

Public Document Pack



Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Llun, 25 Medi 2017

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 3ydd Hydref, 2017 at 2.00 pm,
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

AGENDA

Eitem Ddim	Eitem	Tudallennau
1.	Ymddiheuriadau am absenoldeb	
2.	Datganiadau o Fuddiant	
3.	Cofnodion y cyfarfod blaenorol a gynhaliwyd ar 5 Medi 2017	1 - 18
4.	Adroddiadau gan y Prif Swyddog-Menter i ystyried y cais cynllunio canlynol.	
4.1.	DC/2014/01360 - ADEILADU UNEDAU PRESWYL 250 Â DYMCHWEL CYSYLLTIEDIG A GWAITH SEILWAITH, TIR YN DERI FFERM, MAERDY, Y FENNI	19 - 38
4.2.	DC/2016/01219 - CAIS CYNLLUNIO LLAWN AR GYFER LLEOLI GWEITHWYR GWLEDIG DROS DRO ANNEDD AM GYFNOD O DAIR BLYNEDD, FFERM COED DERW, HEN CHWAREL ROAD, DEVAUDEN	39 - 54
4.3.	DC/2017/00771 - CAIS CYNLLUNIO ÔL-WEITHREDOL I NEWID Y DEFNYDD O 4056SQ. M. O DIR O DDEFNYDD PORI/AMAETHYDDOL I STORIO NEU DDOSBARTHU; DEFNYDDIWDYD Y TIR AR GYFER STORIO A DOSBARTHU AR GYFER Y BLYNYDDOEDD DIWETHAF 4, GWASANAETHAU RHWYSTR, ELMS, CAERWENT BROOK, CALDICOT	55 - 62
5.	AM wybodaeth-yr Arolygiaeth Gynllunio-apeliadau derbyn penderfyniadau	

5.1.	PENDERFYNIAD APÊL-BONT GROG INN	63 - 66
5.2.	DRENEWYDD GELLI-FARCH PENDERFYNIAD-CLEARVIEW, APÊL	67 - 72
5.3.	PENDERFYNIAD APÊL-' R CYMRY GOYTRE, PANDY	73 - 86
6.	Apeliadau cynllunio a dderbyniwyd 20/7/17 i 20/9/17	87 - 98
7.	SIR FYNWY CDLL-MABWYSIADU CANLLAWIAU CYNLLUNIO ATODOL LLETY TWRISTIAETH GYNALIADWY	99 - 156
8.	SIR FYNWY CDLL-MABWYSIADU O DROSI GWLEDIG I PRESWYL NEU TWRISTIAETH DEFNYDD (POLISIÁU H4 & T2) CANLLAWIAU CYNLLUNIO ATODOL	157 - 204

Paul Matthews

Prif Weithredwr

CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

R. Edwards
P. Clarke
J. Becker
D. Blakebrough
L. Brown
A. Davies
D. Dovey
D. Evans
M. Feakins
R. Harris
J. Higginson
G. Howard
P. Murphy
M. Powell
A. Webb

Gwybodaeth Gyhoeddus

Bydd rhaid I unrhyw person sydd eisiau siarad yn Y Pwyllgor Cynllunio cofrestru gyda Gwasanaethau Democrataidd erbyn hanner dydd ar diwrnod cyn y cyfarfod. Mae manylion ynglŷn a siarad yn cyhoeddus ar gael tu fewn l'r agenda neu yma [Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio](#)

Mynediad i gopiâu papur o agendâu ac adroddiadau

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

Edrych ar y cyfarfod ar-lein

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i www.monmouthshire.gov.uk neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

Y Gymraeg

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

Diben

Diben yr adroddiadau a atodir a'r cyflwyniad cysylltiedig gan swyddogion i'r Pwyllgor yw galluogi'r Pwyllgor Cynllunio i wneud penderfyniad ar bob cais yn y rhestr a atodir, ar ôl pwysu a mesur y gwahanol ystyriaethau cynllunio perthnasol.

Dirprwywyd pwerau i'r Pwyllgor Cynllunio wneud penderfyniadau ar geisiadau cynllunio. Mae'r adroddiadau a gynhwysir yn yr atodlen yma'n asesu'r datblygiad arfaethedig yn erbyn polisi cynllunio perthnasol ac ystyriaethau cynllunio eraill perthnasol, a rhoi ystyriaeth i'r holl ymatebion ymgynghori a dderbyniwyd. Daw pob adroddiad i ben gydag argymhelliad swyddog i'r Pwyllgor Cynllunio ar p'un ai yw swyddogion yn ystyried y dylid rhoi caniatâd cynllunio (gydag awgrym am amodau cynllunio lle'n briodol) neu ei wrthod (gydag awgrymiadau am resymau dros wrthod).

Dan Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004, mae'n rhaid i bob cais cynllunio gael eu penderfynu yn unol â Chynllun Datblygu Lleol Sir Fynwy 2011-2021 (a fabwysiadwyd yn Chwefror 2014), os nad yw ystyriaethau cynllunio perthnasol yn awgrymu fel arall.

Disgwylir i'r holl benderfyniadau a wneir fod o fudd i'r Sir a'n cymunedau drwy ganiatáu datblygu ansawdd da yn y lleoliadau cywir, ac ymwrthod â datblygiad amhriodol, ansawdd gwael neu yn y lleoliad anghywir. Mae cysylltiad uniongyrchol i amcan y Cyngor o adeiladu cymunedau cryf a chynaliadwy.

Gwneud penderfyniadau

Gellir cytuno ar geisiadau yn rhwym ar amodau cynllunio. Mae'n rhaid i amodau gyflawni'r holl feini prawf dilynol:

- Angenrheidiol i wneud y datblygiad arfaethedig yn dderbyniol;
- Perthnasol i ddeddfwriaeth cynllunio (h.y. ystyriaeth cynllunio);
- Perthnasol i'r datblygiad arfaethedig dan sylw;
- Manwl;
- Gorfodadwy; a
- Rhesymol ym mhob cyswllt arall.

Gellir cytuno i geisiadau yn amodol ar gyntdeb cyfreithiol dan Adran 106 Deddf Cynllunio Tref a Gwlad 1990 (fel y'i diwygiwyd). Mae hyn yn sicrhau goblygiadau cynllunio i wrthbwysu effeithiau'r datblygiad arfaethedig. Fodd bynnag, mae'n rhaid i'r goblygiadau cynllunio hyn gyflawni'r holl feini prawf dilynol er mwyn iddynt fod yn gyfreithlon:

- Angenrheidiol i wneud y datblygiad yn dderbyniol mewn termau cynllunio;
- Uniongyrchol gysylltiedig â'r datblygiad; ac
- Wedi cysylltu'n deg ac yn rhesymol mewn maint a math i'r datblygiad.

Mae gan yr ymgeisydd hawl apelio statudol yn erbyn gwrthod caniatâd yn y rhan fwyaf o achosion, neu yn erbyn gosod amodau cynllunio, neu yn erbyn methiant y Cyngor i benderfynu ar gais o fewn y cyfnod statudol. Nid oes unrhyw hawl apelio trydydd parti yn erbyn penderfyniad.

Gall y Pwyllgor Cynllunio wneud argymhellion sy'n groes i argymhelliad y swyddog. Fodd bynnag, mae'n rhaid rhoi rhesymau am benderfyniadau o'r fath ac mae'n rhaid i'r penderfyniad fod yn seiliedig ar y Cynllun Datblygu Lleol (LDP) a/neu ystyriaethau cynllunio perthnasol. Pe byddai penderfyniad o'r fath yn cael ei herio mewn apêl, bydd yn ofynnol i Aelodau Pwyllgor amddiffyn eu penderfyniad drwy'r broses apêl.

Prif gyd-destun polisi

Mae'r LDP yn cynnwys y prif bolisiâu datblygu a dylunio. Yn hytrach nag ail-adrodd y rhain ar gyfer pob cais, caiff y geiriad llawn ei osod islaw er cymorth Aelodau.

Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd

Dylai datblygiad, yn cynnwys cynigion ar gyfer adeiladau newydd, estyniadau i adeiladau presennol a hysbysebion roi ystyriaeth i breifatrwydd, amwynder ac iechyd defnyddwyr adeiladau cyfagos. Ni chaniateir cynigion datblygu a fyddai'n achosi neu'n arwain at risg/niwed annerbyniol i amwynder lleol, iechyd, cymeriad/ansawdd cefn gwlad neu fuddiannau cadwraeth natur, tirlun neu bwysigrwydd treftadaeth adeiledig oherwydd y dilynol, os na fedrir dangos y gellir cymryd mesurau i oresgyn unrhyw risg sylweddol:

- Llygredd aer;
- Llygredd golau neu sŵn;
- Llygredd dŵr;
- Halogiad;
- Ansefydlogrwydd tir; neu
- Unrhyw risg a ddynodwyd i iechyd neu ddiogelwch y cyhoedd.

Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

Dylai pob datblygiad fod o ddyluniad cynaliadwy ansawdd uchel a pharchu cymeriad lleol a nodweddion neilltuoel amgylchedd adeiledig, hanesyddol a naturiol Sir Fynwy. Bydd yn ofynnol i gynigion datblygu:

- a) Sicrhau amgylchedd diogel, dymunol a chyfleus sy'n hygyrch i bob aelod o'r gymuned, yn cefnogi egwyddorion diogelwch y gymuned ac yn annog cerdded a seiclo;
- b) Cyfrannu tuag at naws o le wrth sicrhau fod maint y datblygiad a'i ddwyyster yn gydnaws gyda defnyddiau presennol;
- c) Parchu ffurf, maint, lleoliad, casglu, deunyddiau a gweddwlun ei osodiad ac unrhyw adeiladau cyfagos o ansawdd;
- d) Cynnal lefelau rhesymol o breifatrwydd ac amwynder defnyddwyr adeiladau cyfagos, lle'n berthnasol;
- e) Parchu'r golygfeydd adeiledig a naturiol lle maent yn cynnwys nodweddion hanesyddol a/neu amgylchedd adeiledig neu dirlun deniadol neu neilltuoel;
- f) Defnyddio technegau adeiladu, addurniad, arddulliau a golau i wella ymddangosiad y cynnig gan roi ystyriaeth i wead, lliw, patrwm, cadernid a saerniaeth mewn defnyddio deunyddiau;
- g) Ymgorffori a, lle'n bosibl, wella nodweddion presennol sydd o werth hanesyddol, gweledol neu gadwraeth natur a defnyddio'r traddodiad brodorol lle'n briodol;
- h) Cynnwys cynigion tirlun ar gyfer adeiladau newydd a defnyddiau tir fel eu bod yn integreiddio i'w hamgylchiadau, gan roi ystyriaeth i ymddangosiad y tirlun presennol a'i gymeriad cynhenid, fel y'i diffinnir drwy broses LANDMAP. Dylai tirlunio roi ystyriaeth i, a lle'n briodol gadw, coed a gwrychoedd presennol;
- i) Gwneud y defnydd mwyaf effeithiol o dir sy'n gydnaws gyda'r meini prawf uchod, yn cynnwys y dylai isafswm dwysedd net datblygiad preswyl fod yn 30 annedd fesul hectar, yn amodol ar faen prawf l) islaw;
- j) Sicrhau dyluniad sy'n ymateb i'r hinsawdd ac effeithiol o ran adnoddau. Dylid rhoi ystyriaeth i leoliad, cyfeiriadu, dwysedd, gweddwlun, ffurf adeiledig a thirlunio ac i effeithiolrwydd ynni a defnyddio ynni adnewyddadwy, yn cynnwys deunyddiau a thechnoleg;
- k) Meithrin dylunio cynhwysol;
- l) Sicrhau y caiff ardaloedd preswyl presennol a nodweddir gan safonau uchel o breifatrwydd ac ehangder eu gwarchod rhag gor-ddatblygu a mewnlenni ansensitif neu amhriodol.

Cyfeirir at bolisiau perthnasol allweddol eraill yr LDP yn adroddiad y swyddog.

Canllawiau Cynllunio Atodol (SPG):

Gall y Canllawiau Cynllunio Atodol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio perthnasol:

- Seilwaith Gwyrdd (mabwysiadwyd Ebrill 2015)
- Canllawiau Dylunio Trosi Adeiladau Amaethyddol (mabwysiadwyd Ebrill 2015)
- Polisi H4(g) LDP Trosi/Adfer Adeiladau yng Nghefn Gwlad i Ddefnydd Preswyl - Asesu Ail-dddefnydd ar gyfer Dibenion Busnes (mabwysiadwyd Ebrill 2015)
- Polisiâu H5 a H6 LDP Anheddau yn Lle ac Ymestyn Anheddau Gwledig yng Nghefn Gwlad (mabwysiadwyd Ebrill 2015)

- Arfarniad Ardal Cadwraeth Trellech (Ebrill 2012)
- Garejys Domestig (mabwysiadwyd Ionawr 2013)
- Safonau Parcio Sir Fynwy (mabwysiadwyd Ionawr 2013)
- Ymagwedd at Oblygiadau Cynllunio (Mawrth 2013)
- Drafft Tai Fforddiadwy (Gorffennaf 2015)
- Drafft Ynni Adnewyddadwy ac Effeithiolrwydd Ynni (Rhagfyr 2014)
- Drafft Nodyn Cyngor Cynllunio ar Asesu Tirlun Datblygu ac Effaith Gweledol Tyrbinau Gwynt
- Drafft Prif Wynebau Siopau (Mehafin 2015)

Polisi Cynllunio Cyhoeddus

Gall y polisi cynllunio cenedlaethol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio berthnasol:

- Polisi Cynllunio Cymru (PPW) 11 2016
- Nodiadau Cyngor Technegol (TAN) PPW:
- TAN 1: Cydastudiaethau Argaeledd Tir Tai (2014)
- TAN 2: Cynllunio a Thai Fforddiadwy (2006)
- TAN 3: Symleiddio Parthau Cynllunio (1996)
- TAN 4: Manwerthu a Chanol Trefi (1996)
- TAN 5: Cadwraeth Natur a Chynllunio (2009)
- TAN 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- TAN 7: Rheoli Hysbysebion Awyr Agored (1996)
- TAN 8: Ynni Adnewyddadwy (2005)
- TAN 9: Gorfodaeth Rheoli Adeiladu (1997)
- TAN 10: Gorchmynion Cadwraeth Coed (1997)
- TAN 11: Sŵn (1997)
- TAN 12: Dylunio (2014)
- TAN 13: Twristiaeth (1997)
- TAN 14: Cynllunio Arfordirol (1998)
- TAN 15: Datblygu a Risg Llifogydd (2004)
- TAN 16: Chwaraeon, Hamdden a Gofodau Agored (2009)
- TAN 18: Trafnidiaeth (2007)
- TAN 19: Telathrebu (2002)
- TAN 20: Y Gymraeg (2013)
- TAN 21: Gwastraff (2014)
- TAN 23: Datblygu Economaidd (2014)
- TAN 24: Yr Amgylchedd Hanesyddol (2017)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 1: Agregau (30 Mawrth 2004)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 2: Glo (20 Ionawr 2009)
- Cylchlythyr Llywodraeth Cymru 016/2014 ar amodau cynllunio

Materion eraill

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

Deddf Cynllunio (Cymru) 2016

Daeth Adranau 11 a 31 y Ddeddf Cynllunio i rym yn Ionawr 2016 yn golygu fod y Gymraeg yn ystyriaeth cynllunio berthnasol. Mae Adran 11 yn ei gwneud yn ofynnol i'r gwerthusiad cynaliadwyedd, a gymerir wrth baratoi LDP, gynnwys asesiad o effeithiau tebygol y cynllun ar ddefnydd y Gymraeg yn y gymuned. Lle mae cynllun integredig sengl yr awdurdod wedi dynodi bod y Gymraeg yn flaenoriaeth, dylai'r asesiad fedru dangos y cysylltiad rhwng yr ystyriaeth ar gyfer y Gymraeg a'r prif arfarniad cynaliadwyedd ar gyfer yr LDP, fel y'i nodir yn TAN 20.

Mae Adran 31 y Ddeddf Cynllunio yn egluro y gall awdurdodau cynllunio gynnwys ystyriaethau yn ymwneud â'r defnydd o'r Gymraeg wrth wneud penderfyniadau ar geisiadau am ganiatâd cynllunio, cyn belled ag mae'n berthnasol i'r Gymraeg. Nid yw'r darpariaethau yn rhoi unrhyw bwysiad ychwanegol i'r Gymraeg o gymharu ag ystyriaethau perthnasol eraill. Mater i'r awdurdod cynllunio lleol yn llwyr yw p'un ai yw'r Gymraeg yn ystyriaeth berthnasol mewn unrhyw gais cynllunio, a

dylai'r penderfyniad p'un ai i roi ystyriaeth i faterion y Gymraeg gael ei seilio ar yr ystyriaeth a roddwyd i'r Gymraeg fel rhan o broses paratoi'r LDP.

Cynhaliwyd gwerthusiad cynaliadwyedd ar Gynllun Datblygu Lleol (LDP) Sir Fynwy a fabwysiadwyd yn 2014, gan roi ystyriaeth i'r ystod lawn o ystyriaethau cymdeithasol, amgylcheddol ac economaidd, yn cynnwys y Gymraeg. Cyfran cymharol fach o boblogaeth Sir Fynwy sy'n siarad, darllen neu ysgrifennu Cymraeg o gymharu gydag awdurdodau lleol eraill yng Nghymru ac ni ystyriwyd fod angen i'r LDP gynnwys polisi penodol ar y Gymraeg. Roedd casgliad yr asesiad am effeithiau tebygol y cynllun ar y defnydd o'r Gymraeg yn y gymuned yn fach iawn.

Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

Mae Rheoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Lloegr a Chymru) 1999 fel y'i diwygiwyd gan Reoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Diwygiad) 2008 yn berthnasol i'r argymhellion a wnaed. Bydd y swyddog yn tynnu sylw at hynny pan gyflwynwyd Datganiad Amgylcheddol gyda chais.

Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

Lle aseswyd bod safe cais yn safle bridio neu glwydo ar gyfer rhywogaethau Ewropeaidd a warchodir, bydd angen fel arfer i'r datblygydd wneud cais am "randdirymiad" (trwydded datblygu) gan Cyfoeth Naturiol Cymrau. Mae pob rhywogaeth o ystlumod, pathwod a madfallod cribog mawr yn enghreifftiau o'r rhywogaethau gwarchodedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwyddeb Cynefinoedd y caniateir rhanddirymiaid. Caiff y tri phrawf eu nodi islaw.

(i) Mae'r rhanddirymiad er budd iechyd a diogelwch y cyhoedd, neu am resymau hanfodol eraill o ddiddordeb pennaf i'r cyhoedd, yn cynnwys rhai o natur economaidd a chanlyniadau buddiol o bwysigrwydd sylfaenol i'r amgylchedd.

(ii) Nad oes dewis arall boddhaol.

(iii) Nad yw'r rhanddirymiad yn niweidiol i gynnal y boblogaeth o'r rhywogaeth dan sylw drwy statws cadwraeth ffafriol yn eu hardal naturiol.

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

Nod y Ddeddf yw gwella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru. Mae'r Ddeddf yn gosod nifer o amcanion llesiant

- **Cymru lewyrchus;** defnydd effeithiol o adnoddau, pobl fedrus ac addysgedig, cynhyrchu cyfoeth, darparu swyddi;
- **Cymru gref;** cynnal a chyfoethogi bioamrywiaeth ac ecosystemau sy'n cefnogi hynny ac a all addasu i newid (e.e. newid yn yr hinsawdd);
- **Cymru iachach;** cynyddu llesiant corfforol a meddyliol pobl i'r eithaf a deall effeithiau iechyd;
- **Cymru o gymunedau cydlynol:** cymunedau yn ddeniadol, hyfyw, diogel a gyda chysylltiadau da.
- **Cymru sy'n gyfrifol yn fyd-eang:** rhoi ystyriaeth i effaith ar lesiant byd-eang wrth ystyried llesiant cymdeithasol, economaidd ac amgylcheddol lleol;
- **Cymru gyda diwylliant egniïol a'r iaith Gymraeg yn ffynnu:** caiff diwylliant, treftadaeth a'r Gymraeg eu hyrwyddo a'u diogelu. Caiff pobl eu hannog i gymryd rhan mewn chwaraeon, celf a hamdden;
- **Cymru fwy cyfartal:** gall pobl gyflawni eu potensial beth bynnag yw eu cefndir neu amgylchiadau.

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

- **Hirdymor:** cydbwyso angen tymor byr gyda'r hirdymor a chynllunio ar gyfer y dyfodol;
- **Cydweithio:** cydweithio gyda phartneriaid eraill i gyflawni amcanion;
- **Ymggyfraniad:** cynnwys y rhai sydd â diddordeb a gofyn am eu barn;
- **Atal:** rhoi adnoddau i ateb problemau rhag digwydd neu waethygu;
- **Integreiddio:** cael effaith gadarnhaol ar bobl, yr economi a'r amgylchedd a cheisio bod o fudd i bob un o'r tri.

Mae'r gwaith a wneir gan awdurdod cynllunio lleol yn cysylltu'n uniongyrchol â hyrwyddo a sicrhau datblygu cynaliadwy ac yn anelu i sicrhau cydbwysedd rhwng y tri maes: amgylchedd, economi a chymdeithas.

Trefn Troseddu ac Anrhefn 1998

Mae Adran 17(1) Deddf Troseddu ac Anrhefn 1998 yn gosod dyletswydd ar awdurdod lleol i weithredu ei wahanol swyddogaethau gan roi ystyriaeth ddyledus i effaith debygol gweithredu'r swyddogaethau hynny ar, a'r angen i wneud popeth y gall ei wneud yn rhesymol i atal troseddu ac anrhefn yn ei ardal. Gall troseddu ac ofn troseddu fod yn ystyriaeth cynllunio berthnasol. Tynnir sylw at y pwnc hwn yn adroddiad y swyddog lle mae'n ffurfio ystyriaeth sylweddol ar gyfer cynnig.

Deddf Cydraddoldeb 2010

Mae Deddf Cydraddoldeb 2010 yn cynnwys dyletswydd cydraddoldeb sector cyhoeddus i integreiddio ystyriaeth cydraddoldeb a chysylltiadau da ym musnes rheolaidd awdurdodau cyhoeddus. Mae'r Ddeddf yn dynodi nifer o 'nodweddion gwarchoddedig': oedran, anabledd, aillbennu rhywedd; priodas a phartneriaeth sifil; hil; crefydd neu gredo; rhyw; a chyfeiriadedd rhywiol. Bwriedir i gydymffurfiaeth arwain at benderfyniadau a wnaed ar sail gwybodaeth well a datblygu polisi a gwasanaethau sy'n fwy effeithlon ar gyfer defnyddwyr. Wrth weithredu ei swyddogaethau, mae'n rhaid i'r Cyngor roi ystyriaeth ddyledus i'r angen i: ddileu gwahaniaethu anghyfreithlon, aflonyddu, erledigaeth ac ymddygiad arall a gaiff ei wahardd gan y Ddeddf; hybu cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt; a meithrin cysylltiadau da rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt. Mae rhoi ystyriaeth ddyledus i hyrwyddo cydraddoldeb yn cynnwys: dileu neu leihau anfanteision a ddioddefir gan bobl oherwydd eu nodweddion gwarchoddedig; cymryd camau i ddiwallu anghenion o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i anghenion pobl eraill; ac annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Mesur Plant a Theuluoedd (Cymru)

Mae ymgynghoriad ar geisiadau cynllunio yn agored i'n holl ddinasyddion faint bynnag eu hoed; ni chynhelir unrhyw ymgynghoriad wedi'i dargedu a anelwyd yn benodol at blant a phobl ifanc. Yn dibynnu ar faint y datblygiad arfaethedig, rhoddir cyhoeddusrwydd i geisiadau drwy lythyrau i feddianwyr cyfagos, hysbysiadau safle, hysbysiadau yn y wasg a/neu gyfryngau cymdeithasol. Nid yw'n rhaid i bobl sy'n ymateb i ymgynghoriadau roi eu hoedran nac unrhyw ddata personol arall, ac felly ni chaiff y data yma ei gadw na'i gofnodi mewn unrhyw ffordd, ac ni chaiff ymatebion eu gwahanu yn ôl oedran.

Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio

Dim ond yn llwyr yn unol â'r protocol hwn y caniateir cyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio. Ni allwch fynnu siarad mewn Pwyllgor fel hawl. Mae'r gwahoddiad i siarad a'r ffordd y cynhelir y cyfarfod ar ddisgresiwn Cadeirydd y Pwyllgor Cynllunio ac yn amodol ar y pwyntiau a nodir islaw.

Pwy all siarad

Cynghorau Cymuned a Thref

Gall cynghorau cymuned a thref annerch y Pwyllgor Cynllunio. Dim ond aelodau etholedig cynghorau cymuned a thref gaiff siarad. Disgwylir i gynrychiolwyr gydymffurfio â'r egwyddorion dilynol: -

(i) Cydymffurfio â Chod Cenedlaethol Ymddygiad Llywodraeth Leol. (ii) Peidio cyflwyno gwybodaeth nad yw'n:

- gyson gyda sylwadau ysgrifenedig eu cyngor, neu
 - yn rhan o gais, neu
 - wedi ei gynnwys yn yr adroddiad neu ffeil cynllunio.

Aelodau'r Cyhoedd

Cyfyngir siarad i un aelod o'r cyhoedd yn gwrthwynebu datblygiad ac un aelod o'r cyhoedd yn cefnogi datblygiad. Lle mae mwy nag un person yn gwrthwynebu neu'n cefnogi, dylai'r unigolion neu grwpiau gydweithio i sefydlu llefarydd. Gall Cadeirydd y Pwyllgor weithredu disgresiwn i ganiatáu ail siaradwr ond dim ond mewn amgylchiadau eithriadol lle mae cais sylweddol yn ysgogi gwahanol safbwyntiau o fewn un 'ochr' y ddadl (e.e. cais archfarchnad lle mae un llefarydd yn cynrychioli preswylwyr ac un arall yn cynrychioli manwerthwyr lleol). Gall aelodau'r cyhoedd benodi cynrychiolwyr i siarad ar eu rhan.

Lle na ddeuir i gytundeb, bydd yr hawl i siarad yn mynd i'r person/sefydliad cyntaf i gofrestru eu cais. Lle mae'r gwrthwynebydd wedi cofrestru i siarad caiff yr ymgeisydd neu asiant yr hawl i ymateb.

Cyfyngir siarad i geisiadau lle cyflwynwyd llythyrau gwrthwynebu/cefnogaeth neu lofnodion ar ddeiseb i'r Cyngor gan 5 neu fwy o aelwydydd/sefydliadau gwahanol. Gall y Cadeirydd weithredu disgresiwn i ganiatáu siarad gan aelodau o'r cyhoedd lle gallai cais effeithio'n sylweddol ar ardal wledig prin ei phoblogaeth ond y derbyniwyd llai na 5 o lythyr yn gwrthwynebu/cefnogi.

Ymgeiswyr

Bydd gan ymgeiswyr neu eu hasiantau a benodwyd hawl ymateb lle mae aelodau'r cyhoedd neu gyngor cymuned/tref yn annerch pwyllgor. Fel arfer dim ond ar un achlysur y caniateir i'r cyhoedd siarad pan gaiff ceisiadau eu hystyried gan Bwyllgor Cynllunio. Pan ohirir ceisiadau ac yn arbennig pan gânt eu hailgyflwyno yn dilyn penderfyniad pwyllgor i benderfynu ar gais yn groes i gyngor swyddog, ni chaniateir i'r cyhoedd siarad fel arfer. Fodd bynnag bydd yn rhaid ystyried amgylchiadau arbennig ar geisiadau a all gyfiawnhau eithriad.

Cofrestru Cais i Siarad

I gofrestru cais i siarad, mae'n rhaid i wrthwynebwyr/cefnogwyr yn gyntaf fod wedi gwneud sylwadau ysgrifenedig ar y cais. Mae'n rhaid iddynt gynnwys eu cais i siarad gyda'u sylwadau neu ei gofrestru wedyn gyda'r Cyngor.

Caiff ymgeiswyr, asiantau a gwrthwynebwyr eu cynghori i aros mewn cysylltiad gyda'r swyddog achos am ddatblygiadau ar y cais. Cyfrifoldeb y rhai sy'n dymuno siarad yw gwirio os yw'r cais i gael ei ystyried gan y Pwyllgor Cynllunio drwy gysylltu â'r Swyddog Cynllunio, a all roi manylion o'r dyddiad tebygol ar gyfer clywed y cais. Caiff y drefn ar gyfer cofrestru'r cais i siarad ei nodi islaw.

Mae'n rhaid i unrhyw un sy'n dymuno siarad hysbysu Swyddogion Gwasanaethau Democraidd y Cyngor drwy ffonio 01633 644219 neu drwy e-bost i registertospeak@monmouthshire.gov.uk. Caiff unrhyw geisiadau i siarad a gaiff eu e-bostio eu cydnabod cyn y dyddiad cau ar gyfer cofrestru i

siarad. Os nad ydych yn derbyn cydnabyddiaeth cyn y dyddiad cau, cysylltwch â Gwasanaethau Democrataidd ar 01633 644219 i wirio y cafodd eich cais ei dderbyn.

Mae'n rhaid i siaradwyr wneud hyn cyn gynted ag sydd modd, rhwng 12 canol dydd ar y dydd Mercher a 12 canol dydd ar y dydd Llun cyn y Pwyllgor. Gofynnir i chi adael rhif ffôn y gellir cysylltu â chi yn ystod y dydd.

Bydd y Cyngor yn cadw rhestr o bobl sy'n dymuno siarad yn y Pwyllgor Cynllunio.

Gweithdrefn yng Nghyfarfod y Pwyllgor Cynllunio

Dylai pobl sydd wedi cofrestru i siarad gyrraedd ddim hwyrach na 15 munud cyn dechrau'r cyfarfod. Bydd swyddog yn cynghori ar drefniadau seddi ac yn ateb ymholiadau. Caiff y weithdrefn ar gyfer delio gyda siarad gan y cyhoedd ei osod islaw:

- Bydd y Cadeirydd yn nodi'r cais i'w ystyried.
- Bydd swyddog yn cyflwyno crynodeb o'r cais a materion yn ymwneud â'r argymhelliad
- Os nad yw'r aelod lleol ar y Pwyllgor Cynllunio, bydd y Cadeirydd yn ei (g)wahodd i siarad am ddim mwy na 6 munud
- Yna bydd y Cadeirydd yn gwahodd cynrychiolydd y cyngor cymuned neu dref i siarad am ddim mwy na 4 munud.
- Bydd y Cadeirydd wedyn yn gwahodd yr ymgeisydd neu asiant a benodwyd (os yn berthnasol) i siarad am ddim mwy na 4 munud. Lle mae mwy na un person neu sefydliad yn siarad yn erbyn cais, ar ddisgresiwn y Cadeirydd bydd gan yr ymgeisydd neu'r asiant a benodwyd hawl i siarad am ddim mwy na 5 munud.
- Fel arfer cydymffurfir yn gaeth â chyfyngiadau amser, fodd bynnag bydd gan y Cadeirydd ddisgresiwn i addasu'r amser gan roi ystyriaeth i amgylchiadau'r cais neu'r rhai sy'n siarad.
- Dim ond unwaith y gall siaradwyr siarad.
- Bydd aelodau'r Pwyllgor Cynllunio wedyn yn trafod y cais, gan ddechrau gydag aelod lleol o'r Pwyllgor Cynllunio.
- Bydd y swyddogion yn ymateb i'r pwyntiau a godir os oes angen.
- Yn union cyn i'r mater gael ei roi i'r bleidlais, gwahoddir yr aelod lleol i grynhoi, gan siarad am ddim mwy na 2 funud.
- Ni all cynrychiolydd y cyngor cymuned neu dref neu wrthwynebydd/cefnogwyr neu'r ymgeisydd/asiant gymryd rhan yn ystyriaeth aelodau o'r cais ac ni allant ofyn cwestiynau os nad yw'r cadeirydd yn eu gwahodd i wneud hynny.
- Lle mae gwrthwynebydd/cefnogwr, ymgeisydd/asiant neu gyngor cymuned/tref wedi siarad ar gais, ni chaniateir unrhyw siarad pellach gan neu ar ran y grŵp hwnnw pe byddai'r cais yn cael ei ystyried eto mewn cyfarfod o'r pwyllgor yn y dyfodol heblaw y bu newid sylweddol yn y cais.
- Ar ddisgresiwn y Cadeirydd, gall y Cadeirydd neu aelod o'r Pwyllgor yn achlysurol geisio eglurhad ar bwynt a wnaed.
- Mae penderfyniad y Cadeirydd yn derfynol.
- Wrth gynnig p'un ai i dderbyn argymhelliad y swyddog neu i wneud diwygiad, bydd yr aelod sy'n gwneud y cynnig yn nodi'r cynnig yn glir.
- Pan gafodd y cynnig ei eilio, bydd y Cadeirydd yn dweud pa aelodau a gynigiodd ac a eiliodd y cynnig ac yn ailadrodd y cynnig a gynigwyd. Caiff enwau'r cynigydd a'r eilydd eu cofnodi.
- Bydd aelod yn peidio pleidleisio yng nghyswllt unrhyw gais cynllunio os na fu'n bresennol drwy gydol cyfarfod y Pwyllgor Cynllunio, y cyflwyniad llawn ac ystyriaeth y cais neilltuol hwnnw.
- Bydd unrhyw aelod sy'n ymatal rhag pleidleisio yn ystyried p'un ai i roi rheswm dros ei (h)ymatal.
- Bydd swyddog yn cyfrif y pleidleisiau ac yn cyhoeddi'r penderfyniad.

Cynnwys yr Arweithiau

Dylai sylwadau gan gynrychiolydd y cyngor tref/cymuned neu wrthwynebydd, cefnogwr neu ymgeisydd/asiant gael eu cyfyngu i faterion a godwyd yn eu sylwadau gwreiddiol a bod yn faterion cynllunio perthnasol. Mae hyn yn cynnwys:

- Polisiâu cynllunio cenedlaethol a lleol perthnasol
- Ymddangosiad a chymeriad y datblygiad, gweddllun a dwysedd

- Cynhyrchu traffig, diogelwch priffordd a pharcio/gwasanaethu;
- Cysgodi, edrych dros, ymyriad sŵn, aroglau neu golled arall amwynder.

Dylai siaradwyr osgoi cyfeirio at faterion y tu allan i gylch gorchwyl y Pwyllgor Cynllunio, megis:

- Anghydfod ffiniau, cyfamodau a hawliau eraill eiddo
- Sylwadau personol (e.e. cymhellion neu gamau gweithredu'r ymgeisydd hyd yma neu am aelodau neu swyddogion)
- Hawliau i olygfeydd neu ddibrisiant eiddo.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
September, 2017 at 2.00 pm**

PRESENT: County Councillor R. Edwards (Chairman)
County Councillor P. Clarke (Vice Chairman)

County Councillors: J.Becker, L.Brown, A.Davies, D. Dovey,
D. Evans, M.Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy,
M. Powell and A. Webb

County Councillors L.Dymock and V. Smith attended the meeting by
invitation of the Chairman.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Paula Clarke	Development Management Area Team Manager
Craig O'Connor	DM Area Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor D. Blakebrough

County Councillor M. Powell left the meeting following determination of application DC/2017/00876 and did not return.

1. Declarations of Interest

County Councillor R. Edwards declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2017/00898, as the applicant is a family member. She therefore left the meeting taking no part in the discussion or voting thereon.

County Councillor R. Harris declared a personal, non-prejudicial interest pursuant to the Member's Code of Conduct in respect of application DC/2017/00808, as he is a member of the 21st Century Schools Board.

County Councillor G. Howard declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2017/00786, as he had given informal advice to the applicant via a third party. He remained in the meeting but abstained from voting.

County Councillor G. Howard declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2017/00876, as he had

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

already expressed a view before determination. He remained in the meeting and commented on the application but abstained from voting.

County Councillor P. Murphy declared a personal, non-prejudicial interest pursuant to the Member's Code of Conduct in respect of application DC/2017/00808, as he is a member of the 21st Century Schools Board.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st August 2017 were confirmed and signed by the Chair.

3. APPLICATION DC/2017/000027 - THE ERECTION OF A RAW WATER PUMPING STATION (RWPS), FISH SCREEN, TRANSFORMER STATION, SECURITY FENCING, LIGHTING, UNDERGROUND PIPEWORK, LANDSCAPING, BUILDING DEMOLITION, MODIFICATIONS TO EXISTING SITE ACCESS, ALONG WITH TEMPORARY COFFER DAM, CONSTRUCTION COMPOUND AND CONSTRUCTION ACCESS. Prioress Mill RWPS, Prioress Mill Lane, Usk

We considered the report of the application and late correspondence, which was recommended for approval subject to the 18 conditions, as outlined in the report.

The local Member for Llanbadoc Ward attended the meeting by invitation of the Chair and outlined the following points:

- The scheme is necessary but has huge implications.
- Natural Resources Wales (NRW) is introducing the new extraction licence which will require more water pumping between the months of November and March. It is hoped that NRW is fully aware of the impact of the proposals on the river Usk and that proper mitigation will be undertaken now and in the future.
- It is necessary to consider the Wellbeing and Future Generations Act 2015. Reference is made to ensuring the wellbeing of wildlife but there is no mention of the wellbeing of local people.
- Residents have endured noise from the works at Prioress Mill for many years. Intermittent noise is creating a negative impact on local people's lives.
- Planning Policy Wales states that infrastructure that is poorly designed or badly located can exacerbate problems rather than solve them. The Environmental Health officer's report states that the application will only potentially improve noise issues.
- There will be the potential for noise from the eight extractor fans which will point south directly towards local residents. This is not good design and they should be relocated to the west side.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

Mr. R. Wightman, representing local objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The application is favourable to wildlife but detrimental to local residents.
- Local residents are only objecting to the specific design solution that Welsh Water and partners have chosen for this site.
- Minimal consultation on the proposal had been undertaken indicating that the proposal was going ahead.
- The planning record had shown that the proposed design had actively ruled out of scope the local community, visual and landscape impacts, architectural input, the history of noise complaints, the presence of listed buildings, the presence of floodlit defences immediately downstream and the risk of flooding from runoff.
- There is no mention of the Wellbeing and Future Generations Act 2015.
- The proposed buildings are unnecessarily tall and are visually intrusive. Twice as tall and three times bigger than the existing buildings.
- For the majority of the time the increased volume will be empty air space.
- Reluctantly, Welsh Water has agreed to add some exterior cladding but the essential problems of the main building still remain.
- Welsh Water's decision to abandon a less impactful 6.4 metre high design relates to their choice to move to fewer but bigger, noisier pumps.
- Welsh Water has refused to comply with an environmental information regulations inquiry (EIR) to clarify the options analysis around this decision. They give the commercial confidence of their commercial engineering partners as the reason. Last month they announced the reason for the change as lack of space.
- The judicial review that clarified that all water companies are subject to EIR was made in relation to a claim against Welsh Water for refusing to release information about the impact of this site.
- Welsh Water claims that their solution is the only one available but is not willing to prove that.
- No consideration has been given to sound proofing. Major sound emitters which cannot be relocated have been designed to face nearby residents. Reluctantly, Welsh Water has agreed to retrofit some sound proofing.
- At the site inspection, Arcadis demonstrated how the smallest breach in sound proofing transmits a lot of noise.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

- The new water intake has been designed without any flood or scour effects modelling.
- Poor quality drawings were made available at the site inspection.
- The objectors therefore urge the Planning Committee to refuse the application for the following reasons:
 - The Building location dimensions and profiles have been consistently vague and misrepresented.
 - No one can be certain of what will be approved.
 - The new Pumping Station will be too big and much more intrusive than necessary.
 - It does not meet the best available technique with regard to noise reduction or visual intrusion.
 - The noise conditions are weak and most likely unenforceable.
 - It remains as a potential threat to flood defences.
 - It has no proven overriding public interest arguments to justify its impact.
 - It is not supported by the necessary levels of transparency and accountability around decision making for a public body project.
 - It does not comply with the Wellbeing and Future Generations Act 2015.

Mr. M. Hennessey, Director of Capital Delivery for Welsh Water, attended the meeting by invitation of the Chair and outlined the following points:

- The existing pumping station at Prioress Mill was built in 1960 to enable water to be pumped from the River Usk to Llandegfedd Reservoir.
- Llandegfedd Reservoir has no alternative supply of water and is reliant from the water coming from Prioress Mill.
- The investment was made in 1960 to meet a supply / demand need for Cardiff, the Valleys and the surrounding catchments. This need still exists today.
- Over 600,000 customers are reliant on Prioress Mill for their supply of water both now and into the future.
- The existing pumping station is coming to the end of its design life. The structure is deteriorating, becoming unreliable and will not meet some of the environmental factors that are required.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

- Welsh Water is a not for profit organisation, owned by its customers and is accountable to its customers to make good investment decisions. It has a duty to safeguard water supplies for now and for future generations. The design is the best option for achieving that.
- It will provide a water supply for the next 60 years.
- £23 million is being invested in the new pumping station.
- Welsh Water has worked with all of the statutory consultees and the design has been amended on a number of occasions.
- There are no objections outstanding.
- Welsh Water has listened to local residents and communities and tried to alleviate concerns by designing a pumping station that fits into the natural environment and there will be a reduction in noise levels.
- In terms of noise, this will come under the British Standard and will have a low impact assessment with regard to the new installation.
- Protection of the environment and wildlife will be key during the construction process.
- Welsh Water will work with local communities to minimise disruption.
- The new pumping station at Prioress Mill is the right solution for both customers and the environment.

Having considered the report of the application and the views expressed, the following points were noted in support of the application:

- The proposed new building will be located a considerable distance from existing properties. It is set well back and is purpose built. Issues relating to the river (scour) are not planning issues but matters to be discussed between Welsh Water and Natural Resources Wales (NRW).
- The new pumping station is vitally important to 600,000 people.
- The noise levels will be less intrusive.
- Welsh Water had investigated moving the fans. However, additional screening in the form of an acoustic screen has been erected. On a noise basis, the scheme is acceptable. No objection has been received from Environmental Health.
- A condition to impose working hours could be included.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

- The proposed scheme will provide an acceptable structure and there are no planning grounds to refuse the application.

The following points were noted in which concerns had been raised in respect of the application:

- Some of the views expressed by residents had not been adequately considered in the report.
- There are issues relating to the height of the building.
- Concern was expressed that proper sound proofing was not considered in the original design of the proposed new pumping station. Rejection of the application should be considered with a view to the applicant coming up with a better designed scheme to deal with the issues of sound proofing and re-location of the fans.
- Narrowing of the river will exacerbate flood defence issues by creating faster flowing water which could lead to more erosion.
- The issues raised have not been adequately dealt with.
- The site is a sensitive location. The scale of the building is an issue and concern was expressed regarding the need for an additional four metres in height.
- The landscaping will take 15 years to mature, which is a long time for local residents to wait. The proposed building will be located close to the Wye Valley Walk. A bund with planting on top might be a solution to alleviate this issue.
- There is a lack of information regarding erosion of river banks and potential scouring.
- Deferral of the application would allow for the issues raised to be addressed with the applicant.

The Head of Planning, Housing and Place Shaping informed the Committee that water extraction is not within the Planning Committee's remit and would be dealt with by Natural Resources Wales (NRW) and Welsh Water. The proposed building has been designed with noise and residential amenity in mind. In terms of noise, the proposed new pumping station will create less of an impact to local residents than the existing pumping station.

Members were informed that the working hours are 7.00am to 7.00pm Monday to Friday and 8.00am to 1.00pm on Saturday with no work taking place on a Sunday or Bank Holidays.

The local Member summed up as follows:

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

- A problem exists relating to noise which is having a detrimental effect on local residents.
- Residents matter. Good design should resolve the issues raised.
- The local Member asked the Committee to add an additional condition to seek further consultation with Welsh Water with a view to establishing a better scheme.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DC/2017/000027 be approved subject to the 18 conditions, as outlined in the report and subject to an additional condition regarding the following working hours:

7.00am to 7.00pm Monday to Friday.
8am to 1.00pm on Saturdays.
No working on Sundays and Bank Holidays.

Upon being put to the vote, the following votes were recorded:

For approval	-	9
Against approval	-	3
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2017/000027 be approved subject to the 18 conditions, as outlined in the report and subject to an additional condition regarding the following working hours:

7.00am to 7.00pm Monday to Friday.
8am to 1.00pm on Saturdays.
No working on Sundays and Bank Holidays.

