LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 4 NOVEMBER 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

ALLERDALE BOROUGH COUNCIL (YELLOW SHEETS)
Application no: 7/2009/2051
Applicant: Mr J Brownrigg, Messrs Brownrigg
Date of Application: 26 February 2009
Type of Application: Outline

Location: Street Head, Hesket Newmarket, Wigton, CA7 8JZ
Grid Reference: 333479 538466  See Plan
Proposal: Construction of two storey, four bedroom dwelling, external works and associated infrastructure

District Council: 
Parish Council: Grant/approve
Highway Authority: Grant/approve with conditions

**RECOMMENDATION:** REFUSE for the following reasons

REPORT:

1 **BACKGROUND AND PROPOSAL**

1.1 I am reporting this application to committee because my recommendation of refusal conflicts with the support given to the proposal by Caldbeck Parish Council.

1.2 This outline application is for a four bedroom detached agricultural worker’s dwelling at Street Head Farm near Hesket Newmarket and involves the development of a new-build dwellinghouse on a greenfield site in close proximity to the existing farm group.

1.3 The farm is owned by the Brownrigg family who run a successful stock rearing enterprise. The family also own a farm at How Hill, five miles away and outside of the National Park. Street Head is located 500 metres west of Hesket Newmarket in an elevated position along a minor road and comprises the original farmhouse, a range of traditional stone built barns and outbuildings around the farmyard as well as a number of modern farm buildings. The land at Street Head extends to 40 hectares. The majority of the livestock is at Street Head with How Hill used primarily for crop. The application states that it is the intention to consolidate this arrangement with livestock kept at Street Head.

1.4 As the proposal is in outline form the plans are restricted to an indicative footprint and layout, scale parameters for the upper and lower limits of the proposed building and indicative access points. As an outline application, approval would be subject to the submission of an acceptable reserved matters application which would allow the consideration of a detailed design.
1.5 The proposed site plan shows the footprint of the proposed four bedroom dwelling sited close to the existing farmhouse and existing traditional buildings in an adjacent field immediately to the east. A new access is proposed into this field to serve the dwelling. The proposed dwelling would be designed to reflect the character and detailing of those existing traditional buildings to which it would be closely related. The scale would be restricted to a height no greater than the existing buildings.

2 REPRESENTATIONS

2.1 Caldbeck Parish Council have given their support to the proposal.

3 POLICY

3.1 The following policies form the development plan framework against which this proposal will be assessed:

North West of England Regional Spatial Strategy:

- RDF2 (Rural Areas)
- EM1 Integrated Enhancement and Protection of the Region's Environmental Assets (A) Landscape (B) Natural Environment (C) Historic Environment

Cumbria and Lake District Joint Structure Plan (extended policies):

- E37 (Landscape Character)
- H20 (Housing in the Lake District National Park)

Lake District National Park Local Plan (saved policies):

- NE1 (Development in the Open Countryside)
- NE5 (Development in Quieter Areas)
- H5 (Housing in the Open Countryside)
- H6 (Occupancy of Existing Farmhouses)

National planning policy:

- Planning Policy Statement 7: Sustainable Development in Rural Areas

The main issue in this case is whether or not the proposal meets the rigorous national and development plan policy tests that would allow permission to be granted to meet a need for a house for a farm worker as a recognised exception to the normal policy of restraint in the open countryside.

4 ASSESSMENT

4.1 Policy H5 of the Local Plan deals with housing development in the open countryside and provides a useful framework for the assessment of this application. I intend to explore the various issues arising using the headings of this policy.
Is the development proposed designed to meet a proven and essential need for accommodation?

4.2 There is great pressure for housing development in the National Park and other rural areas and therefore a very particular set of instances where housing development in the open countryside will be permitted. Only where such housing has an essential requirement for an open countryside location will it be considered as an exception to long standing policies. In the National Park this will normally be for workers in agriculture. In order to permit such housing for farm workers in the open countryside it must be demonstrated that there is an existing functional requirement for that worker.

