

APPROVAL OF PLANNING PERMISSION

Town & Country Planning Act 1990 (As Amended)
 Town & Country Planning (Development Management Procedure)
 (England) Order 2015

Location : Barn at Stank Farm, Stank Lane, Stank, Cumbria, LA13 0LR

Applicant : Mr Graham Cooper

Agent : Mrs Lisa McLachlan, ML Planning Consultancy Ltd

Proposal : Conversion of barn to dwelling (C3) (resubmission of B13/2023/0031) with revised parking arrangements opposite the site

Westmorland and Furness Council hereby give notice in pursuance of the provisions of the above-mentioned regulations that permission has been **GRANTED** for the carrying out of the development referred to on this notice, in accordance with the application and plans submitted and **subject to the following conditions**:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 14.2.25 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

Application form dated 28.1.25

Location Plan A3

LM/GC/5301F - Proposed window and door schedule

23028/02 - Proposed window and door details

LM/GC/5301Ai - Existing and proposed elevations

LM/GC/5301E - Elevations (access)

Signature:

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Assistant Director of Thriving Places



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LM/GC/5301Ci - Landscaping plan and specification
LM/GC/5301G - Culvert cross section
LM/GC/5301Di - Site plan (to illustrate no impact on bridleway)
LM/GC/5301Bi - Existing and proposed site plan
IRIS Sustainable Planning - Parking Plan Stank Barn
IRIS Sustainable Planning - Highways Access Report - August 2024
Biodiversity Net Gain Report - January 2025
Bat, Barn Owl and Nesting Bird Survey - November 2024
Heritage Assessment - December 2022
Buildings and Barn Conversions - Pre-determination Questionnaire
Drainage Strategy Report - 23094 - April 2023
Drainage Layout - 23094 - GAD-ZZ-00-DR-C-1000-PO1
Ensign Sewage Treatment Plants
Structural Inspection Report - 22161

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

Pre-commencement Conditions

3. Biodiversity Gain Deemed Condition

The development may not be begun unless:

- a. a biodiversity gain plan has been submitted to the planning authority; and
- b. the planning authority has approved the plan.

Reason

Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition'. In accordance with Paragraphs 13 and 14 of Schedule 7A of the Town and Country Planning Act 1990.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for all of the following:

- i. the parking of vehicles of site operatives and visitors,
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- iv. the erection and maintenance of security hoarding,
- v. wheel washing facilities where vehicles will enter the site,

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- vi. measures to control the emission of dust and dirt during construction,
- vii. a scheme for recycling/disposing of waste resulting from demolition and from construction works.

Reason 2025/0322

In the interests of minimising the impact upon local environmental amenity.

5. Production of a Habitat Management and Monitoring Plan (HMMP)

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include and including:

- a. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- b. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- c. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 10 years from the completion of development; and
- d. the monitoring methodology and frequency in respect of the created or enhanced habitat has been submitted to, and approved in writing by, the local planning authority.

Reason

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

During Building Works

6. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and field investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. these shall be implemented prior to occupation of the development.

Reason

To ensure any contamination is dealt with appropriately to protect impacts on human health.

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Before Occupation

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7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following beneficial occupation of any part of the development, or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced by the landowner in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason

In the interests of the visual amenities of the area.

8. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. The surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

9. Any existing highway boundary treatments shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway as detailed on the 'Parking Plan Stank Barn' drawing by IRIS Sustainable Planning and thereafter permanently maintained at this height.

Reason

In the interest of highway safety.

10. Implementation of the Habitat Management and Monitoring Plan (HMMP)

The development shall not be brought into use until:

- a. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- b. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

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The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

11. The development shall not be occupied until a plan has been submitted to and agreed with the Local Planning Authority that details features that will be incorporated into the development that will provide opportunities for birds and bats:

- a) Sets out the type, number and location of features that will be installed as part of the development (e.g. bat boxes and bird boxes);
- b) Sets out at timeline for the installation of these features that will be adhered to.

Reason

To ensure the development delivers a biodiversity net gain in accordance with policy 187(d) of the National Planning Policy Framework and Policy N3 of the Barrow Borough Local Plan 2016-2031.

12. Prior to the beneficial occupation of the development hereby approved, the walls as shown on drawing LM/GC/5301E Elevations (Access) shall be built and thereafter permanently retained. Any variation to this shall be agreed in writing with the Planning Authority.

