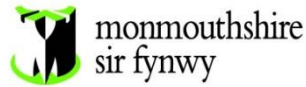


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Thursday, 27 August 2026

Notice of meeting:

## Planning Committee

Monday, 7th September, 2026 at 2.00 pm,  
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

### AGENDA

| Item No | Item                                                                                                                                                                                                                                                                                                                                               | Pages   |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1.      | Apologies for Absence.                                                                                                                                                                                                                                                                                                                             |         |
| 2.      | Declarations of Interest.                                                                                                                                                                                                                                                                                                                          |         |
| 3.      | To confirm for accuracy the minutes of the previous meeting.                                                                                                                                                                                                                                                                                       | 1 - 4   |
| 4.      | To consider the following Planning Application reports from the Chief Officer Place and Community Wellbeing (copies attached):                                                                                                                                                                                                                     |         |
| 4.1.    | Application DM/2019/02051 - Construction of 20no. affordable housing units, landscaping and associated works. Land at Wern Gifford, Pandy, Abergavenny, NP7 8DL.                                                                                                                                                                                   | 5 - 38  |
| 4.2.    | Application DM/2025/01111 - Modification and/or removal of conditions 4,6,7,8 and 9 of planning permission M08655, including minor material amendments to barn design. Property Known As Oxpool Barn Argoed Road Earlswood Shirenewton Monmouthshire.                                                                                              | 39 - 48 |
| 4.3.    | Application DM/2025/01516 - Erection of a steel frame agricultural building on agricultural land (The outbuilding will be used primarily for animal feed and hay storage, and storage of agricultural equipment, large enough to house a farm tractor and associated attachments). Swallows Nest Tyr Pwll Parc Llettis Road Coldbrook Abergavenny. | 49 - 60 |
| 4.4.    | Application DM/2025/01607 - Change of use from agricultural land to leisure and tourism for glamping. Swallows Nest Tyr Pwll Parc Llettis Road Coldbrook Abergavenny.                                                                                                                                                                              | 61 - 78 |

|             |                                                                                                                  |                |
|-------------|------------------------------------------------------------------------------------------------------------------|----------------|
| <b>5.</b>   | <b>FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:</b>                                 |                |
| <b>5.1.</b> | <b>Land at Llangovan, Monmouth, NP25 4BU otherwise known as Roots Farm, Trecastle Lane, Llangovan, NP25 4BU.</b> | <b>79 - 86</b> |

**Paul Matthews  
Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

### THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

|                                   |                                   |                           |
|-----------------------------------|-----------------------------------|---------------------------|
| County Councillor Fay Bromfield   | Llangybi Fawr;                    | Welsh Conservative Party  |
| County Councillor Rachel Buckler  | Devauden;                         | Welsh Conservative Party  |
| County Councillor Emma Bryn       | Wyesham;                          | Independent Group         |
| County Councillor Jan Butler      | Goetre Fawr;                      | Welsh Conservative Party  |
| County Councillor Ben Callard     | Llanfoist & Govilon;              | Welsh Labour/Llafur Cymru |
| County Councillor John Crook      | Magor East with Undy;             | Welsh Labour/Llafur Cymru |
| County Councillor Tony Easson     | Dewstow;                          | Welsh Labour/Llafur Cymru |
| County Councillor Steven Garratt  | Overmonnow;                       | Welsh Labour/Llafur Cymru |
| County Councillor Meirion Howells | Llanbadoc & Usk;                  | Independent               |
| County Councillor Su McConnel     | Croesonen;                        | Welsh Labour/Llafur Cymru |
| County Councillor Jayne McKenna   | Mitchel Troy and Trellech United; | Welsh Conservative Party  |
| County Councillor Phil Murphy     | Caerwent;                         | Welsh Conservative Party  |
| County Councillor Maureen Powell  | Pen Y Fal;                        | Welsh Conservative Party  |
| County Councillor Dale Rooke      | Chepstow Castle & Larkfield;      | Welsh Labour/Llafur Cymru |
| County Councillor Peter Strong    | Rogiet;                           | Welsh Labour/Llafur Cymru |
| County Councillor Ann Webb        | St Arvans;                        | Welsh Conservative Party  |

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Recordings of the meeting will be stored in accordance with the Council's data retention policy. Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt 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/ieListMeetings.aspx?Committeed=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

To become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

## **Objectives we are working towards**

- Fair place to live where the effects of inequality and poverty have been reduced.
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency.
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop.
- Safe place to live where people have a home where they feel secure in.
- Connected place where people feel part of a community and are valued.
- Learning place where everybody has the opportunity to reach their potential.

## 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.

**Kindness:** We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

## **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) edition12
- 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: Retail and commercial development (November 2016)
  - 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)
  - TAN14: coastal planning (2021)
  - TAN 15: Development, flooding and coastal erosion (March 2025)
  - TAN 16: Sport, Recreation and Open Space (2009)
  - TAN 18: Transport (2007)
  - TAN 20: The Welsh Language (2017)
  - 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 Habitat & Species Regulations 2017

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 at 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 or to attend the meeting in person and address the Planning Committee.**

### **Who Can Speak**

#### Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting.. 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 or in person at the Planning Committee meeting.

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](mailto: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. Speakers will also have the option to attend the meeting in person and address Planning Committee.

### 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. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting 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 held  
in The Council Chamber, County Hall, The Rhadry, Usk, NP15 1GA on Tuesday, 4th  
August, 2026 at 2.00 pm**

**PRESENT:** County Councillor Phil Murphy (Chair)

County Councillors: Fay Bromfield, Rachel Buckler, Emma Bryn, Jan Butler, Ben Callard, John Crook, Tony Easson, Su McConnel, Jayne McKenna, Maureen Powell, Dale Rooke and Peter Strong

County Councillors: David Jones and Tony Kear attended the meeting by invitation of the Chair.

### **OFFICERS IN ATTENDANCE:**

|                  |                                       |
|------------------|---------------------------------------|
| Andrew Jones     | Head of Planning                      |
| Kate Bingham     | Senior Development Management Officer |
| Joanne Chase     | Head of Commercial Law                |
| Cameron Edwards  | Trainee Solicitor                     |
| Richard Williams | Democratic Services Officer           |

County Councillor Maureen Powell joined the meeting during consideration of application DM/2026/00329 and therefore abstained during voting in respect of this application.

### **APOLOGIES:**

County Councillors: Steven Garratt, Meirion Howells and Ann Webb

#### **1. Declarations of Interest**

None received.

#### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 7<sup>th</sup> July 2026 were confirmed as an accurate record.

#### **3. Application DM/2026/00329 - Construction of second storey extension, to create new living space. Address: Min Honddu, Lancaster Arms Cul-de-sac Pandy Monmouthshire NP7 8DW**

We considered the report of the application and late correspondence which was presented for refusal for the reason outlined in the report.

<https://www.youtube.com/live/-oS2Z2UUoGM?si=1IAN0dx105jKmbKp&t=509>

## MONMOUTHSHIRE COUNTY COUNCIL

### **Minutes of the meeting of Planning Committee held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th August, 2026 at 2.00 pm**

In noting the detail of the application and the views expressed, it was proposed by County Councillor Rachel Buckler and seconded by County Councillor Emma Bryn that application DM/2026/00329 be refused for the reason outlined in the report.

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

|                 |   |   |
|-----------------|---|---|
| For refusal     | - | 9 |
| Against refusal | - | 3 |
| Abstentions     | - | 1 |

The proposition was carried.

We resolved that application DM/2026/00329 be refused for the reason outlined in the report.

#### **4. Application DM/2025/00296 - Construction of one bungalow with associated parking and landscaping. Address: Land adjacent to Ty Bach, Church Road, Llandegveth, Monmouthshire**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and that an additional condition be added to address foul drainage as requested by Welsh Water. The application is also subject to a Section 106 Legal Agreement.

[https://www.youtube.com/live/-oS2Z2UUoGM?si=dyD3cuC\\_lwDryFog&t=2778](https://www.youtube.com/live/-oS2Z2UUoGM?si=dyD3cuC_lwDryFog&t=2778)

In noting the detail of the application and the views expressed, it was proposed by County Councillor Dale Rooke and seconded by County Councillor Jan Butler that application DM/2025/00296 be approved subject to the conditions outlined in the report and that an additional condition be added to address foul drainage as requested by Welsh Water. The application would also be subject to a Section 106 Legal Agreement.

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

|                  |   |    |
|------------------|---|----|
| For approval     | - | 13 |
| Against approval | - | 0  |
| Abstentions      | - | 0  |

The proposition was carried.

We resolved that application DM/2025/00296 be approved subject to the conditions outlined in the report and that an additional condition be added to address foul drainage as requested by Welsh Water. The application would also be subject to a Section 106 Legal Agreement.

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
in The Council Chamber, County Hall, The Rhadry, Usk, NP15 1GA on Tuesday, 4th  
August, 2026 at 2.00 pm

5. Application DM/2026/00024 - Change of use of the existing building from office use (Use Class B1) to a day nursery (Use Class D1). The proposal involves internal alterations only, with no external alterations. The nursery would operate primarily on weekdays, with occasional weekend use of the building for classes not involving day care. There would be no evening or late-night use, and activity would be limited to drop-off and pick-up at the start and end of sessions. There are no existing on-site vehicle parking or cycle parking spaces associated with the building. The proposal does not include the provision of on-site parking or cycle spaces. Staff will use nearby public parking facilities, and parent drop-off and pick-up will be short-stay and managed to minimise impact on surrounding streets. Address: The Old Chapel, Twyn Square, Usk, NP15 1BH

We considered the report of the application which was presented for refusal for the reasons outlined in the report.

This application had been presented to Planning Committee on 7<sup>th</sup> July 2026 with a recommendation for approval. However, the Planning Committee had been minded to defer the application to be refused. Accordingly, the following reasons for refusal are provided for agreement:

1. Use of the ground floor as a nursery will lead to an unacceptable increase in noise and disturbance to the residents of the flats above, contrary to the provisions of LDP Policies EP1 and criterion (D) of LDP Policy DES1.
2. The intensification in use of the building will adversely impact highway safety as the site fails to provide safe and easy access for road users and pedestrians, contrary to the provisions of LDP Policy MV1.

<https://www.youtube.com/live/-oS2Z2UUoGM?si=BO4K1DaKdZzqGP8k&t=3858>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Rachael Buckler and seconded by County Councillor Jan Butler that application DM/2026/00024 be refused for the reasons outlined in the report.

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

|                 |   |    |
|-----------------|---|----|
| For refusal     | - | 11 |
| Against refusal | - | 0  |
| Abstentions     | - | 2  |

The proposition was carried.

We resolved that application DM/2026/00024 be refused for the reasons outlined in the report.

**The meeting ended at 3.01 pm.**

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**Application number:** DM/2019/02051

**Proposal:** Construction of 20no. affordable housing units, landscaping and associated works

**Address:** Land at Wern Gifford, Pandy, Abergavenny, NP7 8DL

**Applicant:** Mr. Tim Crooks

**Plans:** Proposed Site Layout (Rev H), LT1917.04.01 (Rev J), Engineering Layout -Sheet 1 (Rev G), Engineering Layout -Sheet 2 (Rev F), Longitudinal Sections (Rev A), Highways Construction Details (Rev A), Addendum GI Statement (May 2025), Detailed Soft Landscape Proposals (Rev C), E24123101 Land at Wern Gifford, Pandy PEA, Issued (A), LT1917.00.101 Land Mitigation Plan - REV.C Boundary Details LT1917.04.04 REV.A, Plots 1&2 LT1917.04.110 REV.B, Plots 3&4 LT1917.04.111 REV.B, Plots 5&6 LT1917.04.112 REV.B, Plots 7&8 LT1917.04.113 REV.A, Plots 9-12 LT1917.04.114 REV.A, Plots 13-15 LT1917.04.115A, Plots 16&17 LT1917.04.116 REV.B,

**RECOMMENDATION: APPROVE subject to Section 106 agreement**

Case Officer: Kate Bingham Date

Valid: 06.01.2020

**This application is presented to Planning Committee as there are five or more objections to the proposal**

## 1.0 APPLICATION DETAILS

This application was re-presented to Planning Committee on 5<sup>th</sup> November 2025 where Members considered the report of the application and late correspondence which was recommended for approval subject to the conditions and subject to a Section 106 Agreement.

In noting the detail of the application and the views expressed, Committee were minded to defer consideration of application to verify with Dwr Cymru Welsh Water (DCWW) that foul sewerage arrangements for the proposed development would not exacerbate existing issues in the locality.

It should be noted that the application is subject to a Call-in Request which is still being considered by Welsh Ministers. In terms of procedure, they have advised the following:

*We have no issue in you presenting the application to the Planning Committee, prior to us issuing a decision on the call-in request. The Committee would be perfectly entitled to resolve to approve the application. But the 'Holding Direction' in place would prevent the Council from issuing its decision until the call-in process is concluded.*

On the basis of the above, the application is therefore re-presented to Committee for a resolution to approve subject to the outcome of the call-in process.

## 2.0 FURTHER REPRESENTATIONS

### 2.1 Consultees Responses

**DCWW dated 25/11/25** - I write to summarise and provide our updated position following the recent committee meeting which was postponed to allow time to speak to ourselves.

We have met up with our Network Manager and Engineer who are responsible for overseeing the operations of the sewer network in this area. They have confirmed that the sewer is designated to receive foul only flows, however, it becomes overwhelmed in significant storm events when the nearby culverted watercourse and open watercourse result in overland flows finding their way into the sewer network. Without the impact of this additional flow finding its way into the network, it would

have adequate capacity to accommodate the foul flows from the proposed development.

We suggest that your colleagues in the Lead Local Flood Authority would need to investigate this and consider any impact or change in the natural drainage characteristics of the land as a result of the proposed development.

From our perspective, we take our role in the planning and new development process very seriously, and engage both at Local Development Plan stage and planning application stages. Our positive relationship with Local Authorities, such as yourself is also key to this as we seek to collectively manage new development and associated new arrangements for potable water, foul water discharges and surface water flows.

As a statutory consultee, we provide comments through the planning process to the Council on the ability of our assets to accommodate proposed new developments, including whether there is anything else that would potentially impact the services we provide to customers. These are provided on an impartial basis and are informed by an assessment of capacity of our assets that would serve the development proposed.

