape Character Toolkit and the provisions of the NPPF.</p> |
| 8. | <p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 9. | <p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li></ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"><li>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -<br/>Application form, received 18th July 2025;<br/>Site Location Plan, Block Plan, Floor Plan, Roof Plan and Elevations, scales 1:1250, 1:500, 1:250, 1:100 and 1:50, drawing number DWG01 C, received 18th July 2025;<br/>Design and Access Statement, compiled by Planning Branch Ltd, received 18th July 2025.</li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### Informatives

1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

2) Manure should be managed in accordance with The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). Permanent stores for solid horse manure should have bases that do not let liquids pass through and the bases should slope such that liquid run-off is contained within the store. Applicants should consider providing a roof to keep rainfall off the manure to minimise the volume of liquids produced and reduce odour by keeping the manure as dry as possible.

3) Manure should not be stored or applied

- within 10 metres of any ditch, pond or surface water;
- within 50 metres of any spring, well, borehole or reservoir that supplies water for human consumption or for farm dairies.

4) Manure is not subject to waste controls whenever it is used as a fertiliser on land for benefit. It can be used as a fertiliser without the need to register an exemption and moved without a waste carrier registration. The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air recommends that the manure should not be applied when:

- the soil is waterlogged;
- the soil is frozen hard;
- the field is covered in snow;
- the soil is cracked down to field drains or backfill;
- the field has been pipe or mole drained or subsoiled over drains in the last 12 months;



## Cumberland Council

- heavy rain is forecast within the next 48 hours;
- on very steep slopes where run-off is a high risk throughout the year.

### **Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun as the proposals comprises development that does not impact a priority habitat and impacts less than:

- ☐ 25 square metres (5m by 5m) of on-site habitat; and,
- ☐ 5 metres of on-site linear habitats such as hedgerows.

### **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer: Sarah Papaleo**

**Date : 12/09/2025**

**Authorising Officer: N.J. Hayhurst**

**Date : 03/11/2025**

**Dedicated responses to:- N/A**