4. APPLICATION DC/2017/00707 - DEVELOPMENT DESCRIPTION: REPAIRS AND ALTERATIONS TO FORMER SHOP UNIT TO NEW RETAIL UNIT INCLUDING ALTERATIONS TO THE SHOP FRONT. LOCATION: 25 MONNOW STREET, MONMOUTH, NP25 3EF

We considered the report of the application and late correspondence, which was recommended for approval subject to the three conditions, as outlined in the report.

Councillor S. McConnel, representing Monmouth Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- People visit Monmouth for the charm of the high street, the small independent shops and the attractive and varied architecture.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

- This is a move of one existing shop in the town to another shop within the town.
- The Town Council would like the applicant to retain the arcade entry and enquiries had been made with the applicant to consider amending their plans. However, the applicant had been advised that it would not be appropriate in advance of the application being considered.
- Therefore, the Town Council are recommending provisional refusal of the application.

Mr. D. Cummings, Chair of Monmouth and District Chamber of Trade and Commerce, outlined his support for the application, as follows:

- The shop occupies a dominant position in Monnow Street, Monmouth. The closure of this shop has negatively affected the experience of local visitors for the previous three years.
- As a long term empty building, this had led to some vandalism.
- At 3,500 sq. ft., the shop and store is about the size usually occupied by independent retailers.
- Independent retailers would also be deterred by the £50,000 rent and £25,000 rates.
- Five major retailers have decided not to set up at this shop due to the listed staircase and frontage issues.
- An opportunity has now arisen for an existing national retailer, Specsavers, to move to these larger premises.
- Because 25 Monnow Street has no rear access it must be serviced from the front by delivery lorries. Only one small delivery van per week will be required by the retailer.
- It was noted that the Town Council had voted against this application with the chair using their casting vote, due to the closeness of the voting.
- The building is a part of the primary shopping frontages and that the changes to the front of the shop will allow for the building to be more in keeping with the rest of the street.
- It has taken three years of negotiation and promotion by the commercial estate agents to find a new tenant for the empty shop.
- The Committee was urged to support the application.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

In noting the detail of the application and the views expressed, the Committee outlined its support for the application in that there was a need for the shop to be occupied and trading.

It was therefore proposed by County Councillor M. Feakins and seconded by County Councillor L. Brown that application DC/2017/00707 be approved subject to the three conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00707 be approved subject to the three conditions, as outlined in the report.

5. APPLICATION DC/2017/00761 - PROPOSED SINGLE STOREY SHOP EXTENSION AND FORMATION OF ADDITIONAL CAR PARKING. ABERGAVENNY SERVICE STATION, 5 HEREFORD ROAD, ABERGAVENNY

We considered the report of the application and late correspondence, which was recommended for approval subject to the three conditions, as outlined in the report.

Councillor M. Groucutt, representing Abergavenny Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- There are flaws in the reasons why officers have recommended approval of the application.
- The Town Council objects to the application on the grounds of traffic, egress and access. However, the Town Council had discussed the same view taken by Abergavenny Civic Society which was around a demonstrable need for this additional shop.
- The proposed retail extension is outside the Central Shopping Area.
- Additional traffic to the service station will occur should the application be approved. It will be unlikely that pedestrians from the town will walk to the service station to buy their shopping as Morrison's is only a further 100 metres on from the service station.
- Morrison's entrance and exit will be on the A40, 100 metres from the traffic lights that guard the entrance to the service station.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

- A planning application for a new housing development, close to the service station, will be considered by the Planning Committee in due course which, if approved, will bring an increase in traffic at the A40 junction.
- The site is controlled by four traffic lights, one on Park Road, two on Hereford Road and one controlling the small lane to the houses at the rear of the service station.
- The key point is that there is a service station where departure from the site is not controlled by traffic lights. None of the four traffic lights affect the exit and this planning consent states that if approved, there would be no change to that. However, with no traffic control, the site is dangerous.

In noting the detail of the application and the views expressed by the Town Council, it was considered that the application would be a convenience store for motorists picking up essentials and not a place where larger shopping would take place. Therefore, approval of the application would not generate material increase in traffic at the service station.

It was therefore proposed by County Councillor R. Harris and seconded by County Councillor M. Powell that application DC/2017/00761 be approved subject to the three conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00761 be approved subject to the three conditions, as outlined in the report.

6. APPLICATION DC/2017/00122 - PROPOSED CONVERSION OF REDUNDANT BARN TO SINGLE DWELLING. DYFFRYN FARM, LLWYNA LANE, PEN-Y-CAE-MAWR, USK, NP15 1LR

We considered the report of the application, which was recommended for approval subject to the nine conditions, as outlined in the report and subject to a Section 106 Agreement.

The application had previously been presented to Planning Committee on 1st August 2017 with a recommendation for refusal. However, the Planning Committee had been minded to approve the application, as it was considered that the building was appropriately sized to provide suitable living space for a permanent dwelling. The application was therefore re-presented to Planning Committee with a recommendation for approval with appropriate conditions.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

In noting the detail of the application, it was proposed by County Councillor G. Howard and seconded by County Councillor M. Feakins that application DC/2017/00122 be approved subject to the nine conditions, as outlined in the report and subject to a Section 106 Agreement.

Upon being put to the vote, the following votes were recorded:

For approval	-	12
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00122 be approved subject to the nine conditions, as outlined in the report and subject to a Section 106 Agreement.

7. APPLICATION DC/2017/00539 - OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF UP TO 70 DWELLINGS, OPEN SPACE, PLAY SPACE PROVISION, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE. LAND WEST OF ROCKFIELD ROAD, ROCKFIELD ROAD, MONMOUTH NP25 5DS

We considered the report of the application and late correspondence, which was recommended for approval subject to the 23 conditions, as outlined in the report and subject to a Section 106 Agreement.

The local Member for the Drybridge Ward, also a Planning Committee Member, expressed his support for the application and outlined the following points:

- Approval of the application will provide 25 affordable homes which are much needed.
- £110,000 from this site will go towards off site play provision.
- There are some issues that need to be addressed, namely:
 - The footpath from the roundabout up to the development site entrance needs to be increased in width to allow for motorised disabled vehicles.
 - A pedestrian crossing is needed on the road near to the skatepark.
 - An archaeological watching brief would be important on the site.

A member of the Planning Committee considered that the application should be refused for the following reasons:

- Concern was expressed regarding the soundness of condition 2 - the submission of reserved matters within 12 months.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

- There is no developer attached to the project. Therefore, negotiations and a fully drawn up scheme within 12 months will be difficult to achieve.
- Paragraph 5.1.4 of the report refers to the appeal which has been dismissed on the basis of prematurity. This could be argued as being valid as there will be a review of the Local Development Plan (LDP) in the autumn of 2017.
- The development does not satisfy national and local policies in respect of identifying housing development land, as indicated in the inspector's report.

The Head of Planning, Housing and Place Shaping informed the Committee that in terms of the timescales regarding conditions, the regulations state that the Authority may give less than the usual five years and in respect of an outline consent, the Authority may give less than the standard time periods. The applicant has agreed to this approach.

He acknowledged that the LDP should be a starting point but national planning policy is clear in that when the Authority does not have the five year land supply, then other sites have to be identified for the much needed housing. Appeal decisions acknowledge this approach.

In terms of the appeals decision, this matter has to be weighed up in the balance with land supply and the other policies within the plan. The scenario is different in terms of prematurity. As an Authority, we are at the end of the LDP cycle with a new LDP likely to be three years away. Therefore, developments cannot be held in abeyance for this period of time.

The local Member stated that the site is outside of the LDP but the Authority is obtaining 35% affordable housing (25 units) from this proposed development which will be considerable for the town.

Members expressed concern that the application fell outside of the LDP. However, it was considered that the proposed development was much needed and therefore expressed support for the application.

It was proposed by County Councillor M. Feakins and seconded by County Councillor R.J. Higginson that application DC/2017/00539 be approved subject to the 23 conditions, as outlined in the report and subject to a Section 106 Agreement.

Upon being put to the vote, the following votes were recorded:

For approval	-	12
Against approval	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2017/00539 be approved subject to the 23 conditions, as outlined in the report and subject to a Section 106 Agreement.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
September, 2017 at 2.00 pm

8. APPLICATION DC/2017/00705 - 250 SEATED STAND AND HARD STANDING PATHS. UNDY ATHLETIC FOOTBALL CLUB, THE RAMP, UNDY NP26 3EN

We considered the report of the application and late correspondence, which was recommended for approval subject to the three conditions, as outlined in the report.

The local Member for The Elms ward attended the meeting by invitation of the Chair and outlined the following points:

- Approval of the application is important to Undy Athletic Football Club in order to allow the club to continue to play in Division 1 of the Welsh Football League. If the 250 seated stand and hard standing paths were not installed, then the club would be demoted from Division 1.
- Parking issues are not likely to increase as the Club is playing in its second season within Division 1. Therefore, additional traffic is unlikely.
- The Club hosts local events and is used to the larger numbers of public attending the venue. Consultation occurs around these events to ensure there are no adverse issues relating to parking.
- The Club has 16 junior football teams consisting of 200 junior members and 4 senior teams consisting of 90 members. Approval of the application is important to many people involved with the football club.

Having considered the application and the views expressed by the local Member, the Committee considered that approval of the application would be beneficial for the community as a whole.

It was therefore proposed by County Councillor A. Davies and seconded by County Councillor M. Feakins that application DC/2017/00705 be approved subject to the three conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00705 be approved subject to the three conditions, as outlined in the report.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
September, 2017 at 2.00 pm

9. APPLICATION DC/2017/00728 - RESERVED MATTERS APPLICATION FOR FOUR DETACHED DWELLINGS.FORMER WENTWOOD INN, CHEPSTOW ROAD, FIVE LANES, CAERWENT

We considered the report of the application and late correspondence, which was recommended for approval subject to the six conditions, as outlined in the report.

The local Member for Caerwent, also a Planning Committee Member, expressed his support for the application.

Having considered the report of the application and the views expressed by the local Member, the Planning Committee outlined its support for the application. However, a request was made for an informative to be added to address issues raised at the site inspection regarding a fibreglass sewage tank, understood to be located under part of the site.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor P. Clarke that application DC/2017/00728 be approved subject to the six conditions, as outlined in the report and that an informative be added to address issues raised at the site inspection regarding a fibreglass sewage tank, understood to be located under part of the site.

Upon being put to the vote, the following votes were recorded:

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00728 be approved subject to the six conditions, as outlined in the report and that an informative be added to address issues raised at the site inspection regarding a fibreglass sewage tank, understood to be located under part of the site.

10. APPLICATION DC/2017/00786 - CHANGE OF USE FROM A CONVENIENCE STORE TO A FISH & CHIP SHOP. MARDY STORES, HEREFORD ROAD, MARDY, ABERGAVENNY, NP7 6HU

We considered the report of the application and late correspondence, which was recommended for approval subject to the conditions, as outlined in the report with the omission of the following conditions. These conditions were not necessary as they relate to other legislation.

- The food preparation extraction equipment shall be regularly maintained in order to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning authority [N.B. this would replicate

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th September, 2017 at 2.00 pm

Environmental Health Organisation (EHO) legislation and is not reasonable or necessary].

- No surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system [this would be unreasonable and unnecessary as there are no extensions or impermeable surfaces proposed as part of the scheme].

Having considered the report of the application, it was proposed by County Councillor R. Harris and seconded by County Councillor M. Powell that application DC/2017/00786 be approved subject to the conditions, as outlined in the report with the omission of the conditions as identified in red in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2017/00786 be approved subject to the conditions, as outlined in the report with the omission of the conditions as identified in red in the report.

11. APPLICATION DC/2017/00808 - PROPOSED TEMPORARY SPORTS BUILDING, CHANGING UNITS AND TOILET BLOCK LOCATED ON EXISTING HARD STANDING TENNIS COURTS FOR USE BY LOCAL COMPREHENSIVE SCHOOL, WHILE UNDERTAKING PROPOSED WORKS TO EXISTING LEISURE CENTRE. MONMOUTH LEISURE CENTRE, OLD DIXTON ROAD, MONMOUTH, NP25 3DP

We considered the report of the application, which was recommended for approval subject to the four conditions, as outlined in the report.

In noting the detail of the application, it was proposed by County Councillor M. Feakins and seconded by County Councillor A. Webb that application DC/2017/00808 be approved subject to the four conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00808 be approved subject to the four conditions, as outlined in the report.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
September, 2017 at 2.00 pm

12. APPLICATION DC/2017/00876 - ALTERATIONS TO GARAGE AND
SHOWROOM FACADES. CLYTHA MOTORS, MERTHYR ROAD, LLANFOIST,
NP7 9LP

We considered the report of the application and late correspondence, which was recommended for approval subject to the three conditions, as outlined in the report.

The local Member for Llanfoist Fawr, also a Planning Committee Member, stated that the development of the site is welcomed. However, concern was expressed regarding the cladding. The overall height of the building is going to be levelled and the site is in need of refurbishment. However, without the details of the forthcoming advertisement application the use of grey cladding over the whole of the elevation is more suited to an industrial location. It was considered that the appearance could be improved by having some variation on the elevations and the type of cladding being used with a view to undertaking a more sympathetic renovation.

Having considered the report of the application and the views expressed by the local Member, the following points were noted:

- The Committee acknowledged the local Member's views in that a sympathetic renovation was required.
- The proposed design was similar to most car show room frontages. The logo would be subject to a separate application for express consent to display advertisements. Signage should be agreed before the commencement of any work undertaken.

It was therefore proposed by County Councillor G. Howard and seconded by County Councillor M. Feakins that application DC/2017/00876 be deferred to negotiate a more appropriate treatment of the façade with the local Member attending the meeting with the applicant's agent.

Upon being put to the vote, the following votes were recorded:

For deferral	-	14
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00876 be deferred to negotiate a more appropriate treatment of the façade with the local Member attending the meeting with the applicant's agent.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
September, 2017 at 2.00 pm**

**13. APPLICATION DC/2017/00898 - TO ERECT A STEEL FRAME LEAN TO,
JOINING ONTO THE SIDE OF AN EXISTING BUILDING; 18.3M LONG X 6.1 M
WIDE X 3M TO LOWEST AND 4.2M TO HIGHEST, TO BE USED AS A HAY
BARN/IMPLEMENT SHED. RED HOUSE FARM, WHITEHILL LANE, ROCKFIELD,
MONMOUTH NP25 5NH**

We considered the report of the application and late correspondence, which was recommended for approval subject to the two conditions, as outlined in the report.

In noting the detail of the application, it was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DC/2017/00898 be approved subject to the two conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00898 be approved subject to the two conditions, as outlined in the report.

14. Appeal Decision - The Stables, Land off Treherbert Road

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 1st August 2017. Site: The Stables, Land off Treherbert Road, Croesyceiliog, Cwmbran.

We noted that the appeal had been dismissed.

The meeting ended at 5.00 pm.

This page is intentionally left blank

DC/2014/01360

CONSTRUCTION OF 250 RESIDENTIAL UNITS WITH ASSOCIATED DEMOLITION AND INFRASTRUCTURE WORKS

LAND AT DERI FARM, MARDY, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 29/04/2016

1.0 APPLICATION DETAILS

- 1.1 This full application relates to a site allocated for residential development in the adopted Local Development Plan (LDP).
- 1.2 The site is located in Mardy which is to the north of the town of Abergavenny. To the south, the site is bounded by existing residential development named Poplars Close, comprising linked and semi-detached former local authority housing from the 1960's and also Greystones Crescent, consisting of more recent private development with mainly detached units. Llantilio Pertholey Primary School lies to the south-west, and the small settlement of Llantilio Pertholey, including the listed St. Teilo House lies to the north-east. The land to the north of the site is within the Brecon Beacons National Park. It is proposed to provide 250 new dwellings on the site including 49 affordable homes. The proposal includes for the existing overhead electricity line that crosses part of the site to be set underground. This will result in the removal of four existing pylon towers (two of which are within the site) and the erection of one substantially smaller tower on land to the east of Hereford Road.
- 1.3 The application site measures 9.10 hectares (22.49 acres) in total, comprising of the main body of the site to the west of Hereford Road and also a small portion of land to the east of Hereford Road where the proposed new pylon is to be sited. The 8.53 hectares of land to the west of Hereford Road is greenfield in nature, comprising five identifiable areas of land on an east to west orientation. The existing use of this land is pastoral agriculture on enclosed land, with an overall classification of Grade 3b. The area to the east of Hereford Road is dominated by coniferous woodland plantation with the River Gavenny along its eastern boundary and hedgerows to the north and west. The River Gavenny is designated as a Site of Importance for Nature Conservation (SINC) due to the riparian habitats it supports. The site does not form part a Conservation Area and no Listed Buildings or Scheduled Monuments are located on the site. Neither is it within a flood plain.
- 1.4 The proposed development would be made up of a mix of 1, 2, 3 and 4 bedroom dwellings. The scheme is generally made up of an outward-looking perimeter block with a loop road network and green corridor following the route of the underground electricity cables. The design of the scheme has also used the existing landscape features to inform the design, including established hedgerows and trees. The open space includes a Local Area of Play (LAP) and a community orchard. A detailed landscape scheme (TDA.1994.05) and Green Infrastructure plans have been produced and are included as part of the application. The landscape element of the scheme also includes area that supports a Sustainable Drainage System (SUDS) which allows for surface water attenuation and ensures that the proposed development will preserve greenfield levels of surface water run-off. Detailed engineering drawings

including the detail of the road and SUDS infrastructure have also been included as part of this application.

- 1.5 Vehicular access is taken from Hereford Road and a primary access loop serves the main body of the site. Vehicular access is served from this route via a series of secondary and tertiary routes connecting to the periphery of the site. Pedestrian connections are made to local surrounding networks and include foot/cycle links to the primary school to the southwest corner of the site. Pedestrian/ cycle connections are made to the National Cycle Route that runs along the north boundary of the site, to the east and west points of the northern boundary and from the north of the east boundary, running adjacent to Hereford Road.
- 1.6 The application is supported by an Environmental Impact Assessment (EIA). Under the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, EIA's are required to support planning applications for developments which have the potential to significantly impact the environment. To determine whether a proposed development has the potential to significantly impact the environment the Council needs to undertake a 'screening' exercise, where they consider a number of factors with regards to environmental impacts. Where a proposed scheme is determined to require an EIA the developer can ask the Council for advice on the scope of information to be gathered during the EIA and to be covered in the Environmental Statement. In this case, during the screening exercise, the Council determined that EIA would be required because the proposed residential development would be likely to have significant effects on the environment by virtue of factors such as its nature, size and location.
- 1.7 In response to consultation with statutory bodies, the local community and advice from officers, the following revisions have been made to the proposal since it was first submitted;
- 'Morden' house type removed as it was considered to be too small.
 - Additional woodland buffer planting on Hereford Road frontage.
 - Additional footpath link added to connect to Greystones Close.
 - Amendments to the detailed design of the proposed dwellings (eaves, fenestration, heads and cills and porches) as well as additional windows to corner plots.
 - Increased use of slate effect tiles and render on key plots
 - Addition of chimneys on key plots and vistas
 - Additional roadside tree planting.
 - Addition of a Community Orchard.

2.0 RELEVANT PLANNING HISTORY

DC/2017/00375 – Erection of a steel tower (Statutory Notification). Acceptable 2017.
DC/2014/00607 – Outline application for 250 dwellings and associated infrastructure. Withdrawn 2014 (replaced by current full application).

3.0 NATIONAL PLANNING POLICY

- 3.1 National Planning Policy is contained within Planning Policy Wales (Edition 9, November 2016) and is supplemented by 22 Technical Advice Notes (TANs) providing detailed guidance on a range of topics. National planning policy and the Wales Spatial Plan provide the overall strategic direction and may be material to decisions on individual planning applications.

- 3.2 Planning Policy Wales (PPW) is the principal document of the Welsh Government which sets out the land-use policy context for the consideration and evaluation of all types of development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system provides for an adequate and continuous supply available and sustainable for development to meet needs in a way that consistent with overall sustainability principles. Amongst other things, it seeks to promote resource efficient settlement patterns that minimise land take and urban sprawl, locate development so as to minimise demand for travel, ensure that all communities have good quality housing for their needs and safe neighbourhoods, promote access to employment, shopping, health, community, leisure and sports facilities and open space.
- 3.3 The Technical Advice Note on design, TAN 12, was revised in 2016 in order to update new requirements, including those for design and access statements. The TAN provides advice on design considerations.

4.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 – Spatial Distribution of New Housing Provision
- S4 – Affordable Housing
- S5 – Community and Recreation Facilities
- S12 – Efficient resource Use
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S16 - Transport
- S17 – Place Making and Design

Development Management Policies

- SAH1 – This site is allocated for residential development
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- SD2 – Sustainable Construction and Energy Efficiency
- SD4 – Sustainable Drainage
- LC1 – New Built Development in the Open Countryside
- LC3 – Brecon Beacons National Park
- LC5 – Protection and Enhancement of Landscape Character
- GI1 – Green Infrastructure
- NE1 – Nature Conservation and Development
- MV1 – Proposed Developments and Highway Considerations
- MV2 - Highway Considerations and Sustainable Transport
- CRF2 - Outdoor Recreation/Public Open Space/Allotment Standards and Provision

4.0 REPRESENTATIONS

4.1 Consultation Replies

- 4.1.1 Llantilio Pertholey Community Council – Recommend approval subject to the following conditions;
- That the major electrical cables on the site are buried underground prior to the commencement of any works being carried out.
 - Consideration should be given to additional accesses.

4.1.2 Natural Resources Wales (NRW) – No objection in principle subject to conditions.

1. The scheme being implemented in accordance with mitigation measures described in Volume 2, Chapter 8 of the Environmental Statement.
2. A suitable roosting resource is retained or provided for bats.
3. The submission and implementation of a mitigation planting scheme to ensure retention/provision of appropriate flight lines for bats.
4. The submission and implementation of a lighting scheme for the site to ensure lighting measures do not conflict with bat mitigation.
5. Should unsuspected contamination be found during construction no further development to take place until approval of a remediation strategy by the LPA.

4.1.3 Dwr Cymru – Welsh Water (DCWW) – No objection subject to two conditions;

1. No beneficial use of or occupation of any of the dwellings until such a time that any necessary foul sewerage infrastructure works required by the Hydraulic Modelling Assessment SE186b dated July 2014 have been completed and approved by the LPA.
2. No development shall commence until a drainage scheme for the site has been submitted to and approved by the LPA.

4.1.4 Brecon Beacons National Park – No objection subject to the retention of conditions to ensure the protection of the hedgerows and trees along the northern and north western boundary of the site during construction of the development and continued perpetual retention and maintenance. Supports the proposal to replace sections of the high voltage lines and towers with underground lines and notes that the replacement tower is significantly lower than the existing and other options put forward previously.

4.1.7 Glamorgan Gwent Archaeological Trust (GGAT) – No objections.

4.1.8 MCC Planning Policy – No objections. The principle of development is established through the site's allocation in the Monmouthshire LDP but it is essential that the proposal complies with the provisions of Site Allocation.

4.1.9 MCC Heritage Officer – No objection.

4.1.10 MCC Green Infrastructure & Landscape Officer – No objection in principle.

Do not offer any objections and feel the proposal could offer significant Green Infrastructure opportunities through; the delivery of strategic green corridors, multifunctional green space opportunities encapsulating community food growing opportunities throughout the site, informal play opportunities, connectivity across the development and the potential for permeability between the proposed site and access to the surrounding public right of way network, whilst supporting biodiversity and habitat enhancement.

The following was requested following receipt of the GI Infrastructure Plan and detailed Landscape Plan in September:

- A clear strategy for implementation of the GI plan to ensure that appropriate mitigation and GI infrastructure is provided for new residents if certain parts do not

come forward. It is not sufficient to suggest that planting will follow the phases as these need to be defined. Without this information a condition is required (see below).

- Identification of the SuDS area, the principles of its management and whether it will hold water. This remains outstanding and therefore it is suggested that the detail surrounding this area be conditioned (see below).
- Require more detail on the build out areas in the road; without this information a condition is required (see below).
- Confirmation of the access out to Poplars Close - a note could be made on the plan indicating this is an intended access subject to the local authority resolving issues; Green Infrastructure plan to be updated.
- The GI Management Plan will need to be updated to reflect the GI Management Plan criteria attached – it is suggested this be conditioned (see below).
- A boundary and surface materials plan to be provided. In the absence of the information it is recommended that this is conditioned (see below).
- Location of the lesser horseshoe night roost to be shown on GI Plan & Landscape Plan to demonstrate how it relates to the landscaping and how it shall not be in close proximity to pathways. Without this information the proposal should be conditioned as part of the GI Management Plan (see below).
- A lighting strategy will be required to reflect the design of the development and reflect the character of the setting – this will need to complement the Biodiversity considerations. Without this information a condition will be required (see below).
- Ecological enhancements with respect to nesting birds and roosting bats have not been included on GI Plan - bat & nesting bird opportunities in key new build units should be included. Without this information the proposal should be conditioned as part of the GI Management Plan (see below).
- Regarding tree protection we have not received the information requested in June 2016 i.e. Tree Retention/Removal Plan; scaled plan showing the Proposed Layout with the trees overlaid; etc. A Tree Constraints Report has been submitted however this only shows the constraints the trees pose to the development, not their protection during construction. Without this information a condition will be required (see below).
- A £10k contribution is sought for management, habitat creation and landscape planting to address the loss of 0.3ha of the SINC, to be provided throughout the Abergavenny area; this is in line with LDP Policy G11.

4.1.11 MCC Biodiversity Officer – No objection subject to conditions (see Section 6.0).

4.1.12 Public Rights of Way – No objection in principle subject to implementation of footpath links proposed.

4.1.13 MCC Highways – No objection in principle. Request the following Section 106 financial contributions:

- The sum of £40,000 to be used by the Council towards the provision of a public transport service.
- The sum of £40,000 to be used to provide a footpath link along Hereford Road between the site entrance and Greystones Close and an improved footpath link to the school.

Issues such as the footway along the site frontage, provision of bus stops, and the extension of the 30mph speed limit will be secured via the S278 Highways agreement.

- 4.1.14 MCC Housing Officer – As required by LDP Policy S4 and supported in adopted Supplementary Planning Guidance (SPG) 35% of residential units to be affordable and in neutral tenure. The site viability has been independently assessed by the DVS and the applicant has accepted the finding that 19.6% affordable can be provided. An affordable housing mix has been provided to meet the Council's requirements.
- 4.1.15 MCC Education - The sum of £110,400.00 (one hundred and ten thousand and four hundred pounds) to be used by the Council to provide additional capacity within the Welsh Medium School serving Abergavenny via a Section 106 Agreement.
- 4.1.16 MCC Open Space and Leisure – No objection. Require the following provisions via a Section 106 Agreement in relation to this development:
- The sum of £120,000.00 (one hundred and twenty thousand pounds) towards improving the existing Local Equipped Area for Play (“LEAP”) at Mardy Recreation Ground.
 - Provision should be made for one LAP in a central location within the site.
- 4.1.17 MCC Tree Officer – No objection in principle. Require a Tree Survey.

There are a number of mature trees, mainly Oaks, all of which are subject to tree preservation orders plus outgrown mature hedgerows at this location. It is good to see that it is the intention to retain these valuable GI assets. The developer has already submitted a certain level of arboricultural information to support this application in the form of a Tree Constraints Report. The mature Oak trees have been given a category rating of A within the report which indicates they are highly desirable for retention. A Tree Constraints Report has been submitted however this only shows the constraints the trees pose to the development, not their protection during construction (this could be conditioned if not received prior to determination).

4.2 Neighbour Notification

Nine representations from individual neighbours received in total.

Eight representations objecting for the following reasons:

- a) Llantilio Pertholey is a rural hamlet of few dwellings and an ancient church. To impose up to 250 dwellings into such an environment is to destroy the local character and cause harm to the setting of the Brecon Beacons National Park as well as impact on views from the Skirrid and Deri Mountains.
- b) The Planning Inspector, while endorsing the site's inclusion into the Council's LDP was aware of the potential impact and looked to the developers to recognise this in its proposals. The impact on the landscape of the development is clear from the layout proposals and confirms failure of the development to meet the Council's policies.

- c) Vehicular access to the site (opposite Cherry Tree Cottages) would be dangerous by virtue of it being situated on a bend with consequent limited visibility.
- d) Some provision appears to be proposed for a limited 'buffer zone' between the listed building and the new housing which is inadequate. In addition it is unclear as to where responsibility would lie for its subsequent maintenance.
- e) St Teilo's Church is Grade I listed and will be overshadowed by the development.
- f) There would be serious damage to habitat by virtue of removal of hedgerows.
- g) Location of the access opposite Cherry Tree Cottages will be intrusive for the residents of this property.
- h) The proposal to locate a new pylon adjacent to the Hereford Road is not in the spirit of the Council's and the Planning Inspector's commitment on removal of the overhead powerlines.
- i) I would like to see an off road cycle route through the development connecting to schools / facilities, as there is virtually no provision for child / under-confident cyclists in Abergavenny.

One representation received in support of the application for the following reasons:

- a) It is clear that the removal of the monstrous overhead power lines will be of benefit to many householders in Greystones Crescent.
- b) The junction design to enter the site will serve to slow down traffic on the approach to Greystones as the 30mph threshold will need to be pushed back along Hereford Rd.
- c) For pedestrians we would like to see walkways not directly next to roads as this is known to make them much safer. If a path cycle or pedestrian crosses a road we would like to see an appropriate crossing giving a right of way to pedestrian / cyclist.

General comments:

- Careful consideration to planting of appropriate trees on the borders between sites should not diminish light to north-facing gardens on Greystones Crescent as they grow to full height.
- In the developer's 'Design and Access Statement' it states as a 'Design Influence' the need to 'maintain and strengthen the planted boundary between the development site and St Teilo House to respect and *enhance* its setting. There is no evidence of any enhancement. To use the phrase 'maintain...the planted boundary' is somewhat curious since the existing planted boundary is in my ownership. Its retention is not a matter for the developer. The inference is that this is a conscious concession on the part of the developer. Some of the trees are subject to preservation orders.

Further objections from Mardy Against Deri Development (MADD) and 9 neighbouring occupiers following re-consultation:

- a) Issue of traffic remains unresolved.
- b) The burden of the undergrounding being met by reducing the proportion of affordable homes from 35% to 19.6%. It appears that the level of provision of affordable homes has been the victim of reconciling underlying viability of the site with expectations of the landowner.
- c) Given that the scheme is not able to meet key requirements in terms of affordable homes the development cannot be regarded as viable in any

meaningful sense. In this matter of provision of affordable homes the Council would be in breach of its own policies if it approves the planning application.

- d) Concerned that the level of out-commuting will be excessive given that a high proportion of residents on the site will be 'incomers' who will work at some distance from Abergavenny. This is a direct consequence of high housing costs and low wages. This has always been likely but this would be aggravated by the reduction in the level of affordable homes which are more likely to be occupied by those working locally.
- e) Serious concerns over the planned site access. It is located on a bend with poor visibility in both directions. It is also located immediately opposite existing properties and would intrude on their privacy and safety.
- f) Because the cost of undergrounding the powerlines has to be spread over a large number of new homes in order to cover the fixed cost and make a return for the developer. Sites not requiring such fixed costs could be viable at smaller levels with less impact on the landscape.
- g) In order to facilitate the undergrounding of the powerlines on the site Western Power will need to erect a new pylon alongside the eastern edge of the Hereford Road in Mardy. This will create a substantial new blot on the landscape opposite existing homes and on the entrance to Abergavenny.
- h) The Council's target housing needs, as set out in the LDP, can now best be met by a combination of the housing units being created on sites previously rejected and some imaginative planning for a number of smaller sites (some of which were rejected at the time of preparation of the LDP as not being of a scale to qualify as potential strategic sites).
- i) Although a buffer has been allowed for, it is inadequate to protect the setting of the listed building (St Teilio House). In part this may be due to the number of houses proposed.
- j) Appears to be no proposal to strengthen the tree line/ hedgerow currently in existence with further tree planting.
- k) Unclear whether St Teilio House will be adversely affected by the creation of attenuation ponds. There are also concerns over removal of drainage ditches.
- l) The Habitat study appears to take no account of the potential harm to wildlife on our property.
- m) The proposed footpath which would emerge from the site near the 'lay-by' on Judge's Pitch (also known as Ty Gwyn Road) would be located near a 90 degree bend on a road with a 60 mph speed limit. There is no footpath along the road. This would be very dangerous to pedestrians and would be a hazard to the growing number of vehicles using the road.
- n) The junction of Ty Gwyn Road and Hereford Road is hazardous. The increased volume of traffic which would use the Hereford Road would significantly increase the risk. This potential problem has not been addressed in the traffic study. The only reference to it relates to extending the length of the 30mph stretch. This would not solve the problem.
- o) Excessive and dangerous levels of traffic leading to increased noise pollution for existing residents and risk of accidents.
- p) Destroying protected birds and bat habitats.
- q) Removal of hedgerows and other natural areas.
- r) Houses too expensive for local people.
- s) Concerned about access to rear of nos. 14 and 15 Poplars Close required to maintain hedgerow.

4.3 Other Representations

4.3.1 Abergavenny Town Council – No comment.

4.3.2 Abergavenny and District Civic Society – Object in principle. Further comments following re-consultation:

Loss of affordable housing is unfortunate.
Overall design still lacks local distinctiveness
Welcome limited palette of materials and addition of chimneys and lean-to (rather than gable) porches.
Welcome more grid-like layout.
Cars will dominate the street scene.
Limited scope for residents to personalise space in front of their houses.
Would prefer more brick wall boundaries.
Hope that the GI is implemented including the community orchard.

4.3.3 Gwent Police – No objections.

4.3.4 National Trust – Concerned about the proposed development as originally submitted. No further comments on amendments received to date.

The National Trust owns land at Skirrid Fawr and Sugar Loaf in proximity to the proposed development. The site is a key boundary to the Brecon Beacons National Park and is visible from National Trust land ownership to the north east at Skirrid Fawr and from the extensive land ownership to the west at Deri and Sugar Loaf. Both areas are important tourist assets and outstanding landscape features. The landscape boundary is influenced considerably by the presence of the overhead power lines, substation and associated infrastructure.

National Trust recognises the need for a scheme which brings forward sufficient income to enable the wider benefits of undergrounding the power lines. National Trust would see public benefit of a more open book approach to the undergrounding issue to inform any positions with regard to replacement of housing plots with greater strategic landscaping. A modified scheme bringing forward lower density to 220 dwellings and a more proactive approach to internal strategic and boundary landscaping combined with full undergrounding on and adjacent to the site, is considered an appropriate way forward.

4.4 Local Member Representations

Former Cllr Chapman – No formal comments received while Councillor Chapman was the elected Member for this Ward, although concern was expressed regarding the level of affordable housing.

Cllr Lane advises that the feeling in the surrounding community seems to be generally positive, although significant concerns exist in relation to the proposed access and traffic speeds, as the speed limit is currently 60mph outside the site.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 The Council's overall strategy for new housing development, as stated in the LDP, is for the allocation of larger strategic sites within the main towns. Deri Farm is the only strategic site that is put forward for the settlement of Abergavenny and as such its development is important in supporting population growth and economic prosperity in the region moving forward. Subject to gaining all necessary consents, the developer would hope to commence construction activities by March 2018 and the first sales by

August 2018, anticipating 20 units to be completed by December 2018, with 50 completions per annum thereafter (split 40 private and 10 affordable reflecting the 20% affordable mix).

5.1.2 Whilst the principle of development is established through the site's allocation the Monmouthshire LDP, it is essential that the proposal complies with the provisions of Site Allocation Policy SAH1 Deri Farm, Abergavenny. In this regard, the proposal must:

- a) Provide a strong landscape buffer along the northern edge of the site in order to minimise the impacts of the development on the landscape character of the adjacent BBNP.

The importance of this was recognised by the LDP Inspector who noted in her report (paragraph 6.11) that the landscape buffer 'recognises its proximity to the BBNP and is necessary to minimise the effect of the development upon it'. It is noted that the illustrative masterplan (drawing number 13132/3010/c) shows a 'green corridor' along the northern boundary of the site.

- b) Provide for sustainable travel contributions to mitigate any adverse implications for the highway network linking the site to the centre of Abergavenny.

The Transport Assessment (TA) submitted in support of the application and this has been updated to reflect the additional impact of the recently approved Morrisons supermarket in the town centre and associated works to the road network around that area. A contribution has been agreed towards bus services and pedestrian connections.

- c) Provide for the undergrounding of the overhead electricity cables on the site.

The undergrounding of the overhead electricity cables has been agreed with Western Power and will be secured as part of any consent for housing via a Section 106 Agreement.

The proposal must also satisfy the provision of Strategic Policy S3 which requires the detailed application for the site to include a feasibility assessment for suitable renewable energy and low or zero technologies that could be incorporated into the development proposals.

5.1.3 Criterion i) of DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. The net developable area of the site is 2.81 hectares, giving a net density of 24 dwellings per hectare. This is below the required density but is considered to be justified, given the sensitive setting of the site, close to the National Park boundary.

5.2. Visual Impact

5.2.1 The site is adjoined to the south by an area of late 20th Century housing based around Greystones Avenue and Poplars Road. To the north-east along Hereford Road lies the recent housing development at Coed Y Brenin. This area has a generally suburban character, comprising medium density, two storey housing set around an engineered highway layout. The housing along and off Greystones Avenue is set back behind relatively large front gardens (c.5–15m) and there is a variety of plot sizes. There is little incidental open space, with the public realm largely comprising the street network, while Coed Y Brenin includes verges through which flows a retained watercourse

enhanced by retained hedgerow network. Properties are generally well maintained and the relatively large plots allow for significant planting.

- 5.2.2 The traditional heart of Mardy itself is set around Hereford Road and includes local facilities and residential areas that were constructed in the late 19th and 20th Century. The area immediately to the south of the site is more recent mid-20th Century building. This results in development that follows an organic layout with an eclectic character with a mix of architectural styles. The public realm includes a variety of trees and hedgerows with occasional elements of stone walling and in general the older the development the more green and relaxed the public realm becomes, with many mature trees and hedges, both as plot boundaries and around undeveloped areas.
- 5.2.3 The character of the proposed new housing area has tried to include a mix of the existing character of Mardy and proposes a mix of two storey brick houses with concrete tiled roofs towards the centre and south west of the site adjacent to Greystones Crescent and Poplars Close, with render and slate effect tiles on the Hereford Road frontage, along the main route into the site and on the northern boundary with the Brecon Beacons National Park together with occasional stone on key plots. It will have a greener character than the existing housing immediately to the south of the site with significant levels of public open space and planting within these areas, along the streets and within private gardens with views to the surrounding hills and mountains.
- 5.2.4 The layout of the development has been designed with properties at the entrance of the site being orientated and detailed so as to provide a gateway to the rest of the housing with lower densities along Hereford Road as well as along the northern boundary onto the open countryside. When entering the site the road will then open out onto a central area of open space. There will be avenue tree planting along the main access to provide a green corridor as well as trees located on build-outs into the highway elsewhere which help soften the appearance of the new housing as well as to act as traffic calming.
- 5.2.5 The houses around the open space have been orientated so as to face onto the open spaces to help create a sense of community and encourage safe use of the green areas. The houses within the centre of the site will be at a higher density although there will be a green space running through the middle of the site containing the undergrounded electricity wires and attenuation. Chimneys have been included on plots where there are key vistas to add variety.
- 5.2.6 All existing hedge field boundaries are to be retained as part of the development and strengthened where necessary with additional planting on the northern and western boundaries and the provision of a new woodland buffer along Hereford Road.
- 5.2.7 Taking into account layout, landscaping, provision of open space and the detailing of the houses now proposed it is considered that the development will provide a pleasant environment for people to live in without harming the wider landscape or the character of this part of Abergavenny.

5.3 Landscape Impact (including upon the BBNP) and Green Infrastructure

- 5.3.1 The site adjoins the Brecon Beacons National Park and its development should provide a sensitive response to the location. New and retained planting should be used to create a framework to soften the impact of development. The powerlines and particularly pylons which cross the site have a negative visual impact and the site's

development offers an opportunity for removal of a stretch of this route. This would also significantly improve the outlook from surrounding properties.

- 5.3.2 Much of the site boundary is marked by hedgerows and trees. The site is crossed by two internal field boundary hedgerows. The hedgerows are mature and contain native species and are therefore to be retained and incorporated into the Green Infrastructure of the development.
- 5.3.3 The site is crossed by small drainage ditches, serving as land drains for the existing fields, which outfall into two culverts along the southern boundary. The watercourses which flow within the western boundary and central hedgerows will form part of the site's drainage strategy. On-site attenuation (ponds which offer potential ecological benefits) will be required within the western part of the site to slow the release of rainfall into the watercourse. Off-site attenuation will be below ground and also in the form of a swale.
- 5.3.4 Although the proposed development site at Deri Farm is adjacent to the boundary of the Brecon Beacons National Park, the visual separation from the Park is considerable along the length of a contiguous boundary, as a consequence of dense mixed woodland and mature field boundary hedgerow vegetation. There are very few close views into the site from publicly accessible parts of the nearby areas of the National Park. Medium and long distance views into the site do exist, often from elevated ground, but the visual impact would be lessened by virtue of the separation distance, narrow horizontal angle of view in very wide views, and perspective in some cases, as well as by visual screening provided by intervening landform or vegetation and the use of traditional roof materials on the periphery of the site. It is therefore considered that the proposed development site's location and its landscape character are such the proposed residential development at Deri Farm, as designed, would not be detrimental to the landscape character of the Brecon Beacons National Park, nor to the enjoyment of its stated special qualities. Indeed, the undergrounding of the powerlines would be beneficial. The application is therefore considered to comply with Local Development Plan Policies LC1, LC3 and LC5 relating to landscape character.
- 5.3.5 In terms of Green Infrastructure, it is recognised that the proposal could offer significant opportunities through the delivery of strategic green corridors, multifunctional green space opportunities encapsulating community food growing opportunities, informal play spaces, connectivity across the development and the potential for permeability between the proposed site and access to the surrounding public right of way network, whilst supporting biodiversity and habitat enhancement.
- 5.3.6 The site layout has been designed to be permeable for pedestrians resulting in easy access to the green spaces both within and outside the site from all dwellings. The link to the footpath proposed by the developer on the south of the site onto Greystones Crescent/Poplars Close is yet to be resolved in terms of ownership outside the site, but it has been agreed that this can be secured by way of financial contribution from the developer secured via the Section 106 Agreement providing the Highway Authority with the opportunity to acquire land if necessary. The same will apply to the footway along Hereford Road where a Compulsory Purchase Order may be required.

5.4 Access and Traffic

- 5.4.1 A single vehicular access point is proposed to serve the development from Hereford Road, approximately 90m north of the southern boundary of the site. The proposed access will be a simple priority junction with a 'ghost-island' right turn lane, providing a secure waiting area for right-turning traffic. As part of the access design, a pedestrian

refuge will be included. This will provide an informal pedestrian crossing on Hereford Road to access the footway on the eastern edge of the carriageway. The proposed access has been designed in accordance with the standards set out in the Design Manual for Roads and Bridges Volume 6, Section 2, Part 6, TD 42/95. As part of the access proposals, the existing 30mph speed limit will be extended along the entire site frontage, to the crossroads serving St Teilo's Church. This will reduce vehicle speeds past the site, enabling easier and safer access and egress. Traffic speed and the safety of the access has been a key issue arising from consultation responses and also was raised in public feedback during recent election-related public engagement. The proposed changes are therefore welcomed.