**Crucorney Community Council Response to DCWW's Communication to MCC Planning dated 25/11/25 (see above)** - In response to the information sent in by DCWW to MCC Planning (dated 25 November 2025 (in which they say that they have updated their position following their recent Teams Meeting), Crucorney Community Council would like to make the following comments.

With reference to paragraph 2 of the DCWW communication, Crucorney Community Council would like to point out that their report studiously avoids any mention of the fact that they know that surface water from a number of dwellings in both Llanvihangel Crucorney and Pandy enters STRAIGHT INTO/DIRECTLY the one main sewage pipe which serves both Llanvihangel Crucorney and Pandy and not just because of "overland flows from the nearby culverted water course and open water course finding their way into the sewer network". CCC has been informed that during days of 'normal' heavy rain and when the water courses are running fine, water is still coming through toilets and showers. One resident has even added a macerator on the ground floor of their property to alleviate such a problem.

Furthermore, the sewage problem does not just occur in "significant storm events" as state by DCWW but also happens in normal heavy rain conditions. No in-depth investigation seems to have been made by DCWW as to how many properties in Llanvihangel Crucorney and Pandy feed both surface water and sewage into the one main sewage pipe which serves both villages although Crucorney Community Council with its very limited resources has conducted a dye test which proves that both surface water and sewage enters the same pipe directly from said dwellings. As evidence of this, please find attached a photo taken on a normal wet day.

DCWW also seems to be trying to offload their problem onto the 'Lead Local Flood Authority' as opposed to taking their fair share of improving the present inadequate sewage infrastructure which has existed in the locality for many years now. CCC is still of the opinion that no planning decisions for Llanvihangel Crucorney and Pandy should be granted before evidence has been provided by DCWW that its statement that the sewer is designated to receive foul-only flows under normal weather conditions and has adequate capacity to accommodate the foul flows from existing dwellings, let alone from any new development, has been fully explored.

As a matter of interest, Crucorney Community Council is aware of at least 2 locations within the area that have monitoring equipment within the DCWW foul manholes. Crucorney Community Council would like to see evidence of the water levels at these locations for the last 5 years as they could give insight into the number of events that have occurred and impacted residents.

Under the provisions of Environmental Information Regulations (EIR), CCC is intending to request information from DCWW re various aspects of our concerns and will also request permission for representatives to speak at any future MCC Planning Committee Meetings regarding the proposed Wern Gifford Development. Crucorney Community Council requests that this present communication be placed on the planning website as soon as possible.

**Further comments (30/3/26)** - Following further (sometimes confusing) communications from Dwr

Cymru/Welsh Water to Crucorney Community Council, Senedd Member Peter Fox, Monmouthshire County Councillor David Jones and Residents (including a Professional Civil Engineer), Crucorney Community Council feels obliged to point out once again that Dwr Cymru/Welsh Water has consistently refused to acknowledge that the hydraulic overload in the-unfit-for-purpose foul water system serving both Pandy and Llanvihangel Crucorney, is caused by the DIRECT INPUT of BOTH SEWAGE and SURFACE WATER into the main foul water line from residences in the area. In a recent telephone call to a local resident who has suffered enormously from flooding and toilet back-up, Mr E. Davies (Dwr Cymru/Welsh Water) mentioned that 'the issue was with MCC, NRW, Landowners and SWTRA for run-off water getting into the sewage system'. There was no mention of 'combination flows' from residences in the area into the foul water pipe at all, showing once again that DC/WW is trying to offload blame for the situation onto every organisation other than itself. As mentioned above and at the risk of over repetition, despite DC/WW's various responses to concerns expressed by local residents, Crucorney Community Council, the County Councillor for Crucorney David Jones, Peter Fox MS and a professional Civil Engineer who is a local resident, Dwr Cymru/Welsh Water evidently prefers to blame hydraulic overload on anything other than the main cause which is direct input into drains from local residences of both sewage and surface water. Several employees of Dwr Cymru/Welsh Water have recently told residents that the surface water entering the foul water sewage line is somehow only percolating through cracks and flaws in the pipe itself. If this really is the case, and DC/WW are aware of cracks/flaws/damage in their system, surely the system should be repaired/replaced and monitored consistently? Moreover, if surface water/ 'run-off water' is getting into these supposed cracks /flaws then surely foul water would also be escaping out of the sewage line and impacting local water sources? Have DC/WW investigated this in any way?

Once again, it needs to be emphasised that Crucorney Community Council has supplied DC/WW with evidence that surface water is entering the foul system (see photo provided) but DC/WW refuses to acknowledge that the COMBINED SEWAGE/DRAINAGE SYSTEM (no longer permitted for new developments) which historically serves many residences in the villages of both Pandy and Llanvihangel Crucorney, is the main cause.

In order to properly analyse what combination flows of water are actually entering the foul water system, DC/WW need to do an exhaustive survey of the exact number of residences which are inputting directly into the one main foul water line serving both villages (a dye test for both villages would show the extent of this dual/combined input- as per the dye test carried out by Crucorney Community Council with its limited resources – a photo is provided Until such a survey is completed by Dwr Cymru /Welsh Water and presented in a proper professional report to all concerned (something which has sadly been missing from DC/WW correspondence all along), Crucorney Community Council would urge the planning authorities to withhold any planning decision which would potentially add a further 20 dwellings onto a demonstrably inadequate sewage system.

As a matter of interest, on the 29 January 2026, Crucorney Community Council made an EIR request to Dwr Cymru /Welsh Water (EIR 2608/2026) asking the specific question *"Can you please advise, therefore, as to the total number of residential and business properties that have surface water drainage connections which run into the foul sewer? These connections impact the capacity of the existing sewer so the information requested is vitally important."* Crucorney Community Council has still not had a reply to that specific question as at the 30 March 2026, well outside the 20 working days legally allowed for Dwr Cymru/Welsh Water to answer with the information requested. In the light of this, at its next monthly meeting, Crucorney Community Councillors will discuss whether to make an official complaint re Dwr Cymru's/Welsh Water's failure to respond to EIR 2608/2026 to the Information Commissioner's Office.

As a further matter of interest, the acknowledgement by DC/WW that the foul water sewage pipe was 'hydraulically overloaded' was first made in writing in a letter to Crucorney Community Council on the 13/9/2013. The next recorded admission of hydraulic overload by a DC/WW engineer was made at the end of December 2025, this time in a conversation between the engineer and a local resident. *It seems that the cogs turn very slowly at Dwr Cymru/Welsh Water even when an issue is staring them in the face.*

Crucorney Community Council believes, too, that Monmouthshire County Councillor David Jones has also asked a Dwr Cymru /Welsh Water employee Mr E Davies for an update on DC/WW's thinking re this issue and is still awaiting a reply.

It would seem evident to most commonsense thinking that the underlying combined sewage / drainage system serving both villages should be absolutely and thoroughly investigated before any further substantial newbuild planning applications are passed for these two villages which have been under siege for many years now. Government percentages for new house building should not override potential future misery for the existing residents of Pandy and Llanvihangel Crucorney.

## 2.2 Neighbour Comments (Objections)

- The National Park approved social/affordable housing in Llanvihangel Crucorney near Wern Gifford for 2x2 bed houses and 2x 1 bed flats in 2013. If there is such a desperate need for social housing in this area why have the social housing approved in 2013 not been built? This must raise the question of is there a need for them in this locality?
- I would suggest that until these have been built and occupied then this application for a further 20 social houses on Wern Gifford is turned down.
- Perhaps this is MCC just being able to add these houses to their statistics to show they are doing their share of building social housing.
- Our home is the second property lying north of the proposed development on the A465. In November 2025 our house, garden and garage were flooded, we have been informed due to the local sewerage system being overwhelmed and is insufficient for the properties it already services.
- Our garden and garage further flooded on the 27 January 2026, we have become anecdotally aware that Welsh Water have accepted that the sewerage system was overwhelmed due to the amount of rain.
- We would respectfully suggest that it is therefore clear that the sewerage system cannot cope with the current level of development let alone an additional housing estate of some 20 dwellings.
- Further, we have a recent ongoing intermittent problem with rising water levels in our downstairs toilet.
- The situation regarding flooding appears to be getting worse in recent times and we would suggest that the additional development will add to local Residents' problems

## 3.0 EVALUATION

The application was deferred in order for MCC to establish with Dwr Cymru Welsh Water (DCWW) that foul sewerage arrangements for the proposed development would not exacerbate existing issues in the locality.

To help provide DCWW with some meaningful data regarding foul drainage incidents in the locality, the Community Council carried out a survey with local residents to seek to understand the scale and nature of the problem. The anonymised results were shared with DCWW.

In response, DCWW have subsequently undertaken a historic search of their records relating to any call received or action to investigate/remedy anything in the area dating back to 2015. They have advised that:

"...the vast majority of the reports were for localised blockages and the associated flooding during storm events. We have completed a cross-connection survey of the estate to identify if there are any miss connections of surface water to the foul system. Secondly a full camera survey of the main sewer has been planned. Where any remedial works are required they will be actioned and pipe through/line sewers removing the risk of water ingress at manhole access chambers near the Brook".

At the time of writing this report, the work is partially complete, but MCC have been advised by DCWW that is just further proactive works that they are undertaking but they do not envisage this changing their position (no objection).

On balance, it is considered that there are no reasonable grounds on which to withhold the granting of planning permission having regard to the relevant statutory consultee's (DCWW) advice that the

proposed new development would not exacerbate the existing reported problems regarding the public sewerage system within the vicinity of the site.

The previous reports are provided below.

**Application number:** DM/2019/02051

**Proposal:** Construction of 20no. affordable housing units, landscaping and associated works

**Address:** Land at Wern Gifford, Pandy, Abergavenny, NP7 8DL

**Applicant:** Mr. Tim Crooks

**Plans:** Proposed Site Layout (Rev H), LT1917.04.01 (Rev J), Engineering Layout -Sheet 1 (Rev G), Engineering Layout -Sheet 2 (Rev F), Longitudinal Sections (Rev A) Highways Construction Details (Rev A), Addendum GI Statement (May 2025), Detailed Soft Landscape Proposals (Rev C), E24123101 Land at Wern Gifford, Pandy PEA, Issued (A), LT1917.00.101 Land Mitigation Plan - REV.C Boundary Details LT1917.04.04 REV.A. Plots 1&2 LT1917.04.110 REV.B, Plots 3&4 LT1917.04.111 REV.B, Plots 5&6 LT1917.04.112 REV.B, Plots 7&8 LT1917.04.113 REV.A, Plots 9-12 LT1917.04.114 REV.A , Plots 13-15 LT1917.04.115A, Plots 16&17 LT1917.04.116 REV.B,

**RECOMMENDATION: APPROVE subject to Section 106 agreement**

Case Officer: Kate Bingham Date

Valid: 06.01.2020

**This application is presented to Planning Committee as there are five or more objections to the proposal**

## **1.0 APPLICATION DETAILS**

This application was presented to Planning Committee on 3<sup>rd</sup> March 2020 where it was resolved to approve the development subject to the resolution of a holding objection raised by NRW in relation to flood modelling.

In the meantime, residential development within the catchment of the River Wyer Special Area of Conservation (SAC) was paused due to the river failing to meet revised water quality targets for phosphorus. Under the Habitats Regulations, development that may increase the concentration of phosphates levels will be subject to appropriate assessment and Habitats Regulations Assessment. As such a Test of Likely Significant Effect (TOLSE) has been undertaken which concludes that this proposed development is unlikely to have a Significant Effect on the phosphate sensitive River SAC and a full Appropriate Assessment is not required. Further details are provided below in Natural Resource Wales' (NRW's) advice.

## **2.0 SUMMARY OF AMENDMENTS**

The applicant has been working in direct liaison with NRW resulting in the submission of a updated Flood Consequences Assessment (FAC) which has prepared by PHG allowing NRW to withdraw their objection.

The design of the development is principally the same as that previously presented to planning committee with the access, layout, scale, amount/unit numbers remaining the same. A minor change to the arrangement of plots 18-20 has been undertaken to improve the design of the scheme whilst also assisting on the flooding requirements.

The main change to the design in terms of flood mitigation has been the omission of the culvert under the access road and replacement with the span bridge as now indicated. Consequential impacts of the flood mitigation have followed in the form of the swale and basin design and corresponding

landscaping design.

As such the site location plan, layout plan and block plan have been updated. A soft planting scheme and management strategy has also been provided to demonstrate suitable compensatory SINC mitigation.

### 3.0 FURTHER REPRESENTATIONS

#### 3.1 Consultation Responses

**Crucorney Community Council** – In response to the information sent in by DCWW to MCC Planning (dated 25 November 2025 (in which they say that they have updated their position following their recent Teams Meeting), Crucorney Community Council would like to make the following comments.

With reference to paragraph 2 of the DCWW communication, Crucorney Community Council would like to point out that their report studiously avoids any mention of the fact that they know that surface water from a number of dwellings in both Llanvihangel Crucorney and Pandy enters STRAIGHT INTO/DIRECTLY the one main sewage pipe which serves both Llanvihangel Crucorney and Pandy and not just because of “overland flows from the nearby culverted water course and open water course finding their way into the sewer network”. CCC has been informed that during days of ‘normal’ heavy rain and when the water courses are running fine, water is still coming through toilets and showers. One resident has even added a macerator on the ground floor of their property to alleviate such a problem.

Furthermore, the sewage problem does not just occur in “significant storm events” as state by DCWW but also happens in normal heavy rain conditions.

No in-depth investigation seems to have been made by DCWW as to how many properties in Llanvihangel Crucorney and Pandy feed both surface water and sewage into the one main sewage pipe which serves both villages although Crucorney Community Council with its very limited resources has conducted a dye test which proves that both surface water and sewage enters the same pipe directly from said dwellings. As evidence of this, please find attached a photo taken on a normal wet day.

DCWW also seems to be trying to offload their problem onto the ‘Lead Local Flood Authority’ as opposed to taking their fair share of improving the present inadequate sewage infrastructure which has existed in the locality for many years now.

CCC is still of the opinion that no planning decisions for Llanvihangel Crucorney and Pandy should be granted before evidence has been provided by DCWW that its statement that the sewer is designated to receive foul-only flows under normal weather conditions and has adequate capacity to accommodate the foul flows from existing dwellings, let alone from any new development, has been fully explored.

