

DELEGATED REPORT	
Application Reference:	16/0853
Description of Development	Erection of dwelling for staff accommodation in association with Larch Cottage Nurseries, Site at Moss Road, Cliburn
Case Officer	Tony Ryniejski
Appraisal	
Site	The site extends to about 0.1 hectares of scrubland located at Town Head, some 1km to the west of Cliburn. It is accessed from a private road leading off the Class 3 Penrith to Cliburn road which serves drainage and pipeline contractors depot, as well as a number of sporadically sited residential properties. The site adjoins the western side of the contracting depot and just to the east of an isolated house known as Greenside.
Proposal	The application seeks full planning permission for the erection of a detached, 4 bedroom, single storey dwelling which it is stated would be used "for staff accommodation in association with Larch Cottage Nursery. It would be of simple design and finished in render under a concrete tiled roof and be accessed from the private drive which fronts the site.
Relevant Site History:	None has been identified
Policy:	<p>Core Strategy DPD Policy:</p> <ul style="list-style-type: none"> • CS1 – Sustainable Development Principles • CS2 – Locational Strategy • CS3 – Rural Settlements and Rural Areas • CS5 – Transport and Accessibility • CS7 – Principles of the Housing • CS9 – Housing on Rural Exception sites • CS16 – Principles for the Natural Environment • CS18 – Design of New Development <p>Eden Local Plan 1996: Saved Policies</p> <ul style="list-style-type: none"> • HS7 – Workers Dwellings in the Countryside <p>Supplementary Planning Documents</p> <ul style="list-style-type: none"> • Housing (2010) <p>National Planning Policy Framework (NPPF):</p> <ul style="list-style-type: none"> • Delivering a wide choice of high quality homes • Requiring good design • Conserving and enhancing the natural environment <p>National Planning Practice Guidance (NPPG)</p>
STATUTORY CONSULTATION RESPONSES	
Local Highway Authority	No objection
DISCRETIONARY CONSULTATION RESPONSES	

Parish Council	<p>States:- “The meeting voted 15 against the application and 1 abstention. The reason for this decision</p> <ol style="list-style-type: none"> 1. The accommodation is not for agricultural or forestry workers or affordable housing 2. The accommodation is not ancillary to Larch Cottage Nurseries 3. Cliburn is a small rural village so must identify with Policy CS3 4. The proposed site location is outside the area of the local plan.”
Environmental Health	<p>States:- “I have considered</p> <ul style="list-style-type: none"> • the nature and type of accommodation and the likely occupants of the proposed dwellings • the close proximity to the industrial units presently occupied by Waitings with what I understand to be unrestricted hours, together with the nature of the business where there is the potential for high noise levels at night. <p>AND</p> <ul style="list-style-type: none"> • Even if the proposed accommodation were to be constructed with acoustic features to considerably reduce the impact of noise it is unlikely that this will reduce impact noise to such an extent that there would not be disturbance to restorative sleep. • The extent, expense and practicality of works on the Waiting’s site to reduce noise levels and enforcement of conditions thereafter. • The ability of this Council to take effective action to mitigate noise should this application succeed. • The effect on the operation of Waiting’s business <p>I conclude that the siting of residential accommodation in such close proximity to such a business is incompatible and must therefore recommend that this application be refused.”</p>
NOTIFICATION RESPONSES	
Application advertised by way of immediate neighbour notification letter and site notice posted.	<p>2 letters/emails of response have been received raising the following, summarised, concerns:-</p> <ul style="list-style-type: none"> • There are no amenities within the village • The adjacent workshop causes noise throughout the day • There is sufficient accommodation in the surrounding towns and villages • The site is haven for wildlife being next to Cliburn Moss, a recognised nature reserve