- 5.4.2 In addition to the pedestrian access onto Hereford Road, it is proposed to provide a new pedestrian footway alongside the Hereford Road site frontage to the north of the site to the existing bus stops on Hereford Road, two pedestrian/cycle links to the unnamed lane to the north of the site, providing connection to the existing local cycle network and the Brecon Beacons National Park, a pedestrian/cycle link to the residential area to the south-west of the site, to Hillgrove Avenue, including Llantilio Pertholey Church in Wales Primary School and the existing bus stops along Poplars Road and a pedestrian link through Greystones Crescent via land currently owned and controlled by Monmouthshire Housing Association. As indicated above, this off-site link has not yet been secured but the layout includes a link to the edge of the site so that this can be opened up as soon as possible.
- 5.4.3 The Traffic Assessment submitted with the planning application calculates that the development site could generate up to 161 vehicles movements in the am peak period and 189 vehicles movements in the pm peak period. The results of the analysis also show that the Hereford Road/site access priority junction has sufficient capacity to accommodate the proposed development, with a mean maximum queue of less than 1 pcu (passenger car unit) in all peak periods. The report also looked at the impact of the development on other key junctions around the site. It was found that the Hereford Road/A465 priority junction and the B4521 Hereford Road/B4521 Grosvenor Road priority junctions have sufficient capacity to accommodate the additional traffic generated up to at least 2025. The signalised junction at the A40 Park Road/B4521 Hereford Road operates close to capacity in 2025, particularly in the evening peak period, for both the 'with' and 'without development' scenarios. The A40 Park Road/Pen-y-Pound Road junction operates over capacity in the morning peak period in 2025 (without development). Development traffic comprises 7 out of 917 vehicle movements on Pen-y-Pound Road in the morning and, therefore, has only a minimal effect on the operation of the junction.
- 5.4.4 As such, it is considered that the existing highway network has sufficient capacity to accommodate the proposed development, with minimal increases in existing queues and delays for road users. It is considered that the impact of the development can be further reduced through the provision of links to the existing pedestrian and cycle network and to public transport facilities. The adoption of an effective Travel Plan will also increase the attractiveness of travelling by more sustainable modes and minimise any adverse impact of travel on the local environment.
- 5.4.5 There is sufficient parking on site to meet the requirements of the Monmouthshire adopted Parking Guidelines. Garages meet the Council's size standards. So far as is possible, parking is on-plot and seeks to avoid large areas of parking to the frontages. Officers have negotiated with the developers to seek to create the best possible street frontage, and while it is recognised that an area of frontage parking remains in the south-west part of the site, the optimum solution is considered to have been reached

factoring in the central open spaces, density and viability, as well as the Council's housing supply requirements.

5.5 Impact on Heritage Assets

5.5.1 There are no listed buildings or other heritage assets on the site itself. However, St Teilo's Church and St Teilo House are within close proximity of the site. As listed buildings (Grade I and II respectively), these have high significance in heritage terms.

5.5.2 St Teilo's Church and graveyard are separated from the site by rising topography, together with the tree-lined Gavenny River, a line of fields and also Hereford Road. The extent to which the proposed development site can be regarded as part of the setting of those assets is therefore considered to be very limited. Nonetheless, deliberate steps have been taken to avoid any negative impact on the rural character of the church and its churchyard through the sensitive layout and detailing of houses on the eastern edge of the site. As a result, it is not considered that there will be a significant negative impact on the Church or its setting.

5.5.3 St. Teilo House is set within its own grounds and is visually separated from the application site by a large number of mature trees. The proposed development will improve the setting of this building by removing overhead power lines and will provide a buffer of open space and strengthened boundary planting. On balance therefore, it is not considered that the proposed development would harm the character or setting of any listed buildings or their historic or architectural importance, as required by the relevant legislation.

5.6 Biodiversity Considerations

5.6.1 The hedgerows on site provide valuable ecological habitats including foraging opportunities for bats and birds. Night roosting bats have been recorded within the existing agricultural barns on site, alternative roosting opportunities are to be provided as part of the proposed development. The undergrounding of electricity cables and surface water outfall are to be located within the vicinity of the River Gavenny which is a SINC. There are also two Special Areas of Conservation (SACs) that have to be considered.

5.6.2 The River Usk SAC lies approximately 2.7km south of the development site and is hydrologically connected to the site. Due to potential for effect on the Interest Features of the SAC; a Habitats Regulations Assessment has been undertaken. This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project. The assessment includes consideration of the potential effects of habitat loss (indirect), disturbance (physical), entrapment, toxic contamination, siltation / sedimentation turbidity, change in surface water flooding, change in flow / velocity regime, competition from non-native species. Standard conditions will be used to secure a Construction Environmental Management Plan, detail of SuDS and a method statement to control invasive species which have been embedded into the scheme submission. With the adoption of these measures, there will not be a Significant Effect on the Interest Features of the River Usk SAC.

5.6.3 The Deri Management Unit of the Sugarloaf Woodlands SAC is approximately 600m away from the development site. A Habitats Regulations Assessment has been undertaken and the potential hazards of air pollution (during construction and operation

of the site) and disturbance – recreation have been considered. The development is not considered likely to have a significant effect on the Interest Feature of the SAC.

- 5.6.4 The River Gavenny SINC is designated for its riparian habitat and key species including otter, white clawed crayfish and dipper. No 'in channel' works are proposed. Many of the measures identified through the Habitats Regulation Assessment process will also safeguard the SINC interests i.e. implementation of the Construction Environmental Management Plan (CEMP). An area of 0.30ha of SINC habitat dominated by plantation woodland will be lost during the works associated with the electricity lines and the water outfall. The plantation woodland has value as riparian habitat and its permanent loss will need to be compensated in line with LDP policy NE1. A GI bond has been recommended for £10k to be provided in the Abergavenny area.
- 5.6.5 In terms of priority habitats, 154m of hedgerow will be lost to facilitate the development including degradation of the hedgerow running east west across the site. This loss is regrettable but large areas will be retained and 821m of native mix species rich hedgerow and tree planting will be delivered as part of the scheme. A management plan will be required to ensure the appropriate management of these. Retention and protection of the remaining hedgerows would be secured via a planning condition for a CEMP (Construction Environmental Management Plan).
- 5.6.6 In 2014 the grassland was identified as agriculturally improved, however, the 2017 walkover survey has increased the ecological value of the grassland to *semi-improved*. Approximately 21213m² of this habitat will be lost under the footprint of Phase One of the development. The ecological addendum states that 2891m² of wildflower grassland planting (which included wildflower margins and proposed grass seeded areas) will be carried out. Prior to approval, detail of the wildflower margin mix should be added to the Detailed Soft Landscaping Proposals. It will be vital to secure appropriate management of these areas through the GI Management Plan.
- 5.6.7 Bats have been found to be using the site for the proposed housing and others the area where the proposed new pylon would be located. Matters relating to otter are covered by the Habitats Regulations Assessment. The potential effects of entrapment, disturbance and toxic contamination have been considered. A CEMP will be secured via planning condition.
- 5.6.8 In 2013 a night roost for lesser horseshoe bats was identified. It has not been possible to confirm its presence during 2017 surveys but due to survey constraints, a precautionary approach has been taken and mitigation and compensation has been proposed. However, the detail of this has not yet been provided. It is noted that NRW have suggested using a planning condition to secure this information however, it would be more appropriate to secure this before determination. If minded to approve without the information then the planning conditions as suggested by NRW will be used (see section 6.0).
- 5.6.9 An updated bat survey has also been undertaken. Whilst the survey level is considered to be acceptable, the assessment of the 2017 findings has shortcomings: there is no evaluation of the importance of the site for foraging/ commuting bats. Based on the information provided and reference to the CIEEM EclA guidelines it is considered that for individual species the site value is 'Local to County Importance' for commuting habitat and 'Local to Regional' importance for foraging habitat. Considering all nine species recorded it is reasonable to evaluate the site as of at least County importance for both commuting and foraging. The protection, retention, augmentation and future management of the hedgerows, tree planting and grassland margins together with

Careful lighting design will be crucial in maintaining and improving the value of the site for bats. It has therefore been requested that roosting opportunities are incorporated into new builds and this is shown on the green infrastructure plan prior to determination. This is considered reasonable based on the importance of the site and the presence of priority species for conservation (Section 7 Environment (Wales) Act 2016).

5.6.10 Habitats likely to be used by nesting birds will be removed, damaged and disturbed during the works. All such works would need to occur outside of the bird nesting season unless habitat is checked immediately prior to the commencement of works by an appropriately experienced ecologist. This is covered by the draft CEMP: Biodiversity.

5.7 Residential Amenity

5.7.1 The individual houses on the proposed development have been designed and oriented so that there is no unacceptable overlooking between habitable rooms between dwellings.

5.7.2 In terms of existing neighbouring occupiers, these are limited mainly to the properties on the northern side of Poplars Road and Greystone Close whose rear gardens back onto the site. There will be a minimum distance of 21 metres between the rear elevations of these existing dwellings and those of the proposed new houses on Poplars Close and Greystones Crescent but generally up to 26 metres, which is considered to be large enough to protect the privacy of both existing and new occupiers.

5.7.3 The new access is proposed onto Hereford Road and will be opposite two existing dwellings known as 1 & 2 Cherry Tree Cottage and the issue of additional disturbance, especially during the hours of darkness due to vehicle headlights, has been raised. It is acknowledged that headlights will face towards the front windows of the two existing dwellings. However, this will be primarily into ground floor windows only in the hours of darkness when curtains are likely to have been drawn which should minimise any nuisance caused. The benefit of the extension of the 30mph zone to include the stretch of highway running past and to the north of these dwellings is also of benefit to the occupiers.

5.7.4 Consideration has been given to the impacts of the proposed pedestrian linkages on the amenities of existing residents and the impact is considered to be acceptable. Additional disturbance from footfall would be unlikely to have a significant impact, and the benefits of providing connectivity to the new development make these links important.

5.8 Section 106 Requirements

5.8.1 As well as the affordable housing provision covered in Section 5.9 below, the Council will be seeking financial contributions for open space and local play provision, green transport, highway improvements and education.

5.8.2 In terms of open space and play, provision should be made for one LAP (local area for play) in a central location within the site, consisting of five or six pieces of play equipment for children in the 0 – 5 year's age range. It is understood that the applicant would like this to be a natural play area and is agreeable to providing this on the open space already allocated in the Masterplan. A commuted sum from the developer to maintain the LAP for the first 20 years of its life would also be required if it is to be adopted by the Council.

5.8.3 The Abergavenny area is projected to have 227 surplus places in September 2017 and 247 in September 2021 so there is capacity within the area to accommodate additional pupils. However, this does not include Welsh Medium schools which 15% of pupils are expected to attend. As such £110,400 will be sought for Welsh Medium school provision.

5.8.4 A contribution of £40,000 for a bus service into the site will be sought together with an additional £10,000 to secure pedestrian links to Poplars Close, £30,000 for a footpath link along Hereford Road and £20,000 to improve the link to the school where there is currently no footway.

5.9 Affordable Housing

5.9.1 The price of housing in Monmouthshire has risen to a level beyond that which many local people can afford. In 1999 the price of an average property in Monmouthshire was 4.6 times the average earnings of someone working in the County. This has now risen to over 9 times the average earnings (Source: Hometrack LQ house price - income ratio 03/01/17). The greatest need in the County is for social rent (there are currently 1028 households on the Council's Register requiring a home in the Abergavenny area). The Council therefore has had a neutral tenure policy for all affordable housing.

5.9.2 The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. In this case, however, there are substantial abnormal costs involved in undergrounding the electricity line. These costs have almost doubled since the initial estimates by WPD at the time of the LDP Examination. As such the application has been assessed by the District Valuer as an independent body to gauge a viability tipping point level of affordable housing. They determined that a hypothetical 20% Affordable mix (52 units) results in a residual land value. This is higher than the 5% initially offered by the developer but is obviously below the 35% that the LDP seeks as a starting point but on the evidence presented and tested is considered to be acceptable in this case.

5.9.3 The affordable housing mix would comprise of 16 x one bed walk up flats, 3 x two bed bungalows, 21 x two bed houses, 7 x 3 bed houses, 2 x four bed houses. It should also be noted that the cost to buy of the private houses proposed on this site will start at around £140,000 and the vast majority will also be within the threshold for the Government's Help to Buy scheme.

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

5.10.1 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.

6.0 RECOMMENDATION: APPROVE subject to a s106 agreement (Heads of Terms set out in sections 5.8 and 5.9 above)

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority. (a) stating the date on which the development is to begin; (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
4	Prior to commencement of development, a final version of the Construction Environmental Management Plan (CEMP): Biodiversity shall be submitted to the Local Planning Authority for approval. This CEMP shall build upon the principles outlined in the submitted draft CEMP: Biodiversity prepared by Soltysbrewster ecology dated 24 August 2017. The construction of the development shall be in accordance with the approved CEMP: Biodiversity.
5	No development shall take place until full details of the sustainable drainage system for the site has been submitted to and approved in writing by the local planning authority. These details shall reflect the guidelines set out in the GI Infrastructure plan and detailed landscape plan. Details shall include [for example]:- 1. proposed finished levels or contours showing the relationship of the proposal to existing vegetation and surrounding landform; 2. means of enclosure if required; 3. Soft landscape details shall include: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities. 4. Water levels and flow rates. The development shall be carried out in accordance with the approved details.
6	No development shall take place until full details of the build out areas and proposed tree planting proposals has been submitted to and approved in writing by the local planning authority. These details shall reflect the guidelines set out in the GI Infrastructure plan and detailed landscape plan. Details shall include hard and soft planting details i.e surface materials and plants species, sizes and numbers where relevant. The development shall be carried out in accordance with the approved details.
7	A "lighting design strategy" shall be submitted for approval in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for biodiversity and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be retained thereafter in accordance with the strategy.

8	The structure planting as shown on the Green Infrastructure Plan no.TDA.1994.06 shall be implemented on the completion of each phase of development as also identified on plan no. TDA.1194.06 and prior to the commencement of the following phases.
9	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. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.
10	<p>A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the Management Plan shall include the following ;</p> <ul style="list-style-type: none"> a) Description and evaluation of Green Infrastructure assets to be managed. <ul style="list-style-type: none"> " Existing vegetation to be incorporated - hedgerows and trees " Public open spaces " Informal play " Community growing areas " Habitat and species enhancement and management " Access arrangements across the whole site " Street trees and verges b) Trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period). g) Details of the body or organization responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. i) A Plan setting out the ecological enhancements with respect to nesting birds and roosting bats should be clearly set out and overlaid upon the GI plan - bat & nesting bird opportunities in key new build units should be included on the plan. J) Location of the lesser horseshoe night roost to be shown on a plan overlaid upon the GI plan & landscape plan to demonstrate how it relates to the landscaping and how it shall not be in close proximity to pathways. <p>The development shall be carried out in accordance with the approved details.</p>
11	There shall be no occupation of any dwelling hereby approved until the necessary foul sewerage infrastructure works required by the Hydraulic Modelling Assessment SE186b dated July 2014 have been completed.
12	No development shall commence until a drainage scheme for the site for foul water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby approved.
13	No development shall commence until a drainage scheme for the site for surface and land water has been submitted to and approved in writing by the Local Planning Authority The scheme shall include an assessment of the potential to dispose of surface and land water by sustainable means.

	Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby approved.
14	The development shall be implemented in accordance with the mitigation measure described in Volume 2, Chapter 8 of the Environmental Statement submitted in support of this application.
15	The development shall be implemented in accordance with the Protection of Tree Statement received September 2017.
16	Any unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable and a remediation strategy submitted to and approved by the Local Planning Authority. The agreed mitigation shall be fully implemented prior to further works continuing.

Informatives:

Please note that this consent is subject to a Section 106 legal agreement.	
<p>Street Naming/Numbering - The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk</p> <p>This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.</p>	
<p>Please note that Bats are protected under The Conservation of Habitats and Species (as amended) Regulations 2010 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. We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats [amend if another species is involved]. Please note that the granting of planning permission does not negate the need to obtain a licence.</p>	
<p>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</p>	
<p>Please note that otters are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.</p>	

DC/2016/01219

SITING OF A TEMPORARY MOBILE HOME FOR A RURAL ENTERPRISE WORKING TO ESTABLISH A CALF-REARING BUSINESS

OAK TREE FARM, QUARRY ROAD, DEVAUDEN

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered:

1.0 APPLICATION DETAILS

- 1.1 The applicant wishes to develop a calf-rearing business. In order to do this she has brought a field which has planning permission for an agricultural building on it, and sited a mobile home, septic tank and provided a vehicular access into the site.
- 1.2 The applicant currently owns approximately 5.66 hectares (14 acres) of improved grassland. The applicant purchased the land in June 2016 and in addition to the freehold land she has agreed to rent a further 4 hectares (10 acres) under an open ended formal arrangement. The applicant has indicated that she could rent further land in the future if the business expands and becomes more successful. The enterprise will involve the rearing of bull calves from a week old to their slaughter at about 14 months. The calves will be reared in batches of approximately 25. The animals will initially be reared on milk and then weaned at approximately 16 weeks and will then be summer grazed. The calves will be purchased from local dairy farms. At about 14 months the animals will be slaughtered, butchered and jointed locally to produce finished meat products which will be retailed directly by the applicant at farmers markets and online. The applicant also intends to develop a mobile burger van.
- 1.3 It is believed that the applicant has already bought her first batch of calves and erected some hutches on the site but there was little evidence of this at a recent site visit. Ground works have been undertaken in preparation of erecting the approved agricultural building.
- 1.4 The applicant has assigned an independent advisor, APA consultants Ltd. to undertake an agricultural appraisal of the case which has been assessed by an external rural consultant on behalf of the Local Planning Authority.

2.0 RELEVANT PLANNING HISTORY

DC/2014/00858 - Construction of an agricultural building - Approved

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial Distribution of New Housing

S10 Rural Enterprise

S13 Landscape, Green Infrastructure and Natural Environment

S17 Place Making and Design.

S16 Transport

Development Management Policies

EP1 Amenity and Environmental Protection
DES1 General Design Considerations
RE3 Agricultural Diversification
LC1 New built Development in the Open Countryside
LC5 Protection and Enhancement of Landscape Character
NE1 Nature Conservation and Development
MV1 Proposed Development and Highway Considerations.

Other Considerations

Planning Policy Wales Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities (2010)

4.0 REPRESENTATIONS

4.1 Consultations Replies

Devauden Community Council – Refuse

Oak Tree is a very small farm and disputes the fact that the application is a viable agricultural proposition.

MCC Biodiversity and Ecology

Based on the information submitted with the application we have no objections prior to a planning decision. In consideration of the likely presence of ecologically sensitive habitats or species it is reasonable to expect no impacts upon biodiversity resulting from the proposals.

While we would typically seek some form of ecological enhancement in line with LDP policy, given the mobile home is already placed in the field and in light of the temporary nature of the application no such requests are considered appropriate in these circumstances.

Aside of the application I note that the land is located between two units of the Cobblers Plain Meadow SSSI. I would encourage the applicant to consider the diversity of grassland within the application area in their farming practice. The Gwent Wildlife Trust and Monmouthshire Meadows may be a source of information in this regard.

MCC Landscape

This site is located along the Devauden escarpment, a unique landform feature stretching across the southern part of the county. This area has a high scenic quality and unspoilt character and is regarded as having high and outstanding landscape and amenity value: this designation should be material in the decision making process.

We would consider the introduction of a mobile home as incongruous development within an important and valued landscape, and contrary to Policy LC5. The scheme does not respect the character of the surrounding landscape and has not demonstrated through a landscape assessment how landscape character has influenced the design, scale, nature and site selection. By way of comparison, the introduction of a rural dwelling (in this location) would need to take into account the

character of the area and include locally distinctive design solutions to meet requirements set out in Policies LC1, LC4 & LC5 - Material choice and landscape mitigation would be an obvious consideration.

However, given the temporary nature of the proposal and if an adequate landscape planting scheme is proposed, its overall impact on landscape and visual amenity will only be slight adverse and its effect on the Wye Valley AONB moderate/slight adverse.

We consider the introduction of a mobile home as an incongruous development within an important and valued landscape. However, given the temporary nature of this proposal and if an adequate planting scheme is proposed, its overall impact on the landscape and visual amenity would be slight adverse and its effect on the AONB would be moderate/ slight adverse. If it is proposed to approve the proposal, conditions are recommended

MCC Planning Policy

I refer to the above application for the siting of a temporary rural workers dwelling for a period of three years at Oak Tree Farm, Old Quarry Road, Devauden. It is noted that this relates to a 6 x 8.5m mobile home.

Strategic Policies S1 and S10 relating to the spatial distribution of new housing provision and rural enterprise respectively, are of relevance.

The proposal is located within the open countryside where residential development would not be appropriate unless justified for the purposes of agricultural/forestry, rural enterprise dwellings or one planet development in accordance with TAN6.

While the proposal is for a mobile home, it is assumed that the development is intended as a precursor for establishing a permanent dwelling should the need be established, in which case similar considerations apply regarding the principle of residential development in this location. In this respect, Policy LC1 states there is a presumption against new built development in the open countryside unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of those listed above. Policy LC1 also provides a number of criteria that must be met in the exceptional circumstances listed, these should be carefully considered in the context of this application.

National Planning Policy Guidance must be referred to in relation to rural enterprise dwellings to determine whether the proposal satisfies the criteria. Firstly it would have to be considered whether the proposal falls into one of the categories listed in Section 4.3 of TAN6 Planning for Sustainable Rural Communities. As a point of clarity it is noted the Assessment of Essential Need for a Dwelling for a Rural Worker refers to English Planning Policy Guidance rather than the Welsh Government Guidance set out in TAN6. It is noted an Agricultural Appraisal has been undertaken on behalf of the Council and suggests some of the required tests are not satisfied and that further evidence is required. This is necessary in order to determine whether the proposal fully satisfies criteria set out in TAN6.

Whilst it is referred to in the Covering Letter, Policy RE4 is not applicable in this instance as the proposal relates to a form of residential development which is not intended to be included in the context of this policy.

Policy LC5 relating to the protection and enhancement of landscape character must also be considered, along with, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively.

4.2 Neighbour Notification

Letters of objection received from 3 addresses

- Caravan erected before planning permission was sought
- Set a precedent
- Applicant's previous ventures have failed
- 125 beef cattle on 14 acres is not sustainable
- Promise of additional land is unreliable
- Renting land is expensive
- Applicant could have invested in her land in Dorset
- Other more suitable sites are available
- Poor Access
- Temporary dwelling will be replaced by a permanent one
- Contrary to Development Plan Policy
- Visually harmful to surrounding countryside
- Damaging the adjacent SSSI's
- Septic tank, electricity, borehole and phone connection has already been installed
- Damaging to tourism
- Intrusive in the landscape
- Contrary to the advice in TAN 6
- New enterprise is being created to justify a new dwelling
- There is nothing at this location that makes it especially suitable for this enterprise.
- The business could be established on any parcel of land
- Other more suitable sites are available locally
- No clear evidence that this is a sound financial venture
- Previous enterprises by the applicant have failed
- No evidence that a full time worker is needed to live on site
- The functional need could be met by other accommodation locally
- No case for a permanent dwelling has been made
- The site is visually prominent
- Enterprise is not of sufficient scale to justify a new residential property
- The caravan and hutches are an eyesore on the landscape
- Effects the setting of the adjacent Listed Building
- Contrary to LDP policy LC5
- Evidence for this location is not compelling
- Sloping site poor access means this is not an ideal site
- Lack of genuine business evidence
- The borehole may deplete water supply to adjoining land
- The cattle need to be inspected twice a day and does not need for someone to live with the cattle
- Anyone with a few acres of land could build a house
- Land is clay and too wet for cattle
- Cattle will have to be housed indoors and this is not good for their health
- TAN 6 discourages development in the open countryside
- The land is being desecrated
- Planning permission for the barn was improperly transferred
- A massive cliff has been built into steeply sloping land

- Soil and rocks have been dumped
- Diminishing the amount of land for the cattle to graze to 3 acres
- Access to the site is not suitable for transporting cattle and fodder
- Previous planning permission was granted for a householder extension due to poor access
- Damage to public roads and private driveways
- Applicant has no responsibility to maintain the drive way.
- Negative impact on adjoining tourist enterprise
- Land is not suitable for the proposed enterprise.

4.3 Other Representations

Wye Valley Protection Group - Object

Woodland should be recreated in this area

The AONB should be extended into this area

Muck heaps too close to dwellings

Fox Rural – Planning and Land Management Consultants

ESSENTIAL NEED APPRAISAL -

Monmouthshire's Local Development Plan under New Housing in the Countryside refers to Planning Policy Wales, and Technical Advice Note 6, as reason as to not providing detailed policy with regard to proposals for new dwellings in the open countryside, and that they should be referred to accordingly.

Planning Policy Wales (Version 7). In 9.3.6 of Chapter 9 – Housing, it clearly states that special justification is required for a new isolated house in the open countryside and refer to the example of “where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation”. The policy states that local authorities should refer to Technical Advice Note 6 (TAN 6), when it comes to appraising the requirements for rural enterprise dwelling appraisals.

Technical Advice Note 6 There was confusion in the beginning as to whether this was an application relating to an established enterprise or a new enterprise I am happy to look at this application as a new dwelling on a new enterprise and assess the proposal in accordance with criteria to be satisfied as listed in 4.6 of TAN6.

Firm Intention and Ability. If the intention and ability to undertake/develop the enterprises as proposed, are not fully present then there cannot be considered essential need for a temporary dwelling. I am not in a position to question in detail the applicant's intention, however the applicant's personal ability to develop the enterprise into a viable business must be qualified to an extent by the anecdotal information that the council must be aware of, that that the previous business involving a similar enterprise failed financially. There are also questions to be answered with regard practicalities involving land availability and facilities and the ability to develop the enterprise. The first is the financial ability to meet the cost of the new building as per the extant permission. The frame and roof and concreted floor alone would cost in excess of £80,000 before walling and gates etc. I cannot see this having been taken into account in the budget for instance. The other issue is the availability of the 'rented' land. I understand that the land referred to is not occupied by the applicant and is in fact for sale. It is therefore not readily available which raises serious doubts as to the potential number of cattle that could feasibly be reared here. This would have consequences in assessing the functional need and of course the financial picture. Even if the land was occupied on an informal arrangement as we are told, then in a short space of time, the acreage of land on which the enterprise is dependent may be reduced dramatically and consequently the stock numbers would decrease with the same conclusion. The lack of other long term land in addition to the owned acreage is

even more of an issue considering the owned land is understood to be steep and poorly drained and thereby further limiting the potential stocking rate. The ability of the owned land to withstand the proposed stocking does not appear to have been dealt with anywhere in the application or within subsequent correspondence.

Proposed location. The obvious point to make here is that a more sustainable location could have been sought i.e. an established fully equipped farm which could have been bought or rented with an appropriate acreage of long term available land. Planned on a sound financial basis. The budget and accompanying information relates to a system that is a low input and that produces a light weight c330 kg bull at 12-14 months, which is shown to be returning an output of £800 per animal. There are no accompanying notes to justify or at least identify the source of the budget figures used. For the applicant to be able to sell the animals for this return i.e. c £2.40 per kilo live weight which is very high, they need to be slaughtered, processed, and sold as meat products direct to the public. We are informed that the products will be sold as such via farmers markets, on line and via a mobile burger van. Although it should be noted that there is no reference to the purchase of refrigeration equipment or indeed a mobile van. There is referral to a business plan which I have not seen, but if the budget is to be taken as material to the proposal having been planned on a sound financial basis, then it would need to be accompanied by sound market research and feasibility study to justify the output figure which is based on a niche product. The council need to be confident that the vast majority of the 125 animals reared will be processed and sold in this way otherwise the enterprise would potentially be considered unviable and have no future. There is no evidence such as contracts or letters from a customer base committing to purchases in the future. It might have helped for instance to have seen evidence from the past business in Dorset. I have seen no evidence to support the proposed output figures which is unusual.

In the absence of sufficient justification then one would have to consider the scenario of the bulls being sold through a marketing group or meat company where the value would likely be nearer to £1.50 per kg live weight ie £500. This would equate to an output of £22K and a profit (based on the budget costs) of c£8K which would not support a full time worker.

There are no accompanying notes to justify the figures used. The quarterly cash flow spread sheet provided later by APA Consultants again raises a number issues. Unhelpfully again there are no accompanying notes as to the source of the figures. Importantly, as with the budget there, no allowance has been made for the cost of the proposed infrastructure e.g. the proposed building and electricity supply. This is common practice, and essential to enable any weight to be attached to the budgeted profit and loss assessment.

Functional Need. The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night e.g. calving cows. The majority of the husbandry duties involving cattle would be routine such as handling, sorting, feeding, checking, and treating, which in any case would be carried out during the working day, with a check first and last thing. When a batch of fresh calves arrive then they should be closely monitored for complications such as scours or onset of symptoms of pneumonia for the first day or two. Once settled in although there will likely be health issues that arise, these would be able to be picked up at the end of the day, and if necessary a planned check or treatment during the night might be necessary on very rare occasion. The level of care required for this enterprise falls a long way short of requiring there to be somebody permanently based on site compared with say an all year round calving herd of milking cows. A touring caravan sited close to the buildings would suffice in case an overnight stay is required, however such a requirement is likely to be few and far between. The siting of the caravan would probably be able to be catered for under Part 5 (Class A) of Schedule 2 to the GPDO.

Other dwellings - A dwelling within an easy commute would in my opinion be adequate to cover any functional need requirement. No case has been made as far as I am aware, that no such dwellings are available.

Conclusion - In consideration of 4.6 of TAN6 there is no essential need for a rural enterprise dwelling.

4.4 Letter of Support

I have known Judi James for several years as a client calf rearing in Dorset. Judi was carrying out the highly valuable task of taking the (generally unwanted) male calves out of the dairy farms and rearing them for rose veal (young beef). This requires exemplary husbandry and attention to detail and Judi was able to achieve very high standards of welfare rearing calves in spacious housing on straw with milk and concentrates.

Judi is an extremely good farmer and sets herself high standards; she has battled the difficulties of being a 'late entrant' to agriculture but has accrued a high level of knowledge, both of animal husbandry and business. She is exactly the kind of entrepreneur that, in my opinion, we should be encouraging. Whilst when in Dorset Judi was not able to live on site I know this was a constant frustration for her creating extra hardship in an already difficult job as well as the fact that she could not be overseeing her calves 24/7. For a farmer, someone living on site should be considered more than a luxury, if not essential; even more so when the animals involved are young.

Richard Anstis – Agricultural Consultant acting for MCC Planning

Supplementary Agricultural Appraisal Received 21/04/17

4.6.1a requires clear evidence of a firm intention and ability to develop the enterprise. Here the past record may have assisted, but no meaningful evidence is submitted, except by reference. Certainly though, the past experience of the applicant is potentially helpful in terms of answering the 'ability' test. The land is owned and is potentially sufficient for the enterprise, but no account can be made of the insecure land. Investment has been made, but it is not clear how the permitted building, or the first period of the business start-up will be financed. This test is not satisfied. This has now been sufficiently clarified and the test is satisfied.

4.6.1b requires clear evidence that the new enterprise needs to be established here at the proposed location. Further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed.

4.6.1c requires clear evidence of being planned on a sound financial basis. This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight. Some clarification has now been given and although there remain concerns whether the expected returns will materialise, I am now satisfied that the enterprise is at least planned on a sound financial basis and the actual profitability can be tested during the three year temporary consent period.

No meaningful evidence is provided to show how the business will survive this first period, especially constructing the building. This is now provided. There remain concerns, but the planning of the business model is sufficiently sound. If it is from private capital being introduced (£10,000 is shown as carried forward, but with no explanation, since this is presented as a new enterprise) then this should be stated. If it is carried forward from the earlier iteration of the enterprise in Dorset, then that enterprise needs to be presented with the evidence. The further evidence raises more questions than it answers and the test is not passed. Following the submission of additional information, the test is now passed.

4.6.1d requires a clearly established functional need that relates to a full time worker. Of course the labour required to fully employ a worker does not necessarily show a clearly established functional need for that worker to remain on site. In this case, the labour test is met, in that there will be sufficient work to fully employ a worker. The number of calves and maturing cattle planned is likely to require a permanent on-site presence.

4.6.1f requires that other normal planning requirements are satisfied. The mobile home is already in place and is appropriately positioned and sized.

Supplementary Agricultural Appraisal Received December 2016 (the conclusions are superseded by the more recent comments, above)

1.0 INTRODUCTION

1.1 Judi James has applied to Monmouthshire County Council for “the siting of a temporary rural worker’s dwelling” on land known as Oak Tree Farm, Devauden, Monmouthshire. The D&A Statement confirms that the application is a full application for a temporary dwelling in the form of a 6 x 8.5m (51sqm) mobile home, but the application is therefore for the temporary use of land for the siting of a mobile home. In fact, the applicant confirms that the mobile home is already on site and occupied by her, so the assessment is made as if this were a retrospective application.

1.2 Further evidence has been submitted since the first assessment in November 2016 and this Supplementary Assessment addresses that further evidence.

2.0 DETAILS OF THE HOLDING

2.1 Location

2.1.1 The site is in a rural location, approximately 1.5 miles south of Devauden.

2.2 Tenure

2.2.1 The holding extends to 14 acres of owned land, owned by the applicant, with a further 10 acres of land stated as potentially available on an insecure basis (and therefore largely ignored in this assessment).

2.3 Buildings

2.3.1 There are no existing buildings, but permission is granted for a 510sqm livestock building under 2014/00858. The applicant relies on the future placing of at least 6 calf hutches on the land, as temporary structures on skids and it has been assumed for this assessment that permission would be granted or not required for those hutches.

2.4 Dwellings

2.4.1 The applicant lives in the mobile home on site and has no other dwelling. There are no other dwellings on the site.

2.5 Land

2.5.1 The owned land is set to pasture. After allowing for the proposed building, the temporary dwelling, calf hutches and access tracks, the remaining available and secure pasture is a little over 13 acres

2.6 Enterprises

2.6.1 The applicant ran a veal enterprise in West Dorset for 7-8 years before switching (at that location) to a very similar enterprise as the proposed, albeit with more ad-hoc numbers, for 2-3 years prior to moving to the assessed site. Riverside Young Beef was created when that switch was made whilst still in Dorset, but the subsequent Young Beef enterprise was not profitable. The rented house occupied then by the applicant was 5 miles from the site, on land owned by her, but using buildings also rented and the applicant has stated that in part this and the lack of available land contributed to the lack of profitability and success of the latter enterprise. The reasons for moving to the existing site were as follows:

Because the house was taken back, the abattoir (used by Tesco) was moved, the access to the motorway network (to explore NHS and other contracts for young beef) from the existing site is good, the financial constraints of buying or renting land with a building and with a dwelling were prohibitive and the insecurities of renting again were a concern.

2.6.2 It is clear that the earlier enterprise was not at an advanced enough stage to be considered as a foundation for this proposed enterprise, which is now assessed as a 'new enterprise'. The central principle to the proposed enterprise is to use very low cost calves, being bull calves produced as a bi-product of the dairy industry (mainly non-Friesians because they now attract a premium), house them from birth (or from 1 week) in hutches, wean them at 16 weeks, then put them to pasture, then house them in the proposed building at 40 weeks until 56 weeks for slaughter. 5 batches of 25 per year are proposed and adequate details given on how these batches would be divided to best use the building and leave sufficient room for other storage requirements.

3.0 FUNCTIONAL & FINANCIAL TESTS

3.1 The enterprise qualifies for the purposes of 4.3.2 of TAN6.

3.2 An enterprise has existed for more than three years (begun around 2006), but in a different location and it is accepted that the proposal is not an established enterprise.

3.3 The principle tests for this application for a (temporary) new dwelling on a new enterprise are primarily set out 4.6 of TAN6. The tests under 4.4 of TAN 6 (for established enterprises) were examined under the earlier assessment and were not satisfied.

3.4 4.6.1a requires clear evidence of a firm intention and ability to develop the enterprise. Here the past record may have assisted, but no meaningful evidence is submitted, except by reference. Certainly though, the past experience of the applicant is potentially helpful in terms of answering the 'ability' test. The land is owned and is potentially sufficient for the enterprise, but no account can be made of the insecure land. Investment has been made, but it is not clear how the permitted building, or the first period of the business start-up will be financed. This test is not satisfied.

3.5 4.6.1b requires clear evidence that the new enterprise needs to be established here at the proposed location. Further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed.

3.6 4.6.1c requires clear evidence of being planned on a sound financial basis. This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight.

3.7 No meaningful evidence is provided to show how the business will survive this first period, especially constructing the building. If it is from private capital being introduced (£10,000 is shown as carried forward, but with no explanation, since this is presented as a new enterprise) then this should be stated. If it is carried forward from the earlier iteration of the enterprise in Dorset, then that enterprise needs to be presented with the evidence. The further evidence raises more questions than it answers and the test is not passed.

3.8 4.6.1d requires a clearly established functional need that relates to a full time worker. Of course the labour required to fully employ a worker does not necessarily show a clearly established functional need for that worker to remain on site. In this case, the labour test is met, in that there will be sufficient work to fully employ a worker. The number of calves and maturing cattle planned is likely to require a permanent on-site presence.

3.9 4.6.1f requires that other normal planning requirements are satisfied. The mobile home is already in place and is appropriately positioned and sized.

4.0 CONCLUSION

4.1 Some of the required tests are not satisfied.

5.0 EVALUATION

5.1 Justification for a Rural Enterprise Dwelling in this location.

5.1.1 Policy S1 of the adopted Local Development Plan only allows for the erection of new residential dwellings in the open countryside in exceptional circumstances. One of these exceptional circumstances is where the dwelling is necessary for agriculture, forestry or other appropriate rural enterprises in accordance with TAN 6. Planning for Sustainable Rural Communities, Paragraph 4.3 of Tan 6 states that:

“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.”

5.1.2 This application seeks consent for the siting of a mobile home at the site to establish the new business. There has been some debate as to whether this application is seeking a new dwelling on an established rural enterprise under paragraph 4.4 of the TAN or a new dwelling on a new enterprise under paragraph 4.6. Although the applicant has experience of running this type of enterprise in England, that earlier enterprise was not at an advanced enough stage to be considered as a foundation for this proposed enterprise, which is now being assessed as a ‘new enterprise’.

5.1.3 TAN 6 says that rural enterprise dwellings include a new dwelling on a new rural enterprise where there is a functional need for a full time worker. In these circumstances it must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. Paragraph 4.6.1 then lists the criteria that should be satisfied. These are:

- a) clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions);
- b) clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available;
- c) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- d). there is a clearly established functional need and that need relates to a full-time worker, and does not relate to a part-time requirement;
- e). the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and if other normal planning requirements, for example siting and access, are satisfied.

5.1.4 With regard to criteria a) it is considered that the applicant has demonstrated a clear intention to establish the business and the application seeks to allow for the siting of a caravan to establish the enterprise. The applicant has acquired some calves and erected mobile hutches for the site. In addition she has invested a considerable sum in locating the caravan, connecting to services, installing a septic tank and borehole. The applicant has also brought the 14 acres of land. The agricultural building which was granted permission in 2014 is currently under construction. On balance, it is considered that there is an intention to develop the new rural enterprise.

5.1.5 Paragraph 6.8 of the Practice Guidance for TAN6 says that “the policy in respect of new rural enterprises requires the inherent suitability of the site for the new enterprise to be tested and that clear evidence will be required in respect of site selection and the reason why the enterprise could not be accommodated on an alternative suitable site where an existing dwelling is available.” The applicant says that she is unable to afford to buy a farm with a dwelling attached and that it is too expensive for her to rent a property. She says that she has failed to obtain a council farm. She maintains that after a long search this was the only property she had found that was in close proximity to the motorway network. The agent acting on her behalf says that the applicant had made an extensive effort to secure a suitable premises but does not have the capital resources to buy land with a dwelling attached. Richard Anstis considers that “further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed.” The important matter to consider here, according to TAN 6, is not whether the applicant can afford to buy an existing farm but whether the business model proposed can afford it. The applicant does own several other properties which she rents out, elsewhere in the country, and these could be sold to finance the buying of a farm with a dwelling attached. However the tests in TAN 6 requires that the business model proposed can afford to provide the dwelling. This calf rearing business is marginal in terms of profitability so that the enterprise itself could not sustain the purchase of a farm with available accommodation, regardless of the applicant’s own personal circumstances. This enterprise could only survive if it was established without the cost of having first to buy an established dwelling (even a property restricted in price by the imposition of an agricultural workers tie.) The applicant has provided evidence why the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available. This information has been assessed by the rural consultant Richard Anstis and it is considered that criterion b) of paragraph 4.6.1 of TAN 6 is met.

5.1.6 Although the applicant's intention to establish a business in this location is clear, what is not evident is the ability of the applicant to make a success of the business given past record. There are concerns as to whether there is "clear evidence" of that ability. Criterion c) of paragraph 4.6.1 of TAN 6 outlines that there needs to be clear evidence that the proposed enterprise has been planned on a sound financial basis. The agricultural consultant, Richard Anstis considered the details of the business plan and he concludes that: "This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight. Some clarification has now been given and although there remain concerns whether the expected returns will materialise, I am now satisfied that the enterprise is at least planned on a sound financial basis and the actual profitability can be tested during the three year temporary consent period ".

It is recognised that the expected returns for the sale of the calves as outlined by the applicant, are optimistic. It is suggested that all of the calves would have to be processed and sold as meat products direct to the public (in the form of farmers' markets, on line and via a mobile burger bar). There is a question over how realistic this is and if this is the case investment would have to be made in the processing and refrigeration of the meat and this has not been reflected in start up costs. In reality it is likely that a proportion of the meat will be sold through marketing groups and will therefore result in a lower return. The Council's rural business consultant has outlined that the case is marginal but it is considered that the business could be successful. The advice given in TAN 6 is that if there is no clear evidence that the business would be successful permission could be granted for a temporary permission to give the applicant time to prove that the business could be viable. Evidence in this case is marginal but the advice from TAN 6 is to give the applicant the benefit of the doubt in order to encourage the establishment of new rural enterprises. Paragraph 4.6.2 clearly outlines that "*Where the case is not completely proven for a dwelling permission should not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. Three years will normally be appropriate to ensure that the circumstances are fully assessed. If such a permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraphs 4.4.1 or 4.6.1 are met. The planning authority should make clear in planning conditions the period for which the temporary permission is granted and that the temporary dwelling will have to be removed when that period expires.*" TAN 6 aims to support and develop rural enterprises and on balance it is considered acceptable to allow a temporary consent for the siting of a mobile home in this location to give the enterprise the opportunity to establish. If the business was unsuccessful then the caravan could be removed from site and this would be a condition of any consent.

5.1.7 It appears that the enterprise could make sufficient profit to employ a full time worker. The applicant is proposing to invest private capital obtained from her previous operations in Dorset to establish the business during the first year, including the cost of constructing the agricultural building. The applicant needs to demonstrate that there was a functional need and sufficient work for a full time worker. Initially the Council's consultant, Richard Anstis, considered that it was not necessary for the worker to be

living permanently on site and correspondence received from the local farming community suggests that it may be possible for the worker to live off site and visit the herd once or twice a day to ensure its well-being. In a later submission, however, the Council's consultant states that he now considers that the number of calves and maturing cattle planned is likely to require an on-site presence. On the basis of the evidence provided and on the advice given by our expert advisor, it is considered that there is a functional need for a worker to be onsite and that criterion d) is met.

5.1.8 Criterion e) outline that it needs to be demonstrated that the functional need for a full time on site worker could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned. This test is similar to that required in criterion (b) and many of the issues overlap. There are no other buildings within the 14 acre holding that could be converted into residential accommodation. The applicant then needs to show that they have considered if there is other existing accommodation in the locality which is suitable and available for occupation by the applicant. The applicant has outlined that they have explored the availability of other properties either to buy or to rent but she could not afford to do so. The business model could not support the purchase of a new dwelling as the profit margins are too low. The personal circumstances of the applicant are such that she could sell her existing properties to fund the purchase of an existing dwelling close to her enterprise. However as outlined above, TAN 6 requires that *the business model proposed* can afford to provide the dwelling. This calf rearing business is marginal in terms of profitability so that the new enterprise itself could not sustain the purchase of a farm with available accommodation, regardless of the applicant's own personal circumstances.

5.1.9 The Council's agricultural consultant has reviewed the proposal in detail and following lengthy discussions considers that the tests within TAN paragraph 4.6.1 are met. He has outlined that this is a marginal case and although the tests are met the viability of the business would have to be tested over time. It is recognised by officers that this is a marginal case and that if the application was to seek a permanent residential unit at the site it would be refused. However the application is for the siting of a mobile caravan to establish a new rural enterprise. Paragraph 4.6.2 of TAN 6 suggests that a period of three years is normally appropriate to ensure that the circumstances are fully assessed to see if the criteria in paragraph 4.6.1 are properly met. In this case the financial viability of the enterprise has not been completely proven and the figures that have been presented are optimistic. TAN 6 looks to support the establishment of rural enterprises and as such it is considered appropriate to grant a temporary permission to allow the applicant to set up the business and see if it can support a full time worker. The situation could then be reviewed at the end of three years and if the business was not complying with the criteria of paragraph 4.6.1 of TAN 6 then the mobile home would need to be removed. This would be secured by a detailed condition. An informative would need to be included on the decision note detailing the requirements that would be needed to be proven to allow for the granting of a permanent dwelling.