As a matter of interest, Crucorney Community Council is aware of at least 2 locations within the area that have monitoring equipment within the DCWW foul manholes. Crucorney Community Council would like to see evidence of the water levels at these locations for the last 5 years as they could give insight into the number of events that have occurred and impacted residents.

Under the provisions of Environmental Information Regulations (EIR), CCC is intending to request information from DCWW re various aspects of our concerns and will also request permission for representatives to speak at any future MCC Planning Committee Meetings regarding the proposed Wern Gifford Development.

**NRW** - We are satisfied that our concerns can be overcome by attaching the following conditions to any planning permission granted:

- Updated Green Infrastructure Management Plan and updated Landscape Plan
- Landscape and preservation of Dark Skies
- European Protected Species (EPS) – dormouse conservation plan
- European Protected Species (EPS) – lighting scheme
- Construction Environmental Management Plan

Further details below:

#### 1. Flood Risk

The planning application proposes highly vulnerable development of 20 dwellings. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15. The Flood Map for Planning identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 and 3 Rivers.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in

Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we have reviewed the Flood Consequences Assessment (FCA) by PHG Consulting Engineers, Reference 1966 Version 15 dated 19th September 2024, the FCA Addendum uploaded on your website on 13 January and 3 March 2025 together with the Engineering Layout drawings 200 and 201 Revs D.

Flood risk: 1% plus climate change (A1.14 criteria)

The residential area of the proposed development site is predicted to be flood free during the 1 in 100 year (1%) plus an allowance for climate change (CC) (25%) flood event.

We note that the northern edge of the proposed swale lies partially within the flood outlines (1% CC and 0.1%) of the ordinary watercourse. The swale feature is for discharging the attenuated surface water from the site and therefore we consider it is unlikely to have any impact on flooding as a result.

Flood risk 0.1% present day (A1.15 criteria)

*Flood Depths/Velocities*

The residential area of the proposed development site is predicted to be flood free in the 1 in 1000 year (0.1%) flood event. However, the main access into the site has been shown to flood up to a maximum depth of 0.120m with a corresponding velocity of 0.48m/sec (Section 2.13.2 of the FCA) during the 0.1% event. The predicted depth is within the indicative tolerable conditions set out in A1.15 of TAN15 i.e. <600mm. However, the velocity exceeds the 0.3m/sec advisory limit.

*Rate of Rise, and Speed of Inundation*

We advise that no information has been provided on the rate of rise or speed of inundation as per A1.15 of TAN15 and the Welsh Government's CPO letter (Planning Policy on Flood Risk and Insurance Industry Changes) on 9 January 2014. If you are minded to request this information from the Applicant, we would be happy to provide further advice.

Flood risk elsewhere (A1.12 criteria)

We note that the amended FCA (September 2024) concludes (3.13 and 3.15) that there will be no increase in flooding elsewhere due to the provision of compensatory flood storage within off-line storage areas. However, these storage areas have now been removed.

The FCA Addendum states that the removal of the twin culverts and installing a clear span bridge over the ordinary watercourse negates the requirement for a storage area to the south of the development as the soffit of the proposed bridge will have a clearance of 600mm above the 1% CC design event flood level.

The amended Engineering Layout drawings Nos 200 and 201 Revs D show that the northern storage area has now been removed from proposed plans and a large meandering swale has been incorporated to manage surface water. The FCA addendum states "As the development will not increase flood risk elsewhere, the northern compensation area is not required." We are satisfied with this assessment.

With regards to the proposed meandering swale feature, the applicant may wish to consider continuing it as an open feature up to the bank of the ordinary watercourse. This would avoid a need to install a conventional drainage piped system and the new headwall structure, thereby allowing the swale to naturally function and have less maintenance liability.

Any works affecting an ordinary watercourse may require an Ordinary Watercourse Consent from the relevant Lead Local Flood Authority. We advise they are consulted on this proposal.

**2. Landscape**

Bannau Brycheiniog National Park: Our advice relates to potential impacts of the proposed development on the landscape character and visual amenity of Bannau Brycheiniog National Park (BBNP) and its setting, and the statutory purpose of the designation to conserve and enhance its natural beauty.

In our response of 7 February 2020, CAS-106733-D2R4, we advised that revised/updated detailed landscape/site layout plans and planting plans should be provided prior to the determination of the application and the Green Infrastructure Management Plan/LEMP will also need to be updated based on these changes.

Following revisions to the scheme, we have reviewed the additional and updated landscape information submitted including:

- Proposed site layout LT1917.04.01 REV.G, LeTrucco Design Architecture, Jan 2025
- Detailed soft landscape proposals, TDA Jan 2024
- Landscape Specification and Management Plan, TDA, Jan 2024

We note that there are discrepancies between these plans and engineering proposals e.g. conflicts between root protection zones and drainage, extent of swales on engineering drawings, and new tree planting proposed south of the entrance which lie outside the red line boundary.

Some of the new elements proposed, such as retaining walls, fencing treatments and lighting proposals, may increase potential for harm to the protected landscape and its amenity. These hard landscape elements are not indicated on the landscape planting plan. Hard landscape features and retaining walls are described across multiple plans e.g. Plan ref 1966-200C Engineering layout, LT1917.04.04 REV.A Boundary Details, and LT1917.04.02 REV.F. This makes it hard to establish whether boundary treatments need alternative planting measures to achieve appropriate screening and mitigation.

On boundary planting generally, we advise that landscape buffer zones and new hedging need to be sufficiently wide to allow effective screening particularly on the western edge of plots 9-15. Additional boundary tree planting would also be desirable.

Effects of lighting have not been assessed and a lighting strategy is needed to ensure appropriate safeguards of BBNP dark skies are included.

#### Landscape Conditions

We continue to advise that conditions for an updated Landscape Plan and Green Infrastructure Management Plan are included on any permission granted as well as a condition to protect the BBNP dark skies.

The updated landscape plan should include updated details of both hard and soft landscape works and enhanced boundary treatments. For example:

- Soft landscape: planting plans, specifications, species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment.
- Hard landscape: materials including surfacing, SuDS, fencing, gates, minor artefacts and structures (e.g. signs, bins, stores).

We have also requested a lighting plan condition under European Protected Species advice (see below) to ensure suitable dark commuting and foraging areas for bats are retained during construction and post development. We would be happy for your authority to combine the two conditions as long as both objectives are clear i.e. safeguard foraging/commuting habitat and protecting dark skies of the National Park.

#### 3. Foul Drainage and Protected Sites - River Wye Special Area of Conservation

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

This application for the erection of 20 dwellings proposes connection of foul water to the mains sewer. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

We note in their letter of 4 February 2025, reference PLA0085017, DCWW has confirmed that "Pandy WwTW is now currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. ....Accordingly, we would advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from the development subject of this application. We would also advise that this WwTW has a phosphorus consent limit of 5 mg/l and is currently compliant with this consent limit."

While the nutrient impacts of new connections should be considered on a case-by-case basis, we consider that that it is likely that a conclusion of no likely significant effect could be drawn in the context of water quality impacts from this proposal as the sewerage undertaker has confirmed that there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, and the WwTW is currently operating in compliance with permit conditions.

#### 4. European Protected Species Dormice and Bats

In our letter dated 7 February 2020, reference CAS-106732-D2R4, we requested additional dormouse surveys to be undertaken using alternative survey techniques for example, nest tube/box surveys. However, we advised that in this instance, we would accept an approach that assumes presence of dormice on site. As such, a condition, to secure a dormouse conservation plan that sets out the likely impacts upon dormice and the mitigation and compensation measures that will be implemented to off-set these impacts, would be acceptable.

We also advised that a lighting plan should be secured to ensure suitable dark commuting and foraging areas for bats are retained during construction and post development.

We note the proposed condition 3 and condition 8 set out in the Planning Officer's report to planning committee uploaded onto the website on 24 February 2020. We agree with the wording of these conditions and their inclusion on any permission granted to address our concerns in relation to dormice and bats.

We note the submission of a CEMP, by P+P Builders, dated 12 December 2019. We note comments in the CEMP under "Protect the Water Source" which proposes to "develop bunds on the banks or place absorbent material along ditch banks to prevent or restrict the flow of pollutants to the water resource." However, bunds could pose an unacceptable risk to the watercourse, as the material used could wash and/or leach into the watercourse. Therefore, we recommend this is amended and the CEMP considers the advice referred to in the Guidance for Pollution Prevention: Works and Maintenance in our near water GPP5 available via on the Netregs website. Any discharge of suspended solids/pollutants is not permitted to enter the watercourse at any time.

**Cadw** - A revised site plan, omitting the proposed flood attenuation area located to the south of scheduled monument MM199 has been submitted in support of this application. The revised plan, without the flood attenuation area, is very similar to the plan assessed by EDP in their archaeological and heritage desk-based assessment of December 2019. The assessment of the impact of the proposed development on the setting of scheduled monument MM199 Tramway Embankment of Grosmont Railway contained in that document is therefore valid and no additional information on this issue is now required. Consequently, subject to the retention of the buffer zone alongside the scheduled monument with the existing vegetation augmented by additional planting, the impact of the proposed development on the setting of the scheduled monument will be slight adverse, a level of impact that will not cause unacceptable damage to it.

A revised site plan, with a proposed flood attenuation area located between the development and the A465, along with a swale beside the access road has been submitted in support of this application. These changes in the design of the proposed development will not alter the scale of impact on the setting of scheduled monument MM199 determined by EDP in their archaeological and heritage desk-based assessment of December 2019.

**Dwr Cymru – Welsh Water (DCWW)** – No objections subject to condition.

The site lies within the catchment of Pandy WwTW which ultimately discharges to a Special Area of Conservation (SAC) and at the time of our previous consultation, Pandy WwTW was failing to comply with the 95% quartile for its flow passed forward (FPF) performance. Therefore, on previous correspondence a request was made for the inclusion of a Grampian Style condition to be included.

However, following works, we can confirm that Pandy WwTW is now currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. It is also noted that the amended documents do not vary the total number of proposed housing units and the total proposed remains 20. Accordingly, we would advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from the development the subject of this application. We would also advise that this WwTW has a phosphorus consent limit of 5 mg/l and is currently compliant with this consent limit.

The amended drawings show that surface water will still discharge to a surface water body which is a welcomed approach. Therefore, it is requested that a condition is included in any subsequent grant of planning permission that prevents the discharging of surface water either directly or indirectly to the public sewer network.

We advise that the proposed development site is crossed by a 150 mm public foul sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having reviewed the application, it appears that no new operational development would be situated within the protection zone of the public sewer measured 3 metres either side of the pipes centreline.

**DCWW Reconsultation response** – No additional comments.

We note that we have been previously consulted on DM/2019/02051 and made previous representations under references PLA0085017, PLA0083076, and PLA0047179 with PLA0085017 being our most recent consultation response dated 04.02.2025 where we raised no objection subject to the inclusion of a condition and advisory notes. We note that amended plans have been submitted

that propose a large meandering swale to manage surface water effectively.

#### **MCC Landscape/GI Officer - More detail requested 25/3/25**

The recent information relates to amendments to the surface water management / SuDS systems which is acceptable. The concerns and requests for further information as raised and highlighted previously above remain hence a provisional holding objection seeking further clarifications:

Issue of the 1.8m boundary fence atop of the 1.8m high retaining wall adjacent to plots 16,17 & 20 remains in terms of visual impact and additional planting mitigation or alternative fence treatment requested;

More tree planting along the western boundary of plots 9,12 & 15 required;

More detail of 1.1m fences of plots 1-8 close to the Scheduled Ancient Monument;

Landscape Specification & Management Plan submitted are welcome but not sufficient.

In absence of further information/clarification, request conditions for detailed hard and soft landscaping scheme, lighting plans and Green Infrastructure Management Plan if not provided prior to determination.

*Note: An addendum GI Statement along with amended landscape details have also been provided submitted on 6<sup>th</sup> June 2025 addressing the concerns.*

#### **MCC Biodiversity – Objection.**

The Biodiversity Officer expresses an objection on the following grounds: The proposal is located wholly within a non-statutory designated site; the proposal would result in a significant adverse effect on the local designated site contrary to LDP policy NE1. The proposal does not adequately compensate for negative impacts and will result in net loss to biodiversity contrary to Environment (Wales) Act 2016 and Planning Policy Wales.

Legislation and planning policy has evolved since the site was allocated (2014) and since the application was received (2019). The Environment (Wales) Act 2016 introduced the Section 6 Biodiversity Duty, which requires that the LPA “must seek to maintain and enhance biodiversity in the exercise of [its] functions ... and in doing so promote the resilience of ecosystems”. Subsequent editions of Planning Policy Wales have increasingly emphasised the importance of fulfilling this duty. Planning Policy Wales 12 (published February 2024) improved the step-wise approach which must be followed “to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for” (PPW12, paragraph 6.4.11).

Designated sites are given protection from development in Planning Policy Wales which states that “All designated sites must be able to continue to protect the biodiversity and features for which they were designated” and “this ability should not be compromised by inappropriate development or other activity” (PPW, paragraph 6.4.19). Planning policy recognises that locally designated (non-statutory) wildlife sites “make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process” (PPW12, paragraph 6.4.31). Further protection has been included which states that whilst non-statutory designations do not preclude appropriate developments there should be “no adverse impacts on the features for which a site is designated and on wider ecosystem resilience” (PPW12, paragraph 6.4.33).

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The SINC comprises species-rich neutral grassland and ancient semi-natural woodland, both are priority habitats identified as habitats of principle importance for nature conservation in Wales listed on Section 7 of the Environment (Wales) Act 2016. LPAs must have specific regard for priority habitats in fulfilling the Section 6 duty. Ancient Woodland has additional protection under planning policy which states Planning Policy Wales (section 6.4.26) states: "Ancient woodland ... are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss."

The boundary of the proposed development will abut the ancient woodland boundary without an appropriate buffer. NRW advice states that a suitable "stand off zone" should be informed by surveys; Woodland Trust recommend a minimum 15m buffer between development and woodland edge. The proposed development is not appropriate for a SINC site and would result in adverse impacts on the features for which the site is designated. Development of the site is therefore not compliant with national and local planning policy.

Notwithstanding the biodiversity objection, if in planning terms the benefit of the development outweighs the nature conservation value of the site and you are minded to grant the permission, the proposal must safeguard protected and priority species and achieve a net benefit for biodiversity.