	<ul style="list-style-type: none"> • It is on an area of greenfield with poor access on to a dangerous junction • There is no need for more housing
OBSERVATIONS	
Main Issues:	Appraisal:
Principle	<p>Supporting information submitted with the application states that the accommodation would be occupied by horticultural workers employed by Larch Cottage Nursery which currently employs 35 staff. It goes on to suggest there is a severe shortage of qualified horticultural staff, a need to offer some form of accommodation with easy access to the nursery and that suitable land in the locality of the nursery is not readily available.</p> <p>The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. There is not currently a 5 year land supply for housing in place and therefore as outlined in the NPPF any <i>“housing applications should be considered in the context of the presumption in favour of sustainable development.”</i> To promote sustainable development in rural areas <i>“housing should be located where it will enhance or maintain the vitality of rural communities.”</i> Local planning authorities should avoid new isolated in the countryside unless there are special circumstances.</p> <p>Policies CS1 and CS2 of the Core Strategy set out the sustainable principle that will be applied to all applications considered by the Council and seeks sustainable development in line with the NPPF. CS1 (1) requires proposals to be sited to minimise the need to travel, (2) requires a sequential approach to land use which includes only using previously undeveloped land which is well located in relation to services and infrastructure, (10) requires proposals to contribute towards a strong, stable and more diverse economy.</p> <p>CS2 focuses new development in the first instance to Penrith as the Key Service Centre then subsequently allows small scale development in Key Service Centres and Local Service Centres. Hilton falls within the category of <i>“smaller villages, Hamlets and Open Countryside”</i> and therefore classed as a rural exceptions site in which development is limited to meeting an identified need as outlined in CS3, such as affordable housing.</p> <p>Policy CS9 assesses housing development on rural exception sites on land which is located outside key and local service centres. It is outlined that small scale housing development on these sites will be permitted if it meets the criteria in the policy which requires the developer to meet the sequential test outlined in policy CS1 and 100% affordable housing is provided. As an exception to the above saved Eden Local Plan Policy HS7 allows workers dwellings to be permitted outside established settlements where they are required to meet a proven need for a</p>

dwelling in a particular locality or in association with a rural enterprise. This is echoed in Paragraph 55 of the NPPF which also advises that in order to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities, such as where there are smaller groups of smaller settlements where development in one village might support services in one nearby.

In this instance the site is located within an area of sporadic development in an essentially open countryside located away from the nearest cohesive settlement, Cliburn, which lies some 1km or so to the east. There are no convenient connective footpaths between the two nor is there any public bus service linking the site to the village. The village itself also lacks the range of service required for it to be considered as being as a Local Service Centre under Core Strategy Policy CS2, where small scale development to support local services could be permitted.

Whilst both saved Eden Local Plan Policy HS7 and Core Strategy Policy CS3 permit workers housing in rural areas such as this, a proven exceptional need has to be established. In this instance though it is purported that the residential accommodation is required to meet the needs of Larch Cottage Nursery this is located within Melkinthorpe, a small rural settlement located some 3km by road to the west of the application site and again with no convenient connective footpaths or any public bus service linking the two. The occupiers would therefore be unable to attend to any unforeseen or emergency operational needs of the business at short notice and would be entirely reliant on the private car to access shops and essential services. This would clearly be contrary to aims which seek to promote development which is sustainable and, as no overriding justification has been put forward, would not comply with policies which allow exceptional development necessary to meet a proven need for development in a specific location.

Though it is acknowledged that the Council cannot demonstrate a 5 year housing land supply to which the NPPF refers this is currently being addressed by the Council through the emerging Local Plan which is currently being scrutinised at Inquiry and the provision of 1 dwelling would not boost housing supply to such an extent as to justify overriding established policies which seek to ensure locational sustainability.

In addition to the above concerns have also been raised by the Councils Environmental Officer Health Officer in respect of the impact of noise from the adjacent contracting business on future residential occupiers, a concern echoed by a representative of that Company, as well as the effect of potential noise complaints on the future operation of that business.

The application therefore would lead to the construction of a dwelling in an unsustainable location without any overriding justification sufficient to satisfy the tests for a rural exception site as required by the NPPF and the Core Strategy. In addition it is considered that were consent to be granted the noise generation

	associated with the operation of the adjacent contracting business would be likely to unacceptably impact on the amenities of future occupiers the dwelling with further potential to adversely impact on the future operation of the business itself.
Scale & Design	In terms of scale the proposed dwelling would be commensurate with its surroundings and whilst the design is somewhat unremarkable it would nonetheless be acceptable in this location
Impact on the landscape/amenity of the area	There would be no significant impact on the amenities of the locality
Impact on the living conditions/amenity of neighbouring residents	There would be no adverse impacts on the amenities of neighbouring residents
Impact on the character and appearance of the built environment (LBs/CA)	There are no designated heritage assets nearby that might be affected
Impact on the natural environment (species/habitats)	No adverse impacts have been identified
Conclusion	The proposed development is considered to not be in accordance with the development plan which is not outweighed by material considerations and therefore the application is recommended for refusal.

RECOMMENDATION	<p>That the application is refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The application would lead to the creation of a dwelling in an unsustainable location not associated with a local service centre. No exceptional need has been demonstrated for the dwelling in this essentially rural location nor does the proposal meet the criteria of a rural exception site. The application is therefore contrary to the NPPF (Para 55), Eden Core Strategy CS1, CS2, CS3 and CS9. 2. The proximity of the site to the neighbouring contracting business is such that the amenities of future occupiers of the dwelling would be likely to be unacceptably affected by noise generated by the operation of that business, potentially adversely impacting on the future viability and operation of that business.
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