Reason

To prevent parking of vehicles within the areas adjacent to the barn in the interests of highway safety.

13. Prior to the occupation of development, the visibility splays providing clear visibility of 70 metres North and 66 metres South as stated in the Highways Access Document, should be provided and thereafter permanently retained at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

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Reason

In the interests of highway safety.

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14. Prior to the beneficial occupation of the development the side window facing the highway must be permanently fitted with manufacturers obscure glazing of an obscurity rating of no less than level 4 from the Pilkington glass range (or an equivalent range and rating subject to prior agreement with the Planning Authority) and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking.

15. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

Operational Conditions

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason

In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for proposed works having regard to the particular layout and design of the development.

17. The parking spaces and access thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with our without modifications) or not, shall be carried out on that area of land in such position as to preclude vehicular access to the development hereby permitted.

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Reason

To ensure that proper access and parking provision is made and retained for the use associated with the development permitted.

Informative

- Please note that any additional external alterations required under the Building Regulations may also require prior planning consent. Please speak to the Planning Officer before any such works are carried out
- Before commencing works, it is advised that you carry out a search of the site with LinesearchBeforeUdig <https://lsbud.co.uk/> This is a free to use service which checks underground and overhead pipes and cables in the electricity, gas, high pressure fuel, water and fibre optic networks.
- This development may require approval under the Building Regulations. Please contact your Building Control department on 01229 876356 for further advice as to how to proceed.
- Please be aware of the Safe Dig service from United Utilities by contacting United Utilities at; UUSafeDig@uuplc.co.uk
- Prior to any work commencing on the watercourse, the applicant should contact the Lead Local Flood Authority on 01228 221331 or email LFRM.connsen.WAF@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.
- Nesting Birds

All wild birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Section 1 of the act makes it an offence to intentionally or recklessly: kill, injure or take a wild bird; take, damage, destroy or interfere with the nest of any wild bird whilst it is in use or being built; take or destroy an egg of any wild bird; disturb any wild bird listed on Schedule 1 of the act whilst it is building a nest or is in, on, or near a nest containing eggs or young, or disturb the dependent young of any wild bird listed on Schedule 1.

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IMPORTANT: Please read carefully the following notes as failure to comply could make the development hereby permitted unauthorised

1. Statement of compliance with Article 35(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/ agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

It is therefore considered that the Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.

2. This planning permission is granted in strict accordance with the approved plans. It should be noted that:

(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

(b) You or your agent or any other person responsible for implementing this permission should inform the Development Management Department immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

4. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

(b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

5. If the development is not begun within the period specified in condition 2 of the Outline Consent, permission will lapse. If the development is begun within that period but the period elapses without it having been completed the Local Planning Authority may, subject to confirmation by the Secretary of State, serve under Section 94 of the Town and Country Planning Act 1990 a notice requiring it to be completed within a specified period.

6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 12 weeks subsequent to the date of this notice for householder and tree preservation applications, or 6 months for all other applications.,
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Telephone 0303 444 5000 or online at <https://www.gov.uk/appeal-householder-planning-decision> (Householder application) or <https://www.gov.uk/appeal-planning-decision> (Full Planning application).
- The Secretary of State can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements of (Section 78 and 79 of the Town and Country Planning Act, 1990), to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

7. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

8. In certain circumstances, a claim may be against the Local Planning Authority for compensation; where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

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9. If at a later date an extension of the period of the permission is desired, an application for the purpose should be made to the Council before the expiration of the period.
10. Further correspondence regarding this application should bear the application number quoted on this form.
11. This is a planning consent only, and it may be necessary to obtain permission under the Building Regulations or under any other legislation before the particular development is carried out; in particular, if it is desired to obtain a grant towards the cost of improvement and/or conversion, and application must be made to the Local Authority, and their approval obtained, before work is commenced.
12. The applicant is reminded that the grant of planning permission does not entitle them to obstruct a right of way. If it is necessary to stop up or divert a footpath or bridleway in order to enable the development to be carried out, they should on receipt of planning permission, apply without delay to the Local Planning Authority for an order under Section 257 of the Town and Country Planning Act, 1990. In the case of any other right of way application should be made to the Secretary of State for an order under Section 247 of the Act. In either case development should not be started until a decision has been made on the application.