4.3 The tests for establishing the need for an agricultural worker are set out in national Planning Policy Statement 7: Sustainable Development in Rural Areas.

- There is a clearly established existing functional need.

4.4 The applicant has provided an agricultural appraisal with the application. As is common practice we have commissioned our own independent agricultural appraisal of the holding.

4.5 Street Head Farm extends to 40 hectares (98 acres). The farm has been owned by the same family for 80 years. The following livestock are kept on the holding: 100 suckler cows, 20 replacement heifers, 5 Limousin bulls, 502 breeding ewes, 65 shearlings (at the time of the survey) and 22 tups.

4.6 Both the submitted and our independent farm appraisals took their starting point as the overall farm business which covers the two sites. I have then sought to analyse the particular requirements of the Street Head holding. It is difficult in these circumstances where the labour requirement is split over two farms to arrive at a definitive conclusion as to the precise labour requirement. However, National policy is to assess the needs of the individual holding.

4.7 The applicant’s appraisal has identified a need for 5.55 full time workers over both farms and the business as a whole. However, our independent appraisal concludes that only 3 full time workers are required for the business as a whole and that only two of these need to be resident on the holdings. Because of the size of the holding at Street Head and the numbers of livestock involved it has been calculated that there is only a need for one full time, on site worker and that this need is currently catered for by the existing farmhouse. It is therefore the conclusion of our independent appraisal that although there is an existing functional need for one full time on site worker at Street Head, there is already a dwelling that meets this need, there is no justification for a second and therefore the test is failed.

4.8 The matter is complicated by the personal circumstances of the applicant. The full time worker currently resident at Street Head is elderly therefore a
more junior member of the family is called upon to deal with many of the out of normal working hours requirements. Although I have sympathy with the applicant’s domestic circumstances, national policy is quite clear on this matter. Not only will personal circumstances rarely be a weighty material consideration, but PPS7 specifically states an assessment “must depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.” The applicants could resolve the situation by allowing the worker who carries out the round the clock labour function to reside at the farm.

4.9 Because all of the tests of PPS7 must be met the proposal fails on this basis. I have however proceeded to cover the remainder of the tests below.

- The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement.

4.10 Any need identified is clearly required for the purposes of agriculture and as discussed above relates to a full time requirement.

- The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.

4.11 Street Head has been farmed by the applicant’s family for 80 years. Based on a standard calculation, both appraisals confirm that the unit is financially sound and has a good prospect of remaining so.

- The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

4.12 Policy H5 has a similar requirement and I have assessed the proposal against this criterion in the next section of my report.

- Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

4.13 Other planning requirements are considered to be satisfied. I have covered these in greater detail below.

**Can the essential need for accommodation be met in any other way?**

4.14 In any case like this it must be proven that the need established could not be met in any other way, either through available and suitable existing accommodation or through other available sites for new-build development. This is a requirement of both PPS7 and Policy H5 of the Local Plan.

4.15 At an early pre-application stage alternative sites were discussed with the applicant and I identified the existing traditional farm buildings as having
potential for conversion to meet the identified need. They appear to be in a
good state of repair, they are close to the existing farmhouse, they are not
listed buildings and I do not consider that their conversion would have an
unacceptable impact on their character. In addition, a new use would
ensure the survival of an attractive group of buildings should they lose
their usefulness for agricultural purposes.

4.16 In order to set aside the potential of these buildings to meet an identified
need there would have to be some convincing reasons why the buildings
should not be converted. However the application does not offer any
substantive reasons why these buildings could not be converted to provide
the necessary accommodation and thereby avoiding the need for a new-
build dwelling.

4.17 There is one other potential site for a new build dwelling, on the opposite
side of the road to the farmhouse. This likely to be more sensitive in
landscape terms as it is less well related to the existing group of buildings
and the access to this site is poor. I am satisfied that this site does not offer
a viable alternative.

