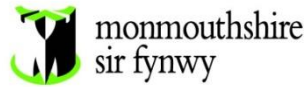


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday 27th August 2021

Notice of meeting:

Planning Committee

Tuesday, 7th September, 2021 at 2.00 pm
County Hall, Usk - Remote Attendance

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting dated 3rd August 2021.	1 - 4
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2019/00799 - To provide a pre-school educational facility, to inform young children about the natural environment by providing safe, natural outside space for supervised walks and activities. In addition, the provision of two holiday let timber pods to provide sleeping accommodation for guests, plus chemical toilet and rain shelter. Field Nos. 5735 And 4455, Whitecastle, NP7 8UD.	5 - 16
4.2.	Application DM/2020/00636 - Sheep housing / general purpose agricultural building. Henrhiw Farm, Monkswood, Usk.	17 - 30
4.3.	Application DM/2021/00724 - Proposed new build detached dwelling to side of No. 2 Ifton Road. Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS.	31 - 42
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Bushes Farm, Earlswood.	43 - 46

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Ruth Edwards	Llantilio Crossenny;	Welsh Conservative Party
County Councillor Peter Clarke	Llangybi Fawr;	Welsh Conservative Party
County Councillor Jeremy Becker	St. Mary's;	Liberal Democrats
County Councillor Louise Brown	Shirenewton;	Welsh Conservative Party
County Councillor Alan Davies	Green Lane;	Independent
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor David Evans	West End;	Welsh Labour/Llafur Cymru
County Councillor Mat Feakins	Drybridge;	Welsh Conservative Party
County Councillor Roger Harris	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jim Higginson	Severn;	Welsh Labour/Llafur Cymru
County Councillor Giles Howard	Llanfoist Fawr;	Welsh Conservative Party
County Councillor Paul Jordan	Cantref;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Castle;	Welsh Conservative Party
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party
County Councillor Sheila Woodhouse	Grofield;	Welsh Conservative Party

:

Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

This meeting may be viewed online by visiting the link below.

<https://democracy.monmouthshire.gov.uk/ie/ListMeetings.aspx?Committeeld=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Planning policy context

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

Monmouthshire's Local Development Plan (LDP) 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 a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

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. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;

- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (revised version) (adopted July 2019)

- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition10 (at time of publication)
- PPW Technical Advice Notes (TAN):
 - TAN 1: Joint Housing Land Availability Studies (2015)
 - TAN 2: Planning and Affordable Housing (2006)
 - TAN 3: Simplified Planning Zones (1996)
 - TAN 4: Retailing and Town Centres (1996)
 - TAN 5: Nature Conservation and Planning (2009)
 - TAN 6: Planning for Sustainable Rural Communities (2010)
 - TAN 7: Outdoor Advertisement Control (1996)
 - TAN 8: Renewable Energy (2005)
 - TAN 9: Enforcement of Planning Control (1997)
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Tourism (1997)
 - TAN 14: Coastal Planning (1998)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (2007)
 - TAN 19: Telecommunications (2002)
 - TAN 20: The Welsh Language (2013)
 - TAN 21: Waste (2014)
 - TAN 23: Economic Development (2014)
 - TAN 24: The Historic Environment (2017)
 - Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
 - Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
 - Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do

not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Species & Habitat Regulations 2010

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;

- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below. **The conventional protocol has been modified to allow public speaking via pre-recorded videos.**

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

- (i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application. This will also be via a pre-recorded video.

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.

The Council will maintain a list of persons wishing to speak at Planning Committee.

Once the request to speak has been registered by the Council the speaker must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

The procedure for dealing with public speaking is set out below:

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who

proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.

- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee
County Hall, Usk - Remote Attendance on Tuesday, 3rd August, 2021 at 2.00 pm

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

County Councillors: J. Becker, L. Brown, A. Davies, A. Easson,
D. Evans, R. Harris, G. Howard, P. Jordan, A. Webb and
S. Woodhouse

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Denzil – John Turbevill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: M. Feakins, J. Higginson, P. Murphy and M. Powell

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 6th July 2021 were confirmed and signed by the Chair.

3. Application DM/2020/01801 - Use of domestic garage as a dwelling for a temporary period while building works are undertaken on a consented barn conversion. Campston Mill, Barry-Cathlea Road, Llanvihangel Crucorney, Monmouthshire, NP7 8EF

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

In noting the detail of the report the following points were identified:

- Consideration should be given to amending condition 2, as follows:
 - The use of the building as a dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner and returned to garage use.
- With regard to the date of 14th November 2022 in which the use of the building as a dwelling shall cease on or before this date, it was noted that the construction industry is experiencing difficult times making it difficult for contractors to

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complete works on time. Therefore, some flexibility should be considered in respect of this date.

- In response to a question raised, the Development Management Area Manager informed the Committee that the building does have an upper floor. The use of the building would encompass upper floor and lower floor with the use of the building being self-contained living accommodation. The building could only be used for ancillary use when it returns to being a garage. Condition 2 could therefore be amended as follows:
 - The use of the building as a self-contained dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner and returned to ancillary residential use.

It was proposed by County Councillor D. Evans and seconded by County Councillor P. Clarke that application DM/2020/01801 be approved subject to the two conditions outlined in the report and that Condition 2 be amended as follows:

The use of the building as a self-contained dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner and returned to ancillary residential use.

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

In favour of the application	-	11
Against the application	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01801 be approved subject to the two conditions outlined in the report and that Condition 2 be amended as follows:

The use of the building as a self-contained dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner and returned to ancillary residential use.

4. Application DM/2021/00771 - Full Planning Permission - Provision of timber decking under the existing outside seating area. The decking will include four steps and a hand rail. Wye Knot Restaurant, 18A The Back, Chepstow

Application DM/2020/00771 was withdrawn from the agenda to enable further discussions to take place involving Monmouthshire County Council officers and the applicant.

Following these discussions the application will be presented to a future meeting of Planning Committee for consideration.

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5. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

5.1. Her Majesty's Prison Usk, Maryport Street, Usk

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Her Majesty's Prison Usk, Maryport Street, Usk, on 14th May 2021.

We noted that the appeal had been dismissed.

The meeting ended at 2.33 pm.

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Application Number: DM/2019/00799

Proposal: To provide a pre-school educational facility, to inform young children about the natural environment by providing safe, natural outside space for supervised walks and activities. In addition, the provision of two holiday let timber pods to provide sleeping accommodation for guests, plus chemical toilet and rain shelter

Address: Field Nos 5735 And 4455, Whitecastle, NP7 8UD

Applicant: Mr S Watkins

Plans: Pods - Plans & Elevations - , Toilet Block Plans & Elevations - , Parking Provision - , PLANTING PLAN & MANAGEMENT PLAN 487.01 - E, Site Location Plan - , Solar Panels Plan - , Biodiversity Management Plan by Ecological Services Ltd, 29.01.2021 - , Noise Management Plan 13.08.2020 - , BP2667/00 - ,

RECOMMENDATION: APPROVE

Case Officer: Mr David Wong
Date Valid: 29.05.2019

This application is presented to Planning Committee due to an objection from the Llantilio Crossenny Community Council and they wish to address the Committee accordingly

1.0 APPLICATION DETAILS

1.1 The Proposal

1.1.1 The site lies outside any village or town development boundary as defined in the Monmouthshire Local Development Plan (LDP) and, therefore, is classed as open countryside. The application is for a pre-school educational facility and the provision of two holiday let timber pods (each measures 4.3m long, 2.3m wide and 2.5m high, inclusive of the stand), plus a lean-to timber toilet block (6m long, 2.7m deep and 2.4m high), a lean-to timber shelter building (3.8m long, 2.6m deep and 2.7m high), two open-ended covered areas and an area for parking.

1.1.2 The two open-ended covered areas would be constructed with a timber frame and a canvas roof. Covered area A is located in the woodland itself, measuring some 9.3m wide, 6m deep and 5.5m high - including the platform. Covered area B is located on the edge of the woodland, measuring some 9.2m wide, 9.2m deep and 3.2m high. The parking area can accommodate up to 14 cars. Please note that this is a retrospective planning application as the structures are already in place.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2019/00799	To provide a pre-school educational facility, to inform young children about the natural environment by providing safe, natural outside space for supervised walks and activities. In addition, the provision of two holiday let timber pods to provide sleeping accommodation for guests, plus chemical toilet and rain shelter.	Pending Determination
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S5 LDP Community and Recreation Facilities
- S8 LDP Enterprise and Economy
- S10 LDP Rural Enterprise
- S11 LDP Visitor Economy
- S12 LDP Efficient Resource Use and Flood Risk
- S13 LDP Landscape, Green Infrastructure and the Natural Environment
- S16 LDP Transport
- S17 LDP Place Making and Design

Development Management Policies

- DES1 LDP General Design Considerations
- EP1 LDP Amenity and Environmental Protection
- EP3 LDP Lighting
- LC5 LDP Protection and Enhancement of Landscape Character
- MV1 LDP Proposed Developments and Highway Considerations
- NE1 LDP Nature Conservation and Development
- SD2 LDP Sustainable Construction and Energy Efficiency

Supplementary Planning Guidance

Sustainable Tourism Accommodation

<https://www.monmouthshire.gov.uk/app/uploads/2016/10/Sustainable-Tourism-Accommodation-SPG-November-2017.pdf>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llantilio Crossenny Community Council recommend this application for refusal. There is a footpath through the land and there has been no application to divert this path. It is on single track lane therefore unsuitable for the extra traffic that this will attract on a daily basis and the proposed access to site does not seem adequate. Members also object to the fact that the buildings all seem to already be in place and the business advertised as open prior to planning application being sought / approved.

MCC Highways - Additional information has been submitted, detailing the access and the parking arrangement of the proposal. There is no objection to the current proposal from a highway perspective. The introduction of the additional vehicle movements on the adjacent local network associated with the proposed size and scale of the development would not lead to a deterioration in highway safety or capacity. Access to the proposal is intended to be via an existing means of access that is shared with the property known as Meadow Leigh. The proposed car parking area is considered adequate for the planned use of the site and its use as a pre-school and holiday accommodation.

MCC Public Rights of Way - No objection. The applicant's attention should be drawn to Public Footpath no. 175 in the community of Llantilio Crossenny which runs through the site of the development. Relevant informative is requested.