**MCC Housing** - Following a review of the demand for accommodation in Abergavenny, we are happy to proceed with the originally proposed mix for this site, as outlined below:

- 4 x 1-bed flats
- 10 x 2-bed houses
- 5 x 3-bed houses
- 1 x bungalow

**MCC Highways** - The Highway Authority have been reconsulted on the application following submission of revised details and plans. Proposed site layout drawings 'LT1917.04.02 Rev H' and LT1917.04.01 Rev J' has been submitted which are now consistent with the previously submitted engineering drawings. However, our comments with regard to the road narrowing or alternative means of speed reduction have not been considered by the applicant therefore we would maintain our objection until this issue has been addressed.

Previous comments 17/3/25: Updated plans have been submitted which demonstrates that the small turning area as referenced in the comments below under General Site Layout has been removed, therefore the Highway Authority are satisfied that this issue has been resolved. However, with reference to the road narrowing and raised table within the development site it is noted that this has been removed. Additionally, a bridge is being proposed to span the existing watercourse in accordance with NRW requirements. The Highway Authority do not object to the principle of the proposed bridge however this will be subject to further consideration at the detailed design stage for the prospective adoption of the estate roads as public highway.

Referring to the removal of the narrowing and raised table the Highway Authority would not wish to see the complete removal of this element therefore would request the applicant to consider an alternative method of speed reduction in this area on the approach into the residential development.

Previous comments 15/11/24: Our previous comments of 19/02/2020 remain unchanged in respect of the application. It is noted that the revised layout drawing has not been amended which takes account our comments made on the general site layout. It is therefore recommended that the layout drawing is amended in accordance with those comments and resubmitted for approval.

*Note: The original report to Planning Committee considered that the aforementioned revisions may be considered further through a condition, as outlined further below.*

**MCC Environmental Health (Noise) – No objection subject to condition.**

I have reviewed the information contained in this revised Noise Assessment for the proposed development. The report details the attenuation measures that are proposed to meet BS8233:2014 standards for both Outdoor Living Areas and Living Room/Bedrooms areas. I would recommend that appropriate attenuation be provided to ensure the lower guideline level of 50 dB is met for all outdoor areas at the proposed development.

As I understand from the information contained in the report there is a mix of attenuation proposed to meet the outdoor upper guideline level of 55dB at some plots and the outdoor lower guideline level of 50 dB at others. The following is an extract taken from the report:

6.3 The majority of the site will meet noise guideline levels with no mitigation in place.

6.4 The following mitigation is proposed to meet the required external noise guidance levels:

- 1.8m high close boarded fencing along western boundary of gardens 13-15; and
- 1.8m high close boarded fencing along the northern boundary of garden 15.

6.5 The mitigation measures proposed will ensure the upper BS8233 guideline value of 55dBLAeq is met in garden areas across the site.

6.6 To meet the lower guideline level of 50dB LAeq 16 hour the following additional mitigation is proposed:

- 1.8m high close boarded fencing along the northwestern boundary of garden 16;
- 1.8m high close boarded fencing along the northeastern boundaries of garden 16 and 17; and
- 1.8m high close boarded fencing along the northeastern boundary of garden 18.

I concur with the noise attenuation measures for internal noise sensitive rooms.

*Note: the fencing along boundaries of plots 16 & 17 has been amended to an earth bank to reduce visual impact.*

### 3.2 Neighbour Comments (objections)

- The building of these houses would have a negative impact on the local community.
- The increase in traffic would cause major disruption to the local residences and to the primary school.
- Increase in air pollution which is detrimental to local people who suffer from lung difficulties such as asthma.
- Not enough amenities as it is for the area. The increase in people leaving in the area would mean a further demand for places at the local primary school and there is already a high demand and limited places.
- Higher demand on our sewage system which is already overwhelmed and can cause flooding in people's houses as it backs up.
- Concern about flooding as there is going to be more run-off but little to no extra drainage, we have already had houses and bungalows flooded on Wern Gifford.
- The area is an area of natural outstanding beauty and building more houses is going to

change this dramatically. We are in the countryside not a town.

- Previous objections remain.
- Our home is the second property lying north of the proposed development on the A465. In November 2025 our house, garden and garage were flooded, we have been informed due to the local sewerage system being overwhelmed and is insufficient for the properties it already services.
- Our garden and garage further flooded on the 27th January 2026, we have become anecdotally aware that Welsh Water have accepted that the sewerage system was overwhelmed due to the amount of rain.

We would respectfully suggest that it is therefore clear that the sewerage system cannot cope with the current level of development let alone an additional housing estate of some 20 dwellings.

Further, we have a recent ongoing intermittent problem with rising water levels in our downstairs toilet.

The situation regarding flooding appears to be getting worse in recent times and we would suggest that the additional development will add to local Residents' problems.

Would you please acknowledge this letter and upload it to the relevant planning portal.

## **4.0 EVALUATION OF AMENDMENTS**

### **4.1 Biodiversity**

4.1.1 The proposed development is located within Werngifford SINC, designated for semi-improved neutral grassland, woodland and veteran trees. The biodiversity team maintain an objection to the proposal as inappropriate development in a SINC. The proposal will result in the loss of SINC including 1.4 ha grassland and a small area of woodland (not ancient). An existing stream will be culverted, reducing connectivity and quality. There is no buffer between gardens and retained ancient woodland habitat, resulting in degradation of woodland quality.

4.1.2 Development proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local Biodiversity Action Plans or Section 42\* list of species and habitats of importance for conservation of biological diversity in Wales, will only be permitted where:

a) the need for the development clearly outweighs the nature conservation or geological importance of the site; and

b) it can be demonstrated that the development cannot reasonably be located elsewhere.

4.1.3 The site is principally within an allocated main village site, site allocation SAH11(xvi) of the adopted LDP. The decision that the benefit of the development (affordable housing) would outweigh the harm to nature conservation was made at the time of allocation. Therefore parts a) and b) of the policy have been addressed.

4.1.4 Biodiversity colleagues have advised that if it is considered that the the benefits of the development outweigh the nature conservation value of the site and Members are minded to grant planning consent, the proposal must in any case, safeguard protected and priority species and achieve a net benefit for biodiversity.

4.1.5 A revised Preliminary Ecological Appraisal (produced by Soltys Brewster, dated September 2025) has been provided. The report includes an updated assessment based on the current layout and the surveys undertaken in 2019 and 2024. The site comprises semi-improved neutral grassland, with lines of trees (outgrown hedgerows) creating the boundaries, areas of scrub and water inundation, and semi-natural woodland, including ancient woodland. The site is suitable foraging habitat for bats and trees with potential for bat roosts will be directly impacted by the proposal. Woodland and scrub areas are suitable for dormouse and nesting birds. There is also suitable habitat for amphibians, reptiles, and other mammals.

4.1.6 The proposed mitigation includes securing management of the remaining 2.8ha of grassland habitat to enhance its condition and secure the biodiversity value. To compensate for degradation to other habitats management must also include protecting and enhancing other

features of the SINC site (woodland and hedgerows). In accordance with PPW12, management should be secured for the 'long term' and in this case, a minimum period of 40 years will need to be secured with a Section 106 legal agreement.

4.1.7 Precautionary methods of works are also required for trees with potential for bats, clearance of areas suitable for dormouse, and other protected species including otter, nesting birds, reptiles and amphibians. Sensitive lighting is required to safeguard retained habitats.

4.1.8 Proposed enhancements include use of native tree and shrub species in onsite landscaping, enhancing retained species-rich hedgerows, creation of habitat piles, provision of bird and bat boxes, and using green hay from the site to seed the new attenuation pond. Further details of implementation and management will need to be secured with a condition should Members be minded to approve the application.

#### 4.2 Landscaping

In response to the comments from the Landscape Officer, the boundary feature behind plots 16, 17 & 20 has been changed from a 'hard' to a 'softer' earth bank design, as noted on the revised engineering and planning layout attached. Further planting requested and Landscape Specification & management Plan can be secured via condition should Members be minded to approve the application.

#### 4.3 Green Infrastructure

Since the application was last presented to Planning Committee, Chapter 6 of Planning Policy Wales (PPW) 12 now highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development.

This statement must demonstrate a step wise approach which considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigate / Restore.

A GI statement has now been submitted in support of this application. The primary GI assets at the site are the internal areas of rough grassland and the linear tree groups that define the site boundaries. The trees, grown out from traditional field boundary hedgerows, form valuable green corridors around the site, that connect to the wider GI network via adjoining field boundary hedgerows.

One small section of trees (approx. 10m) will be removed to accommodate the access road. All remaining trees will be retained and protected in accordance with BS 5837:2012. The central area of rough grassland will be removed to accommodate the proposed development.

The soft landscape proposals for the development now include the following GI enhancements:

- 21 no. new native trees on the site's peripheries
- 4 no. new street trees in the centre of the development
- 128 linear metres of new, species rich, native hedgerow along the site's western and northern boundaries
- 1,480 square metres of new wildflower habitat
- The remaining retained grassland will be managed, through scheduled cutting, to develop into wildflower meadow

#### 4.4 Flood Risk

The residential area of the proposed development site is predicted to be flood free during the 1 in 100 year (1%) plus an allowance for climate change (CC) (25%) and the 1 in 100 year (0.1%) flood events. However, the main access into the site has been shown to flood up to a maximum depth of 0.120m with a corresponding velocity of 0.48m/sec (Section 2.13.2 of the FCA) during the 0.1% event. The predicted depth is within the indicative tolerable conditions set out in A1.15 of TAN15 i.e. <600mm.

The amended FCA (September 2024) concludes that there will be no increase in flooding elsewhere

due to the provision of compensatory flood storage within off-line storage areas. However, these storage areas have now been removed. Instead, the FCA Addendum states that the removal of the twin culverts and installing a clear span bridge over the ordinary watercourse negates the requirement for a storage area to the south of the development as the soffit of the proposed bridge will have a clearance of 600mm above the 1% CC design event flood level.

NRW have agreed with the conclusions of the FCA and Addendum and therefore there are no reasonable grounds to refuse the application on the grounds of flood risk.

## **5.0 RECOMMENDATION: APPROVED SUBJECT TO SECTION 106**

### Heads of Terms:

Section 106 Agreement requiring for a period of 40 years from the implementation date Werngifford SINC shall be managed in compliance with the approved Werngifford SINC Management Plan.

### Additional or updated conditions:

1. A Management plan for Werngifford SINC shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development (including demolition, ground works, vegetation clearance). The content of the management plan shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
- g) Details of the body or organization responsible for implementation of the plan.
- h) 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 biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard priority habitats and protected species and ensure the development delivers a net benefit for biodiversity in accordance with Environment (Wales) Act 2016, Planning Policy Wales and LDP policy NE1

2. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Construction methods: details of materials, how waste generated will be managed.
- b) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, mixing and washing areas) and any watercourse or surface drain.
- c) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- d) 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.
- e) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- f) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

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

Reason: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

3. Prior to the commencement of development full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a) Detailed scaled plans, showing existing and proposed levels inclusive of proposed cross section.
- b) Proposed and existing utilities/services above and below ground.
- c) Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment, inclusive of SUDS green engineering and rainwater gardens.
- d) Hard landscape materials to include surfacing, SUDs, location of proposed lighting, fencing, gates, minor artefacts and structures (e.g. signs, bins, stores). Lighting strategy

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan. And to safeguard foraging and commuting routes used by species protected by Conservation of Habitats and Species Regulations 2017.

4. An appropriately scaled Green Infrastructure Management Plan for management of the development site shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan as a standalone document shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.
- b) Opportunities for enhancement to be incorporated, including but not limited to seeding of the attenuation pond, provision of bird and bat boxes, provision of habitat piles, and use of native species in landscaping.
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure 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 Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, and to safeguard foraging and commuting routes used by species protected by Conservation of Habitats and Species Regulations 2017.

5. Prior to the commencement of the development, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall at minimum:

- a) Identify areas/features on site that are sensitive for wildlife and must remain unlit
- b) Provide details of lighting type, position and specification, including use of cowls and appropriate light wave lengths
- c) Provide drawings showing lux levels on horizontal and vertical planes, demonstrating that dark corridors will be retained.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. 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 other than approved under this permission shall be installed within the curtilage of the development without prior written approval of the Local Planning Authority

Reason: To safeguard foraging and commuting routes used by light sensitive species in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

Reasons: To safeguard commuting and foraging routes in accordance with Conservation of Habitats and Species Regulations 2017.

7. Prior to the commencement of the development confirmation should be provided by the applicant to the local planning authority of the noise mitigation measures to be implemented to ensure all outdoor areas will achieve the lower guideline level of 50dB.Noise attenuation measures proposed to achieve internal guideline values of 35 dB in noise sensitive rooms and 30dB in bedrooms stated in the report should be adhered to.

Reason: To protect local residential amenity in accordance with LDP Policy EP1.

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

**Previous Committee Report below.**

**Application Number:** DM/2019/02051

**Proposal:** Construction of 20no. affordable housing units, landscaping and associated works

**Address:** Land At Wern Gifford, Pandy, Abergavenny, NP7 8DL

**Applicant:** Mr. Tim Crooks

**Plans:** General 455 01A - , Site Plan LT1917 04 02 - , All Proposed Plans LT 1917 04111 - , All Proposed Plans LT 1917 04112 - , Site Plan LT 1917 04 03 - , All Proposed Plans LT1917 04 04 - , Street Elevation LT1917 04 10 - , Site Layout LT1917

**RECOMMENDATION: APPROVE subject to a Unilateral Undertaking agreement**

Case Officer: Ms. Kate Bingham  
Date Valid: 06.01.2020

**This application is presented to Planning Committee as there are five or more objections to the proposal.**

**1.0 APPLICATION DETAILS**

- 1.1 The application is for the construction of 20no. affordable housing units, landscaping and associated works. The site is identified in the current Local Development Plan (LDP) as being within the Wern Gifford (Pandy) development boundary. The proposed development of 20 no. dwellings comprises; 10 no 2 person one-bedroom houses, 5 no. 5 person three-bedroom houses, 4 no. 1 person one-bedroom flats and 1 no. 3 person two-bedroom bungalow.
- 1.2 The site is principally within an allocated main village site SAH11(xvi) which highlights some on site considerations i.e. a C2 flood zone, protection and enhancement of an adjoining Scheduled Ancient Monument (SAM) and provision of community open space (play area / allotments).
- 1.3 The site is adjacent to a CADW listed SAM: Tramway embankment of Grosmont railway which also accommodates PROW 356/462/2 and ancient woodland. The field in which the proposed development is situated, and part of the SAM, also form part of a larger site of interest for nature conservation (SINC) site, a local designation valued for H4 neutral grassland & H2 veteran trees.
- 1.4 The proposed site is also immediately adjacent to a C2 Flood zone area. The principal access into the site would cross the flood zone area.

