

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 3rd October, 2023 at 2.00 pm

PRESENT: County Councillor Phil Murphy (Chair)
County Councillor Dale Rooke (Vice Chair)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn,
Sara Burch, Jan Butler, John Crook, Tony Easson, Steven Garratt,
Meirion Howells, Jayne McKenna, Maureen Powell and Sue Riley

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Adam Foote	Senior Development Manager
Mark Davies	Highway Development Manager
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer
Anna Hawker	Trainee Solicitor

County Councillor Jan Butler left the meeting following determination of application DM/2023/01042 and did not return.

APOLOGIES:

County Councillor Ann Webb

1. Chair's welcome

The Chair welcomed Anna Hawker, Trainee Solicitor, to the meeting.

The Chair also welcomed County Councillor Sara Burch to her first meeting of the Planning Committee as she has replaced County Councillor Ben Callard.

The Chair informed the Committee that County Councillor Callard had recently joined the Cabinet and on behalf of the Committee he thanked Councillor Callard for the work that he had undertaken on the Planning Committee.

2. Declarations of Interest

County Councillor P. Murphy declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2023/01042.

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He informed the Committee that posters had been circulated which had been purported to have come from him in relation to a planning enforcement matter on the same land that is now the subject of application DM/2023/01042. Although this current application is separate and distinct from the enforcement case and the posters were not prepared by him, he left the meeting taking no part in the discussion or voting thereon in respect of this application.

3. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 12th September 2023 were confirmed and signed by the Chair.

4. Application DM/2022/00331 - Development of commercial units suitable for use classes B1, B2 and B8 plus associated external works. Land At Severn Bridge Industrial Estate, Pill Row, Caldicot

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

The application had been presented to Planning Committee on 1st August 2023 with a recommendation for refusal. However, the Committee had been minded to approve the application with appropriate conditions.

In noting the detail of the application it was proposed by County Councillor A. Easson and seconded by County Councillor M. Powell that application DM/2022/00331 be approved subject to the conditions outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2022/00331 be approved subject to the conditions outlined in the report.

5. Application DM/2023/01042 - Change of use from agriculture to land for the keeping of horses (retrospective) proposed erection of stable block for five horses, erection of ancillary storage building, construction of manege. Land north-west of Holly Lodge Road From A48 To Dewstow Road, Fives Lanes, Caerwent

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

Councillor Mike John, representing Caerwent Community Council, attended the meeting by invitation of the Chair and outlined the following points:

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- Caerwent Community Council considers that this application should not be approved. Objections to the application have been submitted for consideration by the Planning Committee.
- Further notes were provided at the recent Planning Committee site visit.
- There are still a number of unresolved issues and unanswered questions regarding this application. It was considered that these matters should have been addressed by now.
- The local community has been asking for the Community Council's opinion on this matter since 2021. Many questions have been raised regarding the activities occurring on this site during this period. It was considered the County Council should have been dealing with these issues in a timely manner.
- Caerwent Community Council had replied to the local community that it had referred the matters raised to Monmouthshire County Council for investigation.
- An application for this site had been previously presented to Planning Committee for approval but had been refused. On appeal, the Inspector had agreed with the Planning Committee's decision.
- A new planning application has now been presented to Planning Committee. However, this comprises of a small herd of horses, a large stable to be built in block work for five horses and an associated storeroom in a field not considered to be large enough for five horses. The application comprises of an exercise yard the size of a school playground for the horses. There is also a cesspit on site which was considered unnecessary for a stable.
- The Planning Committee has the report of the application, the Community Council objections, the concerns raised by the public, plans of the site as it is now and how it will be. The Community Council asked if the Planning Committee could be sure that approval of this application would be the correct decision with the number of conditions attached to it.
- It was considered that the number of conditions attached to the application suggests it could be problematic. The Community Council asked whether the County Council would be able to monitor and enforce these conditions.
- The unauthorised buildings are developed, as outlined in the report of the application. The argument suggests that they cannot be considered as they are not relevant. However, the Community Council considers that they are relevant.
- Caerwent Community Council considers that the application should not be approved until the enforcement issues on the site are resolved.