MCC Ecology - We welcome the updated landscape plan that reflects the recommendations of the biodiversity management plan. However, the updated plans of the toilet block and pods do not show the position of the lights proposed on the buildings or detail the specification, siting only solar lights at 2m height. Therefore, we recommend that you secure this detail by condition if you are minded to grant consent.

MCC Environmental Health - A noise management plan submitted by the applicant is considered to be a good start to address an issue raised at this stage. The applicant should manage noise in accordance with the submitted noise management plan which should be periodically reviewed.

MCC Landscape and GI - Additional information has been submitted to address my initial landscape concerns. I have no further objection to the proposal from a landscape and GI perspective.

MCC Trees - I have not visited the site; however, there is sufficient photographic evidence within the application file for me to make comment. The structures, which are already in place within the woodland, are of light construction only and in my opinion they will have little if any effect on existing trees. Accordingly, I have no adverse comments to make on this application.

Natural Resources Wales (NRW) - The proposal intends to utilise compost toilets and we have no objection to the proposal. Please note that with respect to the discharge of effluent to ground or surface water, the applicant will need to apply for an environmental permit or register an exemption with us.

Glamorgan Gwent Archaeological Trust (GGAT) - The application is for a pre-school educational facility and the provision of two holiday let timber pods, chemical toilet and rain shelter. We note the application's supporting documents and that the ground works are of a relatively limited scale. Furthermore, a review of the Historic Ordnance Survey maps (dated 1881 to 1920), shows the development area as largely open land, apart from the southern extent, which is located within the Archaeologically Sensitive Area. This area was utilised as a quarry which would have had an adverse effect on any potential archaeological remains and the impact of the proposed development upon the archaeological resource is considered to be low. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

Ramblers Association - No response to date.

The Open Space Society - No response to date.

5.2 Neighbour Notification

Middle Whitecastle and Pear Tree Barn both objected to this application (two households). Their objections can be categorised as below:

- General dislike of proposal
- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Inadequate public transport provision
- Increase in traffic
- Increase in pollution
- Information missing from plans
- Loss of privacy
- Noise nuisance
- Not enough information given on application
- Out of keeping with character of area
- Over development
- Potentially contaminated land

6.0 **EVALUATION**

6.1 **Principle of Development**

6.1.1 Planning Policy Wales Edition 11 (PPW11) encourages tourism in rural areas. It says that it is vital to economic prosperity and job creation. Tourism can also assist in enhancing the sense of place in an area which has intrinsic value and interest for tourism.

6.1.2 It is considered that this rural part of Monmouthshire is ideally suited for low key sustainable tourism, the landscape has a lot to offer and does attract tourists; this in turn helps local business and the local economy. PPW11 encourages appropriate tourism-related development especially where it does not damage the environment or the amenity of residents.

6.1.3 The site lies in open countryside. There is a presumption against development in the open countryside unless it complies with national planning policy and/or specific local development planning policies. The proposal comprises two key elements and they are:

- Provision of a Forest Nursery; and
- Tourist accommodation

These will be addressed in turn in relation to the principle of development before discussing the planning material considerations.

6.1.4 Provision of a Forest Nursery

The site is in the open countryside to the north-west of Llantilio Crossenny, in the area known as White Castle. The proposal explains that the nursery would be held outside and would primarily operate within the covered areas currently on site. It is understood that the nursery would operate as follows:

- 3 to 4 hours per day on weekdays;
- The nursery would have capacity for 12 children;
- Children would be dropped off and picked up by their parents;
- The existing structures (i.e. the two covered areas and the shelter) would be utilised to serve the nursery use;
- The toilet block is a compost toilet and would serve both the nursery and the holiday let pods; and
- In severe weather conditions the nursery would close, or day trips would be held to local attractions.

6.1.5 The use, as described, would be akin to a recreational and educational use. National Planning Policy offers supports recreational facilities in the countryside providing they are acceptable in terms of relevant material planning considerations. Policy S5 of the LDP supports community and recreational facilities in the open countryside, adjacent to villages. The development is not immediately adjacent to a village but is within the vicinity of Llantilio Crossenny and, therefore, Policy S5 of the LDP is considered relevant.

6.1.6 Tourism accommodation in Open Countryside

The proposal is to provide two wooden pods at the wooded area and a toilet block located in the site boundary. The LDP supports sustainable forms of tourism accommodation as covered in Policy S11. Supplementary Planning Guidance 'Sustainable Tourism Accommodation' (published November 2017) (hereafter referred to as the STA SPG) provides detailed guidance in terms of the type of tourism accommodation that will be supported in open countryside locations in relation to Policy S5. The type of accommodation that is considered to be sustainable includes yurts, teepees, bell tents, wooden pods, shepherd's huts, tree houses, glamping, etc., that are easily reversible developments. The wooden pods, therefore, would be considered a sustainable form of tourism development. Images of the types of pods considered acceptable are contained in STA SPG.

6.1.7 Given the above, there is no policy objection to the principle of the application subject to detailed planning material considerations.

6.1.8 The STA SPG highlights that in general, this type of holiday accommodation i.e. the wooden holiday pods, 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. In this instance, it is accepted that some of the structures can be seen from certain viewpoints when walking through the woodland and along the public footpath. However, the site is heavy surrounded by mature vegetation and the impact of the proposals upon the wider landscape is limited. Therefore, it is not considered that they will significantly harm the character or appearance of the area.

It is therefore considered to be unreasonable to restrict the use of these holiday pods to a seasonal basis.

6.2 Sustainability

6.2.1 The proposal comprises two key elements and they are:

- Provision of a Forest Nursery; and
- Tourist accommodation

These will be addressed in turn.

6.2.2 Provision of a Forest Nursery in the Open Countryside

The use, as described, would be akin to a recreational and educational use. The proposal is considered to be a new facility in the open countryside and due to its location, it is reliant on access via private motorised vehicles. This element of the application is to provide shelters and/or a place for outdoor learning and play activities, which is unique in its own right. There is no specific

policy within the LDP that deals with this type of development. Therefore, this application has to be treated on its own merits.

6.2.3 Policy S5 of the LDP relates to Community and Recreation Facilities; it is a positive policy. This policy supports recreation facilities, including formal sport, recreation and leisure pursuits such as team games, children's play facilities, as well as more informal activities such as walking in the countryside. It recognises that not all outdoor recreational facilities have good access to public transport and are within walkable distance to many homes i.e. they are not exclusive to urban and sustainable locations. Given the above, it is considered that the running of a forest nursery can be accepted in this part of the open countryside. Whilst there is a general presumption in favour of community facilities, they should not erode the character and appearance of the natural and built environment, nor the design qualities of their location. In terms of landscape, the applicant has further provided a revised planting and management plan that provides sufficient information and aftercare prescriptions and those of the parking area and open field classroom. The Council's Landscape and GI Officer has reviewed the information and offers no landscape objection to this application. Given the above, the shelter and the covered areas offer a place for a forest nursery for outdoor learning and play in the open countryside, which is in accordance with the aims of Policy S5 of the LDP.

6.2.3 Tourism accommodation in Open Countryside

The STA SPG supports sustainable forms of tourism, and its sustainability in this case is defined by its degree of permanency and its scale. The key is that new build should be low impact. The two wooden holiday pods therefore should be moveable and once removed it would be like they were never there before i.e. the site can be restored easily. This is a retrospective application and so the impact of these wooden pods can already be judged. The site is generally well-screened by existing mature trees, minimising their visual impact.

6.2.4 The LDP supports sustainable forms of tourism accommodation as covered in Policy S8, S10 and S11. STA SPG states that proposals for development must reflect the following key principles and they are addressed in turn:

- Generate benefits for the local economy (residents and visitors): In this case the actual location of the holiday let wooden pods is not sustainable but the very nature of this type of holiday destination tends to be in isolated rural locations. The proposal may benefit the local economy if the visitors stay longer in the county as a result of the accommodation provision.
- Protect and enhance landscape character and natural/historic environment: The visual aspect of the application is considered acceptable by the Council's Landscape Officer.
- Scale and design appropriate to site context: The two wooden pods are small scale and are similar in scale and function similarly to the wooden pods/ tents image that is considered acceptable within the adopted STA SPG.
- Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique): The wooden pods are locally adapted, finished in timber cladding which respect the surrounding forestry.
- Generate minimal car trips: The pods are located immediately adjacent to a very popular walking footpath. Therefore, holiday makers who are keen walkers will be able to access this facility without the need to use any motorised vehicles.
- Make use of renewable energy resources (energy efficient): Solar panels are used on site to general light source.
- Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure): No permanent hardstanding is required underneath the pods and the toilet block. There are areas of slab by the wooden pods but they are capable of removal and the areas can be restored. Therefore, the principle of small scale tourist development in this location is acceptable and policy compliant.

6.3 Landscape

6.3.1 The proposals because of their scale and location, surrounded by woodland, will conserve the setting this part of the open countryside. The level of landscaping proposed is acceptable and the proposal would not cause significant visual intrusion or change the character of the natural landscape. The proposal is sensitively sited within the landscape and therefore accords with the objectives of Policy LC5 of the LDP.

6.4 Good Design/Place Making

6.4.1 PPW 11 sets out that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. The timber clad shelter that is located adjacent to the car park is considered small scale and has the appearance of a small stable block. Due to the topography of the land and the fact that it is located along the boundary hedge, only glimpses of the shelter are visible from the road. The wooden holiday pods and the toilet block are small scale and are sensitively located. The two open-ended covered areas are constructed with a timber frame and a canvas roof; they are rustic in appearance and low key. The use of timber reflects the location within a woodland setting and a landscaping scheme has been submitted with the application. The Council's Landscape and GI Officer has considered the proposal and has no objection to the proposal from a landscape and GI perspective. Given these factors, it is not considered that there will be an adverse impact on the localised and wider landscape character. The proposal accords with the objectives of LDP Policy DES1 as it would contribute to a sense of place and the amount of development is compatible with existing land uses. The scale and design of the pods are appropriate for this setting and do not impinge on any natural views within this part of the open countryside. The proposed landscaping will enable the structures to integrate into their surroundings, in accordance with Policy DES1 of the LDP.

6.5 Historic Environment

6.5.1 White Castle is a Scheduled Ancient Monument. The proposal is small scale, discreet and is located approximately 760m away from White Castle. Also, the site is within a woodland setting. Therefore, it is considered that there is no direct harmful impact on the setting of the Castle.

6.5.2 The Glamorgan Gwent Archaeological Trust (GGAT) were consulted but have no objections to the positive determination of this application.