**2.0 RELEVANT PLANNING HISTORY (if any)**

| Reference Number | Description                                                                       | Decision              | Decision Date |
|------------------|-----------------------------------------------------------------------------------|-----------------------|---------------|
| DM/2019/02051    | Construction of 20no. affordable housing units, landscaping and associated works. | Pending Determination |               |

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S2 LDP 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 SAH11  
LDP Main Villages

#### **Development Management Policies**

H2 LDP Residential Development in Main Villages  
H7 LDP Affordable Housing Rural Exceptions  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character DES1  
LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
SD2 LDP Sustainable Construction and Energy Efficiency SD3  
LDP Flood Risk  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
MV3 LDP Public Rights of Way  
EP3 LDP Lighting

### **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**

**Llanvihangel Crucorney Community Council** - object:

1. Contrary to policy already outlined by MCC, relating to its preference for mixed housing developments, it was observed that this was a development relating completely to social/affordable housing. The answer given was that this was because partial grant funding has been obtained from the Welsh Government.
2. Access to the development (both when under construction and afterwards) would have an enormous impact owing to increased traffic flow into Wern Gifford Estate especially around the Primary School entrance with the children's safety issues already a great concern. The question was raised as to whether access could be created from the Grosmont/While House Pitch road through an area owned by the existing landowner who had released the present plots south west

of Wern Gifford for development. It was observed that the land accessed from the White House Pitch Road was as yet only a candidate site and part of the review process under the 2018-2033 LDP without planning status. It was forcefully stated by local people present at the meeting that all 'traffic surveys' had taken place in holiday time when traffic flow was at its minimum because of school holidays and that the results of the computer modelling which had taken place under the auspices of the agent for the applicant following the surveys were therefore misleading and could not be trusted. It was felt that theoretical data is not enough and that local residents' every day experiences should be acknowledged, considered and taken into account in any assessment. There seems not to have been any mention of every day school traffic or other Wern Gifford site traffic at all.

3. It was observed that not all residents of Wern Gifford had been informed of the proposals at pre-application public consultation stage.
4. Residents were extremely concerned that DCWW felt that the sewerage/drainage system serving Llanvihangel Crucorney and Pandy was capable of taking a sizeable development of this nature. The planning agent informed the community council that they had received a pre-consultation letter from DCWW which had replied in a positive manner when referring to the present system's ability to cope with any extra input. The latter statement was particularly infuriating to local residents and councillors who had suffered numerous sewerage and flooding disasters over the years especially since Wern Gifford and other more recent housing developments had taken place. Ongoing at the moment there are 2 housing developments which when finished will add another 24 properties to the already overloaded system in addition to the 20 properties proposed in the current social housing application. Moreover, DCWW's latest response would seem to be in complete contradiction to its statement in a letter to the community council dated 13 September 2013 in which it stated that "the findings of the HMA indicate that our 150mm diameter gravity foul sewer serving Pandy is hydraulically overloaded at present. The HMA confirmed that there is an amount of storm flows entering the bottom end of the catchment, which exceeds the design capacity of the sewers in this area in times of heavy rainfall". In this letter it is further mentioned that "land adjacent to Wern Gifford has a separate sewer system with no discernible storm response" and that there were a number of sections that had root ingress which required scheduled maintenance and patch lining. It also mentioned that there was a lot of surface water entering the public sewerage system upstream of the Rising Sun Public House. As far as the community council is aware, no major improvements or surveys have taken place to ameliorate these findings in recent years. The applicant's agent's stance on this matter was that a separate sewerage pipe would be installed in the new development and that an 'attenuation system' for surface water drainage would be installed and the problem would be solved. Recent legal requirements that no development be allowed which would increase the risk of flooding was disputed in this case by all local people as the community had suffered serious flooding in the past and the area in the vicinity of this development was in fact on the flood plain. It is not clear either as to how extra surface water from the proposed tarmacked access road will be accommodated as the ditch which seems to run alongside it on the plans does not lead anywhere. There does not seem to be a bridge planned over the nearby stream either and there is no mention of design, levels or clearance between the stream and the underside of any bridge which may materialise. Re: all discussions about drainage and sewage, it was pointed out by the various people at the meeting that the overriding problem lay with the main sewerage pipe into which all the lateral pipes ran insofar as it was insufficient for the needs of the community. This was the most important point to be addressed but none of the authorities were taking any notice. DCWW's favoured approach to problems seems to be purely reactive in dealing with each incident as it occurs on an ad hoc basis rather than being proactive when a recurring problem manifests itself and upgrade a failing system, despite great anxiety and distress that flooding and sewage disasters cause local residents.
5. Linked to no.2 above, is the intake capacity of the local Primary School. Councillors have it on good authority that the intake capacity will never change and no further accommodation will be built by the County Council. As the school is virtually always at full capacity, this will result in any extra children from this development being transported into Abergavenny. Once again it seems that little thought has been put into this aspect of the development by the planners.
6. The full site plan suggests that the area is landlocked in very close vicinity to the flood plain.
7. It was strongly felt that until DCWW had met with the community council and local residents that no final decision should be made with regards to this application by MCC.
8. It was observed that other matters relating to these proposals include planning statements regarding transport links and other aspects of infrastructure which contain inaccuracies as follows:
  - (a) the bus service X3 is every two hours, not one and there is no direct service to Abergavenny train station and parking there is inadequate;
  - (b) information re hotel accommodation as there is no longer a hotel in Pandy.

9. The following policies/guidelines mentioned in the LDP seem to have been breached and at the very least need further clarification/action before this latest application is progressed: Policies EP1, EP2 and EP5.

Councillors feel that, as well as all the other matters commented on, it is absolutely vital that Dwr Cymru/Welsh Water is closely quizzed about its opinion that the sewerage/drainage system in the area is fit for purpose as residents' experience suggests exactly the opposite; especially as housing development after housing development seems to be nodded through despite evidence to the contrary re the above. Dwr Cymru/Welsh Water will be attending the Community Council's next meeting on the 18 February at Pandy Hall. Councillors feel that no planning permission should be progressed until the sewerage/drainage situation is fully clarified.

**Dwr Cymru-Welsh Water** - No objections:

**Sewerage Treatment** - No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharged from this site.

**Water Supply** - A water supply can be made available to serve this proposed development.

**Cadw** - Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

The consultation includes an archaeological and heritage desk-based assessment prepared by EDP. This work considers that the proposed development will not have any impact on the above designated heritage assets and their settings apart from scheduled monument MM199 Tramway Embankment of Grosmont Railway.

The assessment considers that development in the application area will have an adverse impact on the setting of the scheduled monument. However, a buffer zone alongside the scheduled monument has been incorporated into the design of the development along with the retention of existing vegetation, which will be augmented by additional planting. These measures will reduce the impact of the proposed development on the setting of the scheduled monument to slight adverse, a level of impact that will not be significant.

**Glamorgan Gwent Archaeological Trust** - The area is adjacent to the Scheduled Monument MM199 Tramway Embankment of Grosmont Railway. The supporting documentation includes an Archaeology and Heritage Assessment from EDP (reference edp5440\_r001b, December 2019). This document does not meet current professional standards and the report cannot be deposited in the Historic Environment Record by the archaeologist. The assessment is missing information on which the consideration of the impact of the proposal is based. These include:

1. It was not undertaken to an agreed methodology with the archaeological advisor and therefore no study area was agreed
2. No bilingual summary or site walkover details are in the report
3. No details of aerial sorties examined
4. No historic mapping (apart from Tithe).

As the report cannot be accepted in its current form, please could you request that these changes are made and that the report is resubmitted. (This has been requested and is pending at the time of writing this report).

**MCC Landscape/GI/Urban Design** - No objections subject to conditions.

**MCC Highways** - There are no highway grounds to sustain an objection to the application subject to conditions relating to the construction of the roads.

**MCC Biodiversity** - Holding objection. Further information received. Awaiting revised comments.

**MCC Education** - The catchment school for the proposed development is Llanvihangel Crucorney Primary School. The total school capacity is suitable for 77 children and we currently have 68 on the roll, leaving nine surplus places. Four of the seven year groups have met its capacity. Our formula advises us that approximately four children would be generated from 20 dwellings. If any children arising from the development fall within a year group that is currently at capacity, the next nearest school with capacity is likely to be Deri View Primary at 4.5 miles. The capacity for Welsh Medium provision is currently pressured although we are looking at options to relieve this pressure.

**MCC Lead Local Flood Authority** - No objections. Notes to applicant:

The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The SAB is granted a period of at least seven weeks to determine applications.

The applicant will need to apply for Ordinary Watercourse Consent for the works over the watercourse.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Seven representations received objecting on the following grounds:

- The existing primary school, is heavily congested with school traffic. As it stands this already is hazardous because of the parking around the school by parents who pick their children up from the school.
- Traffic coming north on the A465 have to turn right into the estate on a busy main road which in itself is not without danger. There has already been one fatal accident here in the past.
- Increasing the amount of traffic coming into the estate by at least forty cars (assuming the new dwellings will probably need two vehicles), plus delivery vehicles, will make this turning more dangerous and the traffic flow around the school even worse.
- The proposed new road to be constructed through the now cul-de-sac will be no more than a single track and together with the current residents' parking will cause more congestion.
- At a time when we are being asked to cut down global warming you are encouraging development at a site where residents will have no alternative but to rely on their own cars.
- The proposed site is metres from a stream that has always been prone to flooding. In fact the whole area suffers from sudden flooding (e.g. the 26th October 2019). The residents around this area of the estate have suffered from flooding in the past.
- The sewage and drainage infrastructure is already inadequate on Wern Gifford, with reports of sewage backing up in toilets in some parts of the estate.
- Whilst we are aware of the need for new housing, because of the above points this development is in our opinion as Wern Gifford residents, totally unsuitable. However should the access to the new development be other than through Wern Gifford, it might then be more acceptable.
- The school is already full, with no ability to add more children to existing classes, or to expand the site to create further classroom space. This would likely mean any additional families moving to these new houses being forced to take or send their children to the schools in Grosmont or Abergavenny, which would increase traffic to and from the development.
- There is a lack of any local infrastructure in the form of grocery retail, or service professionals such as doctors, dentists, etc. For these services, any resident is required to travel to Abergavenny or Hereford, and this will increase traffic and general car use.
- You note the requirement from the PPW for developments to be located within existing urban areas, and to be well served by existing public transport. One bus an hour in each direction could hardly be termed 'well served', especially given that the bus is full of older children going to school in Abergavenny at the same time that any commuter wishing to brave public transport might want to use it, the buses do not go to the railway station in Abergavenny, and the last bus from Abergavenny to Hereford leaves at 5pm, which would make it unusable as a means of transport

- for anyone working in the town, or returning to the town by train from working further afield. While the PPW acknowledges that increased car use as a side-effect of a development is possible, it is disingenuous to suggest that the increased car use would be a side-effect in this case; the schedules of the various forms of public transport make it certain that car use would be preferred over public transport.
- Given the amount of land available for use in and around the proposed development, and the repeated mention in various proposal documents of the need to build within existing developed areas to concentrate around existing transport and other infrastructure, it is easy to see that this development could be used to provide justification for future development proposals within the same area; such proposals could only increase the difficulties already mentioned, and it would surely be desirable to ensure that any existing problems of access to schools or services, driven partially by public transport availability.
- The affordable housing allowed by BBNP in Llanvihangel Crucorney should be completed before any other houses or flats are considered anywhere near Wern Gifford.
- Question what steps will be taken to protect local residents during the construction phase.

### 5.3 Other Representations

**Coed Cadw Woodland Trust** - The Woodland Trust Objects to the proposals on the basis of the potential damage to the ancient woodland which is designated on NRW's Ancient Woodland Inventory (AWI) as Ancient Semi-natural Woodland (ASNW). ASNW are areas of broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years. By definition these sites are irreplaceable.

The application indicates the proposed development within 10m from the ancient woodland. Where such development is sited in close proximity to ancient woodland it is important that a buffer zone is maintained between the development and woodland to ameliorate harmful impacts. In this instance the Trust considers that the applicant should implement a buffer zone of at least 15m between the development and the ancient woodland. The buffer zone should be planted before construction commences on site and a fence should be put up in place during construction to ensure that the buffer does not suffer from encroachment of construction vehicles/stockpiles.

### 5.4 Local Member Representations

Supports the comments of the Community Council.

## **6.0 EVALUATION**

### **6.0 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning application decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for the site comprises the Monmouthshire County Council Local Development Plan (LDP), which was adopted in February 2014 and covers the period 2011-2021.

This site is allocated for residential development under policy SAH11(xvi) of the LDP for 15 dwellings. It is proposed to bring forward the remaining part of the site, which lies outside of the LDP allocation boundary as affordable housing provision under Policy H7 of the LDP, to accommodate a further 5 dwellings.

Policy H7 states that favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following criteria are met:

### **Page 27**

- a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or

- by reference to alternative housing need data) which could not otherwise be met in the locality (housing needs sub-area);
- b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers;
- c) The proposal would have no significant adverse impact on village form and character and surrounding landscape or create additional traffic or access problems.

In terms of the three criteria, as of January 2019 there was a waiting list of 2021 affordable homes (Bands 1-4) in the County and in allocating this site for affordable housing the Inspector's Report on the LDP agreed that the overall scale, type and distribution (of the affordable housing sites) achieves the relevant objectives of the LDP in a sustainable manner consistent with the Wales Spatial Plan and national policy. Criterion b) is not applicable as this application is being made on behalf of Monmouthshire Housing Association and will not come forward without their involvement and funding. Criterion c) will be considered below.

#### 6.1.2 Use of Best and Most Versatile (BMV) Agricultural Land

Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use, and Grade 5 is very poor quality land, with severe limitations. Grade 3 land is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land). Land which is classified as Grades 1, 2 and 3a in the ALC system is defined as best and most versatile agricultural land.

There is no detailed ALC data available for the site or locality but provisional mapping shows the site as Grade 2. The soils mapped as being present are generally well drained and medium loamy or coarse loamy throughout. The limitation to agricultural land quality is likely to be slight, to Grade 2, other than in the east of the site where flood risk may represent a more severe limitation to Subgrade 3a.