Would the development be appropriately located within or adjacent
to an existing farmstead or small group of houses or buildings and
not in an isolated location?

4.18 The chosen site is closely related to the existing farm buildings and is not
isolated. Subject to a successful design scheme being submitted at the
reserved matters stage there would be little wider landscape harm
resulting from the chosen siting.

Are the details submitted acceptable in terms of impact on the
character and appearance of existing buildings, their landscape
setting or the wider character of the landscape?

4.19 The farm consists of the original farmhouse and attached buildings which
sit immediately off the road and in a horse-shoe arrangement around the
farmyard. The rest of the farm buildings sit in a linear form behind the
main buildings. Given the details provided at this outline stage I am
confident that a dwelling of the scale proposed could be integrated into
this setting. The potential for impact on the character of the more
traditional buildings and the immediate landscape impact would be reliant
on the detailed, reserved matters application. I am concerned about the
visual impact of the large garden proposed. However, this is not
insurmountable as it could readily be reduced in size.

Would the development cause demonstrable harm to nature
conservation interests or cultural heritage?

4.20 Locating the new house close to the farm is consistent both with policy
guidelines but also with the natural growth of a farmstead such as Street
Head. Subject to an acceptable design scheme there would be no adverse
impacts on cultural heritage interests. No nature conservation interests
have been identified.
Are there any other relevant planning issues?

Occupancy

4.21 It is a requirement that all new dwellings for workers in agriculture, forestry or other rural based enterprises are restricted in terms of occupancy to those workers primarily employed in such areas. As a minimum the new dwelling would be conditioned in occupancy to a worker in agriculture in perpetuity. Where appropriate and possible, Policy H6 of the Local Plan also requires that the occupancy of an existing farmhouse on the holding is secured for agricultural occupancy. This is to guard against possible abuse of the system. If I were minded to recommend approval of the application then an occupancy clause on the existing farmhouse would be necessary. As the recommendation is one of refusal I have not explored this any further with the applicants.

Design

4.22 As this application is in outline format we have no information about the proposed design. The reserved matters application which is required to follow up any outline permission allows us complete control over the detail of the design.

Highways and Access

4.23 The Local Highway Authority has no objections to the proposal subject to the inclusion of two recommended conditions.

5 CONCLUSION

5.1 Our independent appraisal has corroborated the findings of the applicant's appraisal, that there is an existing functional need for a full time agricultural worker at Street Head. However, this need is currently met by the existing farmhouse and therefore there is no justification for an additional dwelling. In addition, the applicants have failed to present a convincing case that conversion of existing traditional farm buildings to meet any identified need should not be considered. Although the site identified is an appropriate one and the detailed design could be adequately dealt with at the reserved matters stage, the proposal fails two important tests of national Planning Policy Statement 7 and Local Plan Policy H5.

Committee is recommended to:

REFUSE for the following reasons

1. This application for housing development in the open countryside is for a worker in agriculture and proposes a new build dwellinghouse closely related to the existing farm group at Street Head Farm. An independent
agricultural appraisal has confirmed that there is an existing functional need for one full time, on-site worker to support the existing farm business. However, this need is currently catered for by the existing farmhouse and there is therefore no additional and existing functional need which would justify granting planning permission for a second dwelling. The proposal is therefore contrary to national planning policy contained in Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas and contrary to criterion (a) of the Lake District National Park Local Plan Policy H5.