6.6 Biodiversity

6.6.1 This is a retrospective application as the associated works have already been completed and the structures are already in place. A Biodiversity Management Plan has been submitted following a request by the Council's Ecologist and as a consequence of that information there is no objection to the proposal from a biodiversity and ecological perspective. However, the updated plans do not show the position of the lights proposed on the buildings or detail the specification, siting only solar lights at 2m height. Therefore, it is recommended to secure this detail by condition if Members are minded to grant consent. Therefore, a lighting condition will be requested accordingly. Given the above, the proposal is in compliance with LDP Policy NE1.

6.7 Impact on Amenity

6.7.1 There are two residential properties west of the application site. The nearest property, Pear Tree Barn, is over 120 metres and Middle Whitecastle is over 170 metres from the site of the wooden holiday pods and they are set at a higher level. The wooden pods are situated within a woodland setting. Based on the distance, no overlooking, no sense of overbearing and no overshadowing is possible. In addition, following the submission of a Noise Management Plan, the Council's Environment Health Officer offers no objection and advises that the applicant should manage noise in accordance with the submitted Management Plan. An advisory note is recommended to be added suggesting the Noise Management Plan should be periodically

reviewed and updated. In the light of this, the proposal is considered to be in compliance with Policy EP1 of the LDP.

6.8 Highways

6.8.1 There is informal parking at the entrance of the site for 14 cars to serve the application site. There will be no direct vehicular access from the parking to the wooden pods, the covered areas and the toilet block. The highway authority offers no objections to the proposal from a highway safety perspective. Highways confirmed that the introduction of the additional vehicle movements on the adjacent local network associated with the proposed size and scale of the development would not lead to a deterioration in highway safety or capacity. Access to the proposal is intended to be via an existing means of access that is shared with the property known as Meadow Leigh. The proposed car parking area is considered adequate for the planned use of the site and its use as a pre-school and holiday accommodation. Given the above, there is no substantive technical reason to object to this application.

6.8.2 Should planning permission be granted then the access condition (no.10) set out below would be required.

6.9 Flooding

6.9.1 The site is not in a designated flood zone identified in the DAM maps of TAN15.

6.10 Foul Drainage

6.10.1 The site is within the Phosphorus Sensitive Area Wye Valley Catchment. The toilet block is located more than 40m from any surface water feature, and is located more than 50m from a SAC boundary. No new private treatment plan is proposed and foul water from the proposal will go to a compost toilet. NRW offers no objection to this method of foul drainage.

6.10.2 There is ample distance from the compost toilet to the nearest dwellings in the locality so as to avoid any harm to amenity by way of smells.

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

6.11.1 Two neighbouring properties objected to this application with the following reasons and they will be addressed in turn.

- Affect local ecology: There is no objection from the Council's Biodiversity and Ecological Officer.

- Close to adjoining properties: The wooden pods are in excess of 100m away from the two neighbouring properties. Also, the wooden pods are surrounded by a woodland.

- Conflict with local plan: The application is in compliance with the National Policy (PPW11) and the Local Policy (LDP).

- Inadequate public transport provisions: There is no objection from the Council's Highways Department. The nature of this form of proposed use is that it will inevitably be in a location not well served by public transport.

- Increase in traffic: There is no objection from the Council's Highways Department.

- Increase in pollution: None of the consultees raised objection to this element.

- Information missing from plans: The level of submitted information is considered acceptable in this instance and the application is considered to be valid.

- Loss of privacy: The wooden pods are in excess of 100m away from the two neighbouring properties. Also, the wooden pods are surrounded by a woodland.

- Noise nuisance: The Council's Environmental Health Officer offers no objection to this element.
- Out of keeping with character of area: The Council's Landscape and GI Officer offers no objection to the application.
- Over development: The proposal is small scale and the Council's Landscape and GI Officer offers no objection to the application.
- Potentially contaminated land: There is no known contamination issue and none of the consultees raised any issue about this element.
- Is the car park safe? The Council's Highways Department offers no objection to the application.
- The existing structures do not have planning permission: it is apparent that the structures have already been erected on site without planning permission. However, an individual is entitled to submit a retrospective planning application which will be treated on its merits.
- The nursery hours are unclear: Having spoken with the applicant, the nursery could use the site from 1 to 5 hours. The purpose of the shelter and the covered areas are designed for outdoor learning in the open countryside. In this case, it is described specifically for children. However, it is in the open countryside, which can be enjoyed by anyone at any age. Therefore, it would be unreasonable to place a restriction as to who and how long people can use them. Any misuse of the site should be reported to the nursery/user groups. If statutory nuisance occurs, there are other statutory powers to manage these instances.
- There are hardstandings on site: The wooden pods are removable. There are areas of slabs near the wooden pods. However, they can be removed and these areas can be restored to replicate the surroundings.
- The pods and toilet block are not in keeping with the character of the wood: There is no objection from the Council's Landscape and GI Officer.
- It is inappropriate to have a bath between the pods, and walkers and nursery children might see people bathing: This is not a planning material consideration.
- The location of the site notice: There is no requirement as to where about the site notice should be posted. The site notice was posted on site and the consultation letters were issued to the nearby neighbours. Therefore, the publicity for this planning application is fulfilled.
- The site might continue to develop and evolve into something different: We can only consider the application as submitted. If the business wishes to expand, it will be considered on its own merits.
- There is nothing to stop passing walkers using the toilet facilities: This is not a planning material consideration.
- Will there be noise level restrictions for holiday makers?: The Council's Environmental Health Officer offers no objection to the application and advises that applicant should manage noise in accordance with the submitted Noise Management Plan.
- Surely OFSTED will not allow any such facility at a school i.e. open-air bathing facility in sight of the footpath and the children attending the school: This is not a planning material consideration.
- The toilet facility is not COVID compliant: This is not a planning material consideration. In addition, users can choose to use the toilet facility or not.

Llantilio Crossenny Community Council resolved to recommend this application for refusal. They have concerns that the single track lane is unsuitable for the extra traffic generated from the proposal and that the access of the site is adequate. Also, they pointed out that the buildings all

seem to already be in place and the business advertised as open prior to a planning application being sought / approved.

There is no objection to the current proposal from a highway perspective. The Council's Highways Department advises that introduction of the additional vehicle movements on the adjacent local network associated with the proposed size and scale of the development would not lead to a deterioration in highway safety or capacity. Access to the proposal is intended to be via an existing means of access that is shared with the property known as Meadow Leigh. The proposed car parking area is considered adequate for the planned use of the site and its use as a pre-school and holiday accommodation.

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

6.12.1 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

6.13 Conclusion

6.13.1 The proposed tourism accommodation is of such a scale that it will not damage the environment and is sufficient distance from existing residential properties so as not to cause any harm to amenity. Policy S11 of the LDP supports the development of sustainable tourism as does the STA SPG.

6.13.2 The STA SPG recognise that tourism plays a significant role in the Monmouthshire economy particularly in assisting the diversification of the rural economy. The visitor economy provides jobs, services and facilities that are essential to the wellbeing and enjoyment of local communities and residents of Monmouthshire. 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. 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. The proposal to provide two wooden holiday pods and a toilet block on the site accords with the objectives of PPW11 and the advice given in STA SPG.

6.13.3 The provision of the forest nursery is unique in this instance; it is considered to be a new facility in the open countryside and due to its location, it is reliant on private motorised vehicles. Policy S5 of the LDP supports and recognises that outdoor recreational facilities are not exclusive to urban and sustainable locations. Given the above, it is considered that the running of a forest nursery in this part of the open countryside can be accepted. The submitted planting and management plan provides sufficient information and aftercare, and is acceptable from the landscape and GI perspective. There is no objection from the Council's Highways Department in relation to the access, use of the land and the submitted parking provision. In terms of Environmental Health matters, the Council's Environmental Health Officer is content with the submitted Noise Management Plan and the Countryside Department offers no objection from the Biodiversity and Ecology perspective. Given the above, this application is supported and recommended accordingly.

7.0 RECOMMENDATION: APPROVE

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

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

2 The two wooden pods 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

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.

3 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the accommodation is used as holiday let accommodation only.

4 None of the wooden pods hereby permitted shall be replaced by any other structure(s) or glamping/sustainable 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.

5 There shall be no more than two wooden pods on the site at any one time.

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

6 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policy NE1.

7 The development shall be carried out in strict accordance with the approved "Biodiversity Management Plan produced by Ecological Services Wales Ltd dated 29th January 2021"

REASON: Reason: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1, PPW 11 and the Environment (Wales) Act 2016.

8 All planting, seeding or turfing comprised in the approved details of landscaping on the plan entitled "Planting Plan and management plan by Catherine Etchell Associates dated July 2021 dwg ref. 487.01 rev.E shall be carried out in the first planting and seeding season following the date of this permission and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

9 The development hereby approved shall be operated in strict accordance with the submitted Noise Management Plan (NMP), dated 13.08.2020, in perpetuity.

REASON: To ensure the facility is properly managed and compliance with LDP Policy EP1.

10 The existing vehicular access, as shown on Site Location Plan 1:12500, shall be improved via the requirements below within 3 months of the date of this permission and shall remain in place in perpetuity:

- Visibility splays 2.4m x 80m shall be provided and maintained in perpetuity

- The proposed shared access shall have a hard surface of concrete or bituminous material for a minimum distance of 5m from the edge of the adjacent carriageway.
 - The proposed shared access shall be at least 3m wide for a distance of 5m from the edge of carriageway.
 - Any entrance gates shall be set back at least 5m distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
- REASON: To ensure the access is constructed and maintained in the interests of highway safety and to ensure compliance with LDP Policy MV1.

11 The two open-ended covered areas shall be used as a pre-school educational facility only and no other purposes.

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

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 The applicant's attention is also drawn to:

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

3 The applicant's attention should be drawn to Public Footpath no. 175 in the community of Llantilio Crossenny which runs through the site of the development and immediately adjacent to some of the proposed structures but not on the alignment indicated on the application plan.

4 Public Path no.175 must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of works or private vehicular use must be made good by the applicant. If the path needs to be temporarily closed to allow works the applicant should apply for a temporary traffic prohibition order.

If the path needs to be diverted to accommodate the proposed development the applicant should contact Public Rights of Way to apply for a path order. Importantly, path orders are not guaranteed to succeed.

5 Glamorgan Gwent Archaeological Trust's record is not definitive in the area of the proposal and features may be disturbed during the course of the work. In this event, please contact the Trust on 01792 655208.