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Roger Nasey, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The application should not be considered as a retrospective application as none of the proposed structures exist on site.
- The recommendation for approval of the application was compared with the application that Planning Committee had refused in July 2022. There are inconsistencies with the two applications. The July 2022 application provided stables for five horses but had been refused. The refused application included an ancillary building. It is now a larger footprint of 90 sq.m. The July 2022 application referred to an 800 sq.m manege which had been refused. This is now proposed to be 1200 sq.m. Contained in the refused application are details of the entrance. However, for today's application, no details are provided even though these details had been requested by the Local Planning Authority.
- It was considered that this application was the same as the application that had been refused in July 2022 but with grander ambitions with a different conclusion.
- The site visit had identified the extensively altered entrance which now appears as industrial, failing to harmonise with or enhance the rural setting as required by policy. This is a concern for the Local Planning Authority as it had recently requested full details of the entrance including an elevation. However, this information has not been supplied.
- The altered entrance is contrary to the planning approval granted 20 years ago. This and a covenant placed upon the land provide similar reasons - protection of landscape amenity, making clear the Council's motivation when selling the land shortly afterwards. This information is absent from the planning history.
- It was considered that the application was missing details. There is no waste management plan, No SuDS or SAB approval or drainage scheme, no parking details, no hard and soft landscaping schedule, no lighting plan and no ecological appraisal. There is an over reliance on the attached conditions to the application to control such issues which was considered to be unsatisfactory.
- The ancillary storage building at 90 sq.m is excessive. A permanent building of concrete block with windows is unsuitable for the storage of hay, which is the justification offered. An open sided barn would be more suitable. All other equestrian provision along the lane are temporary wooden structures with most having earth floors as the norm.
- The application fails to satisfy relevant policy. Policy RE6 presumes against new build development in open countryside. These are permanent concrete buildings in a field with no justification. Three of the four criteria of Policy LC1 remain unsatisfied presenting as over development causing unacceptable impact. Policy LC5 requires small scale development. It was considered that the manege was

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not small-scale development. All these policies had been considered satisfactory in the recent refusal of a similar application.

- The Planning Committee was asked to seek explanation for the considered inconsistency and unanswered questions posed and to consider refusal of the application.

The applicant's agent, Chris Gosling, attended the meeting by invitation of the Chair and outlined the following points:

- A site visit had been held allowing Members to assess the context of the site.
- Most of the surrounding land is in equestrian use which is a part of the current proposal. No issues regarding this aspect of the application have been raised.
- The site comprises of five acres which is an adequate size for the welfare of five horses. The proposed stable block will house the five horses as the land can support this.
- The storage building and its size has been justified to the County Council's satisfaction.
- The arena will be the final part of the development which will require re-routing the footpath. This will be undertaken before any work commences on the arena.
- The conditions attached to the application are the appropriate way of managing the details on site. The applicant will abide by the conditions.
- This is a relatively small-scale development that is the correct size for the site and there are no issues with regard to the keeping of horses on site. Therefore, it was considered that there should not be an issue with maintaining their welfare.

In response, the Senior Development Management Officer outlined the following points:

- There is sufficient detail for Planning Committee to determine the application. Any further information can be sought via conditions.
- The requirement for hard standing or alterations to the fencing and gate to establish if they were to be included within this application are not required as they do not form part of this application.
- Reference to unauthorised development including the septic tank does not form part of this application. These matters are being dealt with via a separate enforcement investigation.
- The appeal had been dismissed on the basis of the inaccuracy of the plans that had been submitted to support the previous application. The Inspector had ruled

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that they were not able to make a decision given the inaccuracy of the plans. It was not dismissed on the basis of any planning merits.

- The Planning Authority cannot become involved with the covenant as it falls outside the remit of the Town and Country Planning Act. This matter has no bearing on the assessment of this application.
- The SuDS and SAB applications will follow the granting of planning consent. There is a drainage condition to the application to secure this matter.
- No lighting is proposed as part of the application. There is a condition to limit the lighting on site.
- There is no parking area proposed and does not form part of this application.

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

- Concern was expressed that the applicant might not abide by the conditions outlined in the report and that an enforcement order was currently in place on the site which might impact future work at this location.
- Caerwent Community Council had expressed concern regarding the removal of the hedge and the erection of a fence.
- It was considered that cameras on the site should not be there.
- There were issues regarding the covenant at the site.
- The re-routing of the public right of way would take a considerable amount of time to complete, which would be required before the development could take place, if the application was approved.
- Some Members considered that it would be too early to approve this application and that its consideration should be deferred to a future Planning Committee meeting to allow matters such as the hedge, the covenant, the public right of way and the enforcement issues to be addressed first. In response, the Head of Planning informed the Committee that the application does have a complicated planning history and there is a live enforcement notice on the site. However, the Planning Committee can only look at the development proposal presented today and that any aspects that are not presented today cannot be taken into consideration. The enforcement notice and the public right of way are separate matters from this application and will be addressed independently.
- The Committee cannot condition a restriction of development on the site until the public right of way has been diverted as this matter is not controlled via the Town and Country Planning Act. An informative could be added to any consent given.