The applicant is applying for a mobile home to be sited at the site and although the soundness of the business model is marginal in nature the policy framework in relation to rural enterprises allows for enterprises to attempt to become established by allowing a temporary caravan at the site. On balance given the support for this type of development within TAN 6 it is considered that the principle of siting the caravan at the site would be acceptable. Richard Anstis considers the tests to be met and paragraph 4.6.2 of TAN 6 clearly outlines that rural enterprises should be given the opportunity to become successful.

5.2 Visual Impact, including impact on the natural beauty of the Wye Valley AONB

5.2.1 TAN 6 makes it clear that applications for rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. Policy LC1 of the LDP states that there is a presumption against new built development in the open countryside unless it can be justified as a rural enterprise dwelling. The criteria of policy LC1 would also have to be met and these state:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

5.2.2 The caravan is sited on the side of the Devauden Escarpment. This area has high scenic quality, and it is regarded as having high and outstanding landscape and amenity value. MCC's Landscape & Urban Design Officer considered that the introduction of a mobile home in this location to be an incongruous development within an important and valued landscape. The applicants have not demonstrated through a landscape assessment how the landscape character has influenced the design, scale, nature and site selection. However, given the temporary nature of the proposal and if adequate landscaping planting is imposed by condition, the overall impact of the caravan on the landscape and visual amenity of the area will be 'slight adverse' and its effect on the Wye Valley AONB would be moderate/slight adverse.

5.2.3 The caravan is sited at the lower level on the land. If it was positioned higher up it would be more visually prominent. It is located close to where the large agricultural barn already has permission. The site is relatively close to Ty Mawr Farm House which is a Grade II listed building. Given the larger intervening agricultural building that has been approved and the fact the mobile home is some distance from the farmhouse it is not considered to detract from the setting of the listed farm house. The mobile home is white in colour and is of a standard size. The Council's Landscape officer has reviewed the proposed development and does not consider that the caravan would have such a significantly adverse impact on the character and appearance of the landscape to warrant refusing the application. The Landscape Officer has outlined that a detailed landscaping scheme would mitigate for the visual appearance of the caravan and a landscaping condition would be added to any consent. It is not considered appropriate to ask for an alternative caravan model for this temporary period. The temporary siting of the caravan would not significantly adversely affect the rural character of the area. It would be located appropriately near the existing farm building and would be viewed to be part of the rural enterprise. The proposed siting of a caravan in this context is considered to be justified (as outlined in 5.1) and would be in accordance with the requirements of Policy LC1 and LC5 of the LDP.

5.2.4 Policy LC4 of the LDP requires all development within the Wye Valley AONB to be subservient to the primary purpose of conserving and enhancing the natural beauty of the area. It is true that rural enterprises are an important feature of the Wye Valley and that a farming enterprise is compatible with the overall character of the area. Although a mobile home is generally an incongruous feature it is only intended for a temporary period until the farming enterprise has been established. It is important that a comprehensive landscaping scheme is implemented. The proposal will not generate high levels of traffic movement and will only have minimal impact on nature conservation interests. Therefore on balance it is considered that the establishing of a

rural enterprise in this location, with its attendant temporary mobile home would broadly comply with the objectives of Policy LC4 of the LDP

5.3 Highway Considerations

5.3.1 The traffic flows generated by the enterprise are relatively low and are no of concern to the Council. The increase in traffic could be accommodated on the local highway network.

5.4 Economic considerations

5.4.1 The enterprise would employ one full time worker

5.5 Other issues raised

5.5.1 The application site is located between two units of the Cobblers Plain Meadow SSSI. However the proposal will have little impact on these designations given that the land can already be grazed by livestock. The sinking of a borehole would require a licence from NRW.

5.6 Response to the Community Council's objection

5.6.1 This has been addressed in section 5.1 above.

5.7 Conclusion

5.7.1 It is acknowledged that the soundness of business case for establishing a calf rearing enterprise in this location is finely balanced, but the advice given in TAN 6 is that where the case is not completely proven for an enterprise dwelling, it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period to offer the applicant the opportunity to establish the business. Given the support for this type of development within TAN 6 it is considered that the principle of siting the caravan here would be acceptable. The Council's rural business consultant considers the tests to be met and paragraph 4.6.2 of TAN 6 clearly outlines that rural enterprises should be given the opportunity to develop into successful businesses.

6.0 RECOMMENDATION: APPROVE

Conditions:

1. The development shall be carried out in accordance with the list of approved plans set out in the table below
2. Within three months of the date of this approval a scheme of hard and soft landscaping shall be submitted for the approval of the Local Planning Authority. The scheme shall include a) details of all existing trees and hedgerows on the land; b) details of any existing landscape features to be retained, together with measures for their protection in the course of development; c) a specification of hard surface materials; d) details of the means of enclosure; e) a planting plan (species/sizes/densities); f) details of minor artefacts and structures (e.g. refuse or other storage units, signs and lighting) and. g) a maintenance schedule for landscape planting, for a minimum period of three years. The matters specified in a) – f) shall be carried out in accordance with the approved details within the first planting season following the approval of the scheme by the local

planning authority. The planting shall be maintained in accordance with the approved maintenance schedule for a minimum of three years from the time it is implemented.
REASON: In the interest of visual amenity and the character and appearance of Monmouthshire's unique and special landscape and the Wye Valley AONB, and in accordance with POLICIES LC1, LC4 & DES1

3. When the temporary mobile home, hereby approved, ceases to be occupied by the applicant, Ms Judi James, or after a period of 3 years from this permission being granted, whichever is the earlier, the use hereby permitted shall cease and the mobile home, structures, materials and equipment brought onto the land in connection with the temporary accommodation shall be removed and not brought back onto site. Within 12 months of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the LPA.
REASON: In the interests of visual and landscape amenity and in accordance with POLICIES LC1, LC4 & LC5.

Informatives:

At the end of the three year period the applicant must demonstrate that that all of the criteria in paragraphs 4.4.1 or 4.6.1 of TAN 6 have been satisfied. It must be demonstrated that the enterprise is profitable and that it is able to support a full time worker.

An appropriate landscape and visual impact appraisal would be required to support a permanent rural dwelling application.

DC/2017/00771

RETROSPECTIVE PLANNING APPLICATION TO CHANGE THE USE OF 4056SQ.M. OF LAND FROM GRAZING/AGRICULTURAL USE TO STORAGE OR DISTRIBUTION; THE LAND HAS BEEN USED FOR STORAGE AND DISTRIBUTION FOR THE LAST 4 YEARS

BARRIER SERVICES, THE ELMS, CAERWENT BROOK, CALDICOT

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst

Date Registered: 27/07/2017

1.0 APPLICATION DETAILS

- 1.1 Barrier Services Ltd was established in 1983 and moved to The Elms, Caerwent Brook, Caldicot in 1989. This company supplies and installs safety fencing for Highways and general fencing for commercial purposes. For the last 28 years of trading Barrier Services Ltd has been located at the current site conducting exactly the same business within the same business sector. The business has seven transit vans and eight lorries and four trailers, based at the site. The eight lorries can be articulated tractors/rigid body or a mix of both and the trailers are articulated trailers. There are a total of 50 staff employed with 15 office staff working from the site along with two drivers directly working on site. Other employees work off site. There has been no increase of works vehicles to the site as a result of this proposal.
- 1.2 The application site is located at the end of a lane situated on the outskirts of Caerwent village, near Caldicot. The site is situated adjacent to the M48 on its southern boundary and open countryside to the north and west boundaries. There is an underpass that leads to Sandy lane to the east of the site.
- 1.3 This application relates to a parcel of land previously used for grazing horses which is set beyond the existing compound and adjacent to The Elms. The parcel of land to the north of the existing compound has been altered so that it can be used as an additional compound for the storage of old and reconditioned materials and the storage of the company vehicles. Due to standards set by the Highways Agency/Costain who make regular inspections to the site, they have to store new, old and reconditioned materials in separate compounds so that they do not get contaminated. Therefore, as a result of these requirements it was necessary to change the use of the grazing land behind the existing compound to increase the space. This enabled the company to store the materials in separate areas in order to comply with these specifications and standards. The new compound is also used for the parking of the business vehicles whilst the existing area is also used for staff parking. The land in question has been used for this purpose for the last four years. This application has been submitted as a result of an enforcement complaint.

2.0 RELEVANT PLANNING HISTORY

E17/058	Alleged Unauthorised Works	Pending outcome of planning application
DC/2004/00452	2 storey rear extension to form offices and ancillary accommodation	Approved 27/5/2004
A30885	Outbuildings and yard, change from roofing contractors to motorway	Approved 8/6/1989

	safety fencing contractors and house to office accommodation	
--	--	--

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S8 Enterprise and Economy
- S13 Landscape and Natural Environment
- S17 Place making and design

Development Management Policies

- EP1 General Development Considerations
- DES1 General Design Considerations
- LC5 Protection and enhancement of landscape character
- RE1 Employment within villages

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caerwent Community Council – recommend refusal. The access to this site is totally unsuitable for the huge vehicles going along a very narrow lane to get to the depot which has grown in the last few years. The extension to their yard area is presumably due to the extra traffic now using the yard. Fears for the safety of local residents, walkers and cyclists who use this lane. The local population and infrastructure is under far more pressure than it ever has been and cannot now accommodate such a business. Every support should be given to find a new suitable location that would preserve the jobs of those employed.

MCC Highways – No objection. The application is for retrospective permission for the change of use of land from grazing to storage and distribution of materials associated with the existing business, Barrier Services. Barrier Services is an existing and well established business which has operated from The Elms for approximately 28 years. It is understood that the application site has been in use for the storage and distribution of business related materials for the past 4 years. The expansion of the footprint of the site to provide additional storage does not demonstrate an expansion of the business that has resulted in additional vehicular movements on the local highway network above the level operating historically. The Highway Authority has not received any complaints over the last 4 years regarding intensity of traffic to and from the site resulting from the land use and during that time it appears the business has continued to function as it has historically without any reported problems. As described above the site has historic use and therefore the vehicular traffic associated with the business will continue as it has done historically. Furthermore, the land has been in use for the past 4 years and has functioned with no reported problems. In light of this the Highway Authority is unable to substantiate a recommendation for a refusal of the application on highway grounds.

MCC Public Rights of Way – The applicant’s attention should be drawn to Public Footpaths Nos.113, 114, 116, 112 and 135 in the community of Caerwent which run adjacent to and or over the site’s vehicular access route. Records suggest that the legal alignment of some of the paths are already not available as legally required. Although the proposed development might not further impact on the availability of the paths it is nonetheless an issue that needs to be resolved. Path Nos. 113, 114, 116, 112, and 135 need to remain free and available at all times. Alternatively a temporary closure or path

order that will permanently move the paths to an alternative alignment will be required. Importantly closures are only applicable under certain circumstances and path orders are subject to legal test, public consultation and can fail. The applicant should contact Countryside Access.

4.2 Neighbour Notification

Following the submission of the application a site notice was placed on site and due to the location of the business notification of the application was sent to the neighbours situated along the lane. Several letters of support were received during the consultation period along with several letters objecting to the application.

The letters in support are as follows:

The assumption that this planning application is anything to do with expanding the business is totally incorrect. Barrier Services has not expanded its business in the last 25 years. The operator's licence has not changed and we do not operate any more vehicles now that we did 25 years ago. The expanded use of the field purely to make the premises more aesthetically pleasing and operations more structured for Health & Safety reasons. Up until 3-4 years ago no complaints had been received from our neighbours. I must reiterate there has been no expansion of this business and no expansion of the motor fleet.

Barrier Services are applying for planning permission to increase the size of their compound to facilitate storage and parking. The business has not expanded and the number of vehicles cannot be increased because of the terms of the operator's licence.

An employee has stated that the company has always been respectful of the residents and the environment on Sandy Lane and the surrounding areas, taking great pains to ensure their work force drive slowly and with due care and attention in the lane at all times. The company's operator's licence has not changed in 25 years and the company has not expanded. It is pointed out that the supporter has travelled the lane on a daily basis without any problem until some 3-4 years ago when some of the residents took it upon themselves to block all the existing passing points on the lane with stones and boulders and sticking in plastic chevrons on grass verges where none had been before.

Barrier Services expanded the compound area for health and safety reasons allowing for designated parking areas for lorries/vans and staff and visitors. Barrier Services has been operating from these premises for 29 years and have worked for the company for 23 years and never had any problems on the lane. Problems have occurred in the lanes by passing areas being blocked by boulders etc. Barrier services have always helped maintain the lane by cutting trees/hedges and tarmacking parts of the lane. The operator's licence has not changed in the years they have been here and they still operate within the terms of the licence. The fleet of lorries has not grown or expanded.

Several objections letters have also been received in response to the application. Their comments are as follows:

A resident situated along Church Road comments that the size of vehicles driving through Caerwent and up/down Sandy Lane is concerning as the roads in the area are not designed for this size of vehicle. Concern is expressed that approval of this application would provide incentive to expand the business at some point in the future which cannot be sustained in the current location. If local industrial areas are so expensive as to be detrimental to local businesses, then this pricing mechanism needs to be re-evaluated to avoid this situation in the future.

A resident from Kirrlach Close which is situated on the other side of the bypass in Caldicot, off Sandy Lane comments that this application will impact on their environment owing to the amount of traffic and the noise and weight of these vehicles together with pollution. The amount of lorry traffic over the last five plus months has increased with skip lorries/Cheeseman tipper trucks; the speed limit of 20 miles per hour is not being adhered to and the width of road is too narrow and there are weight limits on bridges. Totally against this application.

A resident from Dewstow Road stated that the application is significantly short of information regarding the impact of the expansion in terms of increased traffic flow and size of vehicles being operated from the locality. This is a business that has outgrown its premises and as such should be encouraged to relocate. The traffic movements by extremely heavy vehicles and loads are not fitting for the C class and below rated roads which are not constructed or designed to take these type of vehicles.

A resident from Dewstow Road commented that they are amazed how this operation has seemingly been allowed to escalate over the last few years without the correct permissions? There is no objection to the right of any businesses to operate as efficiently and effectively as possible, and the objector wishes the business well in bringing employment to the area. The objector does not support this if it has no official sanction and would encourage all others who share their concerns to make this known by filing an objection.

A resident from Sandy Lane states that they have seen a significant increase in heavy traffic in the last few years. The road is in effect a cul-de-sac, a no through route to 4 wheel traffic. There is no pavement and few passing places and it is dangerous. It is used by walkers, cyclists etc. .

One resident who lives on Fairfield Close situated off Newport Road/Dewstow Road strongly objects to the retrospective planning application. It is asked how this business is operating out of such an unsuitable area; it appears that no permission was given. The objector notes increased heavy vehicles using Dewstow Road which is totally unacceptable. The access into Dewstow Road from Newport Road is not compatible for such vehicles in fact it is only just adequate to take cars. Dewstow Road is congested with parked vehicles and has no pavement for pedestrians. It is not acceptable that this company is operating in a rural area and should be on an industrial estate.

Lastly a petition has been received opposing the retrospective planning application. Since the expansion of the premises some 3-4 years ago without planning permission the amount and size of HGV vehicles in Sandy Lane has greatly increased and it is felt that they are far too large for this country lane. Also by the expansion of this business the amount of extra support traffic generated is unsuitable for such a narrow winding lane where there is quite a bit of pedestrian traffic as well. It is considered that this business has been allowed to outgrow its present premises and should be relocated to a more suitable situation for its purpose, i.e. an industrial estate.

Local Member Comments

Cllr. A. Easson – this plan is to make some moderations to the operations at Barrier Services in Caerwent. I have been approached by residents of Dewstow Road in my ward, leading to Caerwent. Their concerns are that traffic density has generally increased since the restrictions at the Neddern Bridge at Caerwent Brook towards Barrier Services.

5.0 EVALUATION

This application relates to a change of use of a parcel of grazing land situated to the northern boundary of an existing compound to allow additional storage of old and reconditioned materials and the parking of business vehicles and lorries at the site. The site is adjacent to the existing business premises and is not readily visible to any residential properties. The compound which is the subject of this application will be accessed via the existing compound on site. The parcel of land is approximately 4050 sq.m. The main reason for the extra space is in response to health and safety and specific standards imposed on the company from outside agencies and not because the business is expanding. Given the circumstances of objections raised this application is not looking at whether the business itself is unsuitable in this area (as the use is lawful) but as to whether the change of use of the grazing land to the storage use proposed, is considered to be acceptable.

The business has been located at this site for approximately 28 years and planning permission was granted in June 1989. This business, albeit small, employs around 50 members of staff not all of which are based at The Elms. It should be noted that only 17 employees are actually based at the Caerwent Brook site the remaining 33 employees work on customer sites. Similarly, wherever possible materials and plant are delivered to a project location directly.

5.1 Visual impact

5.1.1 The proposed area of hardstanding measures approximately 4050 square metres and backs onto the existing compound. The new compound is enclosed by security fencing and access to it is via the existing compound. The proposed area of hardstanding adjoins the existing business. The area will be used for the storage of materials and the parking of business vehicles at the site. It is essential that the materials that are kept on site are stored separately. New materials are stored in the existing compound along with staff parking and old and reconditioned materials and all commercial vehicles are kept in the new compound.

5.1.2 The site is well screened from any residential properties and located at the end of a single lane with the M48 running along the southern boundary of the site. The nearest property from the business premises is approximately 0.2 miles away. There is grazing land to the eastern boundary of the site and a golf course to the western boundary. The business is well established and the additional compound will have a minimal visual impact at this scale. The use is considered to be appropriate in this location and will not harm local visual or residential amenity.

5.1.3 Policy LC5 states that development will be permitted provided it would not have an unacceptable adverse effect on the character of Monmouthshire landscape. In this instance the site is well established having an existing compound for materials already. Whilst it would appear that the additional area required is because the business is expanding this is incorrect, as outlined above. Whilst part of the agricultural land has been used for this purpose there is still ample grazing land still in use adjacent to the site. The site is bounded by mature hedgerows and trees and the locality remains largely unchanged except for the additional hardstanding. It is considered that the development complies with Policy LC5 of the Monmouthshire LDP.

5.1.4 LDP Policy LC1 states that new built development will only be permitted where all the following criteria is met. The hardstanding is located next to the existing site and business premises that has been in situ for approximately 28 years; the change of use

of the land is a small parcel of land that is situated to the northern boundary and surrounded by mature trees and hedgerows. The compound cannot be visibly seen from the lane except for the security fencing that bounds the site. Therefore it is considered that as this is an existing established business the development of the land complies with Policy LC1 of the Monmouthshire Local Development Plan.

The additional compound that has been implemented for the use of Barrier Services would respect the existing form, scale, siting, massing, materials and layout of its setting and is considered to be accordance with policies, DES1, EP1, LC1 and LC5 of the LDP.

5.2 Residential amenity

5.2.1 The site is relatively isolated along a single lane and the nearest residential property is some 0.2 miles away from the site. The business has been trading at this site for approximately 28 years as a fencing contractor for permanent and temporary safety fencing. Objections have been received regarding the traffic movements of the large vehicles used by the company along the lane that serves access to several residential properties. No objections have been received regarding whether the change of use of agricultural land to hardstanding is acceptable.

5.2.2 Whilst understanding the frustration and concern of residents regarding the use of heavy vehicles along the lane, the business has not expanded but needs the extra space to store materials in separate areas along with providing separate parking for the business and staff vehicles. No complaints have ever been received regarding this business until recently although it has been trading at the same site for 28 years. The company has had the same number of vehicles since first moving to the property in 1989.

5.2.3 The business is well established and this application is not to determine whether the business is suitable in this location but to establish whether the change of use of the grazing land to a compound is acceptable. On the basis that the majority of objections relate to traffic and highway related issues it is considered that the change of use of the land to hardstanding for the purposes of storage of materials and the parking of the company's business vehicles then it is considered that the development would be in accordance with Policy EP1 of the LDP.

5.3 Highways

5.3.1 The expansion of the footprint of the site to provide additional storage does not demonstrate an expansion of the business that has resulted in additional vehicular movements on the local highway network above the level operating historically. The Highway Authority has not received any complaints over the last 4 years regarding intensity of traffic to and from the site resulting from the land use and during that time it appears the business has continued to function as it has historically without any reported problems. As described above the main site is an historic use and therefore the vehicular traffic associated with the business will continue as it has done historically. Furthermore, the land has been in use for the past 4 years and has functioned with no reported problems. Given the existing use on site it is not considered that the proposed change of use of the land would cause unacceptable harm to the wider highway infrastructure.

5.4 Conclusion

5.4.1 The proposed change use of the land from agricultural use to a compound for the storage of materials and parking of vehicles in respect of the existing business is considered to be an appropriate form of development. The area is alongside the existing

business use and would have a limited visual impact on the area and be in accordance with the relevant policies in the Local Development Plan.

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

5.5.1 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.

6.0 RECOMMENDATION: APPROVE

Conditions

1. The development shall be carried out in accordance with the list of approved plans set out in the table below.
Reason: For the avoidance of doubt as to the approved plans.

This page is intentionally left blank

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/09/17

gan Clive Nield BSc(Hon), CEng,
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12.09.17

Appeal Decision

Site visit made on 04/09/17

by Clive Nield BSc(Hon), CEng, MICE,
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 12.09.17

Appeal Ref: APP/E6840/C/17/3172915

Site address: Land at the Chainbridge Inn, Kemeys Commander, Usk, NP15 1PP

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Mark Dew against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice was issued on 28 February 2017.
- The breach of planning control as alleged in the notice is the unauthorised change of use of the land to that for the storage of caravans, lorries, vans, scrap vehicles and scrap metal.
- The requirements of the notice are to: (i) Remove all lorries, vans, caravans, scrap cars and scrap metal; and (ii) Cease the use of the land for the parking of lorries, vans, caravans, scrap cars and scrap metal.
- The period for compliance with the requirements is 2 calendar months.
- The appeal is proceeding on the grounds set out in sections 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Decision

1. It is directed that the enforcement notice be corrected by the deletion of the words "Land adjacent to Chainbridge Inn, Chainbridge in the County of Monmouthshire shown edged red on the attached plan" and the substitution of the words "Land at the Chainbridge Inn, Kemeys Commander, Usk, NP13 1PP, shown edged red on the attached plan" in Schedule 1, and by the deletion of the words "Unauthorised change of use of land to that for the storage of caravans, lorries, vans, scrap vehicles and scrap metal" and the substitution of the words "Unauthorised change of use of the land to mixed use comprising use as a public house, use as a caravan and camping site, and use for the storage of caravans, lorries, vans, scrap vehicles and scrap metal" in Schedule 2, and varied by deletion of the words "Cease the use of the land for the parking of lorries, vans, caravans, scrap cars and scrap metal" and the substitution of the words "Cease the use of the land for the storage of caravans, lorries, vans, scrap vehicles and scrap metal" in Requirement (ii) in Schedule 4.
2. Subject to these corrections and variation, the appeal is dismissed and the enforcement notice is upheld.

Procedural Matters

3. In the enforcement notice the land affected is described as "Land adjacent to Chainbridge Inn, Chainbridge in the County of Monmouthshire shown edged red on the attached plan". However, the land edged red on the enforcement notice plan includes the Chainbridge Inn itself (rather than being adjacent to it), and the Council's subsequent letters of notification use the address "The Chainbridge Inn, Kemeys Commander, Usk, NP15 1PP" (a more suitably precise address). Consequently, I consider the site address is more appropriately described as above, and I shall correct the notice accordingly.

Appeal under Ground (b)

4. This ground of appeal is that the alleged breach of planning control has not occurred as a matter of fact, and the Appellant argues that the words "to that" in the alleged breach are incorrect as the enforcement site includes areas of land with lawful use as a public house and as a caravan and camping site. Consequently, it is submitted that the notice should have referred to change of use to mixed use including the storage matters listed in the breach, and so the notice is incorrect.
5. The Appellant is quite correct in this respect. The enforcement site encompasses all the land owned by Mr Dew at the Chainbridge Inn, including 2 parts with lawful use as a public house, including the car park, and as a caravan and camping site. The notice should refer to the mixed use in its description of the alleged breach of planning control, and the appeal is successful to the extent that this is recognised.
6. Section 176(1) of the Town and Country Planning Act 1990 as amended (the 1990 Act) says that: "*On an appeal under section 174 the Secretary of State may – (a) correct any defect, error or misdescription in the enforcement notice; or (b) vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority*". That power is also transferred to an Inspector, and the courts have further established that an Inspector has a duty to use that power to correct or vary enforcement notices where necessary.
7. In this case, I am satisfied that there would be no injustice to the parties, and I will correct the notice to include appropriate reference to the mixed use in the alleged breach.

Appeal under Ground (c)

8. Turning now to the appeal under ground (c), this ground of appeal is that there has not been a breach of planning control, and the Appellant puts forward two arguments. The first is that all of the vehicles and caravans on the site are privately owned by Mr Dew and are not stored there for any commercial or business purposes. Thus, as the land includes areas of car park and a caravan and camping site, it is contended that planning permission is not required for its use for the storage of the owner's own vehicles and caravans. However, there is little merit in that argument.
9. When I visited the site I noted the presence of 2 white vans and 5 cars in the public house car park and in an area just to the south of the car park a range of other vehicles and equipment, including: a large lorry trailer with (what appeared to be) plumbed-in waste pipes; 3 more old vans (which appeared to be partially stripped for spare parts); a further scrap car; a large lorry (in reasonable condition); a smaller flat-bed lorry loaded with timber materials (also in reasonable condition); and 2 derelict caravans. In addition, there were several smaller pieces of equipment, some building materials, and numerous items of furniture and fittings. Whilst some of the

latter may well be items from the public house, the overwhelming majority of the vehicles, caravans and other scrap items stored on the site do not appear to have any association with the use of parts of the land as a public house or a caravan site.

10. The fact that they may be owned by Mr Dew is irrelevant. The number and nature of the vehicles, caravans and other equipment and materials stored on the site, and their lack of association with the lawful businesses on the site, leads me to the conclusion that, as a matter of fact and degree, there has been a material change of use of the land.
11. It is also argued that the materials described by the Council as scrap metal are in fact materials that have been stripped out of the public house, which is reported to be undergoing refurbishment, and that they are being stored temporarily prior to re-use. Whilst that may be possible for some of the materials lying around, bearing in mind the condition and the general state of storage, I consider that most is more likely to be scrap and not intended for re-use. Unfortunately, I was unable to gain access to the public house premises to make any further assessment of the report of its refurbishment. Thus, on this argument too, on balance I consider there to have been a material change in use of the land.
12. The appeal under ground (c) is unsuccessful.

Appeal under Ground (f)

13. Finally I turn to the appeal under ground (f), which is that the steps required to comply with the notice are excessive, and lesser steps would overcome the objections. The notice requires that use of the land shall cease for the parking of lorries, vans, caravans, scrap cars and scrap metal, and the Appellant says that the notice should not prevent lorries, vans and caravans being brought on to the site as that would prejudice his attempts to re-open the public house and the caravan and camping site.
14. To a large extent this concern is unnecessary, as matters associated with the pursuit of a lawful planning permission override the requirements of an enforcement notice. However, I consider that use of the term "parking" in requirement (ii) is misleading and potentially confusing. The breach refers to "storage", and I consider that would be the most appropriate term to use in specifying the requirement. It would also make it clear that the parking of such vehicles on the site in connection with its lawful uses would not conflict with the requirements of the notice.
15. I shall amend the notice accordingly and the appeal under ground (f) is successful to this extent.

Overall Conclusions

16. For the reasons given above I conclude that the appeal should succeed in part in relation to the matters raised under grounds (b) and (f). I shall uphold the enforcement notice with appropriate corrections and variations.
17. Mention has been made of the Appellant's intention to seek planning permission to retain the large lorry trailer for use in connection with the caravan and camping site. That is a matter for separate consideration by the Council.

Clive Nield

Inspector

This page is intentionally left blank

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/06/17

gan Alwyn B Nixon BSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25.08.2017

Appeal Decision

Site visit made on 06/06/17

by Alwyn B Nixon BSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 25.08.2017

Appeal Ref: APP/E6840/C/17/3172828

Site address: 23 Clearview, Shirenewton, Chepstow, NP16 6AX

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr David Thomas against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice (Ref: E16/255) was issued on 23 February 2017.
- The breach of planning control as alleged in the notice is without planning permission the erection of a boundary retaining wall.
- The requirements of the notice are: 1. Demolish the wall in its entirety, remove the resultant material completely from the land and return the land to its previous condition; Or: 2. Rebuild the wall in accordance with the approved drawing no. 1 Rev A dated January 2016 submitted in accordance with condition 2 as required by Planning Consent DC/2015/01386.
- The period for compliance with the requirements is 2 calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 as amended.

Appeal Ref: APP/E6840/A/17/3172829

Site address: 23 Clearview, Shirenewton, Chepstow, NP16 6AX

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr David Thomas against the decision of Monmouthshire County Council.
- The application Ref DC/2017/00082, dated 4 January 2017, was refused by notice dated 22 February 2017.
- The application sought planning permission for the removal of an existing failed boundary retaining wall, a proposed new boundary retaining wall and associated engineering and landscaping works without complying with a condition attached to planning permission Ref DC/2015/01386, dated 12 February 2016.
- The condition in dispute is No 2 which states that: The development shall be carried out in accordance with the list of approved plans set out in the table below.
- The reason given for the condition is: To ensure that the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

Decisions

Appeal APP/E6840/C/17/3172828:

1. The appeal succeeds on ground (f) in part and on ground (g) only. The requirements of the enforcement notice are varied as follows:

Delete schedule 4 in its entirety and:

(i) Substitute the following new requirement: Permanently remove the railings from on top of the retaining wall and reduce its height so as to conform to the maximum height indicated by drawing no. 1 Rev A dated January 2016 authorised by planning permission reference DC/2015/1386. Permanently remove from the land all rubble and waste produced by reducing the height of the wall.

(ii) Amend the time for compliance to 6 calendar months.

Subject to these variations the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal APP/E6840/A/17/3172829:

2. The appeal is dismissed.

Reasons

APP/E6840/C/17/3172828 Ground (a) and APP/E6840/A/17/3172829

3. The appeal on ground (a) against the enforcement notice and the appeal concerning the condition imposed on permission DC/2015/01386 both raise issues of planning merits. The appeals concern development comprising a new front boundary treatment to the garden area of a detached dwelling within the village of Shirenewton. The plot frontage onto Clearview abuts a footway which is separated from the vehicular carriageway by a grassed area. The northern end of the plot abuts a lane without footways leading into the village centre (referred to as Mountain Road by the Council). The northern end of the plot frontage coincides with the edge of the Shirenewton Conservation Area, which covers the historic village core.
4. The plans initially submitted with application DC/2015/01386 sought to replace a low brick retaining wall along the site frontage adjoining the footway with a much higher stone-faced retaining structure approximately 2.6m high, topped by 1.1m high metal railings. Discussions with the Council during the course of the application resulted in amended plans being submitted. The amendments showed the height of the retaining wall reduced to approximately 1.8m, the facing changed to brick and the railings set back from the top of the wall and separated by a 40 degree planted earth batter. Decision notice DC/2015/01386 granted permission for the development subject to a condition that the development be carried out in accordance with the amended plan (identified in the schedule referenced in the disputed condition as Existing and Proposed Layouts Rev: A).
5. Notwithstanding the submitted and agreed amendments to the scheme and the stipulation imposed by the condition, the appellant has now carried out development in similar form to that originally proposed, save that the section of retaining wall reducing towards its southerly end has been constructed in facing brick. Both the ground (a) appeal against the enforcement notice and the appeal against the refusal to remove the condition effectively seek permission for the development as actually

carried out. As built, the wall measures 2.7m at its highest point; the railings add an additional 1.1m.

6. The issue at the heart of these appeals is the effect of the development as implemented on the character and appearance of the locality, having regard amongst other things to the site's location on the edge of the Shirenewton Conservation Area. The local policy context for consideration of these matters is provided by the Monmouthshire Local Development Plan (LDP). LDP policy DES1 states that all development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. In particular, sub-section (c) requires that development respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings. Policy HE1 places particular requirements on development within conservation areas. Policy EP1 seeks to protect against development giving rise to unacceptable environmental effects.
7. The site forms part of a cul-de-sac of more recent properties within the village and also sits at the edge of the conservation area on a route leading into the village core. The cul-de-sac of Clearview is characterised by detached properties within plots with fairly generous front gardens bounded by low brick walls/hedging and ornamental planting, providing an open and spacious feel. The character of Mountain Road, the nearby village core and the conservation area generally is of a more closely-knit built environment, where the use of stone predominates and boundary walls abut highways and form links between buildings in the street scene. The site lies at a transition point between these areas of differing character and appearance.
8. I recognise that the low retaining wall that previously existed in this location required replacement, and I understand the appellant's desire to provide a safe and secure means of enclosing the site. However, the previous structure was much more modest, and photographic evidence shows that the slope behind it was not excessively steep. The retaining wall as built, topped with railings, constitutes an unduly high and visually dominant feature at the entrance to Clearview which is at odds with the cul-de-sac's open and spacious character and detracts from the street scene.
9. In terms of its effect on the conservation area and the route into the historic village core, I recognise that stone boundary walls are a significant contributory feature to the area's character and appearance and that this is noted in the Shirenewton Conservation Area Appraisal. However, in my judgement the height of the retaining structure, the resulting stark, blunt end of the structure on the frontage of Mountain Road and the incongruous presence of the ornamental railings on top of the wall significantly undermines any affinity with traditional boundary features in the village and within the conservation area in this regard.
10. Overall, I find that the development fails to respect the existing form, scale and layout of its setting and harms the character and appearance of its surroundings. As such, the development does not accord with LDP policy DES1. As regards LDP policy HE1, I note that this policy applies only to development within conservation areas. The submitted evidence indicates that the development itself is located very largely outside the conservation area boundary. However, to the extent that part of the development does lie within the conservation area, I conclude that the development harms, and thereby fails to preserve or enhance its character or appearance. The development thus also conflicts with LDP policy HE1. In relation to this I am conscious of the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when considering such proposals.

11. I note the Council's position that the proposal also conflicts with LDP policy EP1. However, I find no evidence that the development causes harm to the privacy, amenity or health of neighbouring occupiers, or that it poses any significant risk in terms of pollution, contamination, land instability or an identified risk to public health or safety. In arriving at this conclusion I note the assertion that the retaining wall encroaches upon the highway carriageway at its northerly extremity. Whilst it is possible that a marginal encroachment may have occurred, I have no definitive evidence before me on this matter. Whilst the Council, when rejecting the proposal to depart from the disputed condition, noted that the Highway Authority considered both the earlier approved scheme for a 1.8m high retaining wall abutting the footway and the current proposal to be unacceptable, this did not form part of the Council's reason for refusal and is not relied on in its statement of case on the appeals. I find insufficient evidence to lead me to conclude that the development conflicts with LDP policy EP1.
12. Notwithstanding the above, my decision on these appeals does not remove the need for development to be compliant with such requirements of other legislation as may also apply. Aspects of compliance with the provisions of the Highways Act 1980 are ultimately matters for the Highway Authority to pursue, if appropriate.
13. I note also that a number of local residents have indicated that they see no objection to the new boundary structure as built. However, this opinion is not shared by the Community Council for the area, nor does it accord with the professional judgement of the Council's Conservation Officer.
14. I appreciate the need to take into account practical and safety considerations as well as matters of appearance. However, the revised scheme already approved under reference DC/2015/01386 does this. It is not the case that a retaining wall of the height now constructed is essential for practical and safety reasons; other, less intrusive, solutions exist.
15. Overall, I conclude that the development as carried out causes undue harm to the character and appearance of its surroundings and fails to preserve or enhance the character or appearance of the Shirenewton Conservation Area. As such it conflicts with LDP policies DES1 and HE1 and so does not accord with the development plan. Material considerations do not exist here which are sufficient to indicate a determination other than in accordance with the plan. The ground (a) appeal against the enforcement notice therefore does not succeed.
16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
17. In the light of the foregoing I also conclude that the condition imposed on decision DC/2015/01386 to the effect that development be carried out in accordance with the revised plan submitted at that time was properly imposed having regard to the tests for conditions, in particular the tests of necessity and reasonableness, in order to ensure that the development is of an appropriate design that adequately respects its setting. Removing the condition so as to enable the development as built to prevail would run counter to the objectives of securing good design embedded in development plan and national planning policy. Appeal APP/E6840/A/17/3172829 therefore also fails.

Appeal APP/E6840/C/17/3172828 – ground (f)

18. In respect of the arguments advanced on ground (f) I consider that the stone facing of the retaining wall, as opposed to brick, is acceptable in this location and does not cause harm to the character or appearance of its surroundings. However, for the reasons given above I consider that the height of the wall as built is excessive and that its resultant overbearing and incongruous presence in the street scene is compounded by the steel railings erected on top. A reduction in the height of the retaining wall to 2.5m, as suggested by the appellant, would be marginal and would not overcome this harm, particularly since the steel railings on top would remain.
19. Having taken all factors into account I consider that the requirement of the notice to completely demolish the wall is excessive; and that the alternative requirement to rebuild it in accordance with the previously-approved plans is also excessive insofar as those plans specified that the wall be faced in brick, not stone. I therefore allow the appeal on ground (f) and amend the requirements of the notice to require that the railings be removed from on top of the retaining wall and that the wall be reduced in height so as to conform to the maximum height indicated on the plans previously approved by permission reference DC/2015/01386.

Appeal APP/E6840/C/17/3172828 – ground (g)

20. The appellant points out that the services of a structural engineer and specialist contractors will be needed to ensure that the works are undertaken safely. I consider that this is a valid argument which, notwithstanding that I have decided to modify the requirements of the notice and make them less onerous, continues to apply. I agree with the appellant that, bearing this in mind, the compliance period should be increased to 6 months.
21. The ground (g) appeal therefore succeeds and I vary the notice accordingly.

Overall conclusion

22. For the reasons given, and having taken into account all matters raised, the appeal on ground (a) against the enforcement notice fails. I refuse planning permission for the development concerned and the enforcement notice therefore stands. Similarly, I dismiss the appeal against the Council's refusal to permit development without complying with condition 2 attached to previous permission DC/2015/01386. However, the appeal against the enforcement notice on ground (f) succeeds in part and the appeal on ground (g) also succeeds; I therefore vary the notice accordingly.

Alwyn B Nixon

Inspector

This page is intentionally left blank

Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 09/05/17 & 04/07/17
Ymweliad â safle a wnaed ar 04/07/17

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 13.09.2017

Appeal Decision

Inquiry held on 09/05/17 & 04/07/17
Site visit made on 04/07/17

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 13.09.2017

Appeal Ref: APP/E6840/C/16/3163967

Site address: Tyr Goytre, Pandy, Abergavenny NP7 8EB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Mike Meredith against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice, Ref E11/097, was issued on 20 October 2016.
- The breach of planning control as alleged in the notice is the '*Unauthorised change of use of part of an agricultural barn marked green to the attached plan to use as a single residential dwelling*'.
- The requirements of the notice are:
 - a) Cease the residential use of part of the building marked green on the attached plan.*
 - b) Remove any interior walls, floors, ceilings that were built to convert part of the barn to a residential dwelling and all bathrooms, kitchen and all domestic fittings and appliances'.*
- The period for compliance with the requirements is 4 calendar months from the date the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a),(d),(f)and (g) of the Town and Country Planning Act 1990 as amended.

Formal Decision

1. The Enforcement Notice ("the EN") is varied by

- The deletion of the words '*...4 calendar months from the date that this Notice takes effect*' from the Time for Compliance and their replacement with the words '*...12 calendar months from the date that this Notice takes effect*'.
- The substitution of the plan referred to in Schedule 2 of the EN with the plan attached to this Decision, dated 27/6/2017.

Subject to these variations, the appeal is dismissed in respect of grounds (a), (d) and (f) and the EN is upheld. The appeal on ground (g) succeeds.

Application for costs

2. At the Inquiry, an application for costs was made by Mr Meredith against Monmouthshire County Council. This application is the subject of a separate Decision.

Procedural and Preliminary Matters

3. The appeal was initially made on grounds (a), (b), (d), (f) and (g). However, in an email dated 18 January 2017, the appellant confirmed that the ground (b) appeal would not be pursued. It is on this basis that I have determined the appeal.
4. Although I opened the Inquiry on 9 May 2017, it was adjourned until 4 July 2017 to allow the Council to correctly notify interested parties of the particulars of the appeal. However, on opening the appellant contended that the Enforcement Notice ("The EN") was a nullity. I therefore heard legal submissions on this point from both parties before adjourning. In the reasons that follow I will explain why I do not find this EN to be a nullity.
5. Written submissions have also been made to the effect that the EN is invalid insofar as the fee payable has been incorrectly calculated and the second EN served by the Council had not been withdrawn before issuing the third EN (the subject of this appeal). I am thus bound to consider the issue of validity.
6. Three days prior to the resumed Inquiry, the Council submitted additional evidence consisting of photographs of the appeal site together with application forms, plans, submissions and correspondence relating to previous applications. As the additional material relates to previous planning applications already referred to in evidence, I do not consider that it results in the introduction of new material. Hence, I do not find that the appellant would be prejudiced by my consideration of the additional evidence.
7. At the opening of the Inquiry it was evident that there was a discrepancy between Mr Meredith's Statutory Declaration of 11 May 2016 and his subsequent Statutory Declaration made on 10 April 2017. The EN was issued on the basis of a change of use of part of the building with the residential use commencing after the completion of the agricultural building consistent with the statements made in the Statutory Declaration of 11 May 2016. The Statutory Declaration of April 2017 states that work on fitting out the dwelling for residential use commenced after the main structural work was completed in July 2007. A further Statutory Declaration signed and dated 3 July 2017 was submitted at the resumed Inquiry, which confirmed that following completion of the building it was used to store a tractor, muck-spreader, chain harrow and rollers. Work on the partition wall and mess room did not commence until March 2008 with the addition of the upper floor and fit out as a dwelling following in November 2008. Mr Meredith submitted diary entries as Exhibits to the Further Statutory Declaration to substantiate these claims. On this basis, and the oral evidence given at the Inquiry, I am satisfied that the building was completed and used as an agricultural barn prior to the commencement of work for the conversion, in part, to a dwelling.

Nullity and Validity

8. At the Inquiry the parties agreed that s173 of the Act and the Town and Country Planning (Enforcement Notices and Appeals (Wales) Regulations ("the ENAR") set out what an EN should include.
9. Section 173(10) of the 1990 Act states that '*An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an EN service under s172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under s174*'. The additional matters are prescribed in the ENAR.