6 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

Application Number: DM/2020/00636

Proposal: Sheep housing/ general purpose agricultural building.

Address: Henrhiw Farm, Monkswood, Usk

Applicant: Mr Gregory Lippiatt

Plans: All Proposed Plans Tree and Hedgerow Planting Method Statement - , Location Plan RAC/8624/4 - , Site Plan RAC/8624/5 Rev. 1 - , Elevations - Proposed RAC/8624/6 - , Other Supporting Agricultural Appraisal - ,

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton

Date Valid: 19.05.2020

This application is presented to Committee at the request of the Delegation Panel

1.0 APPLICATION DETAILS

1.1 Site Description

This application seeks full planning permission for a new steel portal frame, agricultural building to house sheep at a farm known as Henrhiw Farm, Monkswood. The holding extends to 54 hectares (133.5 acres) of which 16 hectares/ 40 acres is owned and 38 hectares/ 94 acres of the adjoining land is rented on a 10 year farm business tenancy.

The existing yard is positioned on the eastern side of the holding and currently contains two steel portal frame buildings both of which were approved in 2017- an open fronted building on the south-eastern side of the yard, adjacent to which the current proposal would be developed (DC/2017/01107 refers) and a building on the south-western side of the hardstanding enclosed by roller shutter doors (application DC/2017/01370 refers). Both buildings were approved under the agricultural notification process and are to be used for the storage of implements and machinery. The open fronted building on the south-eastern side of the yard currently contains a log cabin which is the subject of application DM/2020/01292 for its retention and relocation.

Details submitted in support of the application specify that the applicant has the following equipment and machinery:

- two tractors;
- a full range of haymaking and silage equipment - a hay bob/ rake, mower, baler and wrapper;
- an excavator for drainage and maintenance work on the farm;
- a telehandler;
- a quad bike;
- an assortment of trailers – to include, a solid sided tipping trailer; flat bed, sheep, cattle and quad bike trailer;
- Post basher/ hedge trimmer;
- Fertiliser spinner;
- Plough
- Various ring and concentrate sheep feeders
- Galvanised sheep hurdles
- Power harrow
- Chain harrows

The building the subject of the current application will be positioned to the north-east of the existing open fronted building, adjacent to the access leading to the Glascoed Ordnance factory.

Part of the hardstanding on which the structure would be erected is currently unauthorised and the subject of a retrospective application for planning permission- DM/2020/01153 refers

1.2 Value Added

Additional details relating to landscaping and foul water disposal have been provided during the course of the application.

1.3 Proposal Description

The application seeks full planning permission for the development of an open fronted steel portal framed building to be used for the accommodation and lambing of ewes. The proposed building will be located adjacent to the south eastern boundary of the site.

The proposed building dimension would measure 54.9m wide, 12.1m deep with a pitched roof with a maximum height of 6.72m. The building would be steel framed with three walls and the roof clad in olive coloured galvanised steel. Removable Galebreaker material used on the north-western elevation overlooking the yard. It is proposed that additional landscaping (trees and hedgerows) be provided to the north-east of the development, either side of the existing access to the site.

During 2020 the applicant started purchasing poll Dorset sheep and currently has a flock of approximately 135 ewes but intends to increase the flock to 350 breeding ewes over the next three years. As younger Dorset ewes have a shorter gestation period, it is anticipated that the flock would lamb three times over a two year period. Although it was the applicant's intention to breed the flock in September, a number were covered earlier in the year by a neighbour's ram. As a result, lambing has been underway on an intermittent and ad hoc basis since later November with the part of the existing open fronted building used for mothering and monitoring.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01131	Proposed new agricultural building for the storage of farm machinery in a secure building.	Withdrawn	16/07/2018.
DM/2019/01955	Proposed agricultural building for storage use.	Withdrawn	20.12.2019
DM/2019/01998	Retention of temporary rural enterprise worker's dwelling.	Withdrawn	19.05.2020
DM/2020/01292	Retention of a temporary rural enterprise worker's dwelling.	Pending Consideration	
DC/2017/01102	Proposed erection of agricultural building - 120 x 40ft.	Approved	18.10.2017

DC/2017/01370	Proposed new agricultural building for the purpose of storage of farm machinery in a secure building, including hard standing area for turning machinery.	Approved	16.01.2018
DM/2020/01153	Retrospective planning application for hardstanding area.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design
S16 LDP Transport

Development Management Policies

RE4 LDP New Agricultural and Forestry Buildings
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
SD4 LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanbadoc Community Council - The community council objected on the basis the building is not reasonably required for agriculture.

MCC Urban Design Officer - Concerns raised by conditions recommended.

MCC Ecology – Conditions recommended

MCC Environmental Health Officer - Concerns raised regarding noise but no noise assessment requested.

MCC Highways Authority - No objection.

Local Lead Flood Authority - No objection, subject to a condition and informative.

Sustainable Drainage Approving Body (SAB) - The SAB advised that SAB approval is required.

Natural Resources Wales – Concerns raised with regards to the proposal. Conditions with regard to a Construction Environmental Management Plan are recommended.

No objections raised with regards to the foul water disposal and impacts on the defined phosphate sensitive area of the river Usk to the proposed development as submitted and provide the following advice.

HM Explosives Inspectorate - No response received.

5.2 Neighbour Notification

Following direct neighbour notification and the erection of a site notice, four letters of objection from two households have been received, raising the following concerns:

- No objection to the site being used for storage only, as planning was originally approved for, or sheep.
- Plans do not accurately depict adjacent properties;
- Proposed building will be within 10m of a watercourse;
- Adverse noise impact arising from the active industrial enterprise is operated from the site, in the form of buying, repairing, refurbishing and selling second-hand farm machinery.
- Proposed development is 6m from the boundary with Little Henrhiw; and
- Another building will encourage further expansion of a non-farming enterprise and turn the site into a business park.
- The application site has been occupied for most of this year (2020) by large agricultural machinery of the type being sold. There is very little evidence of agricultural/ farm use

5.3 Local Member Representations

Ward Member, Cllr V Smith, was notified of the application on the 4th June 2020. No objections or representations have been received.

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

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

6.0 EVALUATION

6.1 Principle of Development

The site is positioned on the eastern boundary of a wider agricultural holding, in an area of open countryside within the community of Llanbadoc. There is a general presumption against development in the open countryside unless the proposal accords with national planning policy or specific policies in the LDP.

In respect of this proposal, Policy LC1 of the LDP permits new built development in the open countryside if it is compliant with subject policies in the plan and meets the criteria identified in policy LC1. The specific relevant policy in this case is RE4 which supports new agricultural buildings.

Policy RE4 of the LDP allows new agricultural buildings providing they are reasonably required for agriculture and have adequate provision for foul and surface water disposal.

Based on the information submitted, the building is required for the purposes of agriculture to house sheep. The applicant currently has a flock of approximately 135 Dorset ewes and intends to increase the number of breeding ewes to 350 over the next 3 years. Although there are other

buildings on the yard, the roller shuttered door building is not suitable for the accommodation of livestock due to layout and reduced ventilation, air movement and circulation. The agent has advised that despite being used at the current time, the existing open fronted building to the south-west of the current proposal is too small for long term use by the intended flock size and is needed for the storage of existing implements and machinery.

Regulation 4(1) of the Welfare of Farmed Animals (Wales) Regulations 2007 (S.I. No. 3070. (W.264)) states that a person responsible for a farmed animal must take all reasonable steps to ensure that the conditions which it is bred or kept comply with Schedule 1 of the regulations.

Regulation 4(2) of the above states:-

- in deciding whether the conditions under which animals are being bred or kept comply with the requirements set out in Schedule 1, a person responsible for a farmed animal must have regard to their species, degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with good practice and scientific knowledge.

In accordance with the above, the Welsh Government Code of Practice for the Welfare of Livestock: Sheep, March 2010, encourages all those who care for farm animals to adopt the highest standards of husbandry. Freedom from discomfort through the provision of an appropriate environment including shelter and a comfortable resting area, is one of the 'Five Freedoms' defined and elaborated by the Farm Animal Welfare Council. These form a basis for the assessment of welfare within any system together with the actions necessary to safeguard welfare within the constraints of an efficient livestock industry. The number and type of sheep kept and the stocking rate and/or housing density should depend on the suitability of the environment, the capacity of the farm, the competence of the shepherd and the time available to carry out his or her duties.

Schedule 1, paragraph 4 of the Welfare of Farmed Animals (Wales) Regulations 2007 (S.I. 2007 No. 3070 (W.264)), states that, where any animals (other than poultry), are kept in a building:-
- they shall be kept on, or have access at all times to, a lying area which either has well-maintained dry bedding or is well-drained. Schedule 1, paragraph 9 states: the freedom of movement of animals, having regard to their species and in accordance with good practice and scientific knowledge, must not be restricted in such a way as to cause them unnecessary suffering or injury.

It is recognised that the winter housing and indoor lambing of sheep can improve welfare subject to adequate ventilation, sufficient trough space and lying area being provided. The space allowance and group size for housed sheep should be determined according to age, size and class of livestock. The following examples of good practice are given within the WG code of practice:

Category of Sheep relative to Space allowance

- a) Lowland ewes (60 - 90 kg liveweight) - 1.2 - 1.4 m² floor space per ewe during pregnancy.
- b) Lowland ewes after lambing with lambs at foot up to 6 weeks of age 2.0 - 2.2 m² floor space per ewe and lambs.
- e) Lambs up to 12 weeks old - 0.5 - 0.6 m² floor space per lamb.
- f) Lambs and sheep 12 weeks to 12 months old - 0.75 - 0.9 m² floor space per lamb/sheep.

Where possible pregnant ewes should be kept in groups of less than 50 to allow for better individual recognition and attention at lambing time.

In accordance with the information provided by various Dorset Breeding Clubs, the Dorset is considered to be a versatile breed able to adjust to a wide range of conditions i.e. hill ground or lowland, with an average weight of 68-91 kg (150-200lbs).

The following information has been provided by the agent:

"The proposed building measures 54.9m x 12.1m (664m²) which would provide sheep housing and storage for hay and straw bedding. This enables the bales to be easily collected from the

storage area within a single building during the busy lambing period – which is particularly useful if it is snowing or during the night.

Recommended space requirements for a large ewe and lambs up to 6 weeks old are 2.2m² of floor space per ewe plus 0.4m²/ewe for a separate creep area for lambs which would be housed during the winter period – equating to a space requirement of 2.6m²/ewe.

