

**PLANNING COMMITTEE**  
**12<sup>th</sup> August 2008**

<b>PLAN NUMBER:</b>	<b>APPLICANT:</b>	<b>AGENT:</b>
2008/0482	Mr & Mrs K Chorlton	
<b>WARD/PARISH:</b>	<b>CASE OFFICER:</b>	<b>DATE RECEIVED:</b>
Dalton South	Ian Sim 01229 876384	15/04/2008
		<b>STATUTORY DATE:</b> 09/06/2008
<b>LOCATION:</b>	Field off Long Lane, Dalton in Furness	
<b>PROPOSAL:</b>	Erection of timber stables/storage building and creation of hard core area to provide vehicular access and parking	
<b>SAVED POLICIES OF THE FORMER LOCAL PLAN:</b>	POLICY D1	

POLICY D1

The Borough's countryside will be safeguarded for its own sake and non-renewable and natural resources afforded protection. Development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements.

**SUMMARY OF MAIN ISSUES:**

Although the proposed stables would occupy a discrete location within the open countryside the resulting increase of use in the access onto Long Lane in close proximity to the brow of a hill is considered detrimental to highway safety.

**NON MATERIAL CONSIDERATIONS:**

**REPRESENTATIONS:**

**Development advertised on site**

The Occupiers of Halfway house, High Barn, Monk House, Abbotsway, New Holme Farm, Meadow View, Billincote Farm, Newton Road, Barrow House Farm, Dalton in Furness Woodbine, Newton in Furness all informed.

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### Supporting Statement – received 9<sup>th</sup> June 2008

“With respect to our planning application (ref above), can we please clarify the position regarding traffic at the entrance from Long Lane.

The land upon which we wish to develop is used for personal and private use only and is currently in use. The daily usage of this access by vehicle is currently 1-3 times daily in order to carry food, riding tack, and field maintenance equipment. The daily use is actually increased due to the lack of a storage facility. It is envisaged that such a facility would decrease the required vehicular access to less than 1 per day as we live within walking distance of our land. It should be noted that during the winter months, should stabling and storage not be available the required vehicular access will be increased due to the necessity for transporting feed (hay) and rugs and the general increased care which will be necessary to ensure the wellbeing of livestock.

I hope this confirms that consent to this development will actually decrease traffic and not increase it as I understand this may be an issue, and I am happy to provide more details/information if required.”

### Supporting Statement – received 10<sup>th</sup> July 2008

“Thank you for your letter of 25 June 08 reference IS/2008/0482 regarding the afore mentioned submission in which you state concerns over the access to/from Long Lane and question whether there is an alternative access to the site.

Although on paper the lane which provides access runs between Newton and Long Lane, the site is not accessible via a vehicle from the Newton end as it has not been maintained over the years.

The Long Lane access point is used by ourselves and by several other land owners and visitors, most notably the Livery Yard business at Barrow House farm. The track providing this access has been in existence for several hundred years and is clearly shown as a public highway marked as ‘Dalton Fields Lane’ on maps of the 1800's, to this end it has always been in use. That said we do understand the concerns raised and always take care when entering/leaving at this junction.

The land upon which the development will be sited is currently used to provide grazing for our two horses, which come the winter months will require additional shelter, rugs, feedstuffs and hay to secure their welfare. Currently we visit this land once or twice daily, sometimes in our vehicle but often on foot. It should be noted that we do not run a business, the land is used solely by ourselves.

The land will continue to be enjoyed with or without this development, however if the stabling/storage is not allowed it will be necessary to carry the hay, feed and rugs in a vehicle and probably a trailer resulting in an increased vehicular use - which would seem contrary to common sense!

We trust that this correspondence will provide assurance that alleviates the concerns raised over the Long Lane access point, however if necessary we would appreciate the opportunity to attend the planning meeting of 22nd July at which this will be discussed in order to answer any further queries”.

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### CONSULTATIONS:

Cumbria Highways – received 28.4.08

“The applicant should complete the attached Transport Form.

I have concerns about increase in use of the public footpath and the junction with public highway by vehicles and horses”.