10. Regulation 3(c) of the ENAR states that an EN shall specify '*the precise boundaries of the land to which the Notice relates, whether by reference to a plan or otherwise*'.
11. The EN describes the land to which it relates as '*Land at Tyr Goytre, Pandy, Abergavenny in the County of Monmouthshire shown edged red on the attached plan*'. The plan attached to the EN as served is of poor quality and outlines a large parcel of land in the appellant's ownership within which the appeal building is situated. It is not possible to identify from the plan the exact area of land outlined and its relationship to the field boundaries or the adjacent highway. I therefore accept that, to some extent, the recipient would need to rely on the written description to identify the boundaries of the land to which the EN relates. However, it is reasonable to take into account the EN as a whole; it is apparent that it is directed at part of an agricultural barn edged in a green line on the plan which, when read alongside the allegation, could not be said to be misleading the recipient as to which building is being referred to, particularly as he is living in it. Consequently, I am of the view that the appellant is able to understand the extent of the land to which the Notice relates, which is the intention of Regulation 3(c). The fact that the appellant has produced evidence relating to the matters at issue further convinces me that he has not been misled by the poor quality of the plan accompanying the EN.
12. That is not to say that there is not room for improvement. Under s176 of the Act, Inspectors on appeal may correct "any defect" in an EN or vary its terms, provided no injustice is caused. An amended plan has been agreed by the parties which will substitute the original plan. No party would be prejudiced by this correction. For clarity and ease of reference, I have attached this plan to my Decision.
13. The appellant's second contention is that the '*Time for Compliance*' specified in the EN refers to 4 calendar months from the date the EN takes effect, whereas the '*What Happens if You Do Not Appeal*' section of the Explanatory Note requires that reasonable steps for complying with the EN are taken within the period of 1 month. That is, two compliance dates have been given, which leaves the recipient uncertain of the time period in which he has to comply with the EN, contrary to the requirements of 173(10) of the Act.
14. Regulation 4 of the ENAR requires an Explanatory Note to accompany a copy of an EN and lists what such a note must include. There is no statutory requirement for the Explanatory Note to explain what happens if you do not appeal or to specify the compliance period for a second time.
15. I do not dispute that there is quite clearly an error in the Explanatory Note insofar as the wrong compliance period is specified. However, the defect is not in the EN itself and a reasonable reader would understand the compliance period to be that specified in the EN.
16. For these reasons, I conclude that the EN is not a nullity.
17. Turning to the matter of validity. At the resumed Inquiry the Council confirmed that the EN issued in July 2016, which precedes the EN the subject of this appeal, has been withdrawn. In any event, the existence or otherwise of the July 2016 EN has no bearing on the validity of the October 2016 EN the subject of this appeal.
18. Regulation 4(a)(iv) of the ENAR also requires the Explanatory Note to include details of the fee payable under regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 for the deemed application for planning permission for the development alleged to be in breach of planning

control in the EN. I accept that, in this case, the incorrect fee was stated. However, it is an error rather than an omission and I am not persuaded that it was fatal for the validity of the EN. Rather, this error was resolved in the administrative processing of the appeal and the making of a ground (a) appeal.

19. I therefore conclude that the EN is not invalid.

Background

20. There is a detailed planning history associated with this site. Shortly after purchasing the holding in January 2007, and with there being no on-site accommodation, Mr Meredith began residing on the land in a static caravan located within a barn close to the site entrance (the lower barn).
21. Mr Meredith then applied for planning permission for an agricultural building which was granted in April 2007 (Ref DC/2007/00262). Whilst it is this permission which is said to have been implemented, there are discrepancies between what was shown on the plans and that constructed on site; the plans indicated a slatted appearance to the barn akin to the cladding that has been applied but reference is made to galvenised steel rather than timber slats. There were also no window openings on the approved plans. Nevertheless, the Council confirmed that it would not pursue enforcement action in respect of the changes that were made.
22. At a site visit in November 2010, the Council observed a motor home parked inside the new barn and, as a consequence, Mr Meredith made a planning application for the siting of a camper van as accommodation for a seasonal worker on the existing holding in March 2011(Ref DC/2011/00209). That application referred to the siting of the camper van in front of the lower barn. The application was refused in July 2011.
23. A 2012 application for the retention of the static caravan / mobile home within the barn for temporary seasonal accommodation for an agricultural worker (Ref DC/2012/00700) was invalid and subsequently withdrawn in November 2012.
24. In 2014, Mr Meredith made an application for a detached dwelling to replace the barn and mobile home (Ref DC/2014/00593). This application was refused on the grounds that it had not been demonstrated that there was an essential functional need for the proposed rural enterprise dwelling, or that the enterprise it would support would be financially sustainable, contrary to both national and local planning policy.
25. By August 2015, the Council had served its first EN alleging the change of use of an agricultural barn to a mixed agriculture and residential use. However, the EN was defective and withdrawn.
26. In January 2016, Mr Meredith made the application for a certificate of lawful existing use for the dwellinghouse and associated curtilage (Ref DC/2016/00113) claiming that the dwelling had been substantially complete for a period in excess of four years. The application was refused in May 2016 on the grounds that there had been positive action by the appellant to conceal the dwelling at the site, over-riding the application of s171B(2) of the 1990 Act.
27. The Council served a second EN in August 2015, but this too was defective and has now been withdrawn. The third EN issued in October 2016 is that the subject of this appeal.

The ground (d) appeal

28. An appeal on ground (d) is that, at the time the EN was issued, it was too late to take enforcement action.
29. Section 171B of the 1990 Act sets out the time limits for taking enforcement action against a breach of planning control. In the case of a breach of planning control consisting of the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach¹. The 4 year period applies to a material change of use of a *building* to use as a single dwellinghouse (my emphasis); "Building" is defined in s336 of the Act as including any part of a building for the purposes of the Act.
30. It is common ground that the change of use of part of the barn and physical works to facilitate the residential use were carried out more than 4 years prior to the serving of the EN. However, this case turns on whether the breach has been deliberately concealed such that the provisions of s171B(2) are not engaged, in the context of the principles established by *Welwyn Hatfield Borough Council v Secretary of State for Communities and Local Government [2011] UKSC 15* and subsequent legal judgements.
31. In the *Welwyn* judgement, Lord Mance identified four features that took the case outside the scope of s171B(2) of the Act: there was positive deception in matters integral to the planning process; the deception was directly intended to undermine the planning process; the deception did undermine the planning process; and the wrong doer profited directly from the deception.
32. *Jackson v Secretary of State for Communities and Local Government [2015] EWCA Civ 1246* reiterated those four criteria but noted that not all cases would need to meet all four points for the *Welwyn* principle to apply.
33. In the case before me, there is no question of deception in the making of a false planning application or of planning permission for the barn being falsely obtained, as was the situation in *Welwyn*. Based on the submitted evidence, I accept that the building was completed and used as a barn, primarily storing agricultural equipment and machinery, prior to its conversion in part to a dwelling.
34. The matter at issue is whether there was positive deception by other means rather than this simply being a case of the appellant refraining from drawing attention to himself by, for example, not applying for building regulations approval or registering on the electoral roll. Lord Brown in *Welwyn* stated that:
- 'Inevitably the breaches of planning control statutorily said to become immune from enforcement under section 171B involve a spectrum of wrongdoing. These range from cases at one end where the developer is simply unaware of the need for development permission to, at the other extreme, those intent on unpermitted development who plot a whole course of deception designed to circumvent planning control and escape enforcement'².*
35. The *Welwyn* principle is based on positive and deliberately misleading statements from the outset. Lord Mance expressly stated that sins of omission and concealment,

¹ Section 171B(2) of the Act.

² Paragraph 73.

rather than positive deception, would not on their own disentitle reliance upon section 171B(2).

36. The Council's case in relation to positive deception relates, in part, to the statements made by the appellant in documents which accompanied previous planning applications for development at the site, including:
- A file note kept by Mr Delamere of a site visit dated 12 November 2010 in which he was told by Mr Meredith that the motorhome on the site was his full time residence, even though it appeared to be in a dilapidated condition³. Mr Meredith admitted at the Inquiry that this statement was untrue, that he was 'put on the spot' by Mr Delamere and that the motorhome was not his full time residence at that time.
 - A covering letter from the appellant's agent dated March 2011 in relation to a planning application for the use of the land for the stationing of a campervan to provide accommodation for a seasonal agricultural worker on the existing holding, in which it was stated that '*...the holding itself does not enjoy residential accommodation*'. The accompanying Design and Access Statement (DAS) also declares that '*There is no dwelling on the holding*'. Similar statements to the effect that there is no dwelling house on the holding were made in the covering letter and DAS which accompanied the 2014 outline application for a rural enterprise worker's dwelling⁴. The Agricultural Appraisal of June 2014 submitted in support of the latter planning application states that the appellant '*...is of no fixed abode and lives with relatives in Abergavenny*'. These statements were simply not true at the time they were made if the appellant was already living in the dwelling, as he now claims.
 - A Planning Contravention Notice was served on Mr Meredith at Tyr Goytre in May 2013 alleging the unauthorised change of use of a barn to residential use. In the e-mail response from Mr Meredith's solicitor, dated August 2013, it is stated that he spends most nights when local with Glyn Thomas at Doleau yr Wysgoed Forest Coalpit and with a lady friend at Llanvihangel Crucorney. The solicitor adds that he has been advised that Mr Meredith stayed on the site for the purposes of lambing, farrowing and calving for approximately 120 nights per annum. That is, Tyr Goytre was not given as Mr Meredith's permanent place of residence and Mr Meredith confirmed at the Inquiry that he did not tell the solicitor that he was residing in the dwelling on site. Whilst there is some dispute between the parties as to whether the PCN related only to the lower barn rather than the appeal site as a whole, and the basis on which the information was thus provided, it does not change the fact that Mr Meredith did not reveal that he was residing on the site at any point in the response to the PCN nor did he share these details with his solicitor.
37. In my opinion, the repeated and false statements made between 2010 and 2014 regarding the presence, or not, of a dwelling on site were intended to deceive. It is clear that Mr Meredith pursued planning applications for alternative residential proposals despite already living in the dwelling. At no time was the agent, agricultural consultant or solicitor acting on his behalf doing so in full knowledge of Mr Meredith's

³ Appendix 8 of Mr Delamere's Proof of Evidence. Although the file note is dated 12.11.201, Mr Delamere confirmed at the Inquiry that this is a typographical error that should read 12.11.2010.

⁴ Planning application Ref DC/2014/00593 refers.

living arrangements. For example, the 2011 planning application would have given the impression of unmet need for a seasonal agricultural worker, albeit no such need existed if the appellant was already living in the dwelling.

38. At the Inquiry, Mr Meredith stated that he saw no reason to share the details with his professional representatives as the matter would have been resolved if planning permission had been granted for one of the alternative forms of development. He told me that, in that case, the dwelling would have become obsolete. In other words, the documents and information provided in support of the applications, together with the PCN were written in complete ignorance of Mr Meredith living on the site.
39. In fact, in his Statutory Declaration of May 2016, Mr Meredith states that *'Once the works to convert part of the agricultural building to a residential dwelling were substantially completed in 2010, I moved into the dwelling..... I became aware that I was potentially in a precarious position as I did not have formal planning permission for a house on the Holding and this was clearly a worry at the time and remains a worry...'* Clearly, in 2010, Mr Meredith recognised that planning permission would be required for the dwelling. I have been provided with little conceivable reasons as to why he would otherwise have withheld evidence of his actual living arrangements at that time from both the Council and his own professional representatives.
40. At the Inquiry Mr Meredith initially stated that when the Council visited in 2011, he was not aware that planning permission was required to live on the site. However, I find this claim difficult to understand given that he was perfectly aware that he needed permission for the camper van as seasonal accommodation and for the retention of the static caravan, and had made planning applications to this effect. He subsequently conceded that he became aware of the need for planning permission for the dwelling at the time the applications were made.
41. Mr Meredith also agreed that he had sight of the forms, documents and statements submitted in support of the previous applications and that he knew the information contained therein to be false. Neither did he draw attention to the dwelling at the Planning Committee site visit in 2014, or inform the Local Ward Member of its presence.
42. The appellant argues that the Council should have noticed the conversion of part of the building to a dwelling and that the appellant was residing in the barn when its officers conducted site visits in October 2010, November 2010 and January 2012. In particular, the appellant told me that an officer entered the barn in November 2010 and would have had clear sight of the inner gable wall and its apparent domestic appearance. At the 2012 visit, the officer would have observed the ground floor utility / laundry room and the domestic style fenestration in the gable end of the building.
43. At the Inquiry, Mr Delamere confirmed that he had visited the site on several occasions but that the residential use of the barn was not evident until the 2015 site visit, which Mr Meredith said in evidence he had not been expecting. To my mind, the internal block work wall, high level window facing into the barn and soil pipe were not necessarily an indicator that part of the barn was being used as a dwelling. It would not be an unreasonable assumption that welfare facilities had been installed (such as a w.c.) and that the window merely provided viewing of the animals in the barn from a storage area.
44. In terms of the external face of the building, the external cladding of the gable end extended over the windows at first floor such that they were not visible other than at

close range and are located on the side of the building facing away from the approach / access to the barn. In my view, this represents an attempt to physically conceal the more domestic elements of the conversion externally. The appellant told me that the cladding was required by the 2007 planning permission for the agricultural building but, given the discrepancies between what was approved and that constructed on site, I find it difficult to believe that the appellant was fastidious in complying with the cladding element of the planning permission but not with other aspects of it.

45. I was also told that the gable end was clad to prevent draught and that it covered the windows due to exposure to high winds. That claim would be perfectly plausible were there not a block wall behind the cladding which extends to the apex of the roof and that this means of achieving shelter from the wind prevented the windows from opening fully. Put another way, the timber cladding was not necessary for functional purposes and rather compromised the proper functioning of the windows together with the amount of daylight entering the rooms beyond.
46. The appellant's actions went beyond keeping a low profile and did not therefore consist predominantly of omission. This is not a case of someone merely refraining from drawing attention to himself, but of positive conduct and actions, the intention of which was to deceive the local authority so that it would not be aware of the residential use or that the four year period in which enforcement action could be taken had passed.
47. The Supreme Court determined in *Welwyn* that Mr Beesley's conduct disentitled him from relying on s171B, because of the long-standing principle of public policy that no one should be allowed to profit from his own wrong-doing. My conclusions in this case are that the appellant is not entitled to rely on the time limits set out in s171B because of his conduct in concealing the dwelling house.
48. My attention has been drawn to a previous appeal decision in relation to an enforcement notice alleging a change of use of part of the building from an agricultural barn to a residential building⁵. Although in that case the appeal was allowed and the EN quashed, whether or not there has been such deception as to disentitle an appellant to rely upon section 171B(2) and the four year rule is a fact sensitive question. Each case must be considered on its own facts.
49. In reaching my decision I have had regard to the other case law referred to by both parties, but to which I have not specifically referred. However, they do not lead me to any other conclusions.

Deemed planning application / ground (a)

50. The appeal on ground (a) is that planning permission should be granted for what is alleged in the EN.

Main Issue

51. The main issue is whether the development complies with national and local planning policy which places strict control over new housing development in the open countryside.

⁵ Appeal ref APP/X1545/C/16/3145308.

Reasons

52. The appeal site is a holding approximately 1km north-east of the village of Pandy. The holding comprises some 13.3 hectares of permanent grazing pasture. It is accessed via an unmade track off the A465 which links Abergavenny with Hereford.
53. For the purposes of the adopted Monmouthshire Local Development Plan (LDP), the site lies in the open countryside where new residential development is subject to strict control. LDP Policy S1 deals with the spatial distribution of new housing provision and directs new residential development to within or adjoining the main settlements. It adds that new housing development in the open countryside will only be allowed where it meets certain criteria. The criterion of relevance in this case is that the development would need to be necessary for agriculture or rural enterprise purposes or an acceptable conversion of a rural building (in line with the circumstances set out in LDP Policy H4). These policies reflect the aims of national planning policy in Planning Policy Wales and Technical Advice Note 6 '*Planning for Sustainable Rural Communities*' (TAN 6).
54. It is common ground between the parties that there is insufficient stock to justify an essential functional need and that it does not meet the TAN 6 tests for a rural enterprise dwelling. Furthermore the conversion of the agricultural building, which is a utilitarian building constructed of modern materials, would conflict with the requirements of Policy H4 which states that such buildings will not be considered favourably for residential conversion. It would therefore conflict with LDP Policy S1 which prohibits unjustified dwellings in the open countryside.
55. The introduction of sporadic, unjustified dwellings in the open countryside would have a harmful effect on the character and appearance of the area, in conflict with Policies EP1 and DES1, which seek to protect the countryside for its own sake.
56. The appellant asks that consideration be given to his personal circumstances as material considerations to justify a departure from local and national planning policy. No details are provided of Mr Meredith's means or of the farm accounts to show that the holding functions at a commercial level. As I understand it, Mr Meredith continues his employment as a lorry driver and pursues his hobby of restoring lorries in his spare time. In the absence of Mr Meredith, the farm helper, who lives off site, tends to the needs of the farm. In this context, I am not persuaded that hardship would result from the appellant living away from the holding. Neither do I find that such circumstances amount to the exceptional circumstances required to justify a new dwelling in the open countryside.
57. Whilst the appellant has provided some details of alternative accommodation in the area, it is only an internet search of a snapshot in time. No evidence has been submitted of approaches to property agents or the Council to get a better idea of what may become available over time or what assistance may be available to Mr Meredith.
58. I have also been asked to consider a three year temporary permission to test the enterprise. However, the viability of the holding has already been assessed in 2011 and 2014. Consequently, it would not be appropriate to allow a further period of time to assess an enterprise which has already been found to lack financial and functional need for a dwelling.
59. I acknowledge the petition of support and that Mr Meredith has become a valued member of the local community. Be that as it may, this matter does not outweigh the unacceptability of the development for the reasons I have already given.
-

The ground (f) appeal

60. An appeal on ground (f) is that the steps required to comply with the requirements of the EN are excessive and lesser steps would overcome the objections.
61. The purpose of the EN is to remedy the breach of planning control by requiring the cessation of the residential use and removal of any interior walls, floors, ceilings and kitchen / bathrooms which were built or installed to facilitate the residential use.
62. The appellant states that consideration should be given to allowing the unit to remain with the occupation controlled by condition to provide accommodation on site during the lambing season (December to April)⁶. In the alternative, the appellant argues that it is not uncommon for mess rooms to be provided on holdings, which the unit could adequately provide for. It was also suggested that the unit would provide agricultural storage, so supporting the agricultural use without impinging on the farm operations.
63. As for the suggested need for accommodation on site for agricultural purposes, the Council states that this need was assessed in 2011 and 2014 by its Agricultural Consultant who concluded that no need consistent with policy had been demonstrated. I have not been provided with any compelling evidence to the contrary that may justify the retention of the unauthorised dwelling, or any part of it.
64. Furthermore, the scale of the dwelling is such that there is a kitchen / dining room, separate living room and music room together with 2no bedrooms at upper floors. The ground floor provides a utility area, small shower room and w/c. Its scale is far beyond that which could be required as a mess room or to providing welfare facilities for the holding. Neither is there any compelling evidence before me that there is inadequate storage in the barn for agricultural equipment machinery, feed or other paraphernalia such that a unit of this size would be required.
65. In my view, the requirements are entirely appropriate to achieve the objective of preserving the character and appearance of the area and are necessary to remedy the breach. Given the nature of the breach and the difficulty of detecting further breaches, it would be inappropriate to allow a separate unit to remain in the building which has potential for residential use in the future.
66. Thus, the requirements of the EN are not excessive and there are no lesser steps put forward by the appellant that would remedy the breach of planning control or the injury to amenity that has been caused by the breach. The appeal on ground (f) must therefore fail.

The ground (g) appeal

67. The ground (g) appeal is that the time given to comply with the requirements of the EN is too short.
68. The appellant asks for the period to be extended to 12 months to find alternative accommodation and to instruct third parties to undertake the removal works required under paragraph 4(b) of the EN.
69. As I understand it, the building is the appellant's only place of residence and to my knowledge he owns no other property or land. The effect of upholding the EN is that

⁶ The appellant contends that the Council's own agricultural consultant accepted that there is a need for accommodation during lambing season.

the appellant will be homeless and will have no alternative but to seek alternative accommodation from the Council. I also acknowledge that he would need to make arrangements for animal welfare and security of the farm.

70. At the Inquiry, the Council accepted that the period of 12 months sought by the appellant would be reasonable. I am mindful that, until the breach of planning control is rectified, the detrimental effects of the unlawful development will persist. However, I consider a period of 12 months would strike an appropriate balance between the competing public and private interests so as not to place a disproportionate burden on the appellant of finding alternative accommodation. To this limited extent, the appeal on ground (g) succeeds.

Other Matters

71. No evidence was put forward in relation to human rights and the European Convention on Human Rights. Nevertheless, I recognise that dismissal of the appeal would interfere with the appellant's home and family life. However, this must be weighed against the wider public interest. For the reasons given above I have found that the appellant's home cannot benefit from the provisions of s171B(2) of the Act and I am satisfied that the legitimate aims of protecting the character and appearance of the area can only be safeguarded by the refusal of permission under the ground (a) appeal. On balance I consider that the dismissal of the appeal would not have a disproportionate effect on the appellant.

Conclusion

72. In conclusion, the appeal is unsuccessful on grounds (a), (d) and (f). The appeal on grounds (g) succeeds as I find the compliance period to be too short. I am therefore varying the EN accordingly prior to upholding it.

Melissa Hall

Inspector

APPEARANCES

FOR THE APPELLANT:

Ms Nina Pindham	Instructed by Hannah Mannion, Solicitor, Thrings LLP
She called	Mr David Glasson
	Mr Michael Meredith

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robin Green	Instructed by the Solicitor to the Council
He called	Mr Guy Delamere

INTERESTED PERSONS:

Ms Faye Clarke	Farm assistant
Ms Sharon Meredith	Appellant's family member

DOCUMENTS

- 1 Council's notification letter of the appeal, dated 19 June 2017.
- 2 Extract of s171 – s177 of the Town and Country Planning Act 1990.
3. Extract of Regulations 1-4 of the Town and Country Planning (Enforcement Notices and Appeals)(Wales) Regulations 2003.
4. *Ampliflaire Ltd v Secretary of State for Scotland [S.L.T 937, 1999]*.
5. *Kestrel Hydro v Secretary of State for Communities and Local Government [2016] EWCA Civ 784*.
6. Signed copy of the Further Statutory Declaration of Michael Roy Meredith dated 3 July 2017.
7. Closing submissions on behalf of the appellant.
8. Closing submissions on behalf of Monmouthshire County Council.

Plan

This is the correct plan that should be attached to the EN.

Address: Tyr Goytre, Pandy, Abergavenny NP7 8EB

References: APP/E6840/C/16/3163967

Scale: NTS



This page is intentionally left blank

Report Parameters: *New Appeals 20/7/17 to 20/9/17.*

Report Requested By:	
Report Date:	21-Sep-2017 at 08:58
Sort Sequence:	

Total Applications Found:	5
----------------------------------	---

Planning Objects Associated to Appeal

Associated Planning Objects:				
Object	Linked	UniqueReference	Description	Type

Appeal Details

Local Reference:	DC/2016/00914			
DOE Reference 1:	E6840/E		DOE Reference 2:	/17/3182706
Appeal Type:	Written Representation			
Appeal Application Type:				
Reason For Appeal:	Against a Refusal			
Appeal Received Date:	01-Sep-2017			
Appeal Description:	Replacement roof covering.			
Site Address:	Wyndcliffe Court Penterry Lane St Arvans NP16 6EY			

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
-------	-----	------	--------------	--------------

Appeal Decision History

Status:	Decision Type:	Dec. Date:
---------	----------------	------------

Other Details / Audit

Team: DC Conservation	Officers Name: Amy Longford		
Telephone Number: (01633) 644877	Fax Number: (01633) 644800	E-Mail Address: amylongford@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 01-Sep-2017	Created By: KEECHM	Updated On: 01-Sep-2017	Updated By: HAZARDGA
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:	CON29 Question:				
Summary:					
Text:					
Create On:	Created By:				
Updated On:	Updated By:				
Deactivated Date:	Checked:				
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

Planning Objects Associated to Appeal

Associated Planning Objects:				
Object	Linked	UniqueReference	Description	Type

Appeal Details

Local Reference:	DC/2016/01380			
DOE Reference 1:	E6840/E		DOE Reference 2:	/17/3181835
Appeal Type:	Informal Hearing			
Appeal Application Type:				
Reason For Appeal:	Against a Refusal - 18-Aug-2017			
Appeal Received Date:	Removal of existing first floor above front room. Removal of existing and creation of new internal			
Appeal Description:	walls. New glazed door to front of property. Removal of existing signage. Alter colour scheme of			
Site Address:	facades. Alter colour scheme of facades.			
	The Britannia Inn			
	51 Frogmore Street			
	Abergavenny NP7 5AR			

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
--------------	------------	-------------	---------------------	---------------------

Appeal Decision History

Status:	Decision Type:	Dec. Date:
----------------	-----------------------	-------------------

Other Details / Audit

Team: DC Conservation	Officers Name: Amy Longford		
Telephone Number: (01633) 644877	Fax Number: (01633) 644800	E-Mail Address: amylongford@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 18-Aug-2017	Created By: KEECHM	Updated On: 18-Aug-2017	Updated By: KEECHM
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:	CON29 Question:				
Summary:					
Text:					
Create On:	Created By:				
Updated On:	Updated By:				
Deactivated Date:	Checked:				
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

Planning Objects Associated to Appeal

Associated Planning Objects:				
Object	Linked	UniqueReference	Description	Type

Appeal Details

Local Reference:	DC/2017/00415	DOE Reference 2:	/17/3180429	
DOE Reference 1:	E6840/A			
Appeal Type:	Written Representation			
Appeal Application Type:				
Reason For Appeal:	Against a Condition			
Appeal Received Date:	04-Aug-2017			
Appeal Description:	Retrospective planning application for gates and piers.			
Site Address:	Wern Farm Tredunnock NP15 1PE			

Appeal Decisions

Appeal Decision Type:				
Appeal Decision Text:				
Appeal Decision Qualifier:				
Appeal Decision Level:				
Appeal Legal Agreement:	N			
Date Signed:				
Appeal Decision Date:				

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
-------	-----	------	--------------	--------------

Appeal Decision History

Status:	Decision Type:	Dec. Date:
---------	----------------	------------

Other Details / Audit

Team: DC Enforcement	Officers Name: Alison Pankhurst		
Telephone Number: 01633 644816	Fax Number:	E-Mail Address: alisonpankhurst@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 04-Aug-2017	Created By: BAILEYL	Updated On: 04-Aug-2017	Updated By: HACKERT
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:		CON29 Question:			
Summary:					
Text:					
Create On:		Created By:			
Updated On:		Updated By:			
Deactivated Date:		Checked:			
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

Planning Objects Associated to Appeal

Associated Planning Objects:				
Object	Linked	UniqueReference	Description	Type

Appeal Details

Local Reference:	E14/043			
DOE Reference 1:	E6840/C	DOE Reference 2:	3172915	
Appeal Type:	Written Representation			
Appeal Application Type:				
Reason For Appeal:	Against an Enforcement Notice			
Appeal Received Date:	13-Sep-2017			
Appeal Description:	Untidy state of grounds/car park.			
Site Address:	Chainbridge Kemeys Commander Usk			

Appeal Decisions

Appeal Decision Type:	Appeal Dismissed			
Appeal Decision Text:	Notice upheld but wording amended			
Appeal Decision Qualifier:				
Appeal Decision Level:	Planning Inspector			
Appeal Legal Agreement:	N			
Date Signed:				
Appeal Decision Date:	13-Sep-2017			

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
-------	-----	------	--------------	--------------

Appeal Decision History

Status:	Decision Type:	Dec. Date:
---------	----------------	------------

Other Details / Audit

Team: DC Enforcement	Officers Name: Guy Delamere		
Telephone Number: 01633 644814	Fax Number:	E-Mail Address: guydelamere@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 13-Sep-2017	Created By: CLARKEPV	Updated On: 13-Sep-2017	Updated By: CLARKEPV
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:		CON29 Question:			
Summary:					
Text:					
Create On:		Created By:			
Updated On:		Updated By:			
Deactivated Date:		Checked:			
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

Planning Objects Associated to Appeal

Associated Planning Objects:				
Object	Linked	UniqueReference	Description	Type

Appeal Details

Local Reference:	E17/030			
DOE Reference 1:	E6840/C	DOE Reference 2:	/17/3180105	
Appeal Type:	Written Representation			
Appeal Application Type:				
Reason For Appeal:	Against an Enforcement Notice			
Appeal Received Date:	10-Aug-2017			
Appeal Description:	Alleged Unauthorised Works.			
Site Address:	Mount Pleasant Family members living in building.			

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
-------	-----	------	--------------	--------------

Appeal Decision History

Status:	Decision Type:	Dec. Date:
---------	----------------	------------

Other Details / Audit

Team: DC Enforcement	Officers Name: Helen Etherington		
Telephone Number: 01633 644815	Fax Number:	E-Mail Address: helenetherington@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 10-Aug-2017	Created By: ETHERINGTONH	Updated On: 10-Aug-2017	Updated By: ETHERINGTONH
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:		CON29 Question:			
Summary:					
Text:					
Create On:		Created By:			
Updated On:		Updated By:			
Deactivated Date:		Checked:			
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

End

This page is intentionally left blank

**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
ADOPTION OF SUSTAINABLE TOURISM ACCOMMODATION
SUPPLEMENTARY PLANNING GUIDANCE**

MEETING: PLANNING COMMITTEE

DATE: 3 OCTOBER 2017

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is:

- 1.1 To inform Planning Committee of the results of the recent consultation exercise regarding the Draft Sustainable Tourism Accommodation Supplementary Planning Guidance (SPG) produced to provide further details of policies contained within the Monmouthshire Local Development Plan.
- 1.2 To seek Planning Committee's endorsement of the SPG, with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft Sustainable Tourism Accommodation SPG (subject to the recommended amendments set out in Appendix 2), with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member for Enterprise accordingly.

3. KEY ISSUES:

3.1 Background

Planning Committee endorsed the Draft Sustainable Tourism Accommodation SPG that is the subject of this report on 7 March 2017, with a view to issuing it for consultation purposes. A copy of the Committee Report is attached at **Appendix 1**. Subsequently, on 26 April 2017, the Cabinet Member for Innovation, Enterprise and Leisure took the decision to issue the SPG for consultation.

- 3.2 The consultation took place for a period of 6 weeks between Thursday 1 June 2017 and Thursday 13 July 2017. A notice was placed in Monmouthshire Free Press on 31 May 2017 and 427 individual notifications were sent in a joint consultation with the Rural Conversions to Residential or Tourism Use SPG to the following:

- Specific (including Town and Community Councils), General and Other consultees, as identified in the LDP Community Involvement Scheme;
- Those considered to have an interest in the SPG topic, including relevant pre-planning applicants/applicants and specific tourism contacts;
- Residents who were on the LDP consultation data base and had specifically requested to be notified of the SPGs;
- Agents/developers who work in the Council area.

Copies of the draft SPG and representation forms were made available at the Council's Community Hubs/libraries and on the Council's website for the duration of the consultation period. The consultation was also publicised via the Twitter Account @MCCPlanning.

3.3 A total of 7 replies were received. These are summarised, together with the Council's response in the Report of Consultation provided as **Appendix 2**. Generally, no significant objections were received and only minor amendments to the SPG documents have been necessary. The amended SPG, incorporating the minor changes arising from the consultation, is attached as **Appendix 3**. It is considered, therefore, that the document can be formally adopted as SPG to support the Monmouthshire LDP.

4. REASONS:

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The Sustainable Tourism Accommodation SPG provides further explanation and guidance on the way in which the tourism related policies of the LDP will be applied to proposals for sustainable tourism accommodation. SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process.

5. RESOURCE IMPLICATIONS:

5.1 Officer time and costs were associated with the preparation of the SPG and the carrying out of the required consultation exercises. These were within the existing Planning Policy budget and carried out by existing staff.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

Sustainable Development

6.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDPs. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

6.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing policies, which were prepared within this framework. Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact.

6.3 In addition a Future Generations Evaluation (including equalities and sustainability impact assessments) is attached to this report at **Appendix 4**.

7. OPTIONS CONSIDERED

7.1 Having assessed the consultation responses, the following options were considered:

- 1) Recommend the SPG for adoption without any changes;
- 2) Recommend the SPG for adoption with some changes based on an assessment of the feedback;
- 3) Recommend the SPG for adoption with changes to reflect every response;
- 4) Do not proceed with the SPG.

7.2 The SPG provides specific guidance on the interpretation/implementation of the LDP policy framework in relation to proposals for sustainable forms of visitor accommodation. The need for this guidance was identified via the Economy and Development Select Committee, as well as stakeholder and colleague feedback. Option 4 is therefore discounted. The feedback is considered to raise a number of valid and constructive points, many (but not all) of which are considered to appropriately enhance the policy interpretation and guidance. Consequently, option 2 has been chosen.

8. HOW WILL SUCCESS BE MEASURED

8.1 The successful implementation of the SPG in determining proposals for sustainable forms of tourism accommodation which will be reflected in the quantity and quality of such facilities approved in accordance with the LDP policy framework. The effectiveness of the relevant policies in enabling sustainable forms of visitor accommodation will be monitored on an annual basis in the LDP Annual Monitoring Report (AMR).

9. CONSULTEES

- Economy and Development Select
- Planning Committee
- SLT
- Public and stakeholder consultation as set out in the report

10. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- Monmouthshire Local Development Plan Annual Monitoring Reports, 2014-15, 2015-16

11. AUTHOR & CONTACT DETAILS:

Mark Hand (Head of Planning, Housing and Place-Shaping)

Tel: 01633 644803

Email: markhand@monmouthshire.gov.uk

Rachel Lewis (Planning Policy Manager)

Tel: 01633 644827

Email: rachellewis@monmouthshire.gov.uk

This page is intentionally left blank

APPENDIX 1

**SUBJECT: Local Development Plan Draft Sustainable Tourism
Accommodation Supplementary Planning Guidance**

MEETING: Planning Committee

DATE: 7 March 2017

DIVISIONS/WARDS AFFECTED: All

1 PURPOSE

- 1.1 The purpose of this report is to seek Planning Committee's endorsement of Draft Supplementary Planning Guidance (SPG) on Sustainable Tourism Accommodation, with a view to issuing for consultation.

2 RECOMMENDATIONS

- 2.1 To endorse the Draft Sustainable Tourism Accommodation SPG, with a view to issuing for consultation, and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

3 KEY ISSUES

Background

- 3.1 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plan contains a number of policies relevant to tourism which are set out in Appendix A of the Draft SPG (attached as Appendix 1). Legislation requires that planning applications are determined in accordance with the LDP, unless material planning considerations indicate otherwise. Consequently, the effectiveness and appropriateness of the LDP policies is essential in securing desired tourism outcomes. However, it is worth noting that the LDP does not have to cover all eventualities. Indeed, Welsh Government guidance on producing LDPs requires that LDPs do not duplicate national planning policy. Topics or types of tourism not covered by specific LDP policies can be considered under national planning policy and/or material planning considerations.
- 3.2 The Economy and Development Select Committee, at its meeting on 13 October 2016, received a report which provided an update on the effectiveness of the LDP policy framework in enabling/delivering tourism related development since the Plan's adoption and reviewed the extent to which the LDP is supporting sustainable forms of tourism accommodation. Particular consideration was given to the policy support for proposals for 'glamping' accommodation - an identified key growth area that the Council wishes to support in principle. The report subsequently recommended that draft SPG be prepared to provide clarity on how proposals for sustainable

tourism accommodation will be considered and that the SPG be reported back to Economy and Development Select Committee prior to the SPG being circulated for public consultation. The SPG was reported to Economy and Development Select Committee on 9th February 2017 for comment and endorsement to publicise for public consultation.

- 3.3 Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

PPW (Edition 9, 2016) at paragraph 2.3.3 states that:

'SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced to a generic LDP policy, specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan 'hook', whilst the reasoned justification provides clarification of the related national policy.'

- 3.4 Paragraph 2.3.4 of PPW further emphasises that SPG can be a material consideration in the determination of planning applications, provided that it is consistent with the development plan and appropriate consultation has been undertaken:

'Only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications, but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.'

Draft Sustainable Tourism Accommodation SPG

- 3.5 The Draft Sustainable Tourism Accommodation SPG is attached to this report as an **Appendix 1**. The SPG is intended to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework in relation to proposals for sustainable forms of visitor accommodation. For the purposes of this SPG sustainable visitor accommodation is concerned primarily with glamping facilities, although it would also apply to other forms of sustainable visitor accommodation. The guidance relates to proposals outside settlement boundaries (as identified on the LDP proposals maps). The SPG provides an overview of the national and local planning policy context in relation to sustainable tourism, clarifies what is meant by sustainable tourism accommodation in relation to Strategic Policy S11 and outlines the various types of sustainable tourism accommodation to which this SPG relates. The main part of the SPG (Section 4) provides guidance on the interpretation and implementation of the LDP policy

framework in relation to proposals for sustainable forms of visitor accommodation. Information is also provided with regard to submitting a planning application for sustainable visitor accommodation, including details of the Council's pre-planning application advice service.

- 3.6 Further detail/information is provided in the appendices to the SPG. Appendix B sets out the key policy considerations for assessing particular types of glamping accommodation, namely yurts, tepees, bell tents, wooden pods/tents, shepherd's huts and tree houses. These types of glamping facilities are specifically included as they have become increasingly popular in recent years and are likely to continue to be so. A list of example planning conditions that may apply to planning permissions for glamping proposals is provided in Appendix C.

Next Steps

- 3.7 As referred to in paragraph 3.4 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic, although all town and community councils will be consulted and a notice will be placed in the press. The consultation will also be publicised via our Twitter account @MCCPlanning. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

4. REASONS

- 4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities were required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The Draft Sustainable Tourism Accommodation SPG provides further explanation and guidance on the way in which the tourism related policies will be applied to proposals for sustainable forms of visitor accommodation.

5. RESOURCE IMPLICATIONS

- 5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy budget and carried out by existing staff

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS

Sustainable Development

- 6.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess the extent to which the emerging planning policies would help to achieve the wider

environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environment Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

- 6.2 The LDP was also subjected to an Equality Challenge process and due consideration given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.
- 6.3 In addition a Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as **Appendix 2**).

7. CONSULTEES:

- Economy and Development Select Committee
- Planning Committee

8. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- Monmouthshire Local Development Plan Annual Monitoring Reports, 2014-15, 2015-16.

9. AUTHOR & CONTACT DETAILS

Mark Hand
Head of Planning, Housing and Place-shaping
01633 644803
markhand@monmouthshire.gov.uk

Rachel Lewis
Principal Planning Policy Officer
01633 644827
rachellewis@monmouthshire.gov.uk

APPENDIX 2

Sustainable Tourism Accommodation SPG Report of Consultation

Rep. No.	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
1.1	Mr and Mrs Tongue	Support	Considers that sustainable tourism accommodation is vital addition to smaller agricultural holdings struggling to make a viable income. This type of tourism enables tourists to gain a better understanding of rural life. 'Glamping' lends itself to the surroundings giving tourists a greater opportunity to share the beauty of our flora and fauna.	Support noted.	Note support.
2.1	Mr Newman	Comment	Suggests that shepherd's huts will be considered mobile (as on wheels) and treated like holiday caravans with the same terms and conditions.	Comment noted. Shepherd's huts are not considered mobile units (as explained in the SPG) and will not be treated like holiday caravans when assessed through the LDP policy framework. As noted in paragraph 3.4 of the SPG, shepherd's huts typically comprise a solid wooden frame on cast iron wheels and are transported onto a site as a complete unit. As such they cannot be categorised as a touring unit given their greater degree of permanency. This is further clarified in Appendix B, which states that Policy T1 -Touring Caravan and Tented Camping Sites -is not applicable to proposals for shepherd's huts as this type of accommodation would not fall within the scope of this policy as they are not typically considered to constitute a 'touring' facility as referred to in the policy.	No change.
2.2	Mr Newman	Comment	New build holiday accommodation in rural areas or elsewhere must have an inviolable condition that conversion to permanent residential dwellings will not be allowed.	Comment noted. To clarify, glamping proposals do not constitute 'new build' holiday accommodation as they have a limited degree of permanency and can be considered as a use of land rather than operational development (with the exception of tree houses). In any event, paragraph 4.22 of the SPG clearly states that the use of such visitor accommodation for permanent residential occupancy will not be permitted and that such accommodation must remain for the intended tourism purpose only so that the wider economic benefits are secured. Planning conditions will be applied to such proposals to control occupancy, as explained in paragraph 4.23 and Appendix C of the SPG.	No change.
3.1	Mr Brian Spencer	Support	Welcomes the Sustainable Tourism Accommodation SPG as it will assist landowners to diversify into tourism which will benefit the whole Monmouthshire economy.	Support noted.	Note support.

Sustainable Tourism Accommodation SPG Report of Consultation

Rep. No.	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
3.2	Mr Brian Spencer	Comment	Considers that there will be a problem on some sites removing glamping units during the suggested 'closed' season.	The degree of permanency of glamping accommodation and the need to remove such accommodation from sites out of season is a key planning consideration and is addressed in paragraphs 4.18-4.19 of the SPG. The SPG advises that in general glamping accommodation should be taken down/ relocated out of season in order to safeguard the landscape amenity of an area. However, the necessity for this will be considered on a case by case basis depending on site context and landscape /visual impacts in winter months when tree cover is reduced. In instances where it can be demonstrated that there is no/limited landscape harm associated with the siting of the glamping accommodation during the winter months there would be no need to remove the accommodation. In this context, regard will also be given to the importance of maintaining a balance between the need to protect the landscape/environment and to avoid the negative effects on the local economy due to the seasonal nature of tourism - this will also be considered on a case by case basis.	No change.
3.3	Mr Brian Spencer	Comment	Considers the 'closed' season (30 September - 1 March) to be very restrictive and suggests that it be removed to allow flexibility in marketing and income potential for owners.	Seasonal occupancy in relation to glamping accommodation is considered important in order to safeguard the landscape amenities of an area. However, the SPG does allow some flexibility with regard to seasonal occupancy, as set out in paragraphs 4.19 and 4.23 and Appendix C (Planning Conditions) which clarify that consideration should be given to the importance of maintaining a balance between the need to protect landscape /environment and to avoid the negative effects on the local economy due to the seasonal nature of tourism. This will need to be considered on a case by case basis. The SPG recognises that where there is no/ limited landscape harm, the economic benefits of providing year-round (or extended) tourism accommodation can be given favourable consideration.	No change.
4.1	Natural Resources Wales	Comment	Paragraph 3.3 2nd bullet 'Protect and enhance landscape character & natural/historic environment i.e. visually unobtrusive'. Suggest removing reference to 'visually unobtrusive' as protecting and enhancing landscape character and visual amenity is not just about being visually unobtrusive.	Comment noted. Specific reference to 'visually unobtrusive' is included as it is considered important to highlight that visual intrusion is a key issue when assessing the impact of glamping proposals on the landscape and natural/historic environment. However, NRW's point that the protection and enhancement of landscape character and the natural/historic environment is not just about being visually unobtrusive is accepted. The reference to 'visually unobtrusive' will therefore be removed from paragraph 3.3.	Remove the reference to 'visually unobtrusive' from bullet point 2 of paragraph 3.3.
4.2	Natural Resources Wales	Comment	Paragraph 3.3 - Suggest separate bullet points for landscape character and natural/historic environment.	Comment noted. The bullet point refers to the protection and enhancement of both landscape character and the natural/historic environment. It is not considered necessary to list these separately.	No change.

Sustainable Tourism Accommodation SPG Report of Consultation

Rep. No.	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
4.3	Natural Resources Wales	Comment	Paragraph 4.14 - Suggest that policies EP5 Foul Sewage Disposal and EP2 Protection of the Water Environment are listed in this section as separate bullet points. Note that this type of development could potentially be located in an area not served by public foul sewer.	Comment noted. This list of policies included in paragraph 4.14 is not exhaustive recognising that policies may vary on a case by case basis depending on site context and the proposal. However, in recognition of the fact that glamping accommodation could potentially be located in areas not served by public sewers, policies EP5 Foul Sewage Disposal and EP2 Protection of the Water Environment will be added to the list of policies in paragraph 4.14.	Include reference to LDP policies EP5 and EP2 in paragraph 4.14.
4.4	Natural Resources Wales	Comment	Suggest that the SPG should refer to the requirement for appropriate foul drainage facilities.	Comment noted. However, it is not considered necessary to specifically refer to the requirement for appropriate foul drainage facilities in the SPG. This is a detailed matter to be considered on a case by case basis. As advised in the SPG, applicants are encouraged to engage in the Council's pre-planning application advice service to determine which key LDP policies apply and to gain general planning advice, including on such matters as drainage.	No change.
4.5	Natural Resources Wales	Comment	Paragraph 4.21 - suggest that this should include reference to car parks.	Comment noted. Agree that reference to car parks should be included in paragraph 4.21 to ensure that car parks are considered in the context of minimal supporting infrastructure associated with glamping facilities.	Include reference to car parks in paragraph 4.21.
4.6	Natural Resources Wales	Comment	Paragraph 5.2 - suggest that this should refer to a 'landscape and visual appraisal' rather than landscape assessment.	Comment noted. However, the reference to 'landscape assessment' is considered appropriate given the context of the issue being conveyed. It is recognised that a full LVIA would normally be required for large/complex proposals. As advised in the SPG, applicants are encouraged to engage in the Council's pre-planning application advice service to gain general planning advice, including on such matters as the need for (and type of) a landscape assessment.	No change.
4.7	Natural Resources Wales	Comment	Appendix B - suggest that policies EP5 Foul Sewage Disposal and EP2 Protection of the Water Environment are listed in Appendix B for all types of accommodation.	Comment noted. However, it is not considered necessary to specifically include reference to policies EP5 and EP2 in Appendix B. It is clear that the policy considerations listed in relation to the various types of sustainable tourism accommodation are not exhaustive. Appendix B further states that relevant policies are likely to vary on a case by case basis depending on site context and proposal, and that applicants are advised to engage in the Council's pre-planning application advice service to determine which key policies apply to a proposal.	No change.