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- An ecology report has been submitted and has been considered by the Council's ecologist and is deemed to be appropriate to support the proposed development.
- With regard to the previous application, the applicant had had a different agent and the plans that had been submitted were deemed suitable for the application to be valid. When asking for amendments a previous application had a significantly larger storage building and concern had been raised regarding the visual impact. Therefore, an amended plan had been sought. The applicant had parted ways with the previous agent and submitted hand drawn drawings which were not suitable to support the proposed development. It progressed to be refused which was considered by the Planning Inspectorate and it was deemed that the plans were not suitable to support the proposed development and the appeal had been dismissed on the basis that the plans were inaccurate only.
- The retrospective element of the application refers to the proposed use as there are horses on the site.
- The applicant has a right of appeal if the application is not determined by Planning Committee. The applicant would be able to apply for costs under non determination of the application.
- The unauthorised developments that are not deemed to be appropriate and acceptable are being pursued via an enforcement notice.
- The change of use of the land and the proposed buildings on site are being sought for consent via the planning application. The recommendation of the report deems this as being acceptable.
- It was considered that the acreage of the site was not large enough for the keeping of five horses.
- The Head of Planning re-iterated that only the application before Planning Committee today should be considered. The equipment that is currently on site is subject to an enforcement notice. This includes the cesspit.
- Building Control has been consulted regarding the blockwork and it was noted that this would not require building regulations. This would be a matter for the applicant to consider in terms of health and safety of the building if it is not covered by any other legislation.
- There was support for the application by some Members of the Planning Committee. The new stables needed to be built first in order to accommodate the five horses on the site. There are a number of blockwork buildings around the County in use as farm buildings.
- It was noted that if the Committee was minded to defer consideration of the application to allow officers to liaise with the applicant regarding the concerns

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raised, the applicant could go directly to appeal on the grounds of non-determination of the application.

- It was noted that the enforcement action regarding the previous application needed time to be completed.
- The Head of Planning informed the Committee that there have not been any conditions applied on this site as there have never been any authorised developments at this location. There have been unauthorised developments and there is currently a live enforcement notice in place.
- The covenant does not form part of the Town and Country Planning Act and does not impact on the assessment and determination of this application.
- For the buildings to be used for residential purposes, that would require an independent, new consent which would require a new planning application to be presented to Committee for change of use.
- There is no hardstanding proposed. There is an existing and proposed site layout which indicates the proposed position of the buildings. Officers consider that there is sufficient information available to make the assessment.
- With regard to parking provision, vehicles can pull onto a field, as they currently do, as part of the agricultural use of the site. The applicant is not seeking an area of hard standing for parking.
- If the Planning Committee approved planning consent, the landowner would need to ensure that all the correct consents were in place to enable that to happen.
- With regard to the County Council's enforcement notice the unauthorised elements would have to be removed from the site.
- In response to concerns raised, the Head of Planning informed the Committee that it needed to establish what additional information is required from the applicant in order for the application to be determined, going forward, should consideration of the application be deferred. Officers could then discuss these matters with the applicant.
- The Public Rights of Way Department has been consulted on the application and is satisfied with the proposed amended route.

It was proposed by County Councillor Jan Butler and seconded by County Councillor Dale Rooke that application DM/2023/01042 be approved subject to the conditions outlined in the report.

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

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For approval	-	5
Against approval	-	6
Abstentions	-	2

The proposition was not carried.

We resolved that we be minded to refuse application DM/2023/01042 and request further information from the applicant based on:

- Wooden structure not blockwork.
- Details of waste management on site.
- Details of landscaping.
- Surface water drainage for manege.
- Send ecology report to Planning Committee Members.

The application would then be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal.

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

6.1. 1 Smithy Cottage, Crossways, Newcastle, Monmouthshire

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 1 Smithy Cottage, Crossways, Newcastle, Monmouthshire on 22 August 2023.

We noted that the appeal had been allowed and the planning permission Ref. DM/2021/00908 for Retrospective application for change of use from agricultural land to garden and levelled area at 1 Smithy Cottage, Crossways, Newcastle, Monmouthshire NP25 5NW, granted on 29th July 2022 by Monmouthshire County Council, is varied by amending condition nos. 1, 4 and 5, and deleting condition no 6, as set out in the schedule to the decision letter.

The meeting ended at 3.46 pm.