Following lambing in communal pens, the ewe and her lamb(s) would be taken to individual mothering up pens for the ewe to form a strong maternal bond. This would require an area of 2m² per ewe. In a flock of this size it would not be unusual for 25-30 ewes to lamb in a single day. Therefore, the pens account for another 60m² of floor area.

Thus, the building would provide space for:
Lambing area - 175 ewes x 2.6 = 455m²
Mothering up - 30 ewes x 2.0 = 60m²
Storage of bedding/ straw and hay = 150m²

If some of the flock drifted over from the previous lambing period because they did not conceive, or if the flock increased in size, the building would be able to accommodate them through flexibility of use and design."

The agent has advised that the lack of accommodation has resulted in a higher level of lamb mortality during the latest lambing period.

Although relatively large, the building proposed is considered functional and utilitarian in form and is designed to meet the current and anticipated needs of the holding. It is also considered that the further investment in infrastructure is representative of the applicant's intention to grow the agricultural enterprise. There is no evidence to suggest that the proposed building would be used for anything other than agriculture.

The Local Lead Flood Authority (hereafter referred to as the LLFA) has commented on the application and advised that the site is in an area of surface water flooding. A condition is therefore required to manage surface water. There will be no foul drainage associated with the proposals.

It is therefore concluded, that subject to condition, the proposal accords with LDP Policy RE4.

Other requirements of Policy LC1

Policy LC1 is a criteria-based policy and the requirements are considered in more detail below.

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;

The building would be positioned on the south-eastern edge of an existing yard area, adjacent to other farm buildings. The other farm buildings are approximately 6.2m in height and the proposed building would be 6.72m. The limited difference in height and similar appearance with the existing buildings would ensure the proposed building would read in the landscape as a natural addition to the farmyard, assimilating with the existing landscape and would meet criteria a) and b) of Policy LC1.

c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; d) the development will have no unacceptable adverse impact on landscape, historic/cultural or geological heritage, biodiversity or local amenity value

The proposed building is designed for an agricultural purpose and has a typical form of building of this nature found in a rural context. Although the building would have a larger footprint than the others on site it would be similar in height (as discussed above). Given its close positioning to the

existing buildings and access to the site, it is considered that the scale and bulk of the building would not appear incongruous and would respect the surrounding countryside setting.

Given the design, form and position of the building relative to the existing yard and building in association with landscaping measures proposed and the rising topography of the applicant's land holding to the south-west, it is considered the proposed building will not have an unacceptable impact on the landscape, historic/ cultural or geological heritage of the wider area

The building would be located on the south-eastern edge of the hard-surfaced yard area. As a result of the existing approved developments the specific site of the proposed building has limited biodiversity value although this will be discussed further below.

Impact on local amenity is discussed in more detail below under the sub-heading 'residential amenity'.

Considering the development in the context of Policy LC1 together with Policy RE4, it is concluded the principle of development is satisfied. Other material considerations which require assessment are detailed below.

6.2 Design and Visual Impact

The building will be a steel portal framed, pitched roof building with a floor area of 669m². Externally the elevations and roof would be finished with olive coloured plastic-coated sheets. The north-western elevation would be open fronted with the exception of installation of 'Gale Breaker' material during lambing. It is considered that the development proposed would appear agricultural in form and appearance and would be in keeping with the yard setting.

The proposed building would be sited so the width would be parallel to the site boundary with the smaller gable elevation visible from the A472 to the north-east of the site.

The Council's Landscape Officer raised a holding objection based on a lack of a sufficient landscaping plan. The applicant subsequently submitted an additional landscaping plan showing the provision of five trees and a hawthorn/hazel hedgerow to be planted along the bank of the watercourse to the north-east of the development, either side of the existing vehicular access. Although the Officer remains concerned regarding the lack of detail and has suggested a number of conditions, the landscaping would offer screening to the building and wider yard area when viewed from the A472. Given the site is an existing agricultural holding and yard and has no existing landscaping, the proposed planting is considered acceptable and would offer screening to soften the appearance of the existing and proposed developments. Having reviewed the location of the planting, the LLFA have raised no concerns with regards to its proximity to the watercourse.

Although the proposed building is large, it is considered that its siting on the lowest part of the land holding, adjacent to existing buildings and the highway and the provision of additional landscaping to screen the proposal will prevent the building from having such a detrimental impact on the character and appearance of the area to warrant refusal of the application.

Subject to conditions, it is considered that the application complies with LDP policies DES1 and RE4.

6.3 Residential Amenity

The building will be located on an established yard and introduce a large building which has capacity to house up to 350 sheep. The yard is already in an agricultural use. Although the existing buildings were approved for storage purposes, subsection A.2(1)(a) of Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 does allow the existing structures to be used for the accommodation of livestock in exceptional circumstances (i.e. quarantine; an emergency arising from the damage or loss of buildings from fire, flood or storm; for the accommodation of sick or newly born animals or for shelter against extreme weather). The proposed development would introduce a purpose built livestock building that could be used for

the accommodation of livestock for a longer period than that approved by A.2(1)(a), which in turn could generate noise and odour issues for adjacent residential properties.

The nearest neighbours are Little Henrhiw and Lisvane. These properties are located approximately 85m and 115m away, respectively. The residential curtilage of Little Henrhiw is approximately 25m from the building, separated by the access road into the BAE Systems base.

The agent has advised that the sheep will be bed on straw which will be replenished approximately twice per week. This is to prevent odour and to prevent infections which could adversely affect the ewes and lambs. Given the building would be covered and subject to appropriate management, it is considered that the odour generation is likely to be limited. Furthermore, given the rural context of the site the odour associated with the building is unlikely to be perceptible to the nearby neighbours, especially given the separation distance.

In terms of noise, the open side of the building will face into the yard and the elevation closest to the site boundary adjacent the nearby dwellings would be solid. It is considered that the orientation of the building and appropriate management in terms of feeding would assist with reducing noise levels. Given the existing ambient noise levels arising from the A472, the intermittent use of the building for lambing and weather protection, the separation distances that would be maintained with the adjacent dwellings and the rural context of the site, it is considered the noise levels associated with the proposed use would be not be harmful to an extent which would warrant refusal of the application.

The Environmental Health Officer had raised concerns regarding the noise level but does not consider their concerns substantiate a reason for an objection.

Following consultation, an objector has identified that they have no objection to the use of the buildings for storage or sheep. Their objections with regards to noise are in relation to that generated by the use of the existing buildings for the repair, refurbishment and subsequent sales of agricultural kit and machinery. In response the Agent has advised that whilst the applicant was previously operating a machinery sales business from the site, this enterprise has now been relocated. The use of the existing buildings for anything other than agriculture could be the subject of enforcement action. In line with the interpretation of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, if within 10 years of the date of approval the agricultural use of the existing buildings permanently ceases and an alternative use is not granted by the Local Planning Authority, the buildings must be removed and the land restored to its original condition.

To conclude it is acknowledged there may be an impact in terms of odour and noise arising from the use of the building. However, it is considered that the impact would not be of a level so out of keeping with the rural setting or harmful to residential amenity to warrant refusal of the application. It is therefore considered that the proposal accords with the relevant criteria of policies RE5 and EP1.

6.4 Biodiversity

The building would be located on the south-eastern edge of the hard-surfaced yard.

Following consultation Natural Resources Wales (NRW) have raised concerns regarding the application but have advised that the application could be approved subject to the imposition of a Construction Environmental Management Plan (CEMP) condition.

Following consultation the Council's Ecologist has advised that the site is within the buffer of the River Usk SAC and will need to be the subject of a Habitats Regulation Assessment (HRA). Following review of additional information in relation to Ecology, the Officer has raised no objection to the application subject to conditions and the application being reviewed as part of the Habitats Regulation Assessment (HRA). This process was initiated 19 January 2021 with a subsequent NRW response received on the 2nd February 2021, stating:

“We have reviewed the HRA Screening Matrix & Appropriate Assessment, prepared by your Authority in respect of the above application. We are satisfied with the conclusions of the Appropriate Assessment and believe the conditions identified are appropriate to avoid adverse effects on the River Usk Special Area of Conservation (SAC). However, we recommend the following reason be added to the Landscape Plan Section (page 14) to include: “REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan, to contribute towards biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LPD policy NE1 and the integrity of the River Usk SAC.” Matters with regards to the phosphate implications on the SAC are discussed below.

Although some new areas of landscaping are proposed to the north-east of the development, details with regard to biodiversity net gain have not been submitted in support of the application. These could however be secured by condition. The Council’s Landscape/ Urban Design Officer has also identified that additional details with regards to the landscaping will need to be sought by condition.

Subject to conditions to secure sufficient and appropriate compensation, mitigation and biodiversity net gain, the provision of additional information with regards to landscape, the imposition of a CEMP condition and the successful completion of the HRA process, the application is considered compliant with LDP policies S13 and NE1.

6.5 Highway Safety

The yard and wider holding already benefits from an existing vehicular access which would not be altered by this proposal. It is considered that the introduction of an additional building on the site would not significantly increase the use of the access beyond how it could currently be used. Following consultation, the Highways Department has raised no objection to the application. Given the existing access and on-site parking and turning provision, the application is considered compliant with LDP Policy MV1.

6.6 Water (including foul drainage / SuDS), Air, Soundscape & Light

The LLFA has assessed the proposals and confirmed the site lies in an area affected by surface water flooding.

In response the Agent has provided the following response:

“The hardcore yard does not allow immediate run-off from the surface as it is permeable. There is no potential for run-off into the ditch to the east of the site because there is a slight gradient away from the ditch towards the north-west and so any surface water during sustained heavy rainfall events would eventually flow into the field where it percolates into the soil. There would be no vector for run-off from the hardstanding area into the ditch.

The proposal does not involve any discharge of roof water to the ground or neighbouring watercourses and so does not present any increase in flood risk. (It is proposed that) the roof water will be captured and used to replace mains drinking water for the sheep flock. A proposed rainwater harvesting system will remove a significant load of water ultimately accessing the watercourses during heavy rainfall periods, thereby reducing flood risk further downstream or impacting upon water quality due to run-off.

The water harvesting system will be buried and so will not visually impact on the surrounding area or be susceptible to impact damage by vehicles or animals. This will enable the rainwater to be contained as close to the source of the run-off as possible – the tank which will be sited underneath the building upon which the rain falls.