Sustainable Tourism Accommodation SPG Report of Consultation

Rep. No.	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
4.8	Natural Resources Wales	Comment	Appendix C - suggest that other examples of planning conditions could be listed such as landscape schemes, lighting, colours/materials, access/car park surfacing.	Comment noted. However, it is not considered necessary to include other examples of planning conditions in Appendix C. As stated in the SPG, the list of example planning conditions is not exhaustive and planning conditions may be devised or adapted to suit a particular circumstance, including in relation to landscape schemes, lighting etc. The last paragraph of Appendix C states that 'additional conditions may be necessary, for example in relation to drainage, lighting, access and landscaping'.	No change.
5.1	Powells Chartered Surveyors	Comment	Consider that a main concern associated with the implementation of the SPG is a chance that the tourism industry in Monmouthshire will become considerably more saturated than it is now. With that being the case, it is considered that even though policy is oriented around usual forms of glamping there should be a general case by case approach to each application.	Comment noted. The SPG provides detail on the interpretation and implementation of the LDP policy framework in assessing proposals for sustainable tourism accommodation and sets out the key policy considerations in relation to specific types of such accommodation. For the purposes of this SPG sustainable tourism accommodation is primarily concerned with glamping facilities, however, should proposals for other types of sustainable visitor accommodation come forward these will also be assessed against the guidance set out in the SPG. The importance of assessing sustainable tourism accommodation proposals on a case by case approach is recognised including in relation to degree of permanency and seasonal occupancy.	No change.
5.2	Powells Chartered Surveyors	Support	Welcomes the reference in the SPG for applicants to take pre-application advice prior to the submission of an application for sustainable tourism accommodation.	Support noted.	Note support.
5.3	Powells Chartered Surveyors	Comment	Refers to paragraphs 4.18-4.19 which deal with the degree of permanency of glamping accommodation. Encourage the LPA to consider this matter on a case by case basis as there are likely to be instances where permanent structures need to remain in place outside of the tourism season e.g. wooden base/ raised decking associated with yurts; ancillary structures including amenity blocks. Request that the LPA take a pragmatic view in relation to each individual item of the built environment which an applicant proposes and assess on a case by case basis.	The degree of permanency of sustainable tourism accommodation and the need to remove such accommodation from sites out of season is a key planning consideration and is addressed in paragraphs 4.18-4.19 of the SPG. The SPG advises that in general glamping accommodation should be taken down/ relocated out of season in order to safeguard the landscape amenity of an area. However, the necessity for this will be considered on a case by case basis depending on site context and landscape /visual impacts in winter months when tree cover is reduced. In instances where it can be demonstrated that there is no/limited landscape harm associated with the siting of the glamping accommodation during the winter months there would be no need to remove the accommodation/ supporting infrastructure. In this context, regard will also be given to the importance of maintaining a balance between the need to protect the landscape/environment and to avoid the negative effects on the local economy due to the seasonal nature of tourism - this will also be considered on a case by case basis.	No change.

Sustainable Tourism Accommodation SPG Report of Consultation

Rep. No.	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
5.4	Powells Chartered Surveyors	Comment	Suggest including other types of tourism accommodation which might not fit specifically with what the LPA considers to be sustainable tourism accommodation but which might be suitable e.g. shepherd's huts and tree houses. Consider that provided that such accommodation is implemented sustainably they should be considered on a case by case basis. Note that conditions can be applied to accommodation to prevent them becoming permanent or changing to permanent residential accommodation. Encourage the LPA to adopt a case by case approach for types of accommodation not specifically covered by policy.	As advised in the SPG (paragraph 4.4), LDP Policy S11 (Visitor Economy) is the starting point for assessing proposals for all types of sustainable tourism accommodation. This policy seeks to enable the provision of sustainable forms of tourism development subject to detailed planning considerations. Paragraph 4.5 states that proposals for sustainable tourism accommodation will generally be supported by Policy S11 unless ruled out by other LDP policies. The SPG specifically refers to shepherd's huts and treehouses as types of sustainable tourism accommodation (section 3). Section 4 and Appendix B of the SPG set out key policy considerations for assessing sustainable forms of tourism accommodation, including shepherd's huts and treehouses. The importance of assessing sustainable tourism accommodation proposals on a case by case approach is recognised, including in relation to degree of permanency and seasonal occupancy. For the purposes of this SPG sustainable tourism accommodation is primarily concerned with glamping facilities, although the guidance would also apply to other forms of sustainable visitor accommodation that may come forward.	No change.
6.1	Lower Glyn Farm Ltd (Powells Chartered Surveyors)	Comment	Consider a main concern associated with the implementation of the SPG is a chance that the tourism industry in Monmouthshire will become considerably more saturated than it is now. With that being the case, it is considered that even though policy is oriented around usual forms of glamping there should be a general case by case approach to each application.	Comment noted. The SPG provides detail on the interpretation and implementation of the LDP policy framework in assessing proposals for sustainable tourism accommodation and sets out the key policy considerations in relation to specific types of such accommodation. For the purposes of this SPG sustainable tourism accommodation is primarily concerned with glamping facilities, however, should proposals for other types of sustainable visitor accommodation come forward these will also be assessed against the guidance set out in the SPG. The importance of assessing sustainable tourism accommodation proposals on a case by case approach is recognised including in relation to degree of permanency and seasonal occupancy.	No change.
6.2	Lower Glyn Farm Ltd (Powells Chartered Surveyors)	Support	Welcomes the reference in the SPG for applicants to take pre-application advice prior to the submission of an application for sustainable tourism accommodation. Also welcome that the LPA are allowing consideration of other forms of tourism accommodation.	Support noted.	Note support.

Sustainable Tourism Accommodation SPG Report of Consultation

Rep. No.	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
6.3	Lower Glyn Farm Ltd (Powells Chartered Surveyors)	Comment	Refers to paragraphs 4.18-4.19 which deal with the degree of permanency of glamping accommodation. Encourage the LPA to consider this matter on a case by case basis as there are likely to be instances where permanent structures need to remain in place outside of the tourism season e.g. wooden base/ raised decking associated with yurts; ancillary structures including amenity blocks. Request that the LPA take a pragmatic view in relation to each individual item of the built environment which an applicant proposes and assess on a case by case basis.	The degree of permanency of sustainable tourism accommodation and the need to remove such accommodation from sites out of season is a key planning consideration and is addressed in paragraphs 4.18-4.19 of the SPG. The SPG advises that in general glamping accommodation should be taken down/ relocated out of season in order to safeguard the landscape amenity of an area. However, the necessity for this will be considered on a case by case basis depending on site context and landscape /visual impacts in winter months when tree cover is reduced. In instances where it can be demonstrated that there is no/limited landscape harm associated with the siting of the glamping accommodation during the winter months there would be no need to remove the accommodation/ supporting infrastructure. In this context, regard will also be given to the importance of maintaining a balance between the need to protect the landscape/environment and to avoid the negative effects on the local economy due to the seasonal nature of tourism - this will also be considered on a case by case basis.	No change.
6.4	Lower Glyn Farm Ltd (Powells Chartered Surveyors)	Comment	Suggest including other types of tourism accommodation which might not fit specifically with what the LPA considers to be sustainable tourism accommodation but which might be suitable e.g. shepherd's huts and tree houses. Consider that provided that such accommodation is implemented sustainably they should be considered on a case by case basis. Note that conditions can be applied to accommodation to prevent them becoming permanent or changing to permanent residential accommodation. Encourage the LPA to adopt a case by case approach for types of accommodation not specifically covered by policy.	As advised in the SPG (paragraph 4.4), LDP Policy S11 (Visitor Economy) is the starting point for assessing proposals for all types of sustainable tourism accommodation. This policy seeks to enable the provision of sustainable forms of tourism development subject to detailed planning considerations. Paragraph 4.5 states that proposals for sustainable tourism accommodation will generally be supported by Policy S11 unless ruled out by other LDP policies. The SPG specifically refers to shepherd's huts and treehouses as types of sustainable tourism accommodation (section 3). Section 4 and Appendix B of the SPG set out key policy considerations for assessing sustainable forms of tourism accommodation, including shepherd's huts and treehouses. The importance of assessing sustainable tourism accommodation proposals on a case by case approach is recognised, including in relation to degree of permanency and seasonal occupancy. For the purposes of this SPG sustainable tourism accommodation is primarily concerned with glamping facilities, although the guidance would also apply to other forms of sustainable visitor accommodation that may come forward.	No change.

Sustainable Tourism Accommodation SPG Report of Consultation

Rep. No.	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
7.1	Cllr Louise Brown	Object	Questions why the SPG only relates to proposals outside settlement boundaries. Suggests that there may be more neighbour concerns within settlement boundaries with glamping accommodation than outside. Concerned that the policy does not stress the necessity to fully consider normal planning considerations within settlement boundaries or what policies would apply. Considers that the SPG should also include reference to the need to keep sites clean and tidy (amenity reasons).	The SPG is only intended to relate to proposals outside settlement limits to specifically address proposals for sustainable tourism accommodation in the open countryside where there is a need to balance economic and environmental considerations. Within settlement limits sustainable tourism accommodation is generally acceptable in principle subject to amenity considerations and planning policy matters such as flood risk. As such, there is no need to provide specific guidance for proposals within settlement limits. Any proposals for glamping accommodation within settlement limits will be subject to amenity considerations (LDP Policy EP1 Amenity and Environmental Protection refers). The comment relating to the need to keep glamping sites clean/tidy is noted, however, this is not a planning matter and cannot be addressed in the SPG.	No change.
7.2	Cllr Louise Brown	Comment	Suggests that Policy S11 should be amended to include reference to 'generally' (i.e. development proposals that provide and/or enhance sustainable forms of tourism will generally be permitted subject to detailed planning considerations).	Comment noted. It is not possible to amend LDP policies until the Plan is revised. Consideration can be given to the suggested amendment when the Plan is revised.	No change.
7.3	Cllr Louise Brown	Object	<p>Concerned that the SPG does not cover the following matters:</p> <p>*removal of glamping infrastructure after the site is no longer used for glamping accommodation (should be removed at the same time). Need for sites to be fully restored if glamping accommodation is no longer used.</p> <p>*Need for sites to be kept clean and tidy at all times.</p> <p>*Careful siting of glamping infrastructure / hours of use to avoid being in vicinity of any permanent residential accommodation.</p> <p>Suggests that paragraph 3.3 should be amended to include reference to the following points (bold text):</p> <p>*Include plans for glamping accommodation and any ancillary infrastructure accommodation to be sited away from the vicinity of any permanent residential accommodation, to protect and preserve neighbourhood amenity.</p>	<p>To clarify, paragraph 3.3 sets out the key principles of sustainable tourism which glamping proposals will be expected to accord with. To deal with the concerns in turn:</p> <p>*Section 3, paragraph 3.3 states that in order to be considered as sustainable tourism accommodation the proposal should be capable of being removed without leaving a permanent trace. This is taken to include any supporting infrastructure associated with the glamping accommodation. However, for clarification specific reference will be made to supporting infrastructure in bullet point 7 of paragraph 3.3.</p> <p>*The cleanliness / tidiness of sites is not a planning matter and is not a matter that can be addressed in the SPG.</p> <p>*Paragraphs 4.20 - 4.21 provide guidance on the planning issues that should be considered in relation to supporting infrastructure, including scale, design and landscape impacts. As such it is not considered necessary to include any further guidance in the SPG on the siting of glamping infrastructure. Furthermore, paragraph 3.3 is concerned with the principles of sustainable tourism - as such it is not considered appropriate to include amenity as one of the principles of sustainable tourism. In any event, amenity considerations will be considered in relation to any proposal for glamping accommodation (LDP Policy EP1 refers). However, in order to highlight the amenity of neighbouring properties as an important consideration reference to this will be included in paragraph 4.14, Policy EP1.</p>	<p>Include specific reference to supporting infrastructure in bullet point 7 of paragraph 3.3.</p> <p>Include reference to the amenity of neighbouring properties in paragraph 4.14, Policy EP1.</p>

Sustainable Tourism Accommodation SPG Report of Consultation

Rep. No.	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
			<p>*Protect and enhance landscape character and natural/historic environment i.e. visually unobtrusive and be well screened.</p> <p>*Capable of being removed without leaving a permanent trace including any ancillary infrastructure accommodation.</p> <p>*Plans to include methods of keeping the site clean and tidy both during and after seasonal use (litter, maintenance, sewerage etc) and if it is no longer used.</p> <p>*Ensure access to and from the site has good highway visibility.</p>	<p>*Paragraph 3.3 is concerned with the principles of sustainable tourism and as such it is not considered appropriate to include reference to 'well screened' as a principle of sustainable tourism. Furthermore, reflecting comments made by NRW on bullet point 2 of paragraph 3.3, it is recognised that the protection and enhancement of landscape character does not solely relate to being well screened or visually unobtrusive. Reflecting this, it is considered appropriate to amend the bullet point to read 'protect and enhance landscape character and natural/historic environment' (Comment 4.1 refers).</p> <p>* Highway visibility is a detailed highway matter - it is not considered appropriate to include this as one of the principles of sustainable tourism. Detailed highway matters are covered by Policy MV1 - Proposed Developments and Highways Considerations - which is referred to in paragraph 4.14.</p>	
7.4	Cllr Louise Brown	Comment	Suggests reviewing/amending Policy T1 to take account of the above concerns for the protection of neighbourhood amenity.	Comment noted. It is not possible to amend LDP policies until the Plan is revised. In any event, amenity and environmental protection is adequately addressed in LDP Policy EP1 and it would not be necessary to specifically refer to this in Policy T1.	No change.
	Michel Troy United Community Council (in representation)	Comment	The comments submitted appear to apply to the consultation on the Draft Rural Conversions to a Residential or Tourism Use SPG, and not to the Draft Sustainable Tourism Accommodation SPG.	See response provided in relation to the Draft Rural Conversions to a Residential or Tourism Use SPG.	N/A

APPENDIX 3



**Sustainable Tourism
Accommodation
Supplementary Planning Guidance**

September 2017



Monmouthshire County Council
Local Development Plan

Sustainable Tourism Accommodation
Supplementary Planning
Guidance

September 2017

Planning Policy Service

Monmouthshire County Council

County Hall, Rhadyr, Usk, Monmouthshire NP15 1GA

Tel: 01633 644429

Email: planningpolicy@monmouthshire.gov.uk

CONTENTS

	Page
1. Introduction: Purpose of this Supplementary Planning Guidance	1
2. Planning Policy Context	3
3. Sustainable Tourism Accommodation	5
4. Interpretation and Implementation of the LDP Policy Framework for Assessing Proposals for Sustainable Tourism Accommodation	9
5. Submitting a Planning Application	14
Appendices	
A. LDP Tourism Policy Framework	15
B. Guidance for Assessing Specific Types of Glamping Accommodation: Key Policy Considerations	19
C. Example Planning Conditions	25
D. Sources of Advice	28

*Front Cover Photographs Clockwise from Top Left:
Yurt, Hidden Valley Yurts, Llanishen
Shepherd's Hut, Meend Farm, Penallt
Yurt, Penhein, Llanvair Discoed
Yurts, Hidden Valley Yurts, Llanishen*

1 Introduction: Purpose of this Supplementary Planning Guidance

- 1.1 Tourism plays a significant role in the Monmouthshire economy particularly in assisting the diversification of the rural economy and in sustaining the County's historic town centres. Monmouthshire benefits from extensive natural and cultural assets that offer considerable potential for residents and visitors to enjoy. The County is noted for its natural beauty and has a rich and diverse landscape stretching from the Gwent Levels in the south to the uplands of the Brecon Beacons in the north and the picturesque river corridor of the Wye Valley and Offa's Dyke in the east. Monmouthshire's historic market towns and cultural/heritage assets are also key attractions.
- 1.2 The visitor economy provides jobs, services and facilities that are essential to the well-being and enjoyment of local communities and residents of Monmouthshire. In 2015 there were 2.19 million visitors to the County, with tourist expenditure amounting to £187 million¹. Tourism also provides opportunities for enterprise and employment, and is a significant employer in the County. According to STEAM, tourism supported 2,744 full time equivalent jobs in 2015, accounting for approximately 10% of all employment in the County. Of note, the relative importance of staying visitors has increased in recent years, with such visitors accounting for 77% of the total amount generated by tourism in 2015 and staying an average of 2.5 nights.
- 1.3 Given the importance of tourism to the Monmouthshire economy, the need to safeguard, provide and enhance the County's visitor facilities, including the accommodation offer, is essential if Monmouthshire is to realise its potential as a high quality and competitive visitor destination.
- 1.4 Reflecting this and the aims of national planning policy, there is a desire to encourage and plan for sustainable forms of tourism accommodation in Monmouthshire. The LDP provides a positive planning framework to enable appropriate tourism development whilst ensuring that the County's natural and built environment, on which the tourism market depends, is protected/enhanced.
- 1.5 In recent years new forms of visitor accommodation known as 'glamping' (i.e. glamorous camping) have emerged and are becoming increasingly popular with the staying visitor market. Given that such forms of accommodation are a relatively recent innovation they are not defined in legislation and not explicitly referred to in current LDP policies. Accordingly, there is a need to clarify how such proposals should be assessed against the existing LDP policy framework.
- 1.6 This Supplementary Planning Guidance (SPG) is intended to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework in relation to proposals for sustainable visitor accommodation. For the purposes of this SPG sustainable visitor accommodation is concerned primarily with glamping facilities, although it would also apply to other forms of sustainable visitor accommodation. The guidance relates to proposals outside

¹ STEAM 2015. (STEAM is a tourism economic impact modelling process which approaches the measurement of tourism from the bottom up through its use of local supply data and tourism performance and visitor survey data collection).

settlement boundaries (as identified on the LDP proposals maps). Within settlement boundaries, such accommodation is generally acceptable in principle subject to normal amenity considerations and planning policy matters such as flood risk.

- 1.7 This SPG is aimed at anyone considering proposals for glamping accommodation in rural Monmouthshire and will assist all those involved in the formulation and determination of such proposals. The SPG is a material consideration in relation to planning applications and appeals and helps guide applicants and the Council through the planning process with regard to proposals for sustainable forms of tourism accommodation.

The SPG contains the following information:

- **Section 2** provides an overview of the national and local planning policy context in relation to sustainable tourism;
- **Section 3** explains what is meant by sustainable tourism accommodation in relation to Policy S11 and provides an overview of the various types of glamping accommodation to which this SPG relates;
- **Section 4** provides guidance on the interpretation and implementation of the LDP policy framework in relation to glamping accommodation.
- **Section 5** provides information on submitting a planning application for sustainable visitor accommodation, including details of the Council's pre-planning application advice service.

- **Appendices**

LDP Tourism Policy Framework (Appendix A)

Guidance for Assessing Specific Types of Glamping Accommodation: Key Policy Considerations (Appendix B)

Example Planning Conditions (Appendix C)

Sources of Advice (Appendix D)

National Planning Policy

- 2.1 National planning policy on tourism is set out in Chapter 11 of Planning Policy Wales (PPW, Edition 9 November 2016) and reflects the Welsh Government's aim to encourage tourism to grow in a sustainable way and make an increasing contribution to the economic, social and environmental well-being of Wales (11.1.2). It provides for the planning system to encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and local communities (11.1.4).
- 2.2 PPW recognises the importance of tourism to economic prosperity and job creation and its ability to act as a catalyst for environmental protection, regeneration and improvement in both urban and rural areas. In rural areas tourism related development is considered to be an essential element in providing for a healthy, diverse local economy and in contributing to the provision and maintenance of facilities for local communities. However, it also clarifies that such development should be sympathetic in nature and scale to the local environment and to the needs of the visitors and the local community.
- 2.3 National guidance is clear that development plans should encourage the diversification of farm enterprises and other parts of the rural economy for appropriate tourism uses, subject to adequate safeguards for the character and appearance of the countryside, particularly its landscape, biodiversity and local amenity value (11.2.7).
- 2.4 These national aims and objectives are reflected in the LDP's tourism planning policy framework and this SPG.

Monmouthshire Local Development Plan (LDP)

- 2.5 The Monmouthshire LDP was adopted in February 2014 and provides the planning policy framework for this SPG. The vital role of tourism to the Monmouthshire economy is reflected in the LDP policy framework which seeks to support and enable sustainable forms of tourism development while at the same time ensuring that the natural and built environment, key drivers of the visitor economy, are preserved and enhanced.
- 2.6 Strategic Policy S11 – Visitor Economy – specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire.

S11 Visitor Economy

Development proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations.

Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities will not be permitted.

The first part of Strategic Policy S11 gives positive encouragement to and enables the provision of sustainable forms of tourism, including visitor accommodation, subject to detailed planning considerations. The second part of the policy seeks to protect and prevent the loss of tourism facilities in the County. This SPG relates to the first part of the policy only.

2.7 Policy S11 is supported by a number of development management tourism policies which provide a more detailed policy framework to support the provision and enhancement of tourist facilities (these are set out in **Appendix A**):

- T1 Touring and Tented Camping Sites
- T2 Visitor Accommodation outside Settlements
- T3 Golf Courses

Strategic policies S8 (Enterprise and Economy) and S10 (Rural Enterprise) also offer support for sustainable economic growth and the provision of rural enterprise/rural diversification, where appropriate. Policy RE3 (Agricultural Diversification) is also supportive of many forms of sustainable visitor accommodation. Other LDP policies, including those relating to landscape and highways, will also be relevant to such proposals and the LDP should be referred to accordingly.

2.8 Further details on the relevance and interpretation of these policies in relation to glamping proposals is set out in Section 4 and **Appendix B** of this SPG.

2.9 Proposals for sustainable tourism accommodation should also have regard to the Council's Green Infrastructure SPG and emerging Landscape SPG.

2.10 While this SPG is concerned with glamping accommodation, it should be noted that the LDP policy framework (outlined above) provides sufficient guidance and support for other forms of appropriate visitor accommodation, including hotels and B&Bs. The importance of these other types of tourism to the local economy is acknowledged. Proposals for such accommodation will be assessed against existing LDP policies.

What is Sustainable Tourism Accommodation?

- 3.1 The LDP defines sustainable tourism as tourism that is 'economically viable, generates local benefits, is welcomed by and helps support local communities, reduces global environmental impacts and protects/enhances the local environment' (5.82).
- 3.2 Sustainable tourism is defined in the European Charter for Sustainable Tourism as 'Any form of development, management or tourist activity which ensures the long-term protection and preservation of natural, cultural and social resources and contributes in a positive and equitable manner to the economic development and well-being of individuals living, working or staying in protected areas.'
- 3.3 In view of this it is considered that sustainable tourism accommodation (glamping) proposals should reflect the following key principles of sustainable tourism:
- Generate benefits for the local economy (residents and visitors)
 - Protect and enhance landscape character and natural/historic environment
 - Scale and design appropriate to site context
 - Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique)
 - Generate minimal car trips
 - Make use of renewable energy resources (energy efficient)
 - Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure)

All proposals for sustainable tourism accommodation will be expected to accord with these key principles.

Glamping Accommodation

- 3.4 Glamping accommodation has become increasingly popular in recent years and offers visitors a certain level of luxury and comfort above what can be offered in the traditional tenting experience. There are various types of glamping accommodation, the majority of which are semi-permanent structures and typically incorporate the aforementioned principles of sustainable tourism. Typical examples of glamping accommodation include:

Yurts

Large circular tent structures, comprising a latticed wooden frame with felt insulation and canvas cover. Yurts often have wood burners and beds. Typically larger, more complex to erect and more permanent than traditional tents given their wooden bases which generally remain in situ throughout the year. Upper parts of the structures can be easily removed.



Yurt, Hidden Valley Yurts, Llanishen

Tepees



Tepee, Powys
(Image source: CanopyandStars.co.uk)

Conical shaped tent comprising rounded wooden pole frame covered with canvas. Tepees often have wood burners and beds. Typically larger, more complex to erect and more permanent than traditional tents given their wooden bases which generally remain in situ throughout the year. Upper parts of the structures can be easily removed.

Bell Tents

Conical shaped tent supported by a single central pole and covered with canvas. Bell tents can have beds. Can be more permanent than traditional tents where they have wooden bases which may remain in situ throughout the year.



Bell Tent, Kingstone Brewery, Tintern
(Image Source: CanopyandStars.co.uk)

Wooden Pods/ Tents



Wooden Pods, Llantillio Croesenny

Typically simple timber structures comprising a floor, sides and roof with no services although it is recognised that some types of pods/tents incorporate beds/heaters and may be connected to services. Wooden pods/tents are generally transported onto a site as a complete unit and simply placed on land (no foundations). They cannot be categorised as touring units given their greater degree of permanency.

Shepherd's Huts

19th and 20th century version of a modern caravan. Shepherd's huts typically comprise a solid wooden frame on cast iron wheels with corrugated iron roof and sides. Often have beds, wood burners and other facilities. As with wooden pods, they are transported onto a site as a complete unit. They cannot be categorised as touring units given their greater degree of permanency.



Shepherd's Hut, Penallt

Tree Houses

Structures built next to and/or around tree trunk/branches above ground level. Some have beds/ facilities while others comprise a single open space /no facilities. Can vary considerably in type, design and scale (this would determine whether it would



constitute a sustainable form of tourist accommodation in the context of the LDP policy framework and this SPG). Unlike the aforementioned types of glamping accommodation, tree houses are permanent structures and are considered to be operational development as explained in paragraphs 4.9-4.10.

Tree House, Powys
(Image Source: CanopyandStars.co.uk)

- 3.5 Glamping accommodation typically has infrastructure requirements in the form of amenity blocks as many do not contain facilities such as toilets, showers and kitchens. Guidance and key policy considerations in relation to the provision of amenity blocks to accompany glamping accommodation is set out in paragraph 4.20.
- 3.6 This list of glamping accommodation types is not exhaustive, and should proposals for other types of sustainable visitor accommodation come forward these will also be assessed in accordance with the LDP policy framework and the guidance contained in this SPG.

4 Interpretation and Implementation of the LDP Policy Framework for Assessing Proposals for Sustainable Tourism Accommodation

- 4.1 This section of the guidance provides detail on the interpretation and implementation of the LDP policy framework in assessing proposals for glamping accommodation. Further guidance in relation to specific types of glamping accommodation is set out at **Appendix B** and will assist in the formulation and assessment of such proposals. To reiterate, the guidance relates to glamping proposals outside settlement boundaries (as identified on the LDP proposals maps). Within settlement boundaries, such accommodation is generally acceptable in principle subject to normal amenity considerations and planning policy matters such as flood risk.
- 4.2 The Council seeks to support and adopt a positive approach to sustainable forms of visitor accommodation. This is reflected in the LDP policy framework which is supportive of such proposals providing that this is not at the expense of natural and built environment, which in themselves are key drivers of the County's visitor economy. Appropriate proposals will be those which are considered to accord with principles of sustainable tourism set out in paragraph 3.3, i.e. have minimal landscape/environmental impact, generate benefits for the local economy, are of an appropriate scale and design, generate minimal traffic, incorporate renewable energy solutions and are capable of being removed without leaving a permanent trace.

Glamping Accommodation Proposals: Key Planning Considerations

- 4.3 The main planning considerations that will be relevant to the majority of proposals/applications for sustainable forms of tourism accommodation are set out below. Other considerations may, however, be relevant on a site specific basis. These issues will need to be considered and balanced in the assessment of planning applications for such proposals.

Strategic Policy S11 – Visitor Economy

- 4.4 The starting point for assessing proposals for sustainable tourism accommodation is Strategic Policy S11 which seeks to enable the provision of sustainable forms of tourism development subject to detailed planning considerations. Of note, the limited degree of permanence of most forms of sustainable tourism accommodation² means they can be considered as a use of land rather than operational development.
- 4.5 Proposals for sustainable tourism accommodation will generally be supported by S11 unless ruled out by other LDP policies. To constitute a sustainable form of visitor accommodation in the context of Policy S11, proposals will need to demonstrate that they incorporate the key principles of sustainable tourism as set out in paragraph 3.3.
- 4.6 Strategic policies S8 (Enterprise and Economy) and S10 (Rural Enterprise) are also applicable and may provide support for such proposals, subject to detailed planning considerations.

² With the exception of tree houses, most forms of glamping accommodation are a use of land rather than operational development.

- 4.7 Proposals for sustainable visitor accommodation would therefore be acceptable in principle unless ruled out by detailed development management tourism policies T1, T2 or other relevant LDP policies. To deal with these in turn:

T1 – Touring and Tented Camping Sites

- 4.8 This policy would apply/offer support to specific types of glamping accommodation such as yurts, tepees and bell tents where they are considered to constitute a tented camping site i.e. the units are not permanent and upper parts of the units can be easily removed. However, the applicability of this policy diminishes where proposals involve supporting infrastructure, such as sizeable areas of raised decking. Where relevant, consideration must be given to the criteria set out in this policy.

T2 – Visitor Accommodation Outside Settlements

- 4.9 Part of this policy applies to new build permanent serviced/self-catering visitor accommodation proposals outside settlement limits and as such will not be relevant to many forms of glamping. However, where glamping proposals constitute permanent new build development, for example tree houses, this policy would be applicable.
- 4.10 The policy does not support new build permanent self-catering visitor accommodation outside settlement boundaries unless ancillary to established medium or large hotels. Proposals for new build permanent glamping accommodation (operational development) would therefore generally be contrary to this policy. However, it is recognised that there may be instances where such accommodation could constitute sustainable visitor accommodation (in accordance with sustainable tourism principles set out in 3.3). Therefore, where appropriate, such proposals could be balanced against other LDP policies, including Policy S11, to allow a new build permanent form of sustainable visitor accommodation in cases where a proposal is considered to constitute sustainable tourism accommodation given its scale, innovation, design etc. Such proposals would need to be considered on a case by case basis.
- 4.11 Policy T2 also allows for the re-use or conversion of existing buildings for tourism accommodation in the countryside subject to the criteria set out in Policy H4 (Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use). This matter will be given further consideration in a separate SPG dealing specifically with Policy H4. As an exception, Policy T2 also allows for visitor accommodation which involves the substantial rebuild of a building within the curtilage of an existing and occupied farm property where it assists in an agricultural diversification scheme in accordance with Policy RE3 (Agricultural Diversification). By definition, this provision would normally relate to a more traditional holiday cottage or small B&B rather than glamping.

T3 – Golf Courses

- 4.12 Policy T3 allows for visitor accommodation on golf courses where it supports the tourism economy, subject to detailed planning considerations, and should be referred to where relevant.

RE3 – Agricultural Diversification

- 4.13 Criterion d) of Policy RE3 offers support for certain types of glamping accommodation (i.e. so long as not new build structures) where proposals are linked to agricultural

diversification schemes. The applicability of this policy to glamping proposals is given further consideration in Appendix B.

Other LDP Policies

4.14 Having considered the aforementioned key tourism related policies, consideration will need to be given to a proposal's compliance with other relevant LDP policies, including landscape, highways and natural/historic environment. Relevant policies are likely to include:

- LC1 New Built Development in the Open Countryside.
- LC5 Protection and Enhancement of Landscape Character.
Landscape impacts will be a key policy consideration in the formulation and assessment of glamping accommodation proposals in the open countryside.
- G11 Green Infrastructure.
- NE1 Nature Conservation and Development.
- MV1 Proposed Developments and Highway Considerations.
- SD3 Flood Risk.
- DES1 General Design Considerations.
- EP1 Amenity and Environmental Protection.
Amenity impacts on neighbouring properties will be a key policy consideration in the formulation and assessment of glamping accommodation in the open countryside.
- EP2 Protection of the Water Sources and Water Environment.
- EP3 Lighting.
- EP5 Foul Sewage Disposal.

4.15 This list is not exhaustive and policies may vary on a case by case basis depending on site context and the proposal. Applicants are advised to engage in the Council's pre-planning application advice service to determine which key LDP policies apply and to gain general planning advice (see section 5).

Scale of Development and Cumulative Impacts

4.16 The scale of a glamping accommodation proposal will be a key consideration in its assessment against the LDP policy framework. An increase in the scale of a proposal could result in potential non-compliance with other LDP policies, including for example Policy S11, in terms of whether it would constitute a sustainable form of visitor accommodation, and Policy LC5 in terms of impact on landscape character.

4.17 Similarly, the cumulative impacts of a glamping proposal will also be an important consideration in determining its appropriateness and compliance with the policy framework. As above, in instances where the cumulative impacts of a proposal are of concern there could be potential non-compliance with other LDP policies.

Degree of Permanency

4.18 A key planning consideration in assessing proposals for glamping accommodation is the degree of permanency of the unit(s) and whether it (they) will be removed from the site out of season. In general, glamping accommodation such as yurts, tepees, bell tents, shepherd's huts should be taken down or relocated out of season. However, the necessity for this will need to be considered on a case by case basis depending on site context and landscape/visual impacts.

- 4.19 In this context, regard should also be given to the importance of maintaining a balance between the need to protect the landscape/environment and to avoid negative effects on the local economy due to the seasonal nature of tourism. Again, this will need to be considered on a case by case basis.

Supporting Infrastructure

- 4.20 Amenity blocks (showers, toilets, kitchen/eating areas) are often required to accompany glamping accommodation, where such facilities are not incorporated within the accommodation itself. In such instances, the first preference for these facilities would be for the conversion of existing buildings (subject to compliance with Policy H4). Where this is not possible, such facilities could be considered as ancillary to sustainable tourism accommodation, again subject to other relevant policy considerations, including landscape impact. Careful consideration should be given to the scale and design of amenity facilities to ensure landscape /environmental impacts are minimised.
- 4.21 As a sustainable form of visitor accommodation it is expected that glamping proposals will have minimal supporting infrastructure. Access roads/tracks, car parking facilities, drainage facilities, electricity and water supplies should be kept to a minimum. Supplementary features such as fire pits, BBQ areas should be integrated within the overall scheme design. All such paraphernalia should be included in plans and documents submitted in order to ensure compliance with policy framework. The intention is that such accommodation should have minimal landscape/visual impacts. In accordance with sustainable tourism principles, proposals are encouraged to incorporate rainwater recycling and incorporate renewable energy for lighting and heating purposes e.g. solar panels. This is in marked contrast to static caravan parks, which are not considered to be a sustainable form of tourism or supported by this policy.

Occupancy Restrictions

- 4.22 In all cases, the use of such visitor accommodation for permanent residential occupancy will not be acceptable. Accommodation must remain for the intended tourism purpose only so that the wider economic benefits are secured. Further details on this matter, and seasonal occupancy, is provided in Appendix C Planning Conditions.

Planning Conditions

- 4.23 **Appendix C** sets out a list of example planning conditions that may apply to planning permissions for glamping accommodation. These include:
- The number and siting of units and type of accommodation permitted (to ensure the site remains informal/sustainable),
 - Occupancy (to ensure that the original use is retained and not used for unauthorised permanent residential accommodation)
 - Seasonal occupancy (although recognising the importance of maintaining a balance between protecting the landscape/environment and avoiding negative local economic impacts which can be associated with the seasonal nature of tourism).

Guidance on Specific Types of Glamping Accommodation

- 4.24 Further detailed policy considerations in relation to specific types of sustainable visitor accommodation is provided in **Appendix B**.

5 Submitting a Planning Application

- 5.1 Anyone considering a proposal for sustainable visitor accommodation are, in the first instance, encouraged to engage with the LPA through the formal pre-planning application advice service (available at a modest cost). This will enable discussions with relevant officers at an early stage to determine the relevant planning issues (e.g. site constraints, design considerations), identify the key applicable LDP policies/ SPG and establish the information required to accompany an application. This will assist in preparing a proposal for submission and avoid any unnecessary delays.
- 5.2 In submitting an application, the Council expects applicants to submit a reasonable level of detail in order to allow a comprehensive consideration of the proposal. This will vary on a case by case basis depending on the nature /scale of the proposal but will often include a landscape assessment. The Council would also expect all applications to include full details of any proposed supporting infrastructure, including amenity facilities, decking, access roads/tracks etc. Engagement at the pre-application stage will assist in determining the level of information required.
- 5.3 Information on the Council's pre-planning application advice service is available using the following link:

<http://www.monmouthshire.gov.uk/planning/pre-application-advice-service>

In 2015/16, of those planning applications that were first subject to pre-application advice, 100% were determined in accordance with the pre-application advice. 99% of the applications were approved. The remaining two applications were refused in accordance with the pre-application advice, and the Council's decision was subsequently upheld at appeal.

APPENDIX A

Monmouthshire LDP Tourism Policy Framework

Strategic Tourism Policy

S11 Visitor Economy

Development proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations.

Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities will not be permitted.

Development Management Tourism Policies

Policy T1 – Touring Caravan and Tented Camping Sites

New touring caravan and tented camping sites and the expansion of such sites will only be permitted where:

- a) there is no unacceptable impact on the countryside having regard to biodiversity, landscape quality and the visibility from roads, viewpoints and other public places;
- b) there are no permanently sited caravans;
- c) the development can be satisfactorily supervised without the need for additional permanent living accommodation for wardens; and
- d) there are no adverse safety and / or amenity effects arising from the traffic generated and access requirements

Policy T2 – Visitor Accommodation outside Settlements

New build serviced or self-catering visitor accommodation will be allowed outside town and village development boundaries as ancillary development to established medium or large hotels.

Otherwise, outside town and village development boundaries, the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4.

As an exception to the above proposals to provide visitor accommodation may be permitted where they involve:

- a) the substantial rebuild of a building within the curtilage of an existing and occupied farm property where it assists in an agricultural diversification scheme in accordance with Policy RE3.
- b) the conversion of buildings of modern construction and materials provided the buildings are appropriate for residential use (e.g. not modern agricultural or factory buildings); not of substandard quality and /or incongruous appearance; and have been used for their intended

purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to those buildings less than 10 years old, especially where there has been no change in activity on the unit.

c) the conversion of buildings that are too small or are inappropriately located to provide appropriate standards of space and amenity for conversions to permanent residential accommodation but are suitable for tourist accommodation.

Where conversions to tourism accommodation are allowed in the exceptional circumstances set out in criteria a) to c) above then the occupancy of the building will be restricted in perpetuity to short stay tourist accommodation.

All proposals will be considered against other plan policies and should integrate with their surroundings, in terms of design and layout and how the proposal will function.

Policy T3 – Golf Courses

Development proposals for golf courses, golf driving ranges and associated facilities including buildings, will be permitted subject to detailed planning considerations. All proposals must be accompanied by a landscape impact assessment and ecological appraisal. Clubhouses and associated facilities should re-use or adapt existing buildings where possible. If a new building is required it should be limited in scale, suitably located and designed and meet the criteria set out in Policy LC1. Buildings not genuinely ancillary to golf uses will not be permitted, although consideration may be given to proposals to provide visitor accommodation that support the tourist economy, subject to detailed planning considerations

Other Key LDP Tourism Related Policies

Policy S8 – Enterprise and Economy

Development proposals that seek to deliver the Council's vision for sustainable economic growth will be permitted, particularly where they enable:

- a) the continued development of existing key economic sectors, including tourism;
- b) the diversification of the business base within Monmouthshire, particularly the provision of green and low carbon technologies and knowledge intensive /high technology enterprises;
- c) the development of countywide faster and more accessible ICT and broadband infrastructure.

All proposals will be subject to detailed planning considerations, which include the protection of the natural and built heritage which itself is an important resource bringing benefits for the economy, tourism and well-being.

Policy S10 – Rural Enterprise

Development to enable the diversification of the rural economy will be permitted outside settlement development boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, historic and cultural heritage, biodiversity or local amenity value. Development must re-use or adapt existing buildings where possible. The exceptional circumstances in which new buildings may be permitted outside settlement boundaries to assist in the diversification of the rural economy are set out in Policies RE1, RE3, RE6, T2 and T3.

Policy RE3 – Agricultural Diversification

Development proposals which make a positive contribution to agriculture or its diversification will be permitted where the new use or building meets the following criteria:

- a) the proposed non-agricultural development is run in conjunction with, and is complementary to, the agricultural activities of the enterprise;
- b) the proposal is supported by an appropriate business case which demonstrates the link to existing business activity and the benefits of the scheme in terms of sustaining employment / the rural economy;
- c) in relation to new build, the applicant must demonstrate that there are no existing buildings suitable for conversion / re-use in preference to new build;
- d) with regard to diversification proposals for visitor accommodation, new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage of an existing and occupied farm property, as specified in Policy T2;
- e) where rebuild is permitted under criteria c) and d) any rebuilding work should respect or be in sympathy with the local and traditional characteristics of the building;
- f) proposals for new built development meet the detailed criteria set out in Policy LC1;
- g) proposals for renewable energy schemes meet the criteria set out in Policy SD1

APPENDIX B

Guidance for Assessing Specific Types of Glamping Accommodation: Key Policy Considerations

Guidance for Assessing Specific Types of Glamping Accommodation: Key Policy Considerations

The following table sets out key policy considerations for assessing specific types of glamping accommodation – yurts, tepees, bell tents, wooden pods/tents, shepherd’s huts and tree houses. These types of glamping facilities are included as they have becoming increasingly popular in recent years and are likely to continue to be so. Should proposals for other types of sustainable visitor accommodation/glamping accommodation come forward these will also be assessed in accordance with the policy considerations, as appropriate, set out below. As stated in Section 4, the starting point for considering proposals for sustainable forms of visitor accommodation will be Strategic Policy S11 – Visitor Economy.