Cumbria Highways – received 9<sup>th</sup> May 2008

“I refer to your letter of 29<sup>th</sup> May 2008. My advice is that the applicant should provide more information about the anticipated level of use compared with the existing use of the site, if the vehicular activity will increase then there are highway grounds to refuse this application:

Existing Access

The existing access by which vehicles associated with this proposal would leave and rejoin the county highway is unsatisfactory since the required visibility of 2.4 metres x 90 metres cannot be achieved at the junction with the county highway and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety Cumbria Highways also has concerns about the width of the access and suitability of the track for larger vehicles e.g. horse boxes, carriers etc n.b. this is a public footpath number 602004”.

Dalton with Newton Council

“The Town council has no objections in principle but would request the committee conduct a site visit to assess the suitability of the site with regard to visual impact and access to highway.”

### OFFICERS REPORT:

Members will recall that this item was deferred at your last meeting being ‘minded to approve’. The application raised highway safety issues with the proposal utilising an existing sub standard access. The highway authority had advised as follows:

*“The existing access by which vehicles associated with this proposal would leave and rejoin the county highway is unsatisfactory since the required visibility of 2.4 metres x 90 metres cannot be achieved at the junction with the county highway and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety Cumbria Highways also has concerns about the width of the access and suitability of the track for larger vehicles e.g. horse boxes, carriers etc n.b. this is a public footpath number 602004”.*

Notwithstanding the above, should you consider the proposal to be acceptable I have drafted suitable conditions below to attach to any planning permission:

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### Condition No. 2

The roof cladding must be dark green colour BS4800 12 B29, unless a variation of the colour is agreed in writing with the Planning Authority, the colour must be incorporated into the material during the manufacturing process and the cladding must thereafter be permanently retained.

### Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow Borough Local Plan Review 1996-2006.

### Condition No. 3

Prior to the beneficial use of the building the walls of the building shall be given a dark stained finish to external elevations and which must thereafter be permanently retained.

### Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow Borough Local Plan Review 1996-2006.

### Condition No. 4

Prior to the commencement of any development, a landscape scheme for the site, showing the trees, shrubs and hedgerows, must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used. All planting and subsequent maintenance shall be to current British Standards. The approved scheme must subsequently be implemented by the end of the first planting season following initial beneficial occupation of the development or by such a programme as may be agreed in writing. Any trees or shrubs removed, dying being severely damaged or becoming seriously diseased within five years of planting shall be replaced by the landowner with trees or shrubs of a similar size and species to those originally required to be planted.

### Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow Borough Local Plan Review 1996-2006.

It is also necessary to give the reason for granting planning permission. I have drafted below a reason based upon your discussion at the last meeting:

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### Reason for Granting Planning Permission

That having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of design and location will not have a detrimental impact upon the open countryside and as such complies with policy D1 of the former Local Plan Review 1996-2006. It is further considered that the concerns of the highway authority are not sufficient to justify refusal based upon the small scale nature of the proposal.

My original report follows on:

The proposed stable has an indicated footprint of roughly 33 metres x 10 metres with the stable itself being approximately 7.2 metres x 7.2 metres with a ridged roof giving it a height of roughly 3.2 metres sited on a concrete base. The essential materials being timber boarding with a dark green roof. It will be located in the north eastern corner of the field (No. 9946) being roughly 525 metres from the access onto Long Lane. The access is via an unmade track with hedgerows either side, it is capable of providing access for a vehicle. Access from Newton in Furness is via an overgrown narrow unmade track of roughly 730 metres in length and is not accessible by motor vehicles. The public footpath (No. 602004) from Newton in Furness to Long Lane is roughly 22 metres to the east of the site. The area is generally characterised by agricultural and grazing fields and rolling lowland with the few agricultural buildings grouped together in existing farms. Stables are located nearby however, these are adjacent to highways and screened by hedgerows. In this respect I am mindful of your decision (2007/0134) relating to a stable block to the south of Newton in Furness which received consent on 11<sup>th</sup> April 2007.

This area is within open countryside and planning policy for the countryside can be summarised as promoting the rural economy while protecting the natural beauty and undeveloped character of the landscape. This approach results in the promotion of proposals which involve the re-use of existing buildings for appropriate commercial uses while avoiding the countryside being scarred by isolated development. There is little doubt that the proposed building would occupy an isolated location in the open countryside. However, it would also be screened by existing hedgerows and due to the rolling drumlin field character of the area with the diversion of fields primary by thick, mature hedgerows, views tend to be intermittent. In this respect, it would be relatively well screened from general views.