The storage system, which will harvest the entire roof run-off, will be stored in a 20,000 litre tank buried underneath the shed. The water will be pumped on demand to a series of livestock water troughs both within the building and strategically sited around the farm. A maintenance program will be provided by the supplier of the rainwater harvesting system detailing the management and

maintenance requirements of the system to ensure that it functions efficiently for an extended period of time.

The average annual rainfall for Usk is 878mm which would theoretically generate 587,000 litres of run-off from the roof. However, due to evaporation not all of this would progress to the gutters and water harvesting system. In practical terms this is likely to result in some 550,000 litres of harvested roof water. Ewes with lambs will consume far more water than those not lactating. Larger breeds and those lambing more frequently or with multiple lambs will drink more water. On average ewes will drink 6.3 litres of water/head/day. This will result in a water requirement for the 350-ewe flock of some 805,000 litres. The water harvesting system will provide approximately 75% of the flock's water requirements, thus saving on mains water costs and reducing the demand on the DCWW water treatment plants."

Irrespective of the above, it is necessary to ensure the proposed development will not exacerbate this existing issue and that surface water resulting from the proposed building will be appropriately managed. As a result the LLFA have requested a pre-commencement planning condition is imposed requiring the surface water management plan to be agreed. Given the existing issues on site, it is necessary and reasonable to impose this condition. Subject to the imposition of the condition the application is considered compliant with LDP Policy SD3.

The SAB team have confirmed that SuDS approval will be required. An informative relating to such matters could be added to any grant of consent.

In light of recent planning guidance issued by NRW, it has been determined that the application site is located within a phosphate sensitive area, being within the catchment of the river Usk, Special Area of Conservation (SAC). Although no formal foul water connection or disposal system is required, it is considered that the development would involve the storage, management and spreading of organic material within the catchment of the river SAC and as a result has the potential to contribute towards the level of phosphates entering the SAC.

As part of the HRA the Council's Ecologist has provided the following information:

The site is within 250m of the River Usk Special Area of Conservation (SAC). There is a watercourse within the proposed development site that feeds into the SAC downstream, which is a pathway for potential adverse impacts on water quality on the SAC.

There is potential that pollution/siltation through site runoff into the on-site watercourse could occur, this stream feeds into the SAC downstream via the Berthin Brook.

Pollution and pH changes caused by run off from the construction of the building and the associated water storage tank (under the building) surface path could create localised unfavourable conditions for migratory and non-migratory fish and Callitricho-Batrachion vegetation

Change in water chemistry (including pollution, nutrient enrichment and pH changes) have been identified as a hazard potential to cause significant impacts on interest features of the SAC. In mitigation, it is recommended that conditions be imposed on any grant of consent requiring the developer to submit a Construction Environmental Management Plan with specific information submitted with regards to:

- General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use; and,
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;

Following review of the Ecologist's Habitats Regulation Assessments and Appropriate Assessment with regards to specific matters, and the submission of additional information from the Agent which includes a 'Spreading Risk Map', Natural Resources Wales have raised no objection to the application noting: "Any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. If manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC."

The applicants have since submitted manure management and foul water information, and while this has now all been approved by NRW, the Council's ecologist has completed a revised HRA based on the latest information and NRW's response is awaited.

Subject to the imposition of a construction management plan condition, an informative regarding manure management, and receiving a positive response in relation to the revised HRA from NRW, the application is considered compliant with LDP policies S13, EP5 and NE1

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

The community council and residents' comments are addressed in turn below.

The building is not reasonably required for agriculture (Community Council)

The applicant has advised the building is required for housing of sheep and occasional use for agricultural storage. The building is agricultural in form and appearance with open side and typically used for agricultural purposes. There is no evidence to suggest the application will not be used for agriculture and the proposal is considered to accord with Policy RE4. A thorough analysis of the why the size and layout of the building is needed has been provided by the planning agent.

The plans do not accurately depict adjacent properties;

The plans provided show the site on an OS map to enable the Local Planning Authority (hereafter referred to as LPA) to accurately ascertain the site location. The purpose of the plan is not to direct the LPA to properties in the vicinity. It is LPA's role to consider properties impacted by the development and the most likely affected properties have been considered in this report.

The proposed building will be within 10m of a watercourse;

The Site is within approximately 10m of a watercourse. The forms are incorrect; however, the LPA is aware and has considered the proposal based on the actual distance of the building from the watercourse.

Adverse noise impact

The impact in terms of noise has been assessed above. It is acknowledged there will be an impact, however it would not be so detrimental to warrant refusal of the application.

The neighbour's comments regarding industrial type noise emanating from the site are noted. The Agent has advised that a former agricultural equipment renovation and sales enterprise has now been relocated and has departed from the site. Use of the building for such a use would be a breach of planning control and could be the subject to future enforcement action

The proposed development is 6m from the Boundary with Little Henrhiw

The boundary of the application site measured to edge of what appears to be the residential curtilage of Little Henrhiw measures approximately 25m. It is not considered the building will be within 6m of the boundary of Little Henrhiw.

There is currently a dwelling on site.

It is acknowledged that there is a caravan on site. This is currently housed within the part of the open fronted building and is subject of an ongoing planning application for its retention and relocation.

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

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

6.9 Conclusion

It is acknowledged that the building as proposed is relatively large and would provide a further structure on the site of a relatively new agricultural enterprise. However, it is considered that the proposal would provide dedicated animal housing and represents the applicant's commitment and investment in growing the flock and enterprise as a whole. On balance, it is considered that the development would not have a detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site or on the highway safety and free flow of traffic. Although concerns have been raised with regards to the impact of the development on the ecological and biodiversity value of the area, the site does form part of the applicant's active yard and wider enterprise. Subject to the imposition of conditions with regards to the biodiversity compensation, mitigation and net gain it is considered that the application is compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 No development shall begin on site until the LPA has approved in writing the surface water drainage system. The system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if the surface water system exceeds and show that these overland flows do not increase flood risk to any property on or off the development site. The agreed surface water drainage system shall be retained in perpetuity.

REASON: To ensure adequate protection and mitigation measures are included as part of the proposal to prevent additional surface water run-off which would lead to increased risk of flooding as required by Policy SD3.

4 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Construction methods: details of materials, how waste generated will be managed;
- j) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- k) Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use,
- l) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- m) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the River Usk SAC.

5 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate net benefit for biodiversity with enhanced connectivity to brook corridor and the boundaries of the site. Details shall include:

- Detailed scaled plans, showing existing and proposed levels of the proposed structure and relationship with SuDS.
- Soft landscape details to scale shall include: means of protection, planting plan, specifications including cultivation and other operations associated with planting establishment of new trees and any mitigation for loss of grassland.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan, to contribute towards biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LPD policy NE1 and the integrity of the River Usk SAC.

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

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, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure S13, LC5, DES1, and G11 and NE1.

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die,

are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features, incompliance with LDP policies LC1, LC5, G11, NE1 and DES1.

8 Within 3 months of the commencement of development, details of the grassland management proposals for the 1.1ha field parcel as identified in figure 3 of the letter provided by Ieuan Williams of Reading Agricultural Consultants dated 30th October 2020 shall be submitted to the LPA for approval in writing and thereafter implemented.

The plan shall include:

- a) Description and evaluation of ecological assets to be managed. (grassland)
- b) Trends and constraints on site that might influence management.
- c) Aims and objectives of management. (e.g. to enhance diversity and improve quality)
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule
- g) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning ecological objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1.

INFORMATIVES

1 The applicant may wish to engage the Monmouthshire Meadows Group to assist them with the restoration of the area identified to provide Biodiversity Net Benefit.

<https://monmouthshiremeadows.org.uk/>

2 Any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales.

Application Number: DM/2021/00724

Proposal: Proposed new build detached dwelling to side of No. 2 Ifton Road

Address: Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS

Applicant: Mr Royston Downing

Plans: All Proposed Plans 20-200 - , Site Plan 90-101 - , Block Plan 90-202 - ,

RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT

Case Officer: Mrs Helen Hinton
Date Valid: 27.04.2021

This application is presented to Planning Committee following the consideration by the Delegated Panel and the recommendation to defer to Planning Committee.

The application was originally presented to Delegated Panel following receipt of public and Community Council objections.

1.0 APPLICATION DETAILS

1.1 Site Description

The application site forms part of the residential curtilage that adjoins the southern (side) elevation of Ty Newydd, 2 Ifton Road, Rogiet. The host property is a detached, two storey dwelling finished externally with rendered elevations with timber/ uPVC panel inserts at first floor level, white uPVC windows and doors and tile clad roof. Off street parking is provided on a driveway adjacent to the western (front) elevation of an extension that adjoins the northern (side) elevation, approved under M07949 in 2003. The boundaries of the site are defined by a combination of block walls and timber fences supplemented by landscaping. The property is level with the dwellings that surround the site.

The host dwelling is positioned within an established residential area on the eastern side of Ifton Road, approximately 30m to the south of its junction with Caldicot Road (B4245). The area demonstrates a variety of property types set in plots of varying size. The site as a whole is located within the development boundary of Rogiet as identified by the proposals map of the Monmouthshire Local Development Plan and is outside of the defined phosphate sensitive area.

1.2 Proposal Description

The application seeks full planning permission for the development of a detached, two storey, two-bedroom dwelling to the south of Ty Newydd.

The proposed dwelling would measure approximately 5.7m wide, 8m deep with a hipped roof with a maximum height of 7m falling to 5.25m at eaves level. Externally the dwelling would be finished with rendered elevations, a concrete tiled roof, with uPVC and aluminium framed windows and composite doors. A small array of solar panels would be installed on the southern roof plane. Two parking spaces would be provided to the west (front) of the dwelling with a 6m wide, 5m deep area of amenity space provided to the east (rear). A 0.45m-0.63m gap would be maintained between the northern and southern boundaries of the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00724	Proposed new build detached dwelling to side of No. 2 Ifton Road	Pending Determination	
DC/1982/01162	Demolish Garage & Rebuild APP_TYP 01 = Full DEV_TYP 06 = Garage MAP_REF = 346264188019	Approved	27.01.1983
M07949	2 Storey Extension Directly Over Existing Garage.	Approved	23.01.2003
DC/1982/00415	C/U To Hairdressing Salon APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188019	Approved	14.07.1982
DC/1984/00391	C/U Into Two Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 342650188020	Approved	14.06.1984
DC/1974/00423	C/U To 2 Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346270188020	Approved	14.05.1975
DC/1980/00999	C/U For Motor Vehicle Repair APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188027	Refused	12.11.1980
DC/1989/01183	Change Of Use From Hairdressing Salon To Single Bed Studio Flat.	Refused	08.12.1989
DC/1990/00695	Change Of Use From Hairdressing Salon To Video Shop.	Refused	06.08.1990
DC/1990/00052	Non-illuminated Sign.		09.07.1990
DC/1990/00048	To Use Existing Front Room Ground Floor As A Video Shop.	Refused	03.05.1990

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD1 LDP Renewable Energy
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Affordable Housing SPG July 2019:
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:
<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Renewable Energy and Energy Efficiency SPG March 2016:
<http://www.monmouthshire.gov.uk/renewable-energy-energy-efficiency-supplementary-planning-guidance>

Monmouthshire Parking Standards (January 2013)
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and

cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

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

Technical Advice Notes

Technical Advice Note (TAN) 24- The Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Rogiet Community Council – Raise an objection:

* The plot is very narrow. The proposed dwelling would sit very close to the neighbouring properties, causing problems with maintenance in future.