Paragraph 3.55 of Planning Policy Wales outlines that Grades 1, 2 and 3a agricultural land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable.

In this instance there is a need for housing in the Wern Gifford area as evidenced by the LDP allocation for residential development, from which the majority of the site benefits. In addition, the surrounding area comprises similar grade land to that of the application site, and there are no alternative sites available for development. The development of the site for residential use is therefore consistent with paragraph 3.55 of Planning Policy Wales.

#### 6.1.3 Good Design/ Place making

The existing surrounding urban development is a typical low-rise housing with no structures raising higher than two storey. The school is a single storey building. The existing vernacular of the properties at Wern Gifford is consistent with a 1960's typical material palette of light facing brickwork, concrete roofing tiles and feature tile hanging dormers of gables. The majority of properties have upgraded their original windows and doors to white UPVC. The street layout is also typical of an urban housing estate road with adoptable standard roads and footways with off road parking.

It is difficult for the materials palette of the proposed development to incorporate many features of the surrounding properties as these were constructed in the 1960's and are somewhat outdated. However, a variety of different materials have been included which is similar to the surrounding area. A mix of stone, facing brickwork and render with grey reconstituted slates and uPVC windows with simple glazing patterns is proposed.

The development will have a standard two-storey height with the exception of one bungalow which is compatible with the adjoining development in the area. Being affordable homes, all of the proposed dwellings have been designed to ensure that they comply with the Welsh Government's Design Quality Requirements 2016.

On balance, therefore it is considered that proposed that the development will not have an adverse impact on the existing character of the surrounding area as the proposed development reflects local context and the existing settlement pattern. The proposed housing therefore meets the requirements

#### 6.1.4 Impact on Amenity/ Promoting Healthier Places

It is generally accepted that development densities of 30-50 dwellings per hectare (dph) are appropriate to make best use of identified development land and to protect the countryside from urban sprawl. The proposed development for the site of 20 units is considered to be an appropriate density (46dph) which balances the need to make the best use of the site whilst having due consideration to local densities and ensuring the provision of appropriate amenity and privacy standards.

The proposed dwellings are therefore limited to one and two storey with no additional accommodation in the roof spaces. This will ensure that they are not out of keeping with the existing properties. Furthermore, all overlooking and privacy distances (21m between habitable room windows and 11m between elevations and neighbouring boundaries) are considered to have been met in the proposed layout. In addition, boundary treatments and the general topography of the site will not only safeguard the privacy of the future occupiers of the site but also existing residents'.

On this basis, it is considered that the proposed development meets the requirements of LDP Policy EP1.

#### 6.1.5 The Welsh Language

The properties are to be affordable houses for local people. As such the relatively small development is unlikely to have any impact on the use of the Welsh language in the area.

There is some pressure on Welsh Medium school places but that is an issue that the Council's Education Department is working to address.

### **6.2 Active and Social Places**

#### 6.2.1 Sustainable transport issues

The site is accessible by walking and public transport at a local level as it is within walking distance to a number of local facilities including Llanvihangel Crucorney Primary School, Llanvihangel Crucorney convenience store and local pubs. The site is located within 500m walking distance from the nearest local public transport network on the A465. Here a bus service provides a two hourly connection to Hereford to the north and Abergavenny and Cardiff to the south. Given the infrequency of the current buses, it is likely that driving will be the preferred mode of transport, contributing to 81% of all daily movements, with walking and public transport contributing to 19% of all movements throughout the day. Notwithstanding this, existing footway facilities within the local area are generally good and provide reasonable access to local facilities. The site is also within reasonable distance from the national cycle network. The site is therefore considered to have reasonable links to promote active and sustainable travel from the site.

#### 6.2.2 Access / Highway Safety

The main access to the development for both pedestrians and vehicles will be via the existing Wern Gifford residential estate to the east of the site, which links the site with the A465 to the north of the primary school. Access to the site is proposed at the most southern part of the Wern Gifford Estate. Access will be directly from the existing turning head and lead west into the site. The access road has been designed as a continuation of the existing Wern Gifford estate road.

From the traffic data outlined in the submitted Transport Statement, prepared by Lime Transport, the proposed development of 20 dwelling units will generate approximately 145 two-way vehicular movements throughout the day with a total of 20 trips in the AM peak and 12 in the PM peak. Based on this it is accepted that the proposed daily vehicular movements from the site will have minimal impact on the local highway network, as there is sufficient capacity along the existing network and at existing junctions within the vicinity to the development site.

The access road has been designed as a conventional 5.5m wide access road with a 2m footway on the northern side which connects to the existing footway at Wern Gifford. At the entrance from Wern Gifford a road narrowing and raised table is shown to act as a traffic calming feature to reduce vehicle speeds to a required design speed of 20mph. Where the proposed access road

leads into the residential area there is an additional narrowing and raised table which leads into a 4.8m wide access road with 2m wide footways and 1.5m wide marginal strips. There are two access roads which serve the residential area, one which leads northwards with a turning area suitable to accommodate the turning movements of a refuse vehicle and one which leads further west.

A small turning area is shown at the western estate road however, has not been designed to typical turning head standards. Based on this it is recommended that the small turning area be removed and the 1.5m strip be continued straight through. In addition it is recommended that the narrowing and table within the residential area be moved further east near to the proposed culvert so as to incorporate all of the residential area. The road could ramp up at this point and lead into a raised shared space area. The aforementioned revisions may be considered further through a condition, as outlined below.

Pedestrian access will be gained via an extension to Wern Gifford to the east of the site. As part of the development it is proposed to provide a 2m footway along the northern side of the proposed site access. This will form part of the existing footway at Wern Gifford, which has pedestrian footways on either one or both sides of the carriageway, connecting to the A465. The A465 itself has a 2.8m wide footway to the south of the existing Wern Gifford priority junction, providing connections to a local facilities and bus routes. Furthermore, as part of the development, it is proposed to provide a footpath to the north of the site which will provide direct connections to the A465 for pedestrians.

It is proposed to provide a total of 45 car parking spaces together with cycle parking (the latter to be within the shed of each house and bungalow and within a secure cycle storage facility within the curtilage of the proposed flats). The requirements of the Monmouthshire Parking Standards 2012 are 1 parking space per bedroom (maximum of 3). Having assessed the proposed parking provision it is accepted that each individual unit has the requisite number of parking spaces and therefore satisfies the Monmouthshire Parking Standards 2012.

### **6.3 Distinctive & Natural Places**

#### **6.3.1 Landscape/ Visual Impact**

The immediate site is identified in LANDMAP as being of various values for Visual and Sensory landscape quality: (Monnow valley) open lowlands valley of a HIGH value; Historical (East Abergavenny) irregular fieldsapes OUTSTANDING; Cultural landscape (Upper Gwent) HIGH value for Sense of Place; Landscape habitat (Llanvihangel Crucorney and surrounds ) mosaic MODERATE value and Geological (Stanton) MODERATE value.

The development proposes small pockets of landscaping comprising a buffer along the boundary and frontage of each dwelling. The site also proposes to introduce small, but intensively planted areas between the frontage of house and the road that will break up hard surfacing along the street frontage.

Additional planting on the western boundary of the site would also be secured to make the transition between the open countryside and the built up area softer. This will also protect the setting of the Scheduled Ancient Monument (SAM).

Subject to this additional landscaping, it is considered that the proposed development will not have a significantly adverse impact on the wider landscape and accords with Policy LC5 of the LDP.

#### **6.3.2 Historic Environment**

To the west of the site there is a Scheduled Ancient Monument (SAM) which is the Grosmont railway line and embankment. These stand 3m above the site. The western field boundary is dominated with a mature tree belt that rises slightly towards the embankment.

The railway embankment can be viewed from both north and westward views and is currently overgrown by mature trees and scrub on both embankments. The top of the embankment hosts the remains of the Grosmont Railway line and is considered an important monument in the progression and understanding of transportation of the 18 / 19th Century. In light of this, the siting of plots 1-8 take into consideration the topography of the embankment, the need for maintenance (of both the bank and the trees), the need for a continued view of the monument and the need to control unwanted tipping from the proposed dwellings. To this end a green buffer zone has therefore been

allowed for to the rear of plots 1-8, with no development being undertaken with the tree canopy and maintaining a 4m ecological green buffer zone between the rear fences and the embankment. This is considered acceptable in this respect and Cadw's comment offering no objection is noted.

### 6.3.3 Green Infrastructure

Under LDP Policy GI1, all development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by: a) Ensuring that individual green assets are retained wherever possible and integrated into new development. Where loss of green infrastructure is unavoidable in order to secure sustainable development appropriate mitigation and/or compensation of the lost assets will be required; b) Incorporating new and /or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off-site.

The tree retention and removal plan indicate approximately 25 trees to be removed. The planting plan indicates 27 new trees to be planted. The inclusion of rain gardens, swales and appropriate planting are all welcome.

A range of wider functions have been identified through the GI assets assessment, LVIA and DAS. The applicant seeks to provide further connectivity to the wider PROW network via a mown path connecting from the vicinity of plot 16. This has been agreed with the landowner and will be secured via a Unilateral Undertaking.

The GI management plan that has been submitted is broadly acceptable but may need to be updated to reflect any subsequent amendments due to changes in ecological and or landscape prescriptions. This will be a condition of any consent. The plans should also include in its appendix reference to the GI assets and opportunities assessment, landscape schedules, a chart showing timescales of activity and the location of the site.

The GI management plan should also include management prescriptions for the proposed swales and rain gardens inclusive of construction, cross section details and associated planting. Subject to the agreed GI Management Plan, the development is considered to meet the requirements of LDP Policy GI1.

### 6.3.4 Biodiversity

In accordance with PPW 10, the protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, and LDP Policy NE1. This should be informed by relevant ecological assessments, included as GI opportunities for the site and subsequently to ensure long-term functionality detailed management prescriptions will need to be provided as part of a GI management plan.

The site that was allocated in the adopted LDP sits within a SINC (Wern Gifford SINC) which was identified & designated during the LDP process for its valuable Neutral Grassland and Veteran Tree habitats.

Development proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local Biodiversity Action Plans or Section 42\* list of species and habitats of importance for conservation of biological diversity in Wales, will only be permitted where:

- c) the need for the development clearly outweighs the nature conservation or geological importance of the site; and
- d) it can be demonstrated that the development cannot reasonably be located elsewhere.

The decision that the benefit of the development (affordable housing) would outweigh the harm to nature conservation was made at the time of allocation. Therefore parts a) and b) of the policy have been addressed. The policy goes on to state that:

Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided.

In this instance, two areas of land have been secured for management by the applicant adjacent to the site. The hedgerows around the site and wider field boundaries have also been secured as part of a Dormice Conservation Strategy. It is important to note that Policy NE1 requires compensatory habitats to be of equal or greater quality and quantity. Notwithstanding this requirement, in terms of quantity, the proposed development is providing mitigation habitat for both the loss of priority habitat and in respect of Dormice, this equates to a total area which is in excess of the area required to facilitate the proposed development. In addition, in terms of quality, the management of these areas through a structured management plan will support and promote the long-term resilience of the habitat and secure its future use.

Further to the management of these areas, the proposed development also incorporates a comprehensive SuDS scheme, including the use of swales and other green features, which will in turn promote biodiversity. The water within SuDS components is vital for the growth and development of plants and animals to provide food and breeding opportunities. In addition SuDS features can provide shelter and foraging opportunities. SuDS also promote water quality by treating water runoff, which is also beneficial in terms of biodiversity, preventing harm from chemicals.

Finally the proposed layout also includes a comprehensive planting scheme, including hedgerows and tree planting around the periphery of the site, this provides additional habitat creation over and above the offsite areas. As such, the proposed development is considered to accord with the provisions of PPW and Policy NE1 of the LDP.

The future management of areas both within and outside the site will be secured through a Unilateral Undertaking.

#### 6.3.5 Flooding

The issue of flood risk is a valid material consideration in determining planning applications. The access to the site lies partially within a Zone C2 flood plain which is identified as being at a high risk of either tidal or fluvial (rivers/streams) flooding. As such a Flood Consequence Assessment (FCA) has been submitted which includes a levels survey (related to Ordnance Datum) to demonstrate the current extent of flood risk. This is necessary in order to determine what degree of mitigation measures would be required to meet the required standard of protection, and that suitable access can still be achieved in an extreme flood event.

The flood map (taken from NRW flood maps) has been considered within the site layout design, to ensure all dwellings are located outside of the areas that are likely to flood. The FCA concludes that the proposed development site is at low risk from all sources of flooding, including rivers, groundwater, surface water, reservoirs, sewers and overland flows as according to the calculated flood levels, there is more than 600mm freeboard provided between the 1 in 1000yr flood level and the finished floor level of the proposed houses. However, the proposed access road will pass through the floodplain as indicated by the NRW Flood Map. The results of the proposed flood modelling have the eastern part of the access road past the eastern bank of the stream as being in the floodplain and according to the calculated velocity and depth of flow, the Hazard Rating is 'Danger to Most' but not 'Danger for the Emergency Services'. In conclusion therefore, most of the access road is not going to be liable to flooding and the remainder of the site is not at risk of flooding at all. The Hazard Rating as calculated allows for access to the Emergency Services making the new access road a safe access and egress in the case of an emergency even when flooding is taking place.

Given the above, it is considered likely that planning consent should not be withheld on flood risk grounds. NRW are currently considering the flood modelling provided and will respond once this work has been completed. No issues that would preclude development are however anticipated and it is proposed that an 'in principle' decision on the application can be made by Members of Planning Committee subject to the final comments from NRW.

#### 6.3.6 Water (including foul drainage / SuDS) and Air Quality

Following implementation of Schedule 3 of the Flood and Water Management Act which came into full effect on 7th January 2019, all construction works with drainage implications with a construction area greater than 100 m<sup>2</sup> must be drained using sustainable drainage systems (SuDS) designed in accordance with the Statutory Standards for Sustainable Drainage in Wales. In addition to planning approval such works will require a separate SuDS approval from the SuDS Approving Body (SAB)

which is also administered by Monmouthshire County Council.