2. If an essential need for an additional dwelling for a worker in agriculture existed at Street Head it would be necessary to demonstrate that the need for accommodation could not be met in any other way than a new build house. Street Head benefits from a range of traditional agricultural buildings close to the existing farmhouse and the site of the proposed development. The application does not present any substantive reasons why a conversion should not be considered. For this reason the proposal is contrary to national planning policy contained in Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas and contrary to criterion (b) of the Lake District National Park Local Plan Policy H5.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/2122
Applicant: Trustees of Keswick Masonic Hall
Date of Application: 7 May 2009
Type of Application: Full
Location: Masonic Hall, St. Johns Street, Keswick, CA12 5AP
Grid Reference: 326781 523319  See Plan
Proposal: Extension to dining room
District Council: See report
Parish Council: See report
Highway Authority: See report

RECOMMENDATION: Head of Development Management will report

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee because my recommendation conflicts with the recommendation of Keswick Town Council and also because my recommendation is different to a previous decision for a similar proposal on the same site.

1.2 The Masonic Hall on St John’s Street Keswick has its main entrance at the front but its function rooms and a bar area are located mainly behind the main street, facing into a tightly confined residential area comprising flats above shops and larger dwellings.

1.3 Directly adjacent to this residential area is a small yard area onto which the hall’s function room opens. It is proposed to build an extension to the function room and bar by building on this yard area as well as providing a fire escape and adjoining bin storage.

1.4 The extension would be of single storey height with a footprint of 8.5 metres by 4.5 metres. It would have three small high level windows and would have a sheet metal roof concealed by a parapet wall. Finished materials would be rendered walls with a slate roof to the small bin store.

1.5 A previous application (7/2008/2144) was refused for the following reason:

The proposed extension to a function room and bar given the clear potential for increased frequency of use, size and attendance of functions would be likely to cause harm to the amenities of neighbours within the immediate vicinity of the Masonic Hall, Keswick over and above that which is already caused by late night functions.
1.6 The detail of the proposal has also been revised as follows:

- clarification that three high level windows would be triple glazed and non-opening
- removal of a porch area outside of the fire escape
- removal of a larger window in the side elevation

2 REPRESENTATIONS

2.1 Keswick Town Council recommended approval of the original application subject to the design limiting noise nuisance to neighbours and other changes to the design. They have objected to this application on the following grounds:

The development is close to neighbouring properties and is larger than the existing. This will impact on the neighbouring properties and the environment generally.

2.2 We have received objections from three neighbours. Those material grounds for objection can be summarised as follows:

- Query as to whether this application is materially different to that which was previously refused
- Clear potential for increased frequency of use and numbers
- Over development of the Masonic Hall closer to neighbouring properties
- Current parties at the venue are a nuisance, the extension will allow these to be larger
- Noise and nuisance from the opening of windows and doors and people smoking, drinking and collecting outside the building close to neighbouring properties.

2.3 Correspondence with one of the objector’s solicitors has focussed on the objector being unwilling to grant a right of access over his land to build the extension or to allow access from the fire escape out of the yard area or for access to the bin store. The applicant disputes the objector’s ownership of this land. This is an entirely private and legal matter beyond the remit of the planning process and is not a material planning consideration. I have accordingly made no reference to it in my assessment of the proposal.

3 POLICY AND ASSESSMENT

3.1 The following policies form the development plan for the framework against which this proposal will be assessed:

North West of England Regional Spatial Strategy:

- Policy DP7 (Promote Environmental Quality)

Lake District National Park Local Plan (saved policies):

- Policy NE2 (Development of Larger Settlements)
- Policy BE11 (Conservation Areas)
3.2 The considerations in this case are entirely site specific in relation to the impact upon neighbours and have no direct policy considerations.

What are the objections to the proposal and what houses would be affected?

3.3 The Masonic Hall shares this back street area of Keswick with a number of residential dwellings. The hall holds private functions and this proposal would improve and extend the facilities on offer. The main dwelling to be affected would be 13 St John's Street as the house is in close proximity to the yard on which the extension would be built. We have received objections from the owners to whom it is alleged nuisance is already caused when functions continue late at night. This is due to the volume of music, raised voices and activity in and around the whole area as customers leave the venue. The extension would bring the function room approximately 4.5m closer to this house and within approximately 4m of several habitable rooms, including the main bedroom. Other dwellings, mainly flats, are also within close proximity of the Masonic Hall.