* The junction of Ifton Road (one way off Caldicot Road) with Caldicot Road has poor visibility and is narrow. A further dwelling within such close proximity, and the additional traffic generated would exacerbate highway safety issues

* Neighbour objections regarding sewer access from the proposed property are noted.

MCC Highways – No objection.

Dwr Cymru/ Welsh Water – SAB consent will be required for the disposal of surface water generated. Conditions recommended with regards to surface water disposal and advisory notes provided with regards to the application process for connecting to the sewer system.

Glamorgan Gwent Archaeological Trust – No archaeological objection to the positive determination of this application.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Two letters of representation have been received and are summarised as follows:

Concerns regarding another property using pre -937 sewerage drains. The system has caused us problems in the past. When Ifton Road was built, the sewerage was put in place but since then some of the properties have been converted into flats with more families using outdated pipework. Care must be taken so that the development does not impact on us and our neighbours in the future.

The development will generate increased overlooking, loss of privacy and encroachment on our home and garden because of an increased number of windows in the rear elevation.

An additional dwelling will generate increased noise and disturbance.

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

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

6.0 EVALUATION

6.1 Principle of Development

The plot is located within the Development boundary of Rogiet as identified by the proposals map of the LDP. Policies S1 and H1 presume in favour of new residential development in such Severnside settlement locations, subject to detailed planning considerations. Ifton Road is within walking distance of shops, a primary school, public transport and other local facilities. As such it is considered that this is a sustainable location for a new dwelling and accords with the LDP strategy for new housing development to be concentrated in existing towns. The principle of a new residential dwelling in this location is therefore acceptable in policy terms.

6.2 Sustainability

6.2.1 Good Design, Placemaking and Landscape

The application site forms part of the wider Rogiet settlement with Ifton Road and the wider area containing a variety of property types and designs. It is considered that the proposed dwelling has been designed to be in keeping with the architectural style and character of the surrounding properties. It is of a similar height, scale and layout and would make use of external materials in keeping with the host property and wider area.

Although the provision of the proposed front facing gable and ridge line that runs east to west, rather than being parallel to Ifton Road, would be different to the majority of dwellings in the wider area, front facing gables features are evident in the wider street scene. Being mindful of the scale of development, it is considered that the variation in design would not be so out of keeping to have a significant adverse impact that would warrant refusal of the application.

Although concerns were initially raised about potential overdevelopment of the plot, a concern that has been echoed by the Community Council in relation to the limited maintenance gaps around the property, it is noted that there are a variety of properties, plot sizes and densities evident in the street scene. Although tight, given the urban context it is considered that sufficient areas of amenity space would be retained to the front and rear of the dwelling to help off-set the proposal and the density indicated would not be so detrimental to warrant refusal of the application. Whilst it is acknowledged that the gap between the development and adjacent dwellings is modest, the practical implications of maintaining the proposed dwelling are not a material consideration.

On the basis of the above, it is considered that the design, size, scale, position of the proposed dwelling and the density of development evident in the area makes the development acceptable in design terms and compliant with the requirements of LDP policies S13, S17, EP1 and DES1.

6.2.2 Green Infrastructure and Biodiversity

The site the subject of the application forms part of the residential curtilage of Ty Newydd. Although the works would result in the loss of some areas of ornamental planting, the works would not have a significantly detrimental impact on the green infrastructure value or provision within the area.

Given the existing maintained, managed status of the land, its close positioning to the existing dwelling and the lack of connection to the dwelling, it is considered that the development would not have a detrimental impact on the ecological value of the site or wider area. No ecological surveys have been sought or submitted as part of the application.

In line with Welsh Government guidance, each application for planning permission, irrespective of scale, must now provide ecological mitigation and enhancement. Although these details have not been indicated as part of the application, it is considered that the provision could be adequately secured by condition.

Subject to the provision of such conditions, the application is considered compliant with LDP policies S13, GI1 and NE1.

6.3 Historic Environment

The application site is located within an Archaeologically Sensitive Area of the Levels. Following consultation, Glamorgan Gwent Archaeological Trust (GGAT) have identified that the application site will have already been disturbed from the residential development of the area, associated services, landscaping and subsequent extension to the property. It is also noted that archaeological mitigation was not required for other properties within the immediate area for similar developments, and no archaeological deposits were recovered or noted from these. It is therefore, considered that the ground has already been extensively disturbed from previous development and due to the current information within the Historic Environment Record, it is unlikely that archaeological remains will be encountered during the proposed development. As a result, it is considered unlikely that there is an archaeological restraint to this proposed development and GGAT have no archaeological objection to the positive determination of this application.

Based on the consultation response received, the application is considered compliant with TAN 24.

6.4 Impact on Amenity

As a result of its position within an established residential area, there are existing residential properties on all sides of the site.

Guidance provided within the Infill Supplementary Planning Guidance indicates that a distance of 21m should be maintained between directly facing habitable room windows with a distance of 10m maintained between first floor rear windows and the side boundary with neighbouring properties.

Based on the plans submitted, the development would maintain a minimum distance of 21m with windows in the dwellings to the west (front) of the site. However a distance of 5m would be maintained between the eastern (rear) elevation and the residential curtilage boundary of the property to the rear. This is the same distance maintained by the existing dwelling to the same boundary. The host dwelling already benefits from a number of windows in the eastern (rear) elevation that overlook the neighbour's property. Concerns with regards to increased overlooking and loss of privacy to the dwelling and amenity space have been raised by the neighbour.

The plans submitted detail that the eastern (rear) elevation of the proposed dwelling would contain a set of bi-fold doors at ground floor level and two windows at first floor level, one serving a bathroom (so obscure glazed) and one serving a bedroom. It would be possible for the applicant to provide a 2m fence along the eastern boundary to reduce opportunities for overlooking from the ground floor windows. This would not however prevent an impact from the first floor windows.

Given the limited size of the plot, the provision of a further dwelling on site with windows in the rear elevation, would generate increased overlooking. However, it must be acknowledged that because of the urban context and the density of development, the neighbour's garden and property is already overlooked to some degree by at least two other dwellings. The applicant however, has agreed to make alterations to feature a high level bedroom window with a roof light to avoid any direct overlooking of the neighbour's attractive amenity area.

An amended plan showing this change will be presented to Members at the meeting.

Further concerns have also been raised with regards to increased noise and nuisance generation. Given the use and scale of the development proposed, it is considered that the any noise generated would be domestic in nature and would not be so significant to warrant refusal of the application.

The proposed dwelling would be positioned directly in front of windows and doors serving the single storey dwelling to the south. The existing windows in the northern elevation of the adjacent property are already screened by an overhanging roof and the boundary fence of the application site, which extends up to the eaves of the building. Additional windows and roof lights are provided in other elevations and the southern roof plane of the property. As a result of the existing arrangement, it is considered that the development would not have an increased detrimental impact on the amenity of that dwelling. Following direct neighbour notification, no response has been received from the occupiers of the property.

Based on the above, whilst it is acknowledged that the development would generate increased overlooking it is considered that the additional impact generated would not be so detrimental to warrant refusal of the application or to sustain an appeal. The proposal is therefore considered compliant with LDP policies S13, S17 EP1 and DES1.

6.5 Highways

6.5.1 Sustainable Transport Hierarchy

This plot is located within the established residential area of Rogiet. It is approximately 400 metres from a primary school, community facilities and shops. The wider area benefits from a frequent bus service which links to Chepstow bus and train stations. The site is therefore considered to be a sustainable location for new housing development.

6.5.2 Access / Highway Safety/ Parking

The site layout plan submitted indicates that the dwelling would benefit from a driveway to the west capable of accommodating two off street parking spaces. The existing provision for the original dwelling would remain unaffected. The adopted MCC Parking Guideline requires that one car parking space be provided for each bedroom up to a maximum provision of three spaces. Given the proposal is for a two bed dwelling the proposal accords with the adopted standards.

As part of their response, the Community Council have raised concerns with regards to highway safety noting that Ifton Road is narrow with limited visibility and the site is in close proximity to the junction with Caldicot Road.

At the time of inspection, it was noted that Ifton Road is one way as it passes the site, with traffic entering from Caldicot Road. The provision of a gated driveway serving 3 Ifton Road, opposite the application site prevents on street parking in this location. Whilst it is acknowledged that the highway is narrow, with on street parking to the south reducing visibility, it is considered that the limited width helps reduce traffic speeds past the site.

Following consultation the Council's Highways Engineer has raised no objection to the proposal noting:

"The proposed number of car parking spaces for the new dwelling accords with the Council's supplementary parking guidance, the depth and width of the parking spaces accord with current guidelines.

The highway authority offers no objection to the proposal, the means of access is considered acceptable and the need to reverse in or out of the parking forecourt can be accommodated on the adjacent highway."

Whilst the development of a further dwelling would increase the number of vehicle movements through the junction with Caldicot Road and along Ifton Road, given the scale of the development it

is considered that the number of movements generated and the driveway's position 30m to the south of the junction would not be so detrimental to the highway safety and free flow of traffic on the wider highway network to warrant refusal of the application.

Based on the above, the application is considered to comply with the requirements of LDP policies S16 and MV1 of the LDP.

6.6 Affordable Housing

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution to this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for a dwelling of the size indicated would be £3,434.65 that would be secured through a section 106 legal agreement.

The applicant has confirmed that they would be willing to enter into an agreement to provide the sum.

The proposal is therefore considered compliant with LDP Policy S4.