Type of Glamping Accommodation	Key LDP Policies					Comments
	S11	T1	T2	RE3(d)	Other Relevant Policies	
<p>Yurts Tepees Bell Tents</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 137</p>	<p>Supports proposals for yurts, tepees and bell tents where they are considered to constitute sustainable tourism accommodation and of an appropriate scale, subject to other relevant policy considerations including landscape impact (policies LC1 and LC5), highway safety (policy MV1) and flood risk (Policy SD3).</p>	<p>This policy would apply/offer support where yurts, tepees and bell tents are considered to constitute a tented camping site i.e. units are not permanent, the upper parts made from material which could be easily removed. Where relevant, consideration must be given to the criteria set out in T1.</p> <p>However, where proposals for yurts, tepees and bell tents include the provision of more permanent type structures often associated with these forms of accommodation such as</p>	<p>This policy is not applicable to proposals for yurts, tepees and bell tents as these types of accommodation do not constitute new build development as referred to in Policy T2.</p>	<p>Criterion d) of Policy RE3 is applicable and offers support for yurts, tepees and bell tents where proposals are linked to agricultural diversification schemes.</p>	<p>Consideration will need to be given to a proposal’s compliance with other relevant LDP policies, including landscape (LC1/LC5), highways (MV1), natural environment (NE1), flood risk (SD3) etc.</p> <p>Relevant policies are likely to vary on a case by case basis depending on site context and proposal. Applicants are advised to engage in the Council’s pre-planning application advice service to determine which key LDP policies apply (see section 5).</p>	<p>Proposals for yurts, tepees and bell tents should be of an appropriate scale. The scale of the proposal will therefore be a key consideration in its assessment against the policy framework. An increase in the scale of a proposal could result in potential non-compliance with LDP policies, including for example Policy S11 in terms of whether it would constitute sustainable tourism accommodation, and Policy LC5 in terms of impact on landscape character.</p> <p>Similarly the cumulative impacts of a proposal will be an important consideration in assessing proposals for yurts, tepees and bell tents.</p>

Type of Glamping Accommodation	Key LDP Policies					Comments
	S11	T1	T2	RE3(d)	Other Relevant Policies	
		wooden decking, policy T1 would be less applicable as proposals would no longer be akin to a tented camping site as referred to in T1.				Consideration should also be given to supporting infrastructure associated with a proposal, including amenity blocks, the degree of permanency of the units and occupancy restrictions. Guidance on these matters is set in Section 4 of this SPG (paragraphs 4.18-4.22).
Wooden Pods/ Tents	Supports proposals for wooden pods/tents where they are considered to constitute sustainable tourism accommodation and are of an appropriate scale, subject to other relevant policy considerations including landscape impact (policies LC1 and LC5), highway safety (policy MV1) and flood risk (Policy SD3).	Policy T1 is not applicable to proposals for wooden pods/tents as they are not a touring facility and not classified as a 'tent' (tented camping site) as referred to in Policy T1 given the greater degree of permanency of the structures.	Policy T2 is not applicable to proposals for wooden pods/tents as these types of accommodation do not constitute new build development as referred to in Policy T2.	Criterion d) of Policy RE3 is applicable and offers support for wooden pods/tents where proposals are linked to agricultural diversification schemes (as wooden pods/huts are not new build structures).	Consideration will need to be given to a proposal's compliance with other relevant LDP policies, including landscape (LC1/LC5), highways (MV1), natural environment (NE1), flood risk (SD3) etc. Relevant policies are likely to vary on a case by case basis depending on site context and proposal. Applicants are advised to engage in the Council's pre-planning application advice	Proposals for wooden pods/tents should be of an appropriate scale. The scale of the proposal will therefore be a key consideration in its assessment against the policy framework. An increase in the scale of a proposal could result in potential non-compliance with LDP policies, including for example Policy S11 in terms of whether it would constitute sustainable tourism accommodation, and Policy LC5 in terms of impact on landscape character. Similarly the cumulative impacts of a proposal will be an important consideration in

Type of Glamping Accommodation	Key LDP Policies					Comments
	S11	T1	T2	RE3(d)	Other Relevant Policies	
					service to determine which key LDP policies apply (see section 5).	<p>assessing proposals for wooden pods/tents.</p> <p>Consideration should also be given to supporting infrastructure associated with a proposal, including amenity blocks, the degree of permanency of the units and occupancy restrictions. Guidance on these matters is set in Section 4 of this SPG (paragraphs 4.18-4.22).</p>
Shepherd's Huts	Supports proposals for shepherd's huts where they are considered to constitute sustainable tourism accommodation, and are of an appropriate scale, subject to other relevant policy considerations including landscape impact (policies LC1 and LC5), highway safety (policy MV1) and flood risk (Policy SD3).	Policy T1 is not applicable to proposals for shepherd's huts as this type of accommodation would not fall within the scope of policy T1 as they are not typically considered to constitute a 'touring' facility as referred to in the policy.	Policy T2 is not applicable to proposals for shepherd's huts as this type of accommodation does not constitute new build development as referred to in Policy T2.	Criterion d) of Policy RE3 is applicable and offers support for shepherd's huts where proposals are linked to agricultural diversification schemes (as shepherd's huts are not new build structures)	<p>Consideration will need to be given to a proposal's compliance with other relevant LDP policies, including landscape (LC1/LC5), highways (MV1), natural environment (NE1), flood risk (SD3) etc.</p> <p>Relevant policies are likely to vary on a case by case basis depending on site context and proposal. Applicants are advised</p>	Proposals for shepherd's huts should be of an appropriate scale. The scale of the proposal will therefore be a key consideration in its assessment against the policy framework. An increase in the scale of a proposal could result in potential non-compliance with LDP policies, including for example Policy S11 in terms of whether it would constitute sustainable tourism accommodation, and Policy LC5 in terms of impact on landscape character.

Type of Glamping Accommodation	Key LDP Policies					Comments
	S11	T1	T2	RE3(d)	Other Relevant Policies	
Page 140					to engage in the Council's pre-planning application advice service to determine which key LDP policies apply (see section 5).	Similarly the cumulative impacts of a proposal will be an important consideration in assessing proposals for shepherd's huts. Consideration should also be given to supporting infrastructure associated with a proposal, including amenity blocks, the degree of permanency of the units and occupancy restrictions. Guidance on these matters is set in Section 4 of this SPG (paragraphs 4.18-4.22).
Tree Houses	May offer support for proposals for tree houses where they are considered to constitute sustainable tourism accommodation by virtue of scale, innovative design etc., subject to other relevant policy considerations including landscape impact (policies LC1 and LC5) and highway safety (policy MV1).	Policy T1 is not applicable to proposals for tree houses as this type of accommodation would not fall within the scope of policy T1 as are not a tented or touring facility.	Tree houses outside settlement boundaries would be contrary to Policy T2 as the policy does not support proposals for new build permanent/self-catering accommodation outside settlement boundaries (unless ancillary to established medium/large hotels).	This policy does not offer support for tree houses linked to agricultural diversification schemes as tree houses are considered to be new build development.	Consideration will need to be given to a proposal's compliance with other relevant LDP policies, including landscape (LC1/LC5), highways (MV1), natural environment (NE1), flood risk (SD3) etc. Relevant policies are likely to vary on a case by case basis	Tree houses are permanent structures and are considered to be operational development. Proposals for tree houses must be of an appropriate scale. The scale of the proposal will therefore be a key consideration in its assessment against the policy framework. An increase in the scale of a proposal could result in potential non-compliance with LDP policies, including for example Policy S11

Type of Glamping Accommodation	Key LDP Policies					Comments
	S11	T1	T2	RE3(d)	Other Relevant Policies	
			However, this could be balanced against other LDP policies e.g. S11, S8, to allow such development where a tree house is considered to constitute sustainable, low impact tourist accommodation given its scale, innovative design etc. This would need to be considered on a case by case basis.		depending on site context and proposal. Applicants are advised to engage in the Council's pre-planning application advice service to determine which key LDP policies apply (see section 5).	<p>in terms of whether it would constitute sustainable tourism accommodation, and Policy LC5 in terms of impact on landscape character.</p> <p>Similarly the cumulative impacts of a proposal will be an important consideration in assessing proposals for tree houses.</p> <p>Consideration should also be given to supporting infrastructure associated with a proposal, including amenity blocks, and occupancy restrictions. Guidance on these matters is set in Section 4 of this SPG (paragraphs 4.18-4.22).</p>

APPENDIX C

Example Planning Conditions

Planning Conditions

Planning Applications are often granted approval subject to planning conditions. Conditions are sometimes required in order to enhance the quality of developments but are also important in enabling developments to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Any conditions used need to be fair, reasonable and practicable. Conditions must be relevant to the proposed development and be enforceable.

The following is a list of example planning conditions that may apply to planning permissions for glamping proposals. This list is not exhaustive and conditions may be devised or adapted to suit a particular circumstance.

Type of accommodation permitted

Condition: None of the *insert type of glamping site* hereby permitted shall be replaced by any other structure(s) or glamping accommodation differing from the approved details, unless and until details of the size, design and colour of such replacements have first been approved in writing by the Local Planning Authority.

Reason: To ensure compliance with the approved plans, for the avoidance of doubt and to safeguard the amenities of the area.

Siting

Condition: The *glamping site* shall be carried out in accordance with the layout and specification shown on the approved plans only.

Reason: To ensure compliance with the approved plans in the interests of the wider landscape and visual [and residential] amenity.

Restriction of use to holiday accommodation

Condition: The *glamping site* shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. The *glamping site* shall remain as holiday accommodation in perpetuity.

Reason To ensure the *glamping site* is occupied as holiday accommodation only. The *glamping site* is unsuitable for general residential accommodation because of *its temporary nature* and *its location in the open countryside*, and the policy support for glamping is due to the economic benefits secured.

Occupancy

Condition: An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the *insert type of glamping site* shall be made available for inspection by the Local Planning Authority upon request.

Reason: To ensure the *glamping site* is occupied as holiday accommodation only. The *glamping site* is unsuitable for general residential accommodation because of *its temporary nature* and *its location in the open countryside*, and the policy support for glamping is due to the economic benefits secured.

Seasonal Occupancy

Condition: No *type of glamping site* shall remain on site between 30th September in any one year and 1st March in the succeeding year.

Reason: To safeguard the landscape amenities of the area.

As stated in paragraph 4.18, with regard to seasonal occupancy, consideration should also be given to the importance of maintaining a balance between the need to protect the landscape/environment and to avoid negative effects on the local economy due to the seasonal nature of tourism. This will need to be considered on a case by case basis. Where there is no/very limited landscape harm caused, the economic benefits of providing year-round (or extended) tourism accommodation will be considered favourably.

Number of units

Condition: There shall be no more than *insert number and type of glamping accommodation* and *insert number of ancillary structures* on the site at any one time.

Reason: To safeguard the landscape amenities of the area and to ensure compliance with the approved plans.

Additional conditions may be necessary, for example in relation to drainage, lighting, access and landscaping. These will be determined on a site by site basis.

APPENDIX D

Sources of Advice

For tourism planning policy advice please contact:

Planning Policy Team

County Hall
Rhadyr
Usk
NP15 1GA
Tel: 01633 644429
Email: planningpolicy@monmouthshire.gov.uk

For advice on sustainable tourism accommodation proposals please contact:

Development Management

County Hall
Rhadyr
Usk
NP15 1GA
Tel: 01633 644800
Email: planning@monmouthshire.gov.uk

For general tourism advice please contact:

Nicola Edwards
Strategic Food and Tourism Manager
County Hall
Rhadyr
Usk
NP15 1GA
Tel: 01633 644847
Email: nicolaedwards@monmouthshire.gov.uk



Future Generations Evaluation

(includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation Mark Hand</p> <p>Phone no: 01633 644803 E-mail: markhand@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council’s vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Draft Sustainable Tourism Accommodation provides clarity on the interpretation and implementation of the existing LDP policy framework in relation to proposals for sustainable forms of visitor accommodation.</p>
<p>Name of Service</p> <p>Planning (Planning Policy)</p>	<p>Date Future Generations Evaluation form completed</p> <p>19/09/2017</p>

Page 147



Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: The Draft SPG seeks to support sustainable forms of tourism accommodation which will assist in supporting the County’s visitor economy – essential to the well-being and enjoyment of local communities and residents.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: Potential for proposals to protect /enhance landscape etc. in accordance with LDP policy framework.</p> <p>Negative: Potential for some negative environmental impacts, however, given the temporary nature of most forms of glamping the scope for this is limited.</p>	<p>Mitigate Negative Impacts: It will be ensured that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: Enabling appropriate sustainable visitor accommodation can have a positive influence on health and well-being (encouraging/creating sustainable tourism opportunities in attractive environments).</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: The Draft SPG seeks to support sustainable forms of tourism accommodation which will assist in supporting the County's visitor economy – essential to the well-being and enjoyment of local communities and residents.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: The Draft SPG supports the implementation of tourism related policies of the LDP, which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that any LDP review/revision is subject to appropriate SA/SEA testing.</p>
<p>A Wales of vibrant culture and thriving Welsh language</p>	<p>Positive: The Draft SPG has a positive general impact on culture, heritage and language,</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	<p>encouraging/enabling sustainable tourism accommodation will assist in supporting the visitor economy including the County's historic town centres and heritage/cultural assets.</p> <p>Negative: None.</p>	accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: The Draft SPG should bring positive benefits to Monmouthshire's residents through enabling the provision of sustainable visitor accommodation. This will assist in supporting the visitor economy which essential to the well-being and enjoyment of local communities and residents.</p> <p>Negative: None.</p>	Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The Draft SPG supports the implementation of the LDP. By its nature, therefore, it cannot look beyond this period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p> <p>The LDP tourism policy framework seeks to support and enable sustainable forms of tourism development while at the same time ensuring that the natural and built environment, key drivers of the visitor economy, are preserved and enhanced for future generations.</p>	<p>Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p> <p>The LDP and its policies have been subject to SA/SEA. Any LDP review/revision will be subject to SA/SEA.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including tourism policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision.</p>
 <p>Working together with other partners to deliver objectives</p>	<p>The Draft SPG has been produced in liaison with the Council's Tourism Officer and following discussion regarding the emerging revised Destination Management Plan. It was subject to internal (including Development Management officers) and external consultation. Public consultation was targeted to those who were considered to have a specific interest in the topic but also included all town and community councils and notices in the press. The consultation was also publicised via our Twitter account @MCCPlanning. This provided those interested parties with the opportunity to make representations on the Draft SPG to the Council. These representations have been fully considered by the Council in finalising the SPG.</p>	<p>The Draft SPG supports LDP tourism policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including tourism policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision. Any review/revision of the LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involving those with an interest and seeking their views</p>	<p><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p>The Draft SPG has been produced in liaison with the Council’s Tourism Officer and following discussion regarding the emerging revised Destination Management Plan. It was subject to internal (including Development Management officers) and external consultation. Public consultation was targeted to those who were considered to have a specific interest in the topic but also included all town and community councils and notices in the press. The consultation was also publicised via our Twitter account @MCCPlanning. This provided those interested parties with the opportunity to make representations on the Draft SPG to the Council. These representations have been fully considered by the Council in finalising the SPG.</p>	<p>The Draft SPG supports LDP tourism policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including retail policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision. Any review/revision of the LDP will be taken forward through extensive stakeholder engagement, expanding on the methods used previously.</p>
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The requirement for this Draft SPG has arisen from some concern over the extent to which the LDP tourism policy framework is supportive of sustainable forms of visitor accommodation, including ‘glamping’. The Council seeks to support and adopt a positive approach to sustainable forms of visitor accommodation. This is reflected in the LDP policy framework which is supportive of such proposals providing that this is not at the expense of natural and built environment, which in themselves are key drivers of the County’s visitor economy.</p> <p>The Draft SPG therefore provides certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework in relation to proposals for sustainable forms of visitor accommodation.</p>	<p>The adoption and implementation of this SPG will support and enable the provision of sustainable forms of visitor accommodation in the County. This will assist in supporting the County’s visitor economy which is essential to the well-being and enjoyment of local communities and residents.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="331 277 517 475">Positively impacting on people, economy and environment and trying to benefit all three</p>	<p data-bbox="546 197 1279 328"><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p data-bbox="546 357 1330 456">The Draft SPG supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.</p>	<p data-bbox="1352 197 2116 427">The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including tourism policy indicators and targets, to inform future AMRs.</p> <p data-bbox="1352 459 2116 558">Any review/revision of the LDP will be subject to a SA/SEA that balances the impacts on social, economic and environment factors.</p>

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None	None	N/A
Disability	None	None	N/A
Gender reassignment	None	None	N/A
Marriage or civil partnership	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A
Sex	None	None	N/A

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Sexual Orientation	None	None	N/A
Welsh Language	None	None	N/A

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

5. What evidence and data has informed the development of your proposal?

- Monmouthshire Local Development Plan (2011-2021).
- Monmouthshire Local Development Plan Annual Monitoring Reports (2014-15, 2015-6)
- STEAM, 2015

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

This section should give the key issues arising from the evaluation which will be included in the Committee report template.

Positive: The Draft SPG seeks to support sustainable forms of tourism accommodation providing that this is not at the expense of the County's natural and built environment. This will assist in supporting the County's visitor economy which is essential to the well-being of local communities and residents throughout Monmouthshire. This positive approach to sustainable tourism accommodation is vital if Monmouthshire is to fully realise its potential as a high quality and competitive visitor destination.

Future: Ensure that LDP tourism policies are accurately interpreted and implemented fully through use of this Draft SPG, measuring the effectiveness of the relevant policies on an annual basis in the LDP AMR.

Negative: Potential for some negative sustainability impacts in countryside locations for example landscape impacts and increased car use. However, given the temporary nature of most forms of glamping accommodation the scope for such negative impacts is limited and will be carefully considered against the LDP policy framework.

Future: LDP AMRs will provide both an annual evaluation of plan performance, including tourism policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision.

Page 15

Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Seek Planning Committee's endorsement of the SPG with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP.	Adopt the SPG following endorsement by Internal Cabinet Member for Enterprise.	Head of Planning, Housing & Place-shaping	

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	Impacts will be evaluated on a regular basis in the required LDP Annual Monitoring Report. This AMR will be reported for political decision prior to submitting to the Welsh Government by 31 October 2017 and will be publicly available on the MCC website.
---	---

This page is intentionally left blank

SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN ADOPTION OF RURAL CONVERSIONS TO A RESIDENTIAL OR TOURISM USE (POLICIES H4 & T2) SUPPLEMENTARY PLANNING GUIDANCE

MEETING: PLANNING COMMITTEE

DATE: 3 OCTOBER 2017

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is:

- 1.1 To inform Planning Committee of the results of the recent consultation exercise regarding the Draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), produced to provide further details of policies contained within the Monmouthshire Local Development Plan.
- 1.2 To seek Planning Committee's endorsement of the SPG, with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) SPG (subject to the recommended amendments set out in Appendix 2), with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend it to the Cabinet Member for Enterprise accordingly.

3. KEY ISSUES:

Background

- 3.1 Planning Committee endorsed the Draft Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) SPG that is the subject of this report on 4 April 2017, with a view to issuing it for consultation purposes. A copy of the Committee Report is attached as **Appendix 1**. Subsequently, on 26 April 2017, the Cabinet Member for Innovation, Enterprise and Leisure took the decision to issue the SPG for consultation.
- 3.2 The consultation took place for a period of 6 weeks between Thursday 1 June 2017 and Thursday 13 July 2017. A notice was placed in the Monmouthshire Free Press on 31 May 2017 and 427 individual notifications were sent out in a joint consultation with the Sustainable Tourism Accommodation SPG to the following:
 - Specific (including Town and Community Councils), General and Other consultees, as identified in the LDP Community Involvement Scheme;
 - Those considered to have an interest in the SPG topic;
 - Residents who were on the LDP consultation database and had specifically requested to be notified of the SPGs;
 - Agents/developers who work in the Council area.

Copies of the draft SPG and representation forms were made available at the Council's Community Hubs/libraries and on the Council's website for the duration of the consultation period. The consultation was also publicised via the Twitter Account @MCCPlanning.

3.3 A total of 8 replies were received, one of which was a late representation. These are summarised, together with the Council's response in the Report of Consultation provided as **Appendix 2**. Generally, no significant objections were received and only minor amendments to the SPG documents have been necessary. The only key change relates to additional detail to provide clarification on the minimum size of rural conversions for a residential use. It is recommended that the most appropriate approach would be to utilise the guidance set out in the Department for Communities and Local Government technical housing standards for a one bedroomed two person property. Paragraph 3.17 of the SPG has subsequently been updated to state the minimum size of a building suitable for rural conversion to a residential use is 50m². Smaller units may be suitable for tourism purposes, but are not considered big enough to accommodate permanent occupation. Full details are set out in the response to representation 3.2 in **Appendix 2**. The amended SPG, incorporating the minor changes arising from the consultation, is attached as **Appendix 3**. It is considered, therefore, that the document can be formally adopted as SPG to support the Monmouthshire LDP.

4. REASONS:

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The Rural Conversions to a Residential or Tourism Use SPG provides further explanation and guidance on the way in which the Conversion/Rehabilitation of Buildings in the Open Countryside for a Residential Use and Visitor Accommodation policies of the LDP will be implemented.

5. RESOURCE IMPLICATIONS:

5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy budget and carried out by existing staff.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

6.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

6.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.

6.3 In addition, a Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as **Appendix 4**)

7. OPTIONS CONSIDERED

- 7.1 Having assessed the consultation responses, the following options were considered:
- 1) Recommend the SPG for adoption without any changes;
 - 2) Recommend the SPG for adoption with some changes based on an assessment of the feedback;
 - 3) Recommend the SPG for adoption with changes to reflect every response;
 - 4) Do not proceed with the SPG.
- 7.2 The SPG provides specific guidance on the interpretation/implementation of the LDP policy framework in relation to proposals for rural conversions to a residential or tourism use. The need for guidance was identified through colleague and applicant feedback. Option 4 is therefore discounted. The consultation responses are considered to raise a number of valid and constructive points, many (but not all) of which are considered to appropriately enhance the policy interpretation and guidance. Consequently, option 2 has been chosen.

8. HOW WILL SUCCESS BE MEASURED

- 8.1 The successful implementation of the SPG in determining proposals for rural conversions to a residential or tourism use which will be reflected in the quality of such conversions in accordance with the LDP policy framework. The effectiveness of the relevant policies in relation to visitor accommodation including rural conversions will be monitored on an annual basis in the LDP Annual Monitoring Report (AMR).

9. CONSULTEES

- Planning Committee
- SLT
- Public and stakeholder consultation as set out in the report

10. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- Conversion of Agricultural Buildings Design Guide SPG April 2015
- LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015

9. AUTHOR & 9. CONTACT DETAILS:

Mark Hand
Head of Planning, Housing and Place-shaping
01633 644803.
markhand@monmouthshire.gov.uk

Sarah Jones
Principal Planning Policy Officer
01633 644828
sarahjones@monmouthshire.gov.uk

This page is intentionally left blank

SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RURAL CONVERSIONS TO A RESIDENTIAL OR TOURISM USE (POLICIES H4 & T2) SUPPLEMENTARY PLANNING GUIDANCE

MEETING: PLANNING COMMITTEE

DATE: 4 APRIL 2017

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 The purpose of this report is to seek Planning Committee's endorsement of the Draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), with a view to issuing for consultation.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), with a view to issuing for consultation, and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

3. KEY ISSUES:

Background

- 3.1 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plan contains a number of policies relevant to rural conversions which are set out in Appendix A of the Draft SPG (attached as Appendix 1). Legislation requires that planning applications are determined in accordance with the LDP, unless material planning considerations indicate otherwise. Consequently, the effectiveness and appropriateness of the LDP policies is essential in securing desired housing and tourism outcomes.
- 3.2 The requirement for this Draft SPG has arisen from some concern over the interpretation of Policies relating to rural conversions for both residential and visitor accommodation. This includes the extent to which the LDP policy framework is supportive of the conversion of particular types of buildings for the different uses.
- 3.3 Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

PPW (Edition 9, 2016) at paragraph 2.3.3 states that:

'SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced to a generic LDP policy, specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan 'hook', whilst the reasoned justification provides clarification of the related national policy.'

- 3.4 Paragraph 2.3.4 of PPW further emphasises that SPG can be a material consideration in the determination of planning applications, provided that it is consistent with the development plan and appropriate consultation has been undertaken:

'Only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications, but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.'

Draft Rural Conversions to a Residential or Tourism Use SPG

- 3.5 The Draft Rural Conversions to a Residential or Tourism Use SPG is attached to this report as **Appendix 1**. The SPG is intended to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the LDP policy framework, specifically Policy H4, in relation to proposals for rural residential conversions. The SPG also provides clarity on the interpretation of the part of Policy T2 (Visitor Accommodation outside Settlements) that relates to rural conversion proposals for visitor accommodation.
- 3.6 The SPG provides an overview of the planning policy context in relation to rural conversions at both the national and local level. The primary focus of the SPG is to provide detailed guidance on the interpretation and implementation of Policy H4 in the assessment of proposals for residential conversions/rehabilitations in the open countryside (Section 3). The SPG also provides relevant information on assessing proposals for rural visitor accommodation conversions and the interpretation of the criteria listed in Policy T2 (Section 4). Information is also provided with regard to submitting a planning application for rural conversions, including details of the Council's pre-planning application advice service. The relevant policies are provided in full in Appendix A of the SPG.
- 3.7 The existing Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG (April 2015) has been incorporated into this SPG. That 2015 SPG would therefore be superseded. The Conversion of Agricultural Buildings Design Guide produced in April 2015 is however retained as a separate document and should be read alongside this SPG. These existing SPGs can be viewed on the Planning Policy web pages using the following link: <http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance> .

Next steps

- 3.8 As referred to in paragraph 3.4 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be set to those considered to have an interest in the SPG topic, although all town and community councils will be consulted and a notice will be placed in the press. The consultation will also be publicised via our Twitter account @MCCPlanning. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

4. REASONS:

- 4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on

27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The Rural Conversions to a Residential or Tourism Use SPG provides further explanation and guidance on the way in which the Conversion/Rehabilitation of Buildings in the Open Countryside for a Residential Use and Visitor Accommodation policies of the LDP will be implemented.

5. RESOURCE IMPLICATIONS:

- 5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy budget and carried out by existing staff.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

- 6.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.
- 6.3 In addition, a Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as **Appendix 2**)

7. CONSULTEES

- Planning Committee
- Development Management Officers

8. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- Conversion of Agricultural Buildings Design Guide SPG April 2015
- LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015

9. AUTHOR & 9. CONTACT DETAILS:

Mark Hand
Head of Planning, Housing and Place-shaping
01633 644803.

markhand@monmouthshire.gov.uk

Sarah Jones
Senior Planning Policy Officer
01633 644828
sarahjones@monmouthshire.gov.uk

Appendix 2 - Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) SPG Consultation Responses

Representor Number	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation
1.1	Mr Newman	Comment	There should be the presumption of refusal for conversion of any/all residential buildings for tourism use or occupation as holiday lets. If they are fit for occasional use as homes they can be made fit for permanent occupation.	Disagree. Policy T2 allows for exceptions to provide visitor accommodation. Any exceptions will do so in accordance with the criteria of Policy T2. Paragraph 4.5 of the SPG states clearly that they will be conditioned accordingly and will generally be expected to remain as visitor accommodation in perpetuity. Paragraph 4.10 also notes that as exceptions they would have not been considered suitable for general residential accommodation. Small buildings considered suitable for rural conversion to a tourism use are often better suited for such a use. The demands for both space and use of tourism accommodation are often distinct from those required for a day to day residence.	No change.
2.1	Aneurin Bevan Health Board (Mrs Hannah Capel)	Comment	When providing additional housing, ABHB requests that prior consultation be given in respect of the health needs of the population in the identified areas. A large increase in housing/population will have an impact on existing healthcare provision. This will need to be considered in the Health Board's future service planning.	Comment noted. Rural conversions will not amount to a significant increase in housing/population. There is subsequently no need to incorporate anything within the SPG in relation to healthcare provision. The health board will nevertheless be consulted on future stages in LDP revision in relation to any additional large housing sites.	No change.
3.1	Mr Brian Spencer	Comment	Paragraph 3.8 & 3.9: substantial rebuilding/reconstruction needs defining. Questions whether it relates to 50% or 80% wall area or a different figure. Suggests each Planning Officer has a different interpretation, based on the representor's experience since the Policy came into force in 1988.	Disagree. As paragraph 3.9 notes the building should be capable of conversion without the need for rebuilding/reconstruction works. It notes that if a small amount of rebuilding/reconstruction is necessary it will depend on the nature and extent of works and that any such works will be considered on a case by case basis.	No change.
3.2	Mr Brian Spencer	Comment	Paragraph 3.17: need guidance on size. Small barns can accommodate 1 or 2 people, similar sizes as affordable housing, around 40m ² floorspace or so, and would be in demand in the countryside.	Comment noted. Additional detail will be added to paragraph 3.17 to clarify what the Council considers to be too small. The Welsh Government does not provide any guidance in relation to housing standards for market housing. However the Department for Communities and Local Government (DCLG) produced 'Technical housing standards - nationally described space standard' in March 2015. The DCLG standards are considered to provide good practice and it is therefore the most appropriate approach for the LPA to take. A footnote will also be inserted to provide justification to the approach undertaken.	Insert additional wording to the end of paragraph 3.17: 'It is appreciated, however, that small barn conversions could sometimes accommodate 1 or 2 people satisfactorily, and in assessing a buildings suitability for conversion a minimum standard of 50m ² will be adopted. Conversions of buildings below this size will not be approved. This 50m ² standard relates to the internal floorspace (including storage space) and conversion of a property of this size will only be allowed on the basis of a one bedroomed property for two people. If a case is made for the conversion of a building of this size at the time of a planning application, it is very unlikely extensions will be permissible in future to allow for additional people to reside at the property.' The following wording will also be added as a footnote: 'The figure is adapted from Technical housing standards - nationally described space standard' (Department for Communities and Local Government, 2015).
3.3	Mr Brian Spencer	Comment	Paragraph 3.19: Outbuildings - questions what is modest? 20m ² ? 30m ² ?	As noted in paragraph 3.19 new buildings will only be permitted in exceptional circumstances. It is therefore not considered appropriate to include a figure within the SPG in relation to size standards for ancillary buildings. The size and siting will be considered on a case by case basis, where new buildings are provided in exceptional circumstances.	No change.

3.4	Mr Brian Spencer	Object	Paragraph 3.41: Affordable Housing contribution - suggests it is fine if a developer sells the barn conversion, states a lot of barn conversions are done by the owners/farmers, not to sell, but to let to a Shorthold Tenant to provide an income, which provides prosperity to the area and provides local housing. The £20 -£25k Affordable Housing contribution is a definite barrier for owners wanting to convert a barn, which in itself is a very expensive process and they are not going to sell it. Some of the agents clients have refused to proceed, with the subsequent loss of future housing accommodation.	The requirement for affordable housing contributions is set out in Strategic Policy 54 relating to Affordable Housing provision and is not the subject of this consultation. Paragraphs 3.40 and 3.41 are provided within this SPG to ensure the link is made between rural conversions, Policy 54 and the Affordable Housing SPG. No changes will therefore be made in this respect.	No change.
3.5	Mr Brian Spencer	Comment	Paragraph 3.42: Zone C2 floodplain sites, suggests converting to residential depends totally on the design of the conversion and, if subscribing to the NRW flood warnings, which give adequate notice, proposes these applications should be allowed.	This paragraph refers to Policy SD3 and is in line with national planning policy guidance. Highly vulnerable uses such as residential and visitor accommodation uses would not be appropriate in Zone C2 floodplain as they would be contrary to both the LDP and national guidance. No change will therefore be made in this respect.	No change.
3.6	Mr Brian Spencer	Comment	Policy T2 Paragraph 4.6: Substantial rebuild - need to give guidance on how much is substantial.	Disagree. It is not considered practical or appropriate to provide a percentage to determine the amount of rebuild, this should be considered on a case by case basis. Specifying a percentage could open the Council up to rebuild when it isn't necessary to bring forward the conversion of rural buildings.	No change.
4.1	Cllr Louise Brown	Object	In order for business use to continue then the period of 6 months marketing for business use in paragraph 3.31 seems too short. A longer period of say 12 months would seem to be more appropriate.	Comment noted. The marketing exercise refers to buildings that are yet to be converted, it does not relate to existing businesses. The 6 month period was referred to in LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use - Assessment of Re-use for Business Purposes SPG (April 2015). This SPG related specifically to the assessment of business re-use. The 6 month period provides an established approach and is subsequently fit for purpose. It is not considered appropriate to lengthen this period any further without justification to prove it is not working.	No change.
4.1	Cllr Louise Brown	Comment	Paragraph 5.3 needs to be edited to remove the gaps in the text.	Agree, this is a publishing error. The intention was for the link to be available on one line.	Update paragraph 5.3 to disperse text across the two lines.
5.1	Gwent Wildlife Trust	Comment	Suggest additions to paragraph 3.43 to provide more emphasis and detail concerning bats and their presence in rural buildings. Suggest adding reference to the Wildlife and Countryside Act 1981 (as amended). Also suggest adding in 'typically' in the last but one sentence as the County has some very significant rare bat roosts which in exceptional circumstances could preclude development of an individual building.	Comment noted, while it is considered sufficient emphasis is provided in relation to bats in this paragraph it is accepted that the Wildlife and Countryside Act 1981 (as amended) covers nesting birds and other species not covered by the Conservation of Habitats and Species Regulations 2010 (as amended). The text will therefore be updated to incorporate this legislation. The suggestion to include 'typically' in the last but one sentence will also provide more clarity and will be inserted into paragraph 3.43.	Insert reference to the Wildlife and Countryside Act 1981 (as amended) and 'typically' in last but one sentence of paragraph 3.43 before the wording 'preclude development'.
5.2	Gwent Wildlife Trust	Comment	Suggest additions to paragraph 3.44: 'integrated bat roost provision (e.g. bat boxes)' and 'and retention of adjacent existing wildlife habitats'.	Comment noted. The text will be updated to qualify what is meant by bat boxes. However it is not considered appropriate to add in reference to the retention of adjacent existing wildlife habitats as these may be outside the red line boundary of developments in different ownership.	Include 'roost provision (bat boxes)' in the wording of paragraph 3.44.

6.1	Powells Rural (Stuart Leaver)	Comment	<p>Refer to the type of building which is capable of being converted. Suggest enquiries are made about converting buildings that are not always of a traditional nature or which the LPA would consider capable of conversion for residential purposes. Suggest rather than specifically dealing with the exact materials and types, the age should be given more consideration. Suggest where buildings have been in place in excess of ten years, regardless of their build type and materials used it should be accepted by the LPA that there is a potential that the agricultural business which was originally using that building has changed significantly in light of the constraints and difficulties in the rural economy. State there are farms that could make use of existing buildings which have been there for ten plus years over which could be better used for a purpose and could generate some income for the agricultural/rural business rather than sitting there redundant. Request the LPA take the view and alter policy guidance to consider the age of the building as being more important than the construction type. Those buildings which are steel portal frame and blockwork built could be considered for ground floor accommodation.</p>	<p>Comment noted. Policy H4 criterion e) is explicit that buildings of modern construction will not be considered favourably for residential conversion. The SPG cannot amend adopted LDP Policy, paragraph 3.13 provides further detail in this respect but notes these buildings do have an important role in the economy of rural areas and may be suitable for conversion to alternative employment uses, subject to other detailed planning considerations. There is subsequently potential to generate income from modern rural buildings in other ways rather than residential accommodation.</p>	No change.
6.2	Powells Rural (Stuart Leaver)	Comment	<p>Refers to the English Town and Country Planning (General Permitted Development) Order 2015, Part 6 Class Q where there is a provision for the conversion of existing agricultural buildings into a residential use under permitted development. Suggest in Wales this would not be appropriate because the materials are classed as utilitarian and would not necessarily be suitable for conversion. Suggest it is evident that buildings of this nature are sometimes capable of conversion and suggest under the UDP the LPA was not specifically against the use of those kinds of buildings in order to convert for residential purposes.</p>	<p>Comment noted. As a point of clarity, UDP Policy H7 (e) was specifically against conversion of buildings of modern construction stating 'buildings of modern construction and materials such as concrete blockwork or portal framed buildings clad in metal sheeting will not considered favourably for residential conversion'. This position is maintained in the LDP.</p>	No change.
6.3	Powells Rural (Stuart Leaver)	Comment	<p>The LPA should consider that not all farms have the benefit of stone barns for conversion and therefore the capacity of using any specific building to generate an alternative income is very limited. Encourage the LPA that if they wish to assist farms and rural businesses that this is specifically looked at on a case by case basis. Suggests the LPA should potentially consider whether well built, previously used steel portal frame buildings in a suitable location or within a location of minimal impact, would be considerable and sensible for conversion into residential tourism accommodation. If the LPA are concerned that this could be abused, they could consider that a S106 Agreement needs to be signed as part of the conversion works to ensure the buildings remain for a tourism use and no other use.</p>	<p>As noted above in relation to the conversion of modern rural buildings there are many ways farms can diversify; other sustainable tourism opportunities are encouraged. In addition to this steel portal framed buildings may be appropriate for a business use, subject to detailed planning considerations. Policy T2 does offer more flexibility than Policy H4 in relation to the conversion of modern buildings for tourism purposes but, as stated in paragraph 4.7, this is restricted to modern construction methods such as concrete block and/or rendered buildings, not the type of building referred to by the representor, although such buildings may be appropriate for other business uses.</p>	No change.
6.4	Powells Rural (Stuart Leaver)	Comment	<p>Refer to paragraphs 3.28 and 3.29 in relation to the marketing exercise. Suggest asking applicants to market their property with the basis of proving whether it is suitable for business use is potentially in breach of the law. Suggest the rules have changed within the last few years that if someone is marketing their property as part of a marketing exercise to prove whether there is a demand in the market without the true intention of selling the property is misleading. Under the provisions of the Consumer Protection Regulations the LPA should not be encouraging the practice of a mock exercise for marketing the property to try and determine whether or not there is interest.</p>	<p>The SPG does not state that this should be a mock-exercise, a genuine marketing exercise is required for buildings the LPA considers are capable for a business use. If a building is deemed suitable for a business use this could assist in diversification rather than conversion to an alternative tourism/residential use. It is accepted that in certain cases a building may be incapable of being utilised for an employment use and it subsequently may be deemed by an estate agent that the property is not marketable for an business use. A statement in the form of a letter from the estate agent can be submitted to the LPA as part of an application to evidence this. The LPA would not expect a marketing exercise in such circumstances. The wording in paragraph 3.29 will be updated to provide more clarity.</p>	Update first sentence of paragraph 3.29 to read 'Where the Local Planning Authority considers that a building is suitable for business use'.

7.1	Natural Resources Wales	Comment	Refer to paragraph 3.37 and advise reference to the impacts of lighting on protected species is included in this section. Note insensitive lighting can cause harm to biodiversity, particularly bats.	Paragraph 3.37 relates specifically to the appearance of rural conversions in order to avoid over domestication. The impact on protected species is considered in paragraph 3.43, it is not considered necessary to include a reference to nature conservation in paragraph 3.37 as well.	No change.
7.2	Natural Resources Wales	Comment	Recommend reference to foul drainage requirements and policies EP2 and EP5 in Section 3.39. Suggest this type of development is often located in an area not served by the public foul sewer. State the SPG should refer to the requirement for appropriate foul drainage facilities, the first presumption should be to provide a system of foul drainage discharging into the public foul sewer.	Comment noted. However, it is not considered necessary to specifically refer to the requirement for appropriate foul drainage facilities in the SPG. This is a detailed matter to be considered on a case by case basis. As advised in the SPG, applicants are encouraged to engage in the Council's pre-planning application advice service to determine which key LDP policies apply and to gain general planning advice, including on such matters as drainage. However, in recognition of the fact that rural conversions could potentially be located in area not served by public sewers, policies EP2 (Protection of Water Sources and the Water Environment) and EP5 (Foul Sewage Disposal) will be added to the list of policies noted in 3.45 that may need to be considered in relation to rural conversions.	Include reference to LDP policies EP2 and EP5 in paragraph 3.45.
7.3	Natural Resources Wales	Comment	Suggest adding the following sentence to paragraph 3.42 'Applications within flood zones normally need to be supported by a Flood Consequences Assessment in line with the requirements of Technical Advice Note 15: Development and Flood Risk'	Paragraph 3.42 clearly states residential and visitor accommodation schemes are highly vulnerable development and states rural conversions to vulnerable uses in areas of Zone C2 floodplain will not be supported. There would be no need for the applicant to produce a Flood Consequences Assessment as this type of use would not be supported.	No change.
7.4	Natural Resources Wales	Support	Welcome the recognition of the potential presence of bats in rural buildings in paragraph 3.43. State the Authority's ecologist should be involved in pre-application discussions to provide advice on any potential protected species survey requirements.	Support welcomed. This is further emphasised in paragraph 5.3 which refers to ecological surveys and recommends pre-application advice is sought in relation to such matters.	No change.
7.5	Natural Resources Wales	Comment	Note a licence will be required from NRW to disturb or move the protected species during the construction phase or to damage or destroy their breeding sites and resting places.	Comment noted, this would be attached as an informative as necessary to any planning consent. There is no need to specify this separately within the SPG.	No change.
8.1	Mitchel Troy United (Late Representation)	Object	Suggest if this policy is enforced it will make things worse for affordable housing for young people in Monmouthshire. Suggests that there appears to be a firm line against residential housing in spite of the fact that some of these properties could be ideally suited for affordable housing for young people. Question if businesses do form the majority of the applications to convert in the future where will the workers they need come from as many young people have left Monmouthshire not because they could not find work, but because they could not find an affordable place to live. Suggest toning down the black and white approach and apply a little thought to the applications, especially whether the conversions will serve a local need for both businesses and local people to live and work in Monmouthshire and condition them appropriately.	Disagree with the suggestion that the SPG provides a firm line against residential development, the SPG clarifies the types of rural buildings that are appropriate for conversion and seeks to provide applicants and agents with additional information to assist them in the application process. Affordable Housing is a priority in the LDP. The Main Village allocation policy provides housing sites in locations that would not have previously been considered appropriate for general residential development in order to bring forward 60% affordable housing. The Rural Exceptions Sites Policy provides a further opportunity for 100% affordable housing sites and for local people to build their own affordable home in sustainable rural locations within Monmouthshire (adjacent Rural Secondary Settlements, Main and Minor Villages). In addition to this, the LPA disagree with the Community Council where they note some of the properties could be ideally suited for affordable housing for young people as barn conversions are often costly to convert and unlikely to be affordable. With regard to personal circumstances paragraph 3.1.6 of Planning Policy Wales (Edition 9 November 2016) notes that while such considerations rarely outweigh the more general planning considerations, the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community, may be material to the consideration of a planning application. It notes further that in such circumstances, permission may be granted subject to a condition that is personal to the applicant. Where this is a consideration it will be looked at on a case by case basis, there is no need to repeat this national guidance in the SPG.	No change.



**Monmouthshire County Council
Local Development Plan**

**Draft Supplementary Planning
Guidance**

**Rural Conversions to a Residential or
Tourism Use**

(Policies H4 and T2)

September 2017

**Planning Policy Service
Monmouthshire County Council**
County Hall
The Rhadyr
Usk
NP15 1GA

Tel. 01633 644429

Email: planningpolicy@monmouthshire.gov.uk

CONTENTS

	Page
1. Introduction: Purpose of this Supplementary Planning Guidance	1
2. Planning Policy Context	2
3. Interpretation and Implementation of Policy H4 for Assessing Proposals for Residential Conversions/Rehabilitation in the Open Countryside	4
4. Assessing Proposals for Rural Visitor Accommodation Conversions: Interpretation of Criteria listed in Policy T2	13
5. Submitting a Planning Application	16

Appendices

- A** Local Development Plan Rural Conversion Policy Framework
- B** Contacts

1 Introduction: Purpose of this Supplementary Planning Guidance

- 1.1 This note is one of a series of Supplementary Planning Guidance (SPG) Notes that have been prepared to provide supporting information and advice on the implementation of the Council's LDP policies. The Notes are intended to offer clear guidance on the main considerations that will be taken into account by the Council when reaching decisions on planning applications and in this case how planning policy on the conversion/rehabilitation of buildings in the open countryside to residential use will be implemented in practice.
- 1.2 The existing Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG has been incorporated into this SPG. The April 2015 SPG has therefore been superseded. The Conversion of Agricultural Buildings Design Guide produced in April 2015 is however retained as a separate document and should be read alongside this SPG.
- 1.3 This SPG is prepared in the context of the Monmouthshire County Council Adopted Local Development Plan (LDP), February 2014. The SPG is a material consideration in relation to planning applications and appeals.
- 1.4 This SPG is intended to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the LDP policy framework, specifically Policy H4, in relation to proposals for rural residential conversions. The SPG also provides clarity on the interpretation of the part of Policy T2 (Visitor Accommodation outside Settlements) that relates to rural conversion proposals for visitor accommodation.

The SPG contains the following information:

- **Section 2** gives an overview of the planning policy context in relation to rural conversions.
- **Section 3** provides detailed guidance on the interpretation and implementation of Policy H4 in the assessment of proposals for residential conversions/rehabilitations in the open countryside.
- **Section 4** provides information on assessing proposals for rural visitor accommodation conversions and the interpretation of the criteria listed in Policy T2.
- **Section 5** provides information on submitting a planning application for rural conversions, including details of the Council's pre-planning application advice service.
- **Appendices**

LDP Rural Conversion Policy Framework (Appendix A)
Contacts (Appendix B)

National Planning Policy

- 2.1 National planning policy contained in Planning Policy Wales (PPW) is silent on the conversion of existing rural buildings for a residential use. The main emphasis in national planning policy is to adopt a positive approach to the conversion of rural buildings for business re-use (*PPW Edition 9, November 2016, para 7.6.5*).
- 2.2 Technical Advice Note 6 (TAN6) Planning for Sustainable Rural Communities (July 2010) provides guidance on the re-use or adaptation of rural buildings, noting that the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. TAN6 indicates that the conversion of rural buildings currently in industrial or commercial use to dwellings may have an adverse impact on the local economy (*TAN6 para 3.5.1*). TAN6 nevertheless states that while residential conversions have a minimal impact on the rural economy, conversions to a holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use (*TAN6 para 3.6.1*).