3.4 Objections have also referred to the fire escape door. The existing bar door opens into the yard and is used by customers who step outside to smoke. During functions this has been left open and has allegedly caused nuisance to neighbours, both from noise escaping through the open door to nuisance from customers themselves.

Would the extension itself cause harm to amenity?

3.5 The extension would bring the building closer to 13 St John's Street and its windows. However, the physical mass of the building itself would cause no harm to amenity. It is not so large or so close to windows as to cause overbearing or loss of light. There are no windows in the extension which would allow overlooking and the extension would be contained behind the existing wall around the yard. The extension would have no direct impact on other neighbours.

Is the extension likely to result in an increased nuisance to neighbours?

3.6 The existing function room has two large single glazed windows with large opening panels, a single glazed door and a wooden door which is currently used as a fire escape. The proposed extension would remove all of these openings replacing them with three small triple glazed, high level non-opening windows and a fire escape door. Therefore whilst the extension would be physically closer to neighbours, the potential from noise nuisance from inside the building would be considerably reduced.

3.7 A canopy over the fire escape door present in the previous application has been removed to make the area less inviting for smokers and the applicants have agreed to a condition which would restrict the use of the fire escape door to those times it was needed in an emergency or for fire drills. This would prevent the use of the door during functions and would mean that customers would not be able to leave by this door or use it for access outside.
during a function. Therefore the only exit would be at the front, on the opposite side of the building to the neighbours.

3.8 I have consulted both the Licensing Department and Environmental Protection Department at Allerdale Borough Council. They have no record of any complaints against the Masonic Hall nor do they have any specific objections to this proposal. If the extension is granted planning permission then the premises will require a new licence. This process would allow the views of neighbours to be considered and a licence granted which was appropriate to this location in terms of the amount, frequency and length of events that were allowed. In addition any new licence would include a new condition to control the behaviour of customers as they left the function.

3.9 I sympathise with the objections of the neighbours but in the light of the advice from Allerdale Borough Council and the proposed revisions to the previously refused application I consider that the proposal will reduce the scope for nuisance to be caused to neighbours by reducing opportunities to use the outside space, improving the sound insulation properties of the building and bringing the one door that remains under the control of the Local Planning Authority. I therefore must conclude that there would be a neutral or positive impact on the amenities of neighbours and therefore in this respect, the proposal is acceptable.

Is the design of the extension acceptable?

3.10 The Masonic Hall is not widely open to public view but is within the Keswick Conservation Area and like all proposals must demonstrate good design. The proposed flat roof extension is small scale and functional in form. It would integrate well with the existing building and preserve the character and appearance of the area. The use of materials is consistent with the existing building. The extension would maintain the character of the Keswick Conservation Area in conformity with Policy BE11 of the Local Plan and Policy DP7 of the Regional Spatial Strategy.

4 CONCLUSION

4.1 Although a similar application has previously been refused I consider that the amendments to this scheme together with the recommended conditions as well as the reassurances of the responses received from Allerdale Borough Council's Licensing and Environmental Protection departments means that there are significant positive changes to the proposal which would now justify a recommendation of approval subject to conditions.

4.2 For the reasons given above I consider that my recommendation will be one of approval with conditions. However at the time of writing the precise wording of the conditions is being agreed with Allerdale Borough Council.

Committee is recommended to:

Head of Development Management will report
BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/2203
Applicant: Miss V Edmondson
Date of Application: 27 July 2009
Type of Application: Full
Location: 1, Low Portinscale, Portinscale, Keswick, CA12 5RP
Grid Reference: 324937 523741  See Plan
Proposal: Extension to dwelling

District Council:
Parish Council:
Highway Authority:

RECOMMENDATION: APPROVE with conditions

REPORT:

1  BACKGROUND & PROPOSAL

1.1 I am reporting this application to Committee because the applicant is an employee of the Authority.

1.2 Low Portinscale is a terrace of traditional houses which fronts the main road at the entrance to Portinscale village. The application site, No 1 Low Portinscale, is an end house which sits at the junction of the main road and Howe Lane. The gable of the house faces the community hall and The Farmers Arms.

