

Application Number: DM/2022/00263

Proposal: Extension and change of use of existing garage into dog day care facility. Change of use of field to dog walking paddock

Address: Rhewl Cottage, Shirenewton To Rhewl Farm, Shirenewton, Monmouthshire, NP16 6AG

Applicant: Mrs Jo Whistance

Plans: All Existing Plans 1535-1 - , All Proposed Plans 1535-2A - , Location Plan 1535-3 - , Block Plan 1535-4 - , Site Layout 1535-5 - , Block Plan 1535-6 - , Site Layout 1535-7

RECOMMENDATION: Approve

Case Officer: Mr Adam Foote

Date Valid: 22.02.2022

This application is presented to Planning Committee upon request of the Local Member

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a detached dwelling in Shirenewton and an adjacent field. The sites are located outside of any defined settlement boundaries as identified by the Monmouthshire Local Development Plan (LDP) and are therefore classified as open countryside. Both sites are within a mineral (Limestone) safeguarding area and the field is within the Wye Valley AONB whilst the property is outside of this designation. A Site of importance for Nature Conservation (SINC) known as Wallwern Wood, allocated due to its ancient and semi natural woodland, is located immediately to the southeast of the proposed exercise area field. The dwelling has an existing residential use whilst the field has most recently been used for grazing/agriculture.

1.2 Proposal Description

This application seeks consent to extend the existing garage at Rhewl Cottage to use in accordance with a dog day care use and to use the field for exercise purposes. The proposed garage extension adopts a design in keeping with the existing garage and would measure 8.35m x 5.1m with eaves and ridge height uniform to the existing. The scale, design and position of the extension is illustrated in full on the submitted drawings.

The exercise area measures a total of 1050sqm, the walking field measures 9590sqm and comprises a field lined by hedgerow. The proposed ecological enhancements of recently planted native trees and hedgerows are shown on the proposed plans. The proposed use would provide day care for up to six dogs, two would be brought individually by their owner and four would be collected and dropped off by the applicant. The journey to/from the exercise field can be made on foot, however there is a parking area within the site should access need to be obtained via a vehicle.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DC/2014/00850	Proposed garage and store	Approved	15.09.2014
DC/2015/00379	two storey extension and extension of residential boundary	Approved	14.04.2015
DC/2014/00040	Two storey extension and extension of residential curtilage.	Approved	10.04.2014
DC/2016/00060	Proposed shelter for goats and storage of their food and bedding.	Approved	08.03.2016
DC/2015/00553	Non material amendments in relation to planning permission DC/2014/00040 (provision of dormer windows to front elevation and omission of window to side elevation. Alteration of positions of front door and hall window)	Approved	06.05.2015
DC/2006/00458	Demolition of existing cottage and erection of a new dwelling house, change of use of an area of adjacent agricultural land to increase the residential curtilage.	Refused	05.06.2007
DC/2014/00599	Erection of single garage with ancillary domestic accommodation.	Withdrawn	04.07.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S15 LDP Minerals

S16 LDP Transport

S17 LDP Place Making and Design
S12 LDP Efficient Resource Use and Flood Risk

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
GI1 LDP Green Infrastructure
H6 LDP Extension of Rural Dwellings
LC1 LDP New Built Development in the Open Countryside
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
RE3 LDP Agricultural Diversification
SD4 LDP Sustainable Drainage

Supplementary Planning Guidance

Green Infrastructure April 2015
LDP Policies H5 & H6 Replacement Dwellings in the Open Countryside and Extension of Rural Dwellings SPG April 2015

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

Technical Advice Notes

Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 6: planning for sustainable rural communities

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council: objects to the proposal on the following grounds:

1. The local roads and highways servicing this development are not suitable to accept further high levels of traffic. Because of the nature of the proposal car journeys would be very frequent and regular with daily or more frequent drop offs and collections on very narrow lanes.
2. The application forms notes that there are no parking implications associated with this application and no proposals to deal with cars arriving on site to drop off or collect animals. Clearly there are parking implications that need to be accommodated.
3. The application does not note the number of dogs the facility would cater for or how the waste from such activities will be managed. The number of dogs being catered for will give some indication of traffic generation. The Application Form and drawings are silent on any waste management proposals.
4. The details submitted do not indicate how many staff may be involved in the proposal and does not identify any specific staff parking or facilities.
5. The proposed 1800mm high fencing erected round the dog walking fields is obtrusive and does not fit in with the surrounding natural environment, despite planting proposals which will take years to establish.'