In light of the above, sustainable drainage measures are proposed within the design. These include rainwater gardens fronting houses to take roof drainage linking into overall above ground drainage routes with all new surface water drainage will discharge into the existing stream, with filtration ponds en-route. Furthermore, private drives, car parking bays and other non-adoptable areas will be constructed in permeable paving systems to ensure surface water drainage is taken back into the ground water table system.

The Community Council and some local residents have raised concerns regarding the existing sewerage system in the area. As part of the consultation process Dwr Cymru/Welsh Water have been consulted on the application and have offered no objection to the application, nor raised any concerns in relation to the existing sewerage system. It should also be noted that this issue would have been considered when the site was designated in the Local Development Plan. On this basis it would be unreasonable to refuse the application on the grounds of inadequate foul drainage. All drainage including surface water from the proposed new roads will be subject to SuDS regulations which would look to ensure no surface water enters the public sewerage system.

In terms of air quality, as the development anticipates daily vehicle trips to be well under 500 (145) then an air quality impact assessment would not be necessary.

#### **6.3.7 Contaminated Land**

Our Contaminated Land database and historical mapping identified the presence of a former tramway or mineral railway crossing the site from north east to south west, as well as some unknown filled ground to west of the site. Both of these have the potential for land contamination. As such the applicant has already undertaken a Phase 1 site investigation of the site, including a desktop study, conceptual site model and soil sampling.

This sampling did not identify any contamination above the residential guideline values. However, the site is in an area where Basic Radon protection measures will be necessary in each property. Furthermore, imported materials must be validated as suitable for their end use, and any unidentified contamination found or suspected during site works would require further site investigation prior to continuation of works.

The trial pit locations for the phase 1 site investigation were spread evenly over the site and included the unknown filled ground, and either side of the tramline. However, no sampling was taken on the route of the former tramline, possibly due to access issues with the trees that have grown over it. It is therefore recommended that a condition for land contamination is included on any approval which stipulates that if contamination is identified upon further sampling then remediation would be required.

### **6.4 Response to the Representations of Third Parties and the Community Council**

Concerns regarding sustainability, flooding and foul drainage have been considered in paragraphs 6.1.1, 6.4.5 and 6.4.6 respectively.

Further to previous assessment of highway issues in paragraph 6.2.2, it is noted the local community have expressed specific concerns over the development proposal and the potential increase in traffic. In this regard, the role of the Highway Authority in response to planning consultations is to provide advice and only to recommend refusal of an application where it can demonstrate real harm. Refusal is only recommended where shortfalls in highway standards would lead to a real deterioration in highway safety or capacity or where there is a clear conflict with transportation policy. Taking into consideration the potential impact of this development, the Highway Authority have advised that the traffic generated from the site would be negligible and would not exacerbate the current situation to the detriment of highway safety or capacity.

The capacity of the Llanvihangel Crucorney Primary School was considered to be adequate enough for the site to be designated for development in the LDP in 2006 and was not raised as an issue by the Inspector in his report. The total school capacity is suitable for 77 children and there are currently 68 on roll, leaving nine surplus places. However, at present, four of the seven year groups have met its capacity. The Council's formula advises that approximately four children would be generated from 20 dwellings. If any children arising from the development fall within a year group that is currently at capacity, the next nearest school with capacity is Deri View Primary at 4.5

miles away. Given the surplus places available (and the relatively close proximity of the nearest school should the school year be full at the time of occupation of the development) it is considered that over time, the Llanvihangel Crucorney Primary school will be able to cope with the additional pupils generated by the proposed new houses.

With reference to other affordable housing allowed by BBNP in Llanvihangel Crucorney, there is a genuine need for affordable housing in the area and the units already consented have been taken into account when calculating this need.

A Construction Environmental Management Plan (CEMP) has been submitted with the application. This states that site-working hours will be from 8.00 until 17.00 hrs Monday to Friday and 8:00 and 13:00 hrs on Saturdays but the manager and operatives will arrive approximately 20 minutes before these times to prepare for works; there would be no commencement of noisy operations until the above times. This will ensure every operative is at the site early enough so as not to add to the congestion around the adjacent school. A condition to ensure that the development is implemented in accordance with the CEMP is included below.

## **6.5 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.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a Unilateral Undertaking agreement requiring the

following:

### Heads of Terms

Off site financial contribution for improvement to grassland (amount to be agreed).

The affordable homes to be retained as such in perpetuity.

If the UNILATERAL UNDERTAKING 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:

- 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 take place, including ground works and vegetation clearance, until a dormouse conservation plan has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to identify likely impacts upon dormice and the mitigation and compensation measures that will be implemented to off-set these impacts. The strategy shall:

- a) detail the impacts of the scheme, both during and post-construction,
- b) how these will be mitigated or compensated for including habitats to be retained, replaced, and/or enhanced for dormice including measures to minimise the impact of the development on dormice, and proposals to maintain connectivity of the retained habitats to the wider

landscape.

The development shall be carried out in accordance with the agreed details.

REASON: To safeguard breeding sites and resting places of Species of Conservation Concern and in accordance with The Conservation of Habitats and Species Regulations 2017 & LDP policy NE1.

4 No development shall take place (including ground works, vegetation clearance) until an updated Contractor's Construction Environmental Management plan 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) 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;
- j) 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;
- k) 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 watercourse and vegetation at the site.

5 No development shall commence until full engineering, drainage, street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety and to safeguard the visual amenities of the locality and users of the highway in accordance with LDP Policies MV1 and DES1.

5. No part of the development hereby permitted shall commence until:

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011+A2:2017, containing the results of any
- c) intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- d) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

- e) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- f) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

- 6. Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

- 7. Prior to occupation, a "lighting design strategy for biodiversity" for the scheme approved shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bats and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

- 8. No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the bird nesting season, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and to accord with LDP Policy NE1.

## INFORMATIVES

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.

The applicant will need to apply for Ordinary Watercourse Consent for the works over the

watercourse. Further details are available from <https://www.monmouthshire.gov.uk/what-is-ordinary-watercourse-consent/>

The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk). This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

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**Proposal:** Modification and/or removal of conditions 4,6,7,8 and 9 of planning permission M08655, including minor material amendments to barn design.

**Address:** Property Known As Oxpool Barn Argoed Road Earlswood Shirenewton Monmouthshire

**Applicant:** Mr Rod Hansen

**Plans:** Floor Plans - Proposed 2437 202 D - , Elevations - Proposed 2437 203 D - , Block Plan 2437\_1 C - , Ecology Report PEA - Abbey Sanders, Green Infrastructure Appraisal/Statement - ,

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Young

Date Valid: 23.12.2025

**This application was presented to members of the Delegation Panel on the 13<sup>th</sup> August 2026 where it was resolved that the application should be presented to members of the planning committee for determination.**

## **1.0 APPLICATION DETAILS**

### **1.1 Site Description**

In May 2002, full planning permission was granted, subject to conditions for the conversion of as barn to a residential property, M 6862. In 2005 full planning permission was granted for amendments to that scheme, M8655. That application was subject to 9 conditions. There is evidence that work on site commenced with a genuine intention of continuing the work. On a site visit in 2025 planning officers could see that materials had been brought onto the site, that trenches for utilities were dug and that in 2010 an application for Building Regulations was submitted. Furthermore, we know the genuine reason why the previous applicant was unable to continue with the work. With all this evidence we can conclude that work on the development began in about 2010. There is therefore an extant permission for the conversion and work on that original conversion can continue without further permission. The approved scheme allowed for a significant amount of demolition. The work must be carried out in accordance with the approved plans.

The application site is located in open countryside, outside of any development boundary.

### **1.2 Proposal Description**

This current S73 application seeks to modify and remove conditions from the M8655 full application.

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## **2.0 RELEVANT PLANNING HISTORY (if any)**

| <b>Reference Number</b> | <b>Description</b>                                                                                                 | <b>Decision</b>       | <b>Decision Date</b> |
|-------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------|
| DM/2025/01111           | Modification and/or removal of conditions 4,6,7,8 and 9 of planning permission M08655, including minor extension . | Pending Determination |                      |
| M08655                  | Conversion Of Barn And Outbuildings Into Dwelling With Ground Floor Extension                                      | Approved              | 18.02.2005           |

### **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**

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
LC5 LDP Protection and Enhancement of Landscape Character  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

#### **Supplementary Planning Guidance**

Conversion of Agricultural Buildings Design Guide SPG April 2015:  
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/H4-LDP-Barn-Conversion-SPG-April-2015.pdf>

LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG November 2017:  
[Rural-Conversions-SPG-November-2017.pdf](http://www.monmouthshire.gov.uk/app/uploads/2015/07/Rural-Conversions-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>

#### **Technical Advice Notes**

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):  
<http://gov.wales/docs/desh/policy/100722tan6en.pdf>

### **5.0 REPRESENTATIONS**

#### **Consultation Replies**

Shirenewton Community Council would like to make the following comments:  
SCC welcomes the explanations received from MCC's planning officer and the Applicants. SCC's comments on conditions 4, 6, 7, 8, and 9 still hold, and a full bat and bird nesting survey should be conditioned, as should a comprehensive landscaping and planting scheme.  
SCC would be grateful to receive a copy of MCC's biodiversity and ecological comments and would be grateful if the recent installation of a large concrete and breeze block foundation could be investigated as this is not referred in the application.  
SCC reserves the right to submit additional comments when details regarding the above are received.

MCC Biodiversity - No objection, noting the following:

It has been clarified that vegetation clearance works at the site have now been completed. On this basis, the need for a dormouse mitigation license is no longer applicable to the current proposals. The submitted information include sufficient biodiversity enhancement features to provide an overall net benefit for biodiversity. These measures are considered appropriate to the scale and nature of the development and are capable of contributing positively to ecological resilience. The building is located in a dark sky area. the biodiversity officer recommends that a condition is required if you are minded to grant this permission.

NRW - No comment, noting the following:

The applicant has confirmed that all hedgerow work has been completed, and there is no more licensable work to be done.

SAB - No objection, noting the following:

The submitted infiltration testing provides a suitable rate for the discharge of surface water.

### 5.1 Neighbour Notification

A letter of objection was received from one address, setting out the following concerns:

- Work on site started 20 years ago and was minimal, since then the site has become overgrown Impact on Ecology
- The planning history has been removed online
- The work which has been undertaken bears no resemblance to the original plans The site is visible from the road
- Ecology survey inappropriate
- Double standards are being applied to both planning and wildlife legislation.

### 5.2 Other Representations

None Received.

### 5.3 Local Member Representations

A letter was received from Councilor Brown, the Local Member:

I support the concerns raised by the Shirenewton community council and the request for further information and comments from the MCC biodiversity/ ecology officer.

Concerns regarding dormice.

Concerned about the removal of an internal wall and roof.

Whilst the application proposes to only modify some of the conditions it is important to note that original conditions 1 and 2 with regards to Highway Comments still apply.

I would also like the opportunity to comment further when further information is obtained to consider whether it needs to be referred to the delegated panel or planning committee.

The case officer sent all the updated information to Councilor Brown who has now confirmed that she is happy for the application to be presented to the delegation panel.

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

Planning permission was granted in 2005 for the conversion of this building into a residential unit, that permission allowed for extensive demolition and rebuild as well as extensions to the building. Very little of the original structure was to be retained. There is evidence that work on site commence with a genuine intention of continuing the work. On a site visit in 2025 planning officers could see that materials had been brought onto the site, that trenches for utilities were dug. In 2010 an application for Building Regulations was submitted. Furthermore, we know the genuine

reason why the previous applicant was unable to continue with the work. With all this evidence we can conclude that work on the development began in about 2010. There is therefore an extant permission for the conversion and work on that original conversion can continue without further permission. The principle of converting this building is established. This current application seeks to make some design changes to the approved scheme. The curtilage of the resultant dwelling and the access will not alter although a lot of vegetation has been cleared from the site. There is a significant amount of rebuilding work but a lot of this was approved under the previous scheme.

## **6.2 Sustainability**

### **6.2.1 Good Design**

The proposal needs to be evaluated against Policy H4 of the adopted Local Plan. This policy requires that the form, bulk and general design of the proposal, including any extensions, respects the rural character and design of the building. In this case the previous approval did allow for a considerable amount of demolition and rebuild. This current proposal retains the form of the original main stone barn but does increase the size of the extensions both in terms of floor area and height, however these changes are only minor compared to what has already been approved on the site. The lean too roofs have been replaced by pitched roofs and there will be a two story gable on the south elevation. There would be very few new openings on the north elevation that faces the road. That prominent elevation would be faced in natural stone, reclaimed from the original building. There would be a significant amount of glazing on the south elevation but this will not be visually prominent in the wider landscape. The site is not located within the Wye Vally Area of National Landscape and it is not totally isolated, as there are several other residential properties nearby. Given the level of vegetation surrounding the site, the building is not visually prominent in the wider landscape. The original building was not of modern or utilitarian construction. It was originally a small barn constructed of natural stone, with a brick built extension to the south elevation. The level of extension over and above that approved by the 2005 approval is modest. This building is not well suited for business purposes due to poor access and unsustainable location.

On balance, appropriate weight must be given to the consideration of the extant planning permission on this site. Consideration is also afforded to the purpose of Policy H4 of the LDP, of particular relance is set out in para. 6.1.10 that the policy seeks to "ensure that the conversion /rehabilitation of buildings does not detract from the special qualities of Monmouthshire's open countryside". Whilst the proposed design solution submitted as part of this application is different to that of the extant permission, for the reasons cited there is not considered to be sufficient planning harm or policy conflict to withhold planning permission.

### **6.2.2 Place Making**

The retention of this stone building which does make a contribution to the rural character of the area does help to contribute to a sense of place.

### **6.2.3 Green Infrastructure**

Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigate / Restore.

A Green Infrastructure Statement was prepared by Liddell Associated and concluded that "The proposed development will seek to follow a step wise approach in terms of avoiding, minimising and mitigating for impacts on Green Infrastructure and Biodiversity within the application site. Throughout the site, works will be undertaken that protects, maintains, enhances and delivers net benefit to green infrastructure and biodiversity".

The GI Statement is proportionate to the scale of the development and references biodiversity features that will be provided to maintain and enhance biodiversity.

#### 6.2.4 Energy

It is proposed to install solar panels on the roof and an Air Source Heat Pump.