Monmouthshire Local Development Plan

- 2.3 The conversion/rehabilitation of buildings in the open countryside for residential use is an exception to national policies which generally seek to strictly control residential development in the open countryside. In accordance with PPW, the preferred use for such buildings is for employment uses, as well as for tourism, sport and recreation (subject to detailed planning considerations). There has, however, been considerable demand for the rehabilitation and conversion of barns and vacant rural buildings into residential units in Monmouthshire. Reflecting this trend, Policy H4 sets out strict controls to be applied in the consideration of such proposals in order to ensure that the conversion/rehabilitation of buildings does not detract from the special qualities of Monmouthshire's open countryside.
- 2.4 Strategic Policy S1 relates to the spatial distribution of new housing provision in Monmouthshire. The main focus is within or adjoining the Main Towns of Abergavenny, Chepstow and Monmouth. A smaller amount of new housing development is provided in the Severnside sub-region along with lesser amounts directed to the Rural Secondary Settlements of Usk, Raglan and Penperlleni. Some of the identified Main Villages also provide for small scale developments of a maximum of 15 dwellings as well as infill opportunities. A number of Minor Villages are also identified where small scale residential development will be allowed in the circumstances set out in LDP Policy H3. Outside the settlements listed, open countryside policies apply. In relation to rural buildings Strategic Policy S1 states planning permission will only be allowed for:

“Acceptable conversions of rural buildings, in the circumstances set out in Policy H4”

- 2.5 Strategic Policy S1 is supported by a number of detailed development management housing policies which provide a more detailed policy framework to support the provision of housing. Policy H4 is included within this framework.

- 2.6 Tourism is of importance to the economy of Monmouthshire. Strategic Policy S11 relates to the Visitor Economy and specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire. Strategic Policy S11 is supported by a number of detailed development management tourism policies, including Policy T2.
- 2.7 Policy T2 relates specifically to visitor accommodation outside settlements. Policy T2 notes that proposals for visitor accommodation outside settlements should look to the re-use of existing buildings in order to protect the countryside from inappropriate development. This is in line with national guidance, which recognises that the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for tourism development. This SPG only relates to the part of Policy T2 relating to rural conversion proposals for visitor accommodation.
- 2.8 Proposals for rural conversions should also have regard to the Council's Conversion of Agricultural Building's Design Guide SPG, Affordable Housing SPG (for residential conversions), Green Infrastructure SPG and the emerging Landscape SPG.

3 Interpretation and Implementation of Policy H4 for Assessing Proposals for Residential Conversions/Rehabilitation in the Open Countryside

- 3.1 The primary focus of this SPG is to provide further clarification on the criteria set out in Policy H4 in the Local Development Plan. Policy H4 contains a total of seven criteria that must all be given further consideration in the determination of planning applications, for the conversion/rehabilitation of buildings for residential use in the open countryside. It is important that any such proposals conserve the character and quality of Monmouthshire's countryside and natural heritage value. Such proposals will only be permitted where they meet the criteria set out in Policy H4 and other relevant policies of the plan, particularly those which seek to minimise any detrimental effect on landscape value, environmental quality and amenity (including S13, LC5, EP1, MV1, DES1 and NE1). Proposals should be sympathetic to the rural setting in terms of the particular location, appropriate design and traffic considerations.

Policy H4 – Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use

The conversion / rehabilitation of a building in the open countryside for residential use will be permitted where all the following criteria are met:

- a) the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;**
- b) the proposal, including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings;**
- c) rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;**
- d) the more isolated and prominent the building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB;**
- e) buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;**
- f) the building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn; and**
- g) the conversion of buildings that are well suited for business use will not be permitted unless the applicant has made every reasonable**

attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made.

The above criteria will be applied strictly; proposals that are deemed not to comply with them will be judged against national policies relating to the erection of new dwellings in the countryside or against Policy T2 relating to the re-use and adaptation of existing buildings to provide permanent serviced or self-catering visitor accommodation. The above criteria will also be applied to proposals to extend buildings that have already been converted.

- 3.2 The majority of rural buildings for which planning permission is sought for conversion and re-use in Monmouthshire are farm buildings. Notwithstanding this, the following guidance relates to the conversion of all types of rural buildings in the open countryside. The guidance is also applicable to the rehabilitation of abandoned dwellings i.e. former dwellings that have lost their residential use.
- 3.3 Many rural buildings are also important historical assets and may therefore have Listed Building status. Listed Buildings and rural buildings located in Conservation Areas are afforded a higher level of protection that seeks to preserve this special character. While all rural conversions should be carefully considered, the special character of Listed Buildings demands a higher level of control. As with all Listed Buildings, the Listed Building Consent process extends to protecting the internal character of the building as well as the external appearance and the wider setting. Further guidance in relation to Listed Building rural conversions is set out in the Conversion of Agricultural Buildings Design Guide. Pre-planning application advice is strongly advised in respect of rural conversions relating to Listed Buildings.

Form, bulk and general design requirements (*criteria a), c) and d) of relevance*)

- 3.4 As a predominately rural County, farm buildings can range from a pigsty to a large corn barn. Many of these buildings are in close proximity to the main farmhouse but can also be in isolated locations. All rural buildings suitable for conversion must be traditional in design and material, of good quality and have character in their appearance. The conversion of traditional buildings can successfully secure the retention of buildings in perpetuity in the countryside which may otherwise be lost.
- 3.5 Rural buildings suitable for conversion are generally made of stone, brick or are timber framed and normally have a slate, stone or pantile roof. In accordance with criterion a), the diversity of rural buildings should be respected by retaining individual features, materials, architectural style and setting of the building/group of buildings. Paragraph 3.2.3 of TAN6 strengthens this approach noting that conversion proposals should respect the landscape along with local building styles and materials.
- 3.6 Criterion (c) relates to the need for new openings in walls. Additional openings should be avoided as far as possible due to the potential damaging impact on the existing character of rural buildings. Existing openings should be retained and blocked up openings should be reused, wherever possible. Where there is an overriding need for new openings they must be kept to a minimum, be sympathetic in design and proportional to the existing building. As noted in criterion d), design requirements will be more stringent within the Wye Valley Area of Outstanding Natural Beauty and where

rural buildings are located in more isolated or prominent areas. Further detailed design guidance is set out in the Conversion of Agricultural Buildings Design Guide.

- 3.7 Permitted Development rights to modify any rural buildings that have been converted will be withdrawn, in order to retain and protect the character of such conversions.

Structural condition (*criterion c*) of relevance)

- 3.8 Substantial rebuilding/reconstruction works to enable a rural conversion to a residential use will not be permitted. This would be tantamount to a new build dwelling in the open countryside, contrary to other policies set out within the LDP. This also applies to applications to convert rural buildings where substantial reconstruction has already taken place in association with the building's former use.
- 3.9 Generally, the building should be capable for conversion without the need for rebuilding/reconstruction works. In some instances, however, a small amount of rebuilding/reconstruction may be necessary to facilitate a rural conversion to take place. Approval for this will depend on the nature and extent of the works, due to the potential impact on the existing character and structural integrity of the building. Any such works will be considered on a case by case basis and should be detailed on the submitted plans. Pre-planning application advice is strongly advised in such instances.
- 3.10 Where the structural condition of a rural building is uncertain, a structural survey from a suitably qualified person must be submitted to demonstrate that the original building is structurally sound, largely intact and capable of conversion for a residential use. Due to the nature of the work involved in rural conversions, applications may be sent to officers in the Building Control department for comment.
- 3.11 Once conversion work has commenced, great care must be taken to ensure that the conversion works do not result in the collapse of the existing building's structure, which would result in the need for rebuilding works not permitted under the original planning permission. A further planning application would be required for any additional works. Substantial reconstruction, however, would be resisted as this would be tantamount to a new build dwelling in the open countryside.
- 3.12 While not required in all circumstances, evidence in the form of a structural survey from the outset of the proposal is recommended. This will provide confidence that the building is structurally sound and to ensure the integrity of the building is not compromised during the conversion works.

Determining the suitability of a conversion (*criterion e*) of relevance)

- 3.13 Modern and utilitarian buildings are designed to be functional and are not generally considered to be aesthetically pleasing. These buildings are often of an industrial character and due to their design and modern construction methods are unlikely to be suitable for residential conversion. Modern construction methods include, but are not limited to: steel frame construction, buildings clad in metal sheeting, corrugated sheets, concrete blockwork and plastic. These buildings do, nevertheless, have an important role in the economy of rural areas and may be suitable for conversion to alternative employment uses, subject to other detailed planning considerations.
- 3.14 Open structures such as Dutch Barns do not lend themselves to conversion. These are often large open structures of steel frame construction and would require a substantial amount of new build development to enable them to accommodate a

residential use. Buildings of substandard quality or incongruous appearance will not be considered favourably for conversion.

- 3.15 For other quality buildings of a traditional character and appearance that are not historic and have been built using modern construction methods, it is expected that these will have been used for their intended purpose for a significant period of time. As noted in criterion (e) proposals to convert buildings of less than 10 years old will be given particular close scrutiny. This will assist in ensuring that buildings have not been constructed for an agricultural or rural diversification purpose with the intention of early conversion to an alternative use. Comprehensive evidence of the building's use since completion will be required in support of any application. This will be of particular importance where there has been no change in activity on the unit. This approach is reflected in Welsh Government Guidance set out in paragraph 3.2.1 of TAN6.
- 3.16 The definition of modern is not limited solely to buildings less than 10 years old. The policy states particular scrutiny will be given for buildings of less than 10 years old. Even for buildings older than 10 years the Council would need to be satisfied that there has not been a deliberate attempt to abuse the planning system and that the building has legitimately been used for its original purpose.

Provision of adequate living space (*criterion f) of relevance*)

- 3.17 As outlined in criterion f) buildings proposed for rural conversion should be capable of providing adequate living space within the existing structure (including ancillary space such as garaging, which is discussed in paragraphs 3.18 to 3.20). Buildings that are deemed to be too small to accommodate a permanent residential use would not be considered appropriate for rural conversion. The conversion of an unsuitably sized building would potentially result in additional planning applications for extensions at a later date in order to provide more living space. This approach would be contrary to criterion (f) of Policy H4. It is appreciated, however, that small barn conversions could sometimes accommodate 1 or 2 people satisfactorily, and in assessing a building's suitability for conversion a minimum standard of 50 sq.m¹ will be adopted. Conversions of buildings below this size will not be approved. This 50 sq.m standard relates to the internal floorspace (including storage space) and conversion of a property of this size will only be allowed on the basis of a one bedroomed property for two people. If a case is made for the conversion of a building of this size at the time of a planning application, it is very unlikely extensions will be permissible in future to allow for additional people to reside at the property.

Extensions and ancillary buildings (*criterion f) of relevance*)

- 3.18 The starting point for rural conversions should be the conversion of the existing structure without the need for extensions. However, criterion (f) in Policy H4 does allow for very modest extensions. Any such extensions would need to be carefully assessed to ensure that any additions respect and harmonise with the existing building in relation to its size, scale and form. Extensions must be unobtrusive and subservient to the existing building in every respect. Extensions that would introduce incongruous elements will not be permitted.
- 3.19 The Council will need to be satisfied at the time of the application that adequate ancillary garaging and storage space can be achieved for the dwelling in order to avoid

¹ The figure is adapted from Technical housing standards – nationally described space standard (Department for Communities and Local Government, 2015).

pressure for further, possibly harmful, development at a future date. Vehicles should ideally be parked within an existing enclosed area or an existing outbuilding. New build outbuildings will not normally be acceptable except where modest in size and sensitively located. Where new buildings are permitted in exceptional circumstances, they should reflect their surroundings and be of traditional agricultural design, such as open fronted byres.

- 3.20 The re-use of existing buildings for ancillary garaging and storage space should be considered in the first instance, before contemplating the option of new build. Where appropriate, the utilisation of existing smaller buildings such as pigsties, cattle pens and small stables through conversion would be preferable to new build development. These are often easy to convert but are limited in size so would not be suitable for residential conversion. The criteria of H4 would nevertheless need to be met in all circumstances.
- 3.21 Conservatories and sunrooms are not considered suitable for rural conversions and will not normally be acceptable.
- 3.22 Permitted Development rights to extend further, modify or to construct ancillary buildings will be withdrawn from planning permissions for all rural conversions, in order to retain and protect the character and setting of such conversions.

Conversion of buildings well suited for business use (*criterion g) of relevance*)

- 3.23 As noted in paragraph 2.1 the Welsh Government advocate a positive approach to the conversion of rural buildings for a business use. Criterion (g) of Policy H4 relates specifically to the conversion of rural buildings well suited for a business use and notes that these will not be permitted to be converted to a residential use unless the applicant has made every reasonable attempt to secure a suitable business use. In order to comply with criterion g) all applications for the conversion of buildings in the countryside to a residential use must be accompanied by a **statement** giving reasons why a conversion to a business use is not practicable or desirable. Paragraph 3.26 provides details on the type of information such a statement should contain.
- 3.24 Applications for the rehabilitation of former dwellings (i.e. abandoned dwellings that have lost their residential use) do not require such a statement. It is accepted that such buildings would not generally have a design and layout that is appropriate for business use. It is also considered unreasonable to require a statement in such circumstances, given that the buildings have previously been used as dwellings.
- 3.25 Additionally, while it is recognised that visitor accommodation provides some employment opportunities and contributes to the rural economy, it is not considered a business use in terms of criterion (g) of Policy H4. As both residential and visitor accommodation uses relate to a C3 use², most residential conversions have the potential to be used as holiday accommodation. Further information in relation to Policy H4 and the links to Policy T2 relating to visitor accommodation use are set out in Section 4 of the SPG.

Business Use Statement Content

- 3.26 Some of the factors that might result in a building **not** being suitable for a business use are:

² as identified in the Town and Country Planning (Use Classes) Order 1987

General Location - In many instances, buildings located in very remote areas will be unsuitable for business uses. Delivery of goods may be difficult, distribution costs are likely to be high and sufficient staff may be unobtainable.

Local road network - For road safety reasons, the intensive use of narrow, single carriageway country lanes with few passing places is normally undesirable.

Site access - Where site access is difficult, as, for example, where visibility is obstructed by buildings and boundary walls or hedges, its use by significant levels of additional traffic may be hazardous.

Parking - A building suitable for a business use must have sufficient parking space available within the existing curtilage. At the same time, the provision of such parking should not be visually intrusive or cause harm to the rural character of the area.

External appearance - Conversions of agricultural buildings should seek to maintain the agricultural character and appearance of the existing structure. Generally, business conversions can often be carried out with less harm to the appearance of the building than residential conversions. Business uses that require major alterations, however, such as the insertion of larger windows, delivery doors, air vents and the attachment of other external equipment are unlikely to be appropriate.

Planning history - If there is an existing planning permission that could be implemented for the residential conversion of the same building it would be unreasonable to require proof that the building is not suitable for a business use in any subsequent applications for amended schemes.

3.27 If planning permission has already been granted for residential conversion within the same group of buildings this may be sufficient reason for determining that the remaining buildings are not suitable for business uses where this would lead to harm to residential amenity and/or an unsatisfactory relationship between incompatible land uses.

3.28 When a planning application for the conversion of a building in the open countryside to residential use is submitted, a failure to provide a supporting statement to demonstrate that the building is unsuitable for business use may result in the application being refused.

The Marketing Exercise

3.29 Where the Local Planning Authority considers that a building is suitable for business use, applicants will be expected to market it for sale or lease for business purposes prior to submitting a planning application. The results of the marketing exercise should be included in the supporting Statement. If a marketing exercise has not been carried out the Council will request that this be done after the submission of the application, failure to do so may result in the application being refused. If there is any doubt regarding the suitability of the building for business use, marketing will be essential.

3.30 Where a building is considered well suited for a business use the absence of appropriate details of the marketing undertaken may result in the application being refused.

- 3.31 The marketing period should last for a continuous period of at least 6 months from the date of the first advert.
- 3.32 It is difficult to be prescriptive about the definition of the marketing exercise as each case will be different. However, the Council will expect a marketing exercise to comprise the equivalent of:
- A minimum of 3 adverts at 2-monthly intervals in a regional newspaper, such as *The Western Mail* or *The South Wales Argus*;
 - Active marketing through a recognised and independent commercial property agent covering South and Mid Wales and bordering English regions;
 - Notifying other organisations who may have an interest in promoting the site (e.g. Monmouthshire County Council Business and Enterprise Section)
- 3.33 The Council will need to be satisfied that genuine attempts have been made to market the property. The supporting statement should include evidence of:
- the extent of the marketing, including copies of all adverts (with dates), when and for how long the advert was in the agent's window, websites etc.;
 - the price at which the property has been marketed (which should reasonably reflect its value as a business premises and is appropriate to the potential business use of the building and its location);
 - written details of any enquiries received, including any firm offers (conditional or unconditional); and
 - a written statement of the commercial property agent's view as to the commercial viability of the site.

Other considerations in relation to Rural Conversions

Access (criteria b) and d) of relevance)

- 3.34 Existing accesses to rural buildings should be retained and used wherever possible. If for any reason the existing access cannot be retained, any new access should follow natural boundaries and be in scale and sympathy with the surrounding landscape in accordance with criterion b) of Policy H4. Accesses must be as unobtrusive as possible; formal drives and tarmac surfacing must be avoided. New accesses across open fields will be strongly resisted. This is of particular relevance in relation to the conversion of former agricultural buildings. New single access points for individual rural conversions would also be resisted, where there is an opportunity to utilise a shared arrangement. As noted in criterion d), design requirements for means of access will be more stringent within the Wye Valley Area of Outstanding Natural Beauty and where rural buildings are located in more isolated or prominent areas. Further information on this matter is contained in the Conversion of Agricultural Buildings Design Guide.

Curtilage and infrastructure (criteria b) and d) of relevance)

- 3.35 As noted in criterion b) of Policy H4, the curtilage of rural conversions should be in scale and sympathy with the surrounding landscape and should not include unsightly infrastructure. Criterion d) adds that design requirements for garden curtilage and service provision will be more stringent in more isolated and prominent buildings, especially if the rural building is located within the Wye Valley Area of Outstanding Natural Beauty.

- 3.36 Rural conversions should avoid overly domesticated settings, the curtilage should generally remain open and uncluttered. Curtilages should be kept to the minimum area required for occupation of the premises and follow established boundary walls and hedgerows, where appropriate. Suburban walls and fences will be resisted. In order to retain and protect the character and setting of rural buildings, permitted development rights will be withdrawn. Additional planning conditions relating to landscaping may also be sought. The Conversion of Agricultural Buildings Design Guide provides detailed information in relation to this matter.

Lighting

- 3.37 The use of excessive external lighting should be minimised to reduce light pollution and over domestication. Policy EP3 should be considered in relation to the incorporation of lighting into any rural conversion scheme. Further information on the design of external lighting is provided in the Conversion of Agricultural Buildings Design Guide.

Successive Applications for Rural Conversions

- 3.38 The criteria of Policy H4 are applicable to proposals to extend rural buildings that have previously been converted. While Policy H4 does not exclude extensions to rural conversions, any successive applications must be carefully considered against the criteria. The final paragraph of Policy H4 emphasises this approach and will help ensure there is no detrimental cumulative effect arising from subsequent applications.

3.39 Other Policies and SPG

LDP Policy S4 - Affordable Housing

- 3.40 Rural conversions have the opportunity to assist in meeting the affordable housing requirements in Monmouthshire. Strategic Policy S4 requires that in the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more dwellings will make provision for 35% of the total number of dwellings to be affordable. Affordable Housing contributions will be sought for schemes below the threshold.
- 3.41 The Affordable Housing SPG (March 2016) must also be referred to, the SPG recognises the provision of affordable housing on site is not always practicable in rural conversion schemes. A more flexible approach has therefore been adopted by the Council in such situations. A financial contribution towards affordable housing in the local authority area is still likely to be required, the level of which will nevertheless be carefully considered to take account of the viability and practical implications of conversions.

LDP Policy SD3 – Flood Risk

- 3.42 Both residential and visitor accommodation schemes are considered to be highly vulnerable development. Policy SD3 specifies that proposals for highly vulnerable development will not be permitted in areas which may be liable to flooding. Specifically, rural conversions to highly vulnerable uses in areas of Zone C2 (undefended) floodplain will not be supported.

Nature Conservation and Development

- 3.43 The impact of rural conversions on biodiversity must be considered under the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended) and Environment (Wales) Act 2016. A number of bats and nesting birds commonly make use of rural buildings and other habitats and species can be affected in their development however, this does not typically preclude development. Technical Advice Note 5 Nature Conservation and Planning (2009) provides advice in relation to development affecting both protected sites and species.
- 3.44 Enhancements for bats and or nesting birds are promoted by Welsh Government Policy and we encourage the inclusion of appropriate opportunities for example integrated bat roost provision (bat boxes) or bird boxes at the application stage.

Additional LDP Policies

- 3.45 Consideration will need to be given to a proposal's compliance with other relevant LDP policies. The list below provides details of the relevant policies rural conversions are likely to need to address. The policies listed are not exhaustive and others may need to be considered, dependent on the sites location.
- DES1 – General Design Considerations
 - EP1 – Amenity and Environmental Protection
 - EP2 – Protection of Water Sources and the Water Environment
 - EP3 – Lighting
 - EP5 – Foul Sewage Disposal
 - G11 – Green Infrastructure
 - LC5 – Protection an Enhancement of Landscape Character
 - MV1 – Proposed Developments and Highway Considerations
 - NE1 – Nature Conservation and Development.

Supplementary Planning Guidance

- 3.46 Rural conversion schemes should also have regard to the Council's Supplementary Planning Guidance, including:
- Conversion of Agricultural Buildings Design Guide SPG (April 2015)
 - Green Infrastructure SPG (April 2015)
 - Affordable Housing SPG (March 2016)
 - Emerging Landscape SPG

4 Assessing Proposals for Rural Visitor Accommodation Conversions: Interpretation of Criteria listed in Policy T2

- 4.1 The LDP recognises that the provision of visitor accommodation has an important role to play in meeting the Council's aspirations for Monmouthshire to realise its potential as a high quality and competitive tourist destination. Proposals for such development should not be at the expense of environmental considerations and Policy T2 therefore seeks to carefully manage the development of visitor accommodation in the open countryside. Accordingly, Policy T2 discourages new build development in the open countryside other than where it is in the form of ancillary development to established medium or large hotels.
- 4.2 Policy T2 relates to visitor accommodation outside settlements and makes reference to Policy H4. Policy T2 states that self-catering visitor accommodation will only be permitted outside town and village development boundaries if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4 (as detailed in Section 3). All proposals for the conversion/rehabilitation of buildings in the open countryside to visitor accommodation must therefore be assessed against the criteria listed in Policy H4. In addition, Policy T2 sets out the exceptional circumstances where further consideration can be given to proposals that do not comply with the criteria of Policy H4.
- 4.3 LDP Strategic Policy S11 provides further emphasis on the importance of the tourism economy to Monmouthshire and provides support for sustainable forms of tourism, subject to detailed planning considerations. As the primary focus of this SPG relates to rural conversions, it only relates to part of Policy T2 and does not incorporate guidance on other forms of tourism accommodation. Draft Supplementary Planning Guidance on Sustainable Tourism Accommodation has been prepared to provide further information on this subject, offering detailed guidance on sustainable tourism accommodation proposals.
- 4.4 The relevant part of Policy T2 in relation to visitor accommodation outside town and village development boundaries is listed below:

“...outside town and village development boundaries, the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4.

As an exception to the above proposals to provide visitor accommodation may be permitted where they involve:

a) the substantial rebuild of a building within the curtilage of an existing and occupied farm property where it assists in an agricultural diversification scheme in accordance with Policy RE3.

b) the conversion of buildings of modern construction and materials provided the buildings are appropriate for residential use (e.g. not modern agricultural or factory buildings); not of substandard quality and/or incongruous appearance; and have been used for their intended purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to those buildings less than 10 years old, especially where there has been no change in activity on the unit.

c) the conversion of buildings that are too small or are inappropriately located to provide appropriate standards of space and amenity for conversions to

permanent residential accommodation but are suitable for tourist accommodation

Where conversions to tourist accommodation are allowed in the exceptional circumstances set out in criteria a) to c) above then the occupancy of the building will be restricted in perpetuity to short stay tourist accommodation...”

- 4.5 As noted in paragraph 3.25, in most instances a self-catering visitor accommodation use would be acceptable in rural conversions that are suitable for a residential use. However, rural conversions that have been allowed for visitor accommodation as exceptions to Policy H4 in accordance with the criteria below and conditioned accordingly would generally be expected to remain as such in perpetuity.

Policy T2 – criterion a)

- 4.6 The first exception relates to substantial rebuild for visitor accommodation where it assists in an agricultural diversification scheme in accordance with Policy RE3. Substantial reconstruction of an existing building would not normally be acceptable under criterion c) of Policy H4. Criterion d) of Policy RE3 however allows for proposals for visitor accommodation to involve reconstruction, noting that new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage³ of an existing and occupied farm property. Any rebuilding work must respect or be in sympathy with the local and traditional characteristics of the building. The other criteria in Policy RE3 must be addressed where appropriate in order for visitor accommodation proposals to be considered as an exceptional circumstance.

Policy T2 – criterion b)

- 4.7 Criterion b) of Policy T2 sets out circumstances where further consideration can be given to proposals for the use of modern buildings as visitor accommodation. Some modern construction methods such as concrete block and/or rendered buildings may provide opportunities for visitor accommodation as an exception given by Policy T2, even though they would be considered contrary to Policy H4. Criterion b) however stipulates that buildings that are not appropriate for a residential use, i.e. modern agricultural and factory buildings, would be considered inappropriate for visitor accommodation. Rural buildings of steel frame construction and those clad in metal sheeting or corrugated sheets would also not be appropriate for a tourism use.
- 4.8 As noted in paragraph 3.15 in relation to criterion (e) of Policy H4 it is expected that these buildings will have been used for their intended purpose for a significant period of time. Proposals to convert buildings of less than 10 years old to visitor accommodation will be given particular close scrutiny and consistent with Policy H4, the definition of modern is not limited solely to buildings less than 10 years old. The Council need to be satisfied at the time of the application for conversion to visitor accommodation that adequate ancillary garaging and storage space can be achieved for the existing dwelling, to avoid pressure for further, possibly harmful, development at a future date. Any future applications for garaging will be resisted.

Policy T2 – criterion c)

- 4.9 It is acceptable for visitor accommodation to have a smaller floor area than is usually considered appropriate for a permanent residential use, as reflected in criterion c).

³ The curtilage would typically relate to the farmhouse, farmyard and any immediately surrounding buildings.

Rural conversions can offer scope for a tourism use where they would normally be resisted for a residential use due to limited space and amenity, as they are intended to be used on a short term basis only. The conversion of an unsuitably small sized building to a permanent residential use would potentially result in additional planning applications for extensions at a later date in order to provide more living space. This approach would be contrary to criterion (f) of Policy H4. Paragraphs 3.18 – 3.21 provide further information in relation to extensions and ancillary buildings. Criterion c) also relates to buildings that are inappropriately located, for instance that are deemed unsuitable for a permanent residential use in terms of privacy and amenity in relation to an existing dwelling. These may also be considered to be suitable for visitor accommodation as an exception given by Policy T2.

- 4.10 In instances where rural conversions to visitor accommodation are allowed in the exceptional circumstances noted above, appropriate planning conditions will be applied to restrict the use of buildings to short stay visitor accommodation in perpetuity. These conditions are required to ensure that rural conversions are occupied solely for holiday accommodation purposes. As exceptions they would have not been considered suitable for general residential accommodation. The Council will maintain a database of all visitor accommodation permissions and will regularly monitor such permissions to ensure that these conditions are complied with.

Other LDP Policies

- 4.11 Consideration will need to be given to a proposal's compliance with other relevant LDP policies and SPG, as set out in paragraph 3.45 and 3.46.

5 Submitting a Planning Application

- 5.1 Applicants and/or agents are advised to discuss with Development Management Officers whether their proposals for the conversion of rural buildings/applications relating to existing rural conversions are likely to be acceptable. These discussions can also include the likelihood of the building being suitable for business purposes, the content of any necessary statement and the resulting requirement for marketing prior to the submission of a planning application. Please note this is by means of a formal pre-planning application service which is available at a modest cost (dependent on the level of service required). Certain exemptions apply. Full details can be found on the Council's website at the following link: <http://www.monmouthshire.gov.uk/planning/pre-application-advice-service>. However, the views given at the pre-planning stage are given at an officer level only and do not prejudice the decision of the Council if a formal planning application is received.
- 5.2 Guidance is available on the Council's website relating to the information required to accompany a planning application. Applications for Rural Conversions must be submitted in Full rather than in Outline, as they relate to a change of use and full details are required to provide sufficient information to enable the Council to assess the proposal.
- 5.3 Ecological surveys are likely to be required to support applications and may be seasonally restricted, depending on the ecology at the site. A Bats in Buildings Building Information Record is essential for all rural conversion applications. Information in relation to this and other ecology and landscape matters is available on the Council's website in the following location: <http://www.monmouthshire.gov.uk/home/for-businesses/ecology-and-landscape>. Pre-planning advice is however recommended in order to provide guidance in relation to such matters.
- 5.4 Building regulations approval will be required for rural conversions. Further information can be found on the Council's website: <http://www.monmouthshire.gov.uk/building-control>. Building Control Officers can also be included in pre-planning advice when requested.

Appendix A

Local Development Plan Rural Conversion Policy Framework

Policy S1 – The Spatial Distribution of New Housing Provision

The main focus for new housing development is within or adjoining the Main Towns of:

- Abergavenny, Chepstow and Monmouth.

The Severnside sub-region consists of the settlements of Caerwent, Caldicot, Magor, Portskewett, Rogiet, Sudbrook and Undy. A smaller amount of new housing development is provided in the Severnside sub-region, particularly at Magor/Undy, Caldicot/Portskewett and Sudbrook.

The Rural Secondary Settlements are Usk, Raglan, Penperlleni and Llanfoist. A small amount of new housing development is directed to the Rural Secondary Settlements of Usk, Raglan and Penperlleni.

Some sites are allocated for small scale residential development (up to a maximum of 15 dwellings) in identified Main Villages with the primary aim of providing affordable housing to meet local needs. The identified Main Villages are:

Cross Ash	Llanishen
Devauden	Llanvair Kilgeddin
Dingestow	Mathern
Grosmont	Penallt
Little Mill	Pwllmeyric
Llanddewi Rhydderch	Shirenewton /Mynyddbach
Llandogo	St Arvans
Llanellen	Trellech
Llangybi	Werngifford /Pandy

Development Boundaries are drawn around the Main Towns, Severnside settlements, Rural Secondary Settlements and Main Villages listed above. Outside these development boundaries planning permission for new residential development will not be allowed in any other settlements except in or adjoining identified Minor Villages where small scale residential development will be allowed in the circumstances set out in Policy H3. The identified Minor Villages are:

Bettws Newydd	Llanover
Broadstone/Catbrook	Llansoy
Brynygwenin	Llantilio Crossenny
Coed-y-Paen	Llantrisant
Crick	Llanvair Discoed
Cuckoo's Row	Llanvapley
Great Oak	Mitchel Troy
Gwehelog	Penpergwm
Llanarth	The Narth
Llandegveth	The Bryn
Llandenny	Tintern
Llangwm	Tredunnoch

Outside the settlements listed above open countryside policies will apply where planning permission will only be allowed for the following types of new residential development:

- Acceptable conversions of rural buildings, in the circumstances set out in Policy H4.
- Sub-divisions of existing dwellings, subject to detailed planning criteria.
- Dwellings necessary for agricultural, forestry or other appropriate rural enterprises, in accordance with TAN6.

Policy S4 – Affordable Housing Provision

Provision will be made for around 960 affordable homes in the Local Development Plan Period 2011-2021. To meet this target it will be expected that:

- In Main Towns and Rural Secondary Settlements as identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable.
- In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable.
- In the Main Villages identified in Policy S1:
 - Development sites with a capacity for 3 or more dwellings will make provision for at least 60% of the total number of dwellings on the site to be affordable.
- In the Minor Villages identified in Policy S1 where there is compliance with Policy H3:
 - Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.
 - Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.
- In the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings to be affordable.
- Development sites with a capacity below the thresholds set out above will make a financial contribution towards the provision of affordable housing in the local planning authority area.

Other than in Main Villages, in determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up).

The capacity of a development site will be based on an assumed achievable density of 30 dwellings per hectare.

Strategic Tourism Policy

Policy S11 – Visitor Economy

Development proposals that provide and /or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations.

Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities will not be permitted.

Policy H4 – Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use

The conversion / rehabilitation of a building in the open countryside for residential use will be permitted where all the following criteria are met:

- a) the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;
- b) the proposal, including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings;
- c) rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;
- d) the more isolated and prominent the building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB;
- e) buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;
- f) the building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn; and
- g) the conversion of buildings that are well suited for business use will not be permitted unless the applicant has made every reasonable attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made.

The above criteria will be applied strictly; proposals that are deemed not to comply with them will be judged against national policies relating to the erection of new dwellings in the countryside or against Policy T2 relating to the re-use and adaptation of existing buildings to provide permanent serviced or self-catering visitor accommodation. The above criteria will also be applied to proposals to extend buildings that have already been converted.

Policy RE3 – Agricultural Diversification

Development proposals which make a positive contribution to agriculture or its diversification will be permitted where the new use or building meets the following criteria:

- a) the proposed non-agricultural development is run in conjunction with, and is complementary to, the agricultural activities of the enterprise;
- b) the proposal is supported by an appropriate business case which demonstrates the link to existing business activity and the benefits of the scheme in terms of sustaining employment / the rural economy;
- c) in relation to new build, the applicant must demonstrate that there are no existing buildings suitable for conversion / re-use in preference to new build;
- d) with regard to diversification proposals for visitor accommodation, new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage of an existing and occupied farm property, as specified in Policy T2;
- e) where rebuild is permitted under criteria c) and d) any rebuilding work should respect or be in sympathy with the local and traditional characteristics of the building;
- f) proposals for new built development meet the detailed criteria set out in Policy LC1;
- g) proposals for renewable energy schemes meet the criteria set out in Policy SD1.

Policy T2 – Visitor Accommodation outside Settlements

New build serviced or self-catering visitor accommodation will be allowed outside town and village development boundaries as ancillary development to established medium or large hotels.

Otherwise, outside town and village development boundaries, the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4.

As an exception to the above proposals to provide visitor accommodation may be permitted where they involve:

- a) the substantial rebuild of a building within the curtilage of an existing and occupied farm property where it assists in an agricultural diversification scheme in accordance with Policy RE3.
- b) the conversion of buildings of modern construction and materials provided the buildings are appropriate for residential use (e.g. not modern agricultural or factory buildings); not of substandard quality and /or incongruous appearance; and have been used for their intended purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to those buildings less than 10 years old, especially where there has been no change in activity on the unit.
- c) the conversion of buildings that are too small or are inappropriately located to provide appropriate standards of space and amenity for conversions to permanent residential accommodation but are suitable for tourist accommodation.

Where conversions to tourism accommodation are allowed in the exceptional circumstances set out in criteria a) to c) above then the occupancy of the building will be restricted in perpetuity to short stay tourist accommodation.

All proposals will be considered against other plan policies and should integrate with their surroundings, in terms of design and layout and how the proposal will function.

Appendix B

Contacts

If you would like further advice on the pre-planning application service or planning application forms/guidance, please contact the Development Management Section using one of the methods below:

Development Management

Monmouthshire County Council
County Hall
The Rhadyr
Usk
NP15 1GA

Tel: 01633 644880

Email: planning@monmouthshire.gov.uk

If you would like further guidance on the policies contained in the Local Development Plan please contact the Council's Planning Policy Section:

Planning Policy

Monmouthshire County Council
County Hall
The Rhadyr
Usk
NP15 1GA

Tel: 01633 644429

Email: planningpolicy@monmouthshire.gov.uk

This page is intentionally left blank



Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation Mark Hand</p> <p>Phone no: 01633 644803 E-mail: markhand@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council’s vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Draft Rural Conversions to a Residential or Tourism Use SPG provides certainty and clarity on the interpretation and implementation of the existing LDP policy framework in relation to proposals for both rural residential conversions and rural visitor accommodation conversions.</p>
<p>Name of Service</p> <p>Planning (Planning Policy)</p>	<p>Date Future Generations Evaluation form completed</p> <p>21/09/2017</p>

1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: The Draft SPG seeks to support appropriate rural residential conversions in the open countryside where they accord with the LDP policy framework, specifically Policy H4. New residential development is usually strictly controlled, rural conversions will increase the local housing stock for communities and residents. The SPG also seeks to support appropriate rural conversions to visitor accommodation where they</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>will accord with the LDP policy framework specifically part of T2. These will assist in supporting the County's visitor economy – essential to the well-being and enjoyment of local communities and residents.</p> <p>Negative: None.</p>	
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: Potential for proposals to conserve the character and quality of Monmouthshire's countryside. Potential to also protect and enhance landscape, environmental quality etc. in accordance with LDP policy framework.</p> <p>Negative: Rural conversions may be located in rural areas where there is limited public transport and likely to be reliant on the use of the private car. The car usage likely to result from rural conversions is considered to be justified because of the retention of existing buildings in the countryside preserves its character while at the same time making a contribution to meeting housing needs. While the same applies to visitor accommodation proposals, these conversions assist in supporting the visitor economy thus providing economic benefits.</p> <p>Also there is potential for some negative landscape impact, however, given that rural conversion proposals must ensure that conversions do not detract from the special qualities of Monmouthshire's open countryside, the scope for this is limited. By definition, the building already exists.</p>	<p>Mitigate Negative Impacts: It will be ensured that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.</p>



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The provision of appropriate rural housing conversions can assist in promoting good health, independence and well-being by opening up opportunities for housing in rural areas where it is otherwise restricted. Appropriate rural conversions for visitor accommodation also assists by providing tourism opportunities in attractive environments.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: The provision of appropriate rural housing conversions contributes to the sustainability and cohesiveness of rural areas by opening up opportunities for housing in rural areas where it is otherwise restricted, providing opportunities to support the local economy. Conversions to visitor accommodation also assist in supporting the County's tourist economy – essential to the well-being and enjoyment of local communities and residents.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: The Draft SPG supports the implementation of housing and tourism related policies of the LDP, which have been subject to a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that any LDP review/revision is subject to appropriate SA/SEA testing.</p>
<p>A Wales of vibrant culture and thriving Welsh language</p>	<p>Positive: The Draft SPG has a positive general impact on culture, heritage and language, there is potential for proposals to conserve the character</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	<p>and quality of Monmouthshire's countryside and natural heritage value. Supporting visitor accommodation proposals assists in supporting the visitor economy including the County's historic town centres and heritage/cultural assets.</p> <p>Negative: None.</p>	accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: The Draft SPG should bring positive benefits to Monmouthshire's residents by opening up opportunities for appropriate residential conversions where they comply with the LDP policy framework, offering housing in rural areas where it is otherwise restricted. Provision of additional visitor accommodation will assist in supporting the visitor economy. Housing and Tourism policies as with all LDP policies, have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives, including equality measures.</p> <p>Negative: None.</p>	Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The Draft SPG supports the implementation of the LDP. By its nature, therefore, it cannot look beyond this period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p> <p>The LDP housing policy framework seeks to balance the short term need for housing development and viability issues with the longer term need to create balanced and sustainable communities. The provision of appropriate rural residential conversions in the open countryside, where new residential development is usually strictly controlled, increases opportunities within the local housing stock for local communities and residents.</p> <p>The LDP tourism policy framework seeks to support and enable sustainable forms of tourism development while at the same time ensuring that the natural and built environment, key drivers of the visitor economy, are preserved and enhanced for future generations.</p>	<p>Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p> <p>The LDP and its policies have been subject to SA/SEA. Any LDP review/revision will be subject to SA/SEA.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including housing and tourism policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="344 352 517 550">Working together with other partners to deliver objectives</p>	<p data-bbox="546 197 1330 564">The Draft SPG has been produced in liaison with the Council's Development Management Officers following discussions regarding planning applications for rural conversions. It will be subject to further internal consultation (including with Development Management, Heritage and Green Infrastructure officers) and external consultation. Public consultation was targeted to those who were considered to have a specific interest in the topic but also included all town and community councils and notices in the press. The consultation was also publicised via our Twitter account @MCCPlanning.</p>	<p data-bbox="1352 197 2114 427">The Draft SPG supports both LDP housing and tourism policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p data-bbox="1352 469 2114 730">LDP AMRs will provide both an annual evaluation of plan performance, including housing and tourism policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision. Any review/revision of the LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>
 <p data-bbox="344 932 517 1091">Involving those with an interest and seeking their views</p>	<p data-bbox="546 740 1330 804"><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p data-bbox="546 836 1330 1203">The Draft SPG has been produced in liaison with the Council's Development Management Officers following discussions regarding planning applications for rural conversions. It will be subject to further internal consultation (including with Development Management, Heritage and Green Infrastructure officers) and external consultation. Public consultation was targeted to those who were considered to have a specific interest in the topic but also included all town and community councils and notices in the press. The consultation was also publicised via our Twitter account @MCCPlanning.</p>	<p data-bbox="1352 740 2114 970">The Draft SPG supports both LDP housing and tourism policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p data-bbox="1352 1011 2114 1283">LDP AMRs will provide both an annual evaluation of plan performance, including housing and tourism policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision. Any review/revision of the LDP will be taken forward through extensive stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The requirement for this Draft SPG has arisen from some concern over the interpretation of Policies relating to rural conversions for both residential and visitor accommodation. This includes the extent to which the LDP policy framework is supportive of the conversion of particular types of buildings for the different uses. The Council seeks to support and adopt a positive approach to appropriate rural conversions where they accord with the LDP policy framework, specifically H4 and T2, particularly where they seek to minimise any detrimental effect on landscape value, environmental quality and amenity.</p> <p>The Draft SPG therefore provides certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework, specifically Policy H4, in relation to proposals for rural residential conversions. The SPG also provides clarity on the interpretation of the part of Policy T2 that relates to rural conversion proposals for visitor accommodation.</p>	<p>The future adoption and implementation of this Draft SPG will support appropriate rural residential conversions in the open countryside where they accord with the LDP policy framework, specifically Policy H4. New residential development is usually strictly controlled, rural conversions will increase the local housing stock for communities and residents. The SPG also supports appropriate conversions to visitor accommodation where they accord with the LDP policy framework set out in Policy T2. These will assist in supporting the County's visitor economy – essential to the well-being and enjoyment of local communities and residents.</p>
 <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p>The Draft SPG supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.</p>	<p>The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including housing and tourism policy indicators and targets, to inform future AMRs.</p> <p>Any review/revision of the LDP will be subject to a SA/SEA that balances the impacts on social, economic and environment factors.</p>

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None	None	N/A
Disability	None	None	N/A
Gender reassignment	None	None	N/A
Marriage or civil partnership	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A
Sex	None	None	N/A
Sexual Orientation	None	None	N/A
Welsh Language	None	None	N/A

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?

Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

5. What evidence and data has informed the development of your proposal?

- Monmouthshire Local Development Plan (2011-2021).
- Monmouthshire Planning Appeal Decisions (2014 – 2017)

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

This section should give the key issues arising from the evaluation which will be included in the Committee report template.

Positive: The Draft SPG seeks to support rural residential conversions and visitor accommodation conversions in the open countryside, subject to compliance with the LDP policy framework, specifically policies H4 and T2, providing this is not at the expense of the County’s natural and built environment. This will assist in supporting the local housing stock in rural areas providing positive impacts on the local economy and also supporting the County’s visitor economy through additional visitor accommodation offer. The positive impacts on the local economy and wider visitor economy are both essential to the well-being of local communities and residents throughout Monmouthshire. A positive approach to tourism accommodation is vital if Monmouthshire is to fully realise its potential as a high quality and competitive visitor destination.

Future: Ensure that LDP housing and tourism policies are accurately interpreted and implemented fully through use of this Draft SPG, measuring the effectiveness of the relevant policies on an annual basis in the LDP AMR.

Negative: Potential for some negative sustainability impacts in remote countryside locations for example landscape impacts and increased car use. However, as proposals for rural conversions will be assessed against the strict criteria set out in policies H4 and T2, the scope for such negative impacts is limited and will be carefully considered against the LDP policy framework.

Future: LDP AMRs will provide both an annual evaluation of plan performance, including housing and tourism policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Seek Planning Committee's endorsement of the SPG with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP.	Adopt the SPG following endorsement by Internal Cabinet Member for Enterprise.	Head of Planning, Housing & Place-shaping	

Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

<p>The impacts of this proposal will be evaluated on:</p>	<p>Impacts will be evaluated on a regular basis in the required LDP Annual Monitoring Report. The next AMR will be reported for political decision prior to submitting to the Welsh Government by 31 October 2017 and will be publicly available on the MCC website.</p>
--	--