MCC Highways: No objection

MCC Landscape/GI: Holding objection

MCC Biodiversity: No reply

MCC Environmental Health: No objection

MCC Drainage: No objection subject to conditions

AONB Office: No reply

5.2 Neighbour Notification

This application was advertised by means of 3no. site notices and direct neighbour notification. Two objections have been received with the key points summarised as: the use is not needed in the area due to the walking areas available nearby, increased vehicular movements.

One representation in support of the application has been received.

5.3 Local Member Representations

The Highways comments made in relation to application DM/2021/01728 appear to be relevant to this application which is on the same rural lane in relation to the local highway network capacity, which is also part of a main cycling route (national route 42). I would be grateful if the above application could be referred to the planning committee for consideration of local and national planning policy, visual amenity on fencing, transport and highway concerns.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The application site is outside of any defined settlement boundaries as shown on the proposals map of the LDP and is therefore classed as open countryside where there is a presumption against new development unless it is for an appropriate use within the countryside. Although the development site is outside of the urban boundary, the proposed use is considered to be acceptable within this location. Whilst LDP Policy LC1 sets out to promote the effective use of land within urban boundaries it is considered unlikely that a site within the urban boundary would exist

where the use would be able to operate without having an adverse impact. Furthermore, TAN6 relates to development within the countryside and promotes the diversification of the rural economy.

LDP Policy LC1 sets out criteria for proposals to be assessed against, in this instance it is considered that the proposal does meet the relevant criteria by providing rural diversification. The proposed extension to the garage is considered to meet the criteria and be justified. There is no objection to the principle of the extension of this scale and nature within the curtilage of a dwelling house, the proposed extension meets the relevant criteria as outlined in LDP Policy H6 and the associated SPG.

The site is within a mineral safeguarding zone however as the proposed extension would be built within the residential curtilage of the existing dwellinghouse and the use of the field changing from agriculture to dog walking, neither of these uses would sterilise the site or provide a justification as to refuse this application.

The development does not propose to interfere with the SINC and therefore there is no adverse impact identified that would warrant refusal.

6.2 Sustainability

The application site is outside of the defined settlement boundaries however given its small scale and need for larger open space with low scale physical infrastructure, it is considered to be an appropriate use within the open countryside. There will be a maximum of six dogs on site each day with four being collected and dropped off each day by the applicant therefore reducing the number of vehicular trips each day.

The proposed development includes solar panels proposed on the rear roof plane of the garage as a source of renewable energy.

6.3 Design

The proposed extension to the existing garage is not considered to result in any unacceptable visual impact or to be harmful to the amenity/character of the area. The design is in keeping with the existing dwelling and garage allowing it to assimilate into the site and due to its proximity to the existing dwelling, is not considered to look incongruous within the wider landscape. LDP policies DES1, LC4 and LC5 are relevant to this application as they aim to ensure that development is acceptable within its surroundings and does not result in any unacceptable harm to the landscape character or to the special character of the AONB.

In this case, the proposed garage extension is located outside of the AONB, therefore only the field/change of use element is within the AONB. No buildings are proposed to be sited within the field and the only development is the parking area/access track and deer fencing. All of the features proposed within the field are considered to be appropriate for this setting and are not considered to look out of place or result in any unacceptable visual impact that would cause harm. Additionally, the applicant has recently planted trees and proposed to plant hedgerows within the field which will further reduce any visual impact caused by the development.

Concerns have been raised by the Council's Landscape Officer in relation to the impact of the proposed deer fencing. The proposed deer fencing is needed to ensure the safety of the dogs whilst using the exercise area and is not considered to be unacceptable in this location. Furthermore, the proposed fencing could be erected within the site without the need for planning permission under Schedule 2, Part 2, Class A permitted development rights granted by The Town and Country Planning (General Permitted Development) Order 1995 therefore this concern is not considered sufficient to warrant the refusal of this application. Details of the proposed fencing and location are required as per a condition. A second condition removing PD rights is proposed to control fencing in the future is deemed appropriate.

6.4 Green Infrastructure/Biodiversity

In line with Welsh Government guidelines, each application for planning permission must now provide Ecological mitigation and enhancement, in this case planting of native hedgerows has been proposed on the submitted plans, this is considered to be appropriate given the scale/extent and location of the proposed development. Due to the proximity of the development site to the SINC it is considered necessary to remove permitted development rights from the field in relation to lighting.

6.5 Impact on Amenity

Given the relatively isolated location of the site and the lack of properties in the immediate vicinity it is considered that the development would not have a detrimental impact on the living conditions of neighbouring occupiers. The Council's Environmental Health Officer has been consulted on this application and raises no objection due to the distance separating the development sites and the closest residential dwellings.