6.7 Drainage

6.7.1 Foul and surface water drainage

The site is located outside of any designated Phosphate Sensitive Area (PSA). As result there is potential for the applicant to connect to the public sewerage system, subject to appropriate consents being granted by Dwr Cymru/Welsh Water.

A member of the public has raised concerns regarding the capacity of the existing sewerage system to accommodate the development and has requested that consideration be given to an alternative form of foul water disposal. As part of their consultation response, Dwr Cymru/ Welsh Water have not identified that there is an issue with regards to capacity in the system. As the area is served by a public sewerage system and is outside of a PSA, Natural Resources Wales will not support the provision of a private treatment plant on site. Such provision is also unlikely to achieve building regulations approval because of its likely proximity to other dwellings and buildings.

As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) approval independently of the planning application.

Although Dwr Cymru/ Welsh Water have requested that a condition be imposed that prevents surface water from the development from entering into the public system, this may be in breach of the SuDS application. As such matters are more appropriately dealt with by other legislation beyond planning control, the condition is not supported in this instance.

On the basis of the above, the application is considered compliant with LDP policies S12, S13, SD4 and EP5.

6.8 Planning Obligations

The provision of a commuted sum of £3,434.65 to be used for the development of affordable housing within the area.

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

Following consultation, Rogiet Community Council have raised an objection to the application based on overdevelopment, highway safety and concerns with regards to capacity within the sewerage system to accommodate the development.

Following direct neighbour notification and the erection of a site notice 2 representations have been received which raise concerns with regards to the capacity of the sewerage system and impacts of the development on the amenity arising from increased overlooking and noise generation/disturbance.

These matters have been addressed in the preceding sections.

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

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

6.11 Conclusion

It is considered that the proposed dwelling is of a form, scale and design appropriate for the site and the development would not have an adverse impact on the character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic. Subject to the imposition of conditions to secure details with regards to ecological mitigation, the application is considered compliant with the policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 agreement to provide a commuted sum to be used for the development of affordable housing within the County.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A commuted sum of £3,434.65 to be used for the development of affordable housing within the area.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions or Reasons for Refusal:

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

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

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

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

3 Prior to the commencement of development details of biodiversity and ecological mitigation and enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site in compliance with LDP policy NE1.

4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In the interests of the character and appearance of the area and residential amenity, in compliance with LDP policies DES1 and EP1.

5 Before the approved development is first occupied the access and parking areas shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

6 Prior to installation details and samples of the proposed external finishes shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

INFORMATIVES

1 The applicant will need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/06/21

gan J Burston, BSc MA MRTPI AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/7/21

Appeal Decision

Site visit made on 29/06/21

by J Burston, BSc MA MRTPI AIPROW

an Inspector appointed by the Welsh Ministers

Date: 26/7/21

Appeal Ref: APP/E6840/A/21/3274383

Site address: Bushes Farm, Earlswood, NP16 6RH

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 grant of planning permission subject to conditions.
- The appeal is made by Mr Harry against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/00881 dated 6 July 2020, was approved on 5 March 2021 and planning permission was granted subject to conditions.
- The development permitted is *"Removal of condition 1 from planning consent 2314 (date of decision 01/09/1975): Occupation of the proposed bungalow shall be limited to a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or a dependant of such person residing with him."*
- The conditions in dispute is No 1 which states that:
"The occupancy of the dwelling shall be restricted to those:
 - a) solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;*
 - b) who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either a) and b);*
 - c) widows, widowers or civil partners of the above and any resident dependants."*
- The reason given for the condition is:
"To meet the needs of other rural enterprises or persons seeking affordable housing in the locality if it is no longer needed by the original rural enterprise in accordance with Technical Advice Note (TAN)6 Planning for Sustainable Rural Communities (2010)."

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission¹ was granted at the appeal site in 1975 for the construction of a bungalow. This permission was granted subject to a number of planning conditions, one of which was to restrict the occupancy of the bungalow to *"a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of*

¹ Planning permission reference 2314.

the Town and Country Planning Act 1971, or a dependant of such person residing with him”.

3. On the 6 July 2020 an application² was made to the Council to remove or vary the planning condition set out above under section 73 of the Town and Country Planning Act 1990 (the Act). The Council approved the planning application on 5 March 2021 by varying the aforementioned condition to reflect the model occupancy condition set out in Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN6).
4. This appeal seeks to remove condition¹ attached to planning permission DM/2020/00881. The removal of this condition would mean that the dwelling would become unencumbered and could be occupied by any persons.
5. The Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management (the Circular), establishes six tests to ensure the validity of planning conditions, namely: necessary; relevant to planning; relevant to the development permitted; enforceable; precise; and reasonable in all other respects. In this respect the Circular also states at paragraph 3.2 that *“In considering whether a particular condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition.”*
6. Accordingly, the main issue in this case is whether the disputed condition is reasonable and necessary, having regard to national planning policy concerning the provision of dwellings within the countryside.

Reasons

7. The appeal site comprises a bungalow, set in grounds amounting to some 0.25 acres. The dwelling lies within the settlement of Earlswood, however it is remote from other houses and is located in the open countryside for planning purposes.
8. The appellant has set out that the appeal property was essentially abandoned over 12 years ago and productive agricultural use of the land adjoining the bungalow ceased in 1989. Since this date there have been incremental sales of land parcels which were formerly connected to it. Moreover, some of the land neighbouring the site is designated as a SINC³ which limits the agricultural activities that can be conducted on it. Having been unoccupied for over 12 years the bungalow is now in a poor condition. Whilst the appellant has tried to undertake the repair work himself funding for it has not been viable given the occupancy condition.
9. Planning Policy Wales, edition 11 (PPW) establishes promoting and diversifying our rural economy as a key issue to ensure it is fit for the future and economically sustainable while ensuring that unnecessary development in the countryside is controlled. Moreover, PPW paragraph 4.2.37 states that *“In order to ensure that rural enterprise dwellings are retained for their intended purpose a condition restricting the occupancy of the property must be applied. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2: Planning and Affordable Housing, to ensure that the dwelling remains available to meet local affordable housing need should the original justification cease to exist.”*

² Planning Permission reference DM/2020/00881

³ Sites of Importance for Nature Conservation

10. The Practice Guidance⁴ accompanying TAN 6 states in paragraph 1.6 that “*the underlying objective of limiting sporadic development in the countryside remains unchanged, but the Welsh Government has recognised that there is a wider concern in respect of access to appropriate and affordable housing on the part of the rural community*”
11. From the evidence before me it would seem apparent that the original functional agricultural justification for the appeal property has ceased, and the SINC designation would further curtail rural enterprise activities. Nonetheless, the occupancy condition is aimed at ensuring that the dwelling is kept available to meet a need for such accommodation, not just in relation to the holding but in the locality.
12. It is accepted that the property has been marketed for an extensive period of time and a ‘for sale’ board was still in place at the time of my site visit. Nonetheless, only a short period of time has elapsed since the occupancy restriction was expanded to enable occupation by rural enterprises workers and those who met the Council’s affordable housing criteria. It may be the case that people who previously showed an interest in the property may now be eligible and, in my view, the length of time the property has been marketed under these new conditions is insufficient to demonstrate a lack of demand from rural enterprise workers or those that meet the affordability criteria. I accept that only a small number of offers were made, but this indicates some demand for properties of this type, and I do not consider it can be said that there is no demand or interest.
13. Moreover, the Council and the appellant provided an indication of the level of demand for rural workers dwellings. Whilst it is clear not all applications made are approved, I can see that a number were. This indicates to me that there is a level of demand and need for rural enterprise dwellings in the area.
14. It is apparent that the Council are always looking for affordable accommodation and would consider any options available to help meet wider housing need. The appellant has approached Affordable Housing Providers (AHP) prior to submitting the planning application⁵ and the responses were negative partly due to the funding of the necessary renovations and because of the restrictions placed on the original planning permission. I am unaware if any research has been undertaken following the revision of the condition in dispute. In this respect, the imposition of the revised occupancy condition would give AHP the comfort of a suitable planning permission. The appellant also claims that the renovation and purchasing costs of the property make it unsuitable for affordable housing when taking into account the Welsh Government’s ‘Acceptable Costs Guidance’. Nonetheless, the Guidance is also flexible in its approach where costs are justified in the light of local conditions and housing need.
15. I have taken into account the appellant’s assessment of whether or not the property is ‘affordable’, including the ability to meet lifetime home standards. However, I do not consider that sufficient market research has been undertaken to ascertain, whether there would be any interest in the appeal property from anyone who meets the terms of the disputed condition. Consequently, I am unable to determine that there is no need for the disputed condition to be retained to ensure that a sufficient mix of accommodation is available in the locality.

⁴ Practice Guidance Rural Enterprise Dwellings – Technical Advice Note 6 Planning for Sustainable Rural Communities, December 2011.

⁵ Planning Permission reference: DM/2020/00881

16. To my mind the disputed condition remains to have a useful functional purpose in providing rural enterprise worker accommodation in the locality or for their dependents or to those who would be eligible for affordable housing. Thus, the removal of Condition No 1 would be contrary to PPW and TAN 6, which emphasises the value of the existing stock of restricted dwellings in avoiding the need for further dwellings in the countryside.
17. I conclude on this main issue that it remains necessary to retain the condition. In the circumstances, the condition is fair and reasonable and meets the other tests prescribed for planning conditions.

Other matters

18. The appellant has made particular reference to an appeal⁶ where the Inspector allowed the lifting of occupancy restrictions. However, I have limited detail of this case and I am unable therefore to determine whether they are reasonable comparisons to the proposal before me here. Nevertheless, it seems to me that, whilst it may have been determined in the same national and local policy context, it took into account a Certificate of Existing use or Development. As such I can afford this example little weight and, in any event, I have determined this appeal on its own merits.
19. I have also read with interest a number of other appeal decisions⁷. However, these were in different Council areas to this case, thus taking into account alternative planning policy considerations. Furthermore, the Inspectors had to consider the individual circumstances of the case, as I have done here. As such I can afford these decisions little weight.
20. I also acknowledge the planning permissions referred to. Similarly, I have limited detail of these cases and I am unable therefore to determine whether they are reasonable comparisons to the proposal before me here and, in any event, I have determined this appeal on its own merits.

Conclusion

21. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Burston

INSPECTOR

⁶ Appeal decision APP/E6840/A/15/3124713

⁷ Appeal decisions: APP/D6820/A/13/2205356; APP/T6850/A/14/2229039; APP/Z6950/A/16/3161658; APP/M6825/A/16/3153602.