Members will have noted that a similar proposal (2008/0384) for an agricultural building is held on your agenda today and access for this proposal is served by the same un-made track off Long Lane. This track exits onto Long Lane a little to the east of the brow of the hill. Long Lane is governed by the national speed limit (60mph) and visibility is extremely poor.

The supporting statement from the applicant has been considered and is reproduced above. This relates to the Highway Authority and their request for additional information. However the Cumbria Highways consider:

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*“The existing access by which vehicles associated with this proposal would leave and rejoin the county highway is unsatisfactory since the required visibility of 2.4 metres x 90 metres cannot be achieved at the junction with the county highway and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety Cumbria Highways also has concerns about the width of the access and suitability of the track for larger vehicles e.g. horse boxes, carriers etc n.b. this is a public footpath number 602004”.*

The applicant has put forward arguments that the proposal will actually reduce vehicle movements. However without a building the use of the land is likely to be limited to summer grazing.

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### **RECOMMENDATION:**

I recommend that planning permission be REFUSED for the following reason:

#### Reason No. 1

The proposal is served by an existing access onto Long Lane which suffers from poor visibility and furthermore joins Long Lane close to the brow of a hill. The proposal is considered to represent an intensification in the use of the existing unsatisfactory access to the unacceptable detriment of highway safety.

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PLAN NUMBER:	APPLICANT:	AGENT:
2008/0684	Mr K Armistead & Ms H Kellett	Mr R Coward
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton South	David Kitts 01229 876440	02/06/2008
		STATUTORY DATE:
		27/07/2008
LOCATION:		
Land at Barrow House Farm, Long Lane, Dalton-in-Furness		
PROPOSAL:		
Agricultural building for storage of implements, and occasional livestock housing.		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

### POLICY D1

The Borough's countryside will be safeguarded for its own sake and non-renewable and natural resources afforded protection. Development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements.

### **SUMMARY OF MAIN ISSUES:**

The proposal relies on a sub-standard access onto Long Lane on the brow of a hill. Increased use of this access would be detrimental to highway safety. The proposed development will represent an isolated, sporadic and intrusive feature in the open countryside.

### **NON MATERIAL CONSIDERATIONS:**

### **REPRESENTATIONS:**

#### **Development advertised on site**

The Occupiers of Halfway House, High Barn, Monk House, Abbotsway, New Holme Farm, Billincote Farm, Meadow View, Newton Road, 1, 3, 5, 7, Tithe Barn, Tithe Barn Nurseries, Long Lane, Dalton-in-Furness, all informed. Barrow House Farm, Avondale, Conifers, Cregneish, Sharnelle, Rockvilla, Four Winds, 2-3 Woodbine Cottages, Woodbine, Newton-in-Furness, all informed. No representations received.

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### CONSULTATIONS:

#### Footpath Secretary – Furness Ramblers

I have no objections to the above planning application on the condition that it causes no restriction of access to Footpath 602004.”

#### Dalton with Newton Town Council

“The Town Council has no objections.”

#### Cumbria Highways

“The applicant should complete the attached Transport Form.

It is unclear from the information provided where the vehicular access joins the public highway will this continue to be from Long Lane, also somewhere the applicant must have access to turning to ensure that vehicles join the public highway in a forward gear”.

### OFFICERS REPORT:

Members will recall that this item was deferred at your last meeting being ‘minded to approve’. It raises similar issues to those described in the attached application reference 2008/0482.

Notwithstanding the above, should you consider the proposal to be acceptable I have drafted suitable conditions below to attach to any planning permission:

#### Condition No. 2

The roof and wall cladding must be dark green colour BS4800 12 B29, unless a variation of the colour is agreed in writing with the Planning Authority, the colour must be incorporated into the material during the manufacturing process and the cladding must thereafter be permanently retained.

#### Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow Borough Local Plan Review 1996-2006.

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### Condition No. 3

Prior to the commencement of any development, a landscape scheme for the site, showing the trees, shrubs and hedgerows, must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used. All planting and subsequent maintenance shall be to current British Standards. The approved scheme must subsequently be implemented by the end of the first planting season following initial beneficial occupation of the development or by such a programme as may be agreed in writing. Any trees or shrubs removed, dying being severely damaged or becoming seriously diseased within five years of planting shall be replaced by the landowner with trees or shrubs of a similar size and species to those originally required to be planted.

### Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow Borough Local Plan Review 1996-2006.

It is also necessary to give the reason for granting planning permission. I have drafted below a reason based upon your discussion at the last meeting:

### Reason for Granting Planning Permission

That having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of design and location will not have a detrimental impact upon the open countryside and as such complies with policy D1 of the former Local Plan Review 1996-2006. It is further considered that the concerns of the highway authority are not sufficient to justify refusal based upon the small scale nature of the proposal.

My original report follows on:

The application is for an agricultural building with a footprint of approximately 18.3m x 9.1m and a ridge height of 4.2m (3m to eaves). It will be located in the south eastern corner of the field approximately 345m from Long Lane.

The site has an open rolling lowland character with expansive views towards Barrow and the gas terminal. The public footpath right of way from Newton to Long Lane cuts through the field approximately 60m to the west of the building.

The area is generally characterised by agricultural fields and pasture with the few agricultural buildings grouped together in existing farms. Some screening and hedgerow planting is proposed to help reduce the impact of the building from the track and the right of way.

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### Impact on the environment

The area is within the open countryside and must therefore be considered against Local Plan policy D1. Policy D1 states that the Boroughs countryside will be safeguarded from development for its own sake. The Council has traditionally supported nationally planning policy by preventing sporadic development in the open countryside.

The Council has previously refused development proposals for buildings in this area, notably at the field that forms the boundary with Long Lane to the north of the application site (application reference 2004/0976).

I have also had regard to the Cumbria Landscape Classification 1995 and this site falls into Drumlin Field category. The document states that this landscape is sensitive to development pressures.

I have noted the screening and choice of materials that the applicant has proposed to reduce the impact of the development on the character of the countryside. However I believe that the building would be viewed as an isolated structure, unrelated to other buildings and would in my opinion be an alien and incongruous feature in the countryside.

It should also be noted that an application for a second agricultural building in the area is also on the agenda today (application reference 2008/0482).

### Scale of development

I have concerns whether the proposed building is excessive in relation to the applicants holding at the site. I have requested more information on this matter which I expect will be available for your meeting.

### Access

The development is served by a track off Long Lane that leads to Barrow House Farm, it exits onto Long Lane at the brow of the hill. Visibility is extremely poor. Permitted development which would result in increased use of this access would create a situation which would be detrimental to highway safety.

I have noted the points raised by the supporting statement submitted by the applicants agent. This describes how the building will be used for storage of feed and equipment and this would reduce the number of journeys to the site. However the Design and Access statement states that the applicants have an association with a second area of land off site in Mascalles, South Lakeland which this building will help support. The applicants live at in Eskdale Drive, Dalton so the present location is more convenient from their point of view. However it may be that the applicants second area of land at Mascalles will provide a better location for an agricultural building and may be sited in a location that does not rely on an unsatisfactory access. The Design and Access statement also states that the development will allow for the expansion of the existing sheep enterprise. With regard to these points I believe that the development is likely to result in an intensification in vehicle movements at an access where such movements would be detrimental to highway safety.

Cumbria Highways have responded only to request a Transport Form from the applicant. I have therefore had regard to a response issued for the proposed development at Field

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opposite Halfway House, Newton Road (2008/0482). This application is also on your agenda today and will use the same access track as this proposal. Highways commented:

'The existing access by which vehicles associated with this proposal would leave and rejoin the county highway is unsatisfactory since the required visibility of 2.4m x 90m cannot be achieved at the junction with the county highway and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.'

Highway safety has been used as a reason to justify refusal of similar proposals (ref. no. 2004/0976)

### Conclusion

I believe that the location is unacceptable for the proposed development. The access to the site is extremely poor and any intensification of use of the site and the access would be detrimental to highway safety. There are many locations throughout the Borough where developments such as this might be acceptable and are served by satisfactory access.

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### **RECOMMENDATION:**

I recommend that planning permission be REFUSED for the following reasons:

#### Reason No. 1

The proposal is served by an existing access onto Long Lane which suffers from poor visibility and furthermore joins Long Lane close to the brow of a hill. The proposal is considered to represent an intensification in the use of the existing unsatisfactory access to the unacceptable detriment of highway safety.

#### Reason No. 2

The proposal would represent a sporadic and intrusive form of development in the open countryside and is contrary to Saved Policy D1 of the former Barrow Borough Council Local Plan Review 1996-2006.

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