6.6 Highways

The Local Highway Authority have been consulted on this application and their initial objection has been overcome by additional information provided by the applicant. The Highway Authority is satisfied that there is sufficient parking/turning provision within the site to serve the development and as the number of dogs is limited to a maximum of six with four being collected and taken from site by the applicant, there is no concern regarding the capacity of the highway network.

6.7 Drainage

The Lead Local Flood Authority (LLFA) have been consulted on this application and raises no objection subject to a condition requiring a drainage scheme be submitted and agreed by the LPA and subject to an informative relating to SuDS.

6.8 Response to the Representations of Third Parties and/or Community/Town Council

The Community Council has raised the following concerns in their objections:

1. The local roads and highways servicing this development are not suitable to accept further high levels of traffic. Because of the nature of the proposal car journeys would be very frequent and regular with daily or more frequent drop offs and collections on very narrow lanes.

- No objection or concern has been raised by the Local Highway Department in terms of the capacity of the existing road network; therefore the LPA has no grounds for concern in this respect.

2. The application form notes that there are no parking implications associated with this application and no proposals to deal with cars arriving on site to drop off or collect animals. Clearly there are parking implications that need to be accommodated.

- The most recent plans indicate parking provision on site with a turning area which has been deemed satisfactory by the Local Highway Authority and therefore no concern is raised in this regard.

3. The application does not note the number of dogs the facility would cater for or how the waste from such activities will be managed. The number of dogs being catered for will give some indication of traffic generation. The Application Form and drawings are silent on any waste management proposals.

- The proposed use would cater for a maximum of 6 dogs which will be controlled via a condition. MCC's licencing department has advised the applicant to use the local dog faeces disposal facility this will be arranged separately with a collection service operated by the Local Authority.

4. The details submitted do not indicate how many staff may be involved in the proposal and does not identify any specific staff parking or facilities.

- The application form submitted with the application, does not indicate any additional staff, the proposals will be staffed by the applicant alone. Overall, the parking is considered sufficient for the proposals. There are no objections from the Highways Officer.

5. The proposed 1.8m high fencing erected round the dog walking fields is obtrusive and does not fit in with the surrounding natural environment, despite planting proposals which will take years to establish.'

- The visual impact in relation to the fencing is not considered to be unacceptable however as this can be erected without the need for planning consent this is not a sufficient reason for planning consent to be withheld.

6.9 Well-Being of Future Generations (Wales) Act 2015

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.10 Conclusion

Having regard to the policy context above, the proposal is considered to be acceptable and planning permission is recommended subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No works shall commence on site until the LPA has approved in writing the surface water drainage system for the site. The system will need to be in line with National Statutory Guidance for SuDS with both water quantity and quality in line with the standards. Runoff will need to be reduced to greenfield rates and follow the discharge hierarchy in Building Regulations Approved Document H. The approved drainage scheme shall be carried out before the use, hereby approved, is commenced.

Reason: To ensure the development does not increase runoff into local watercourses or increase pollutant hazards in local watercourses.

4 Prior to the commencement of development full details of landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
o Soft landscape details shall include: means of protection, planting plan(s), specifications including cultivation and other operations associated with tree, plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan

5 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of

appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

6 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation

All planting, hedging, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

7 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed in the exercise area unless an appropriate lighting plan which provides detail of lighting type, positioning and specification has been agreed in writing with the LPA. All lighting shall only be implemented in strict accordance with the approved details.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

8 The dog day care element of the proposal hereby approved is limited to a maximum of 6 dogs at a time.

Reason: In the interests of Highway Safety and Residential Amenity

9 The use hereby approved shall not operate outside of 8am - 6pm daily.

Reason: In the interests of residential amenity.

10 Prior to beneficial use of the use hereby approved, the parking and turning provision as shown on approved plan 1535-7 must be provided and maintained in perpetuity.

Reason: In the interests of Highway Safety

11 Prior to the development coming into beneficial use/operation the external finishes as shown on approved plan 1535-2A shall be applied and completed.

Reason: In the interests of visual amenity.

12 No fencing or other means of enclosure shall be erected on site until full details including finish, locations and heights have been submitted to and approved in writing by the LPA, the development will then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

13 Notwithstanding the provisions of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected, constructed or increased in height within the site.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

INFORMATIVES

1 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not.

If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

2 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

3 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m² or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage.

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m² of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries - 01495 768306

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

4 BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection

5 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease, and an appropriately experienced ecologist must be contacted immediately.