1.3 The ground floor of the terrace of houses sits below the level of the road and the size of the houses diminishes from west to east with several falls in ridge height. Those houses at the west end have proportionately taller windows which are more usually associated with 19th Century buildings. The smaller proportions of the houses at the eastern end of the terrace suggest that they may be older. There is a flat roofed dormer on the house adjoining the applicant’s property.

1.4 The proposed two storey extension onto the gable end of the terrace would add a dining room and bedroom in a further bay to 1 Low Portinscale with a front dormer window that splits the eaves. The width of the extension, which is approximately 2/3 of the width of the gable has an asymmetrical gable, dictated by ground levels where the embankment around the house encroaches upon its rear corner.

2  REPRESENTATIONS

2.1 None received.
3 POLICY AND ASSESSMENT

3.1 The issues raised by this proposal are site specific and do not raise policy considerations other than in relation to materials. There are no neighbouring dwellings that are close enough to the site to be affected by the proposal.

3.2 The only relevant planning issue raised by the proposed development is the impact of the development on the character and appearance of the house and the streetscape. Clear public views of the site are offered from the main road, particularly when approaching the site on from the east, from Howe Lane when approaching from the north.

3.3 By reason of its narrower width the step down in the ridge height means the form of the proposed extension would reflect that characteristic of the terrace whereby the building’s become progressively smaller from west to east and I am satisfied that the proportions of the extension are appropriate.

3.4 Because the eaves height of the rear wall of the extension is higher than the eaves of the existing rear wall of the house the rear wall extension as depicted on the submitted plan, exhibits an expansive and bland area of render. The applicant has agreed to submit an amended plan to improve the appearance of this elevation through the introduction of a window at first floor height.

3.5 The proposed dormer has a traditional pitched roof and because it would be located at eaves height it would not look dominant.

3.6 Policy BE1 of the Local Plan advises that, where appropriate, the National Park Authority will require materials for walls and roofs of development to be in keeping with local vernacular tradition. In this instance, the applicant has specified the use of render, slate and wood for the windows and it would be appropriate to impose conditions requiring the adoption of local green slate and appropriate finishes for walls and joinery.

4 CONCLUSION

4.1 The proposed extension has been designed to an appropriate standard and the resultant development would not be harmful to the character and appearance of the building or its surroundings.

Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

7/2009/2203
2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the submitted plans as amended by the plan (No: 0936-02A) received by the Local Planning Authority on 2 September 2009.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

3. Prior to the installation of any windows full details of their design, style, and the proportions of the window joinery shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in strict conformity to the approved details.

REASON: For the avoidance of doubt as these details were not submitted and to ensure that the windows are in keeping with the character and appearance of the building.

4. The roof of the building hereby permitted shall be covered in local green slates (that is slates which have been mined or quarried in the Lake District National Park). Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

5. All doors, windows and associated framework and all external joinery including the barge boards of the dormer windows shall be painted or stained in a colour, or colours, to be first approved in writing by the Local Planning Authority. Such painting or staining shall be undertaken not later than three months from the substantial completion of the development or not later than three months from the building hereby permitted being first brought into use, whichever is the sooner.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

6. The external walls of the building hereby granted permission shall be completed with a finish of roughcast in which the final coat contains a preparation of fairly coarse aggregate thrown on as a wet mix and left rough.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

Development Plan Policies relevant to the Decision

The proposed extension has been designed to a satisfactory standard such that it would not be harmful to the character and appearance of the building or the locality.
Lake District National Park Local Plan Policy BE1

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