### **6.3 Landscape**

The proposal seeks conversion of an existing traditional stone barn into a residential unit. The proposal does include external alterations to the building, including changes to the roof, while these changes will be seen when viewed in close proximity they are not visually prominent in the wider landscape. There are no public footpaths in the vicinity near which the converted barn will be visible. The alteration to this building would not impact on the wider landscape of the area. The changes are relatively small especially when compared to what already has permission and would not have an unacceptable adverse effect on the special character of the landscape. The proposal will harmonise with the landscape and not cause significant visual intrusion. The proposal accords with the objectives of policy LC5 of the LDP as it protects the landscape character of the area.

### **6.4 Historic Environment**

The site is not located within a Conservation Area or in the grounds of a Listed Building.

### **6.5 Biodiversity**

PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

A Preliminary Ecological Appraisal was submitted as part of the application.

The following net biodiversity benefit features will be installed, with locations and further details to be included within a final Biodiversity Enhancement Scheme;

The large Oak tree will be retained and protected during works and in the longer term.

1 x bat box and 1 x bird box will be installed within the large Oak tree in sheltered locations, not in full sun, at a height of 3m or above.

Native mixed hedgerow planting will be installed along the west boundary, together with 'gapping up' planting of the south and east boundaries. Planting will be in accordance with Monmouthshire County Council's hedgerow planting guidance as indicated at Appendix C.

The north roadside boundary hedgerow will be retained and managed for wildlife, if possible to lay this 1 tree approx. every 20m will be retained as a specimen mature tree within the hedgerow.

The pond will be reinstated within the east part of the site

Any fencing will be open in design or have hedgehog access gaps installed in each garden boundary, measuring 15cm x 15cm flush to the ground (across full site ownership).

Boundary hedgerows will be retained and enhanced, to include rotational coppicing to achieve thinning of 1 in 3 trees where crowded at the south-east corner of the site.

The wooded copse and scrub areas will be retained and protected through a long term management plan, to include enhancement native tree planting, allowing ground flora to develop and rotational coppicing to achieve thinning of trees at an approximate ratio of 25% every 3-5 years.

MCC Ecologists confirm that the submitted information and proposed scheme include sufficient biodiversity enhancement features to provide an overall net benefit for biodiversity. These measures are considered appropriate to the scale and nature of the development and are capable of contributing

positively to ecological resilience. The enhancements are all shown on the submitted block plan. The building is located in a dark sky area with radiance less than 0.5 (darkest radiance band). Dear CPO letter dated 20th February 2025 recommends that we follow good practice guidelines for avoiding artificial light at night. The biodiversity officer recommends that a condition is required.

It has been clarified that vegetation clearance works at the site have now been completed. On this basis, the need for a dormouse mitigation license is no longer applicable to the current proposals. The submitted information and proposed scheme include sufficient biodiversity enhancement features to provide an overall net benefit for biodiversity. These measures are considered appropriate to the scale and nature of the development and are capable of contributing positively to ecological resilience. MCC Ecology Officer offers no objection.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

## **6.6 Impact on Amenity**

The nearest residential property to this site is Oxpool Cottage, approximately 100 meters to the north west. New ground floor windows are proposed to the west elevation. The two properties can view each other over an open field, but given the distance between them, the proposed alterations to converted barn do not result in any significant additional overlooking or loss of privacy. There are several other residential properties within 200 and 300 meters of the site, they will not be adversely affected by the proposal either.

## **6.7 Transport**

### 6.7.1 Sustainable Transport Hierarchy

PPW12 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. The site is not in a sustainable location and not accessible by public transport, however residential permission has been granted for this barn to be converted to residential use and the proposal alterations will not affect the number of people living on the site. The occupiers of this property will be dependent on the car to access all facilities and services.

### 6.7.2 Active Travel

There are no public transport or cycle routes available at this location.

### 6.7.3 Access / Highway Safety

The proposed modifications to planning decision M06855 do not affect or alter conditions 1 and 2 of the original decision which required visibility space and hard surfacing for the access. The highway authority offers no comment or objection to the proposed modifications.

### 6.7.4 Parking

The adopted Monmouthshire Parking Standards require one off street parking space per bedroom up to a maximum of three for each dwelling. In this case there is adequate land available to provide three off-street parking spaces. The proposal therefore accords with the objectives of policy MV1 of the LDP.

## **6.8 Affordable Housing**

There is no requirement for a contribution towards affordable housing in this case.

## **6.9 Flooding**

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding.

The MCC database of historic flood events does not contain records of surface water flooding in close proximity to the site which could be exacerbated by development in this location.

The MCC database of drainage and flood assets does not contain records of drainage or flood assets in close proximity to the site which may be impacted by the development.

The Lead Local Flood Authority do not have an objection based on flood risk to the site.

## **6.10 Drainage**

### **6.10.1 Foul Drainage**

Under the previously approved scheme M8655. A 3600 litre capacity self-contained cesspit was approved. This is to be sited 15 meters from the approved dwelling. It is to be fitted with a lockable airtight access cover in accordance with the building regulations of the time.

### **6.10.2 Surface Water Drainage**

The scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The application has now demonstrated a means of surface water discharge to infiltration. The infiltration testing provides a suitable rate for the discharge of surface water. The SAB approval body offers no objection.

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

The local member has concerns regarding dormice, the level of demolition and the implementation of the original conditions. With regards to the dormice both NRW and MCC Ecologists satisfied that a dormouse mitigation licence is no longer applicable to the current proposals as the vegetation clearance works at the site have now been completed. The removal of the internal walls and the roof we permitted under the previous approval M 8622 in 2005 and the demolition complies with that consent. The conditions on the original approval refer mainly to details such as roof lights and down water pipes however Permitted Development for extensions was removed and a similar condition could be imposed on this application.

Shirenewton Community Council request that a bat and bird nesting survey should be conditioned and that a comprehensive landscape plan should be provided. An ecological Appraisal was submitted as part of the application and both NRW and MCC Ecologists are satisfied with its findings. A Landscaping scheme has been submitted as part of the application.

The neighbours are concerned that the works started on this conversion were only minimal. As explained in the main body of the report the work that was completed in about 2010 did constitute a commencement of development and there was a genuine reason why the work stopped. The impact on ecology has been discussed in detail and both MCC ecologists and NRW are satisfied that the impact can be satisfactorily mitigated. The plans are different from those approved that is why a S73 application was needed to evaluate if the changes were acceptable in planning terms. The planning history is available to view online.

## **6.12 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.

## **6.7 Conclusion**

Planning permission was granted in 2005 for the conversion of the building, incorporating extensive demolition works, and that permission remains extant. The current application seeks a number of design amendments to the previously approved scheme rather than any fundamental change to the approved principle of development. Having regard to the extant consent, the proposed alterations are considered to accord with the objectives of Policy H4. A Preliminary Ecological Assessment, Green Infrastructure Statement and Biodiversity Enhancement measures have been submitted and are considered acceptable, satisfying the requirements of Policy NE1. Consultation responses from the Council's Ecologist and Natural Resources Wales confirm that dormouse mitigation is not required and no unacceptable ecological impacts have been identified. The proposal would not result in any adverse impact on neighbouring residential amenity and is therefore consistent with Policy EP1. Access and parking arrangements were approved under the previous permission and would remain unchanged as a consequence of the proposed amendments. The submitted foul and surface water drainage details are considered acceptable, and a detailed landscape scheme has been provided which will assist in integrating the development into its surroundings.

The proposal is policy compliant and recommended for approval subject to conditions set out in Section 7.0 below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

2 Before the proposed dwelling is first occupied, the proposed access shall have a hard surface of concrete or bituminous materials for a minimum distance of five meters from the highway boundary

REASON: In the interests of Highway Safety in accordance with policy MV1 of the LDP

3 Before the proposed dwelling is first occupied, visibility splays of 2.4 X 33 metres in both directions measured from the centre line of the proposed access, shall be provided.

REASON: In the interests of Highway Safety in accordance with policy MV1 of the LDP

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: If substantial extensions or alterations were necessary this development would not normally be favourably considered and would be contrary to LDP Policy H4.

5 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy H4.

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 unless an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include lighting type, positioning and specification.

REASON: To ensure that the development does not result in unnecessary light pollution, in the interests of protecting local amenity, biodiversity, and the character of the area, in accordance with LDP policies LC1, LC5, GI1, EP3, LC4 and NE1.

7 Ecological enhancements shall be provided as shown on the approved Block Plan 2437/1C. Ecological enhancements shall be retained, managed and replaced as necessary to provide net benefit in perpetuity.

REASON: To maintain and enhance ecology on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1

## **INFORMATIVES**

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

DORMOUSE: Please note that the dormouse is protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately

NESTING BIRDS: Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September

SAB INFORMATIVE:

Following the implementation of The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018, the proposed development may require a Sustainable Drainage System (SuDS) designed in accordance with The Welsh Ministers' Government Standards for SuDS. The SuDS scheme will require approval by the SuDS Approval Body (SAB) prior to any construction work commencing on site.

If the total construction area for this site is greater than 100m<sup>2</sup>, an application to the SAB will be required. Total construction area includes any greenfield or brownfield development, any existing buildings that are being replaced or reroofed, as well as any areas of impermeable or permeable surfacing, and is applicable for both temporary and permanent usages. This excludes reroofing works where the replacement is like for like, and resurfacing works where the full construction depth is not replaced.

It is recommended that the applicant approaches the SAB for pre-application advice prior to formal submissions with the LPA as the SAB requirements can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>.

The SAB is granted a period of at least seven weeks to determine applications, but in practice revisions to proposals are normally required which will lead to the extension of the determination period. If for any reason you believe your works are exempt from the requirement for SAB approval, please inform us at [SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk) so we can update our records accordingly

The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

**Application Number:** DM/2025/01516

**Proposal:** Erection of a steel frame agricultural building on agricultural land (The outbuilding will be used primarily for animal feed and hay storage, and storage of agricultural equipment, large enough to house a farm tractor and associated attachments)

**Address:** Swallows Nest Tyr Pwll Parc Llettis Road Coldbrook Abergavenny

**Applicant:** Mr Martin Ayres

**Plans:** Site Plan Site Level - , All Drawings/Plans Steel Outbuilding - , Location Plan Location Plan - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 28.11.2025

**This application is presented to Planning Committee due to five or more objections being received.**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to an area of paddock adjacent to a dwelling in Hardwick, near Abergavenny. The site slopes down from north-east to south-west by an elevation of 8 metres over approximately 140 metres towards the main road between Abergavenny and Raglan. The paddock houses a group of alpacas and a small glamping site which is the subject of a concurrent planning application.

The site is within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC). There are no other designations.

#### 1.2 Value Added

Additional information relating to the use of the proposed building provided.

#### 1.3 Proposal Description

It is proposed to erect an outbuilding on the southeastern corner of the paddock measuring 12m x 8m (96m<sup>2</sup>) in area with an eaves height of approximately 4m and maximum ridge height of 5m.

The building will be used primarily for animal feed and hay storage, and storage of agricultural equipment, large enough to house a farm tractor and associated attachments. No livestock will be kept in the building.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

| Reference Number | Description                                                                                                                                                                                                            | Decision                 | Date       |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------|
| DM/2022/01511    | Change of use from empty residential land to tourism for camping/glamping. Construction of wash facilities supplemental to the glampsite. Construction of a field shelter for animals, doubling as an observation deck | Refused                  | 06.08.2025 |
| DM/2023/01477    | Retrospective planning permission for an outbuilding on the land adjoining Swallows Nest.                                                                                                                              | Approved                 | 20.12.2023 |
| DM/2025/01607    | Change of use from agricultural land to leisure and tourism for glamping.                                                                                                                                              | Recommended for Approval |            |

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S10 LDP Rural Enterprise  
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

LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
SD4 LDP Sustainable Drainage  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development

### 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 12**

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**

**Gobion Fawr Community Council** - The Community Council has raised significant concerns in regard to the planning application DM/2025/01516 Swallows Nest.

The application states the proposed building is for agricultural purposes on agricultural land. However, the Council has significant concerns regarding the need and intended use of a structure of this scale. Gobion Fawr Community Council is not satisfied that the proposal genuinely warrants a building of the requested scale and height for legitimate agriculture. We recommend that if permission were to be granted, it should be for a significantly smaller and lower building that is proportionate to the site's genuine agricultural needs.

The scale and siting of the proposed development are unacceptable due to the adverse impact on the amenity of neighbouring properties. The proposed height of the structure is considered overpowering to the adjacent residential property. The size and height of the building will result in an unacceptable level of intrusion to neighbouring properties.

The application states the structure will not be visible from the road. The Council's view, based on a site visit, is that this statement is incorrect and the building will be visible, contrary to the application's submission.

For the reasons stated above—specifically, the justification of the building's size relative to site, the overbearing scale and height that impacts neighbour amenity, and the concerns over public notification.

Gobion Fawr Community Council strongly objects to this planning application.

**NRW** - We have no objection to the proposed development as submitted. The application as submitted is unlikely to increase the amount of nutrients entering the catchment. Therefore, we are satisfied the proposal is not likely to have a significant effect on the River Usk SAC.

**MCC Biodiversity** - No objection subject to conditions (lighting and net gain for biodiversity).

**MCC SAB / Lead Local Flood Authority** - No objections. Advice provided:

The size of the proposed building falls just below the 100 m<sup>2</sup> threshold, above which a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory

Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB) would be required.

Based on the scale and location of the proposed building we have no objection to the proposals. We advise that sufficient surface water drainage should be provided for the structure to avoid creating nuisance for surrounding landowners. Such nuisance could be a matter for private civil litigation.

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site.

**SEWBREC Search Results** - No significant ecological record identified.

### 5.2 Neighbour Notification

10 representations received objecting on the following grounds:

- Lack of clear justification for a building of this scale and height for legitimate agricultural purposes.
- Unacceptable scale, height, and siting of the structure, which would be overbearing and harmful to neighbouring residential amenity.
- Located close to our boundary on the crest of an open field. It's elevated and exposed position would make it highly visible from neighbouring properties and the wider area.
- The building is not associated with, or adjacent to, existing agricultural buildings and would appear isolated and incongruous in the landscape, causing significant harm to the rural character and visual amenity of the area.
- Incorrect claim that the building would not be visible from the road, which the Community Council has confirmed is inaccurate following a site visit.
- While the applicant states the shed would be used for feed, hay, and equipment storage, no agricultural appraisal, business plan, stocking levels, or functional/financial assessment has been submitted to demonstrate that a building of this scale is reasonably necessary on this small site. Without such evidence, the proposal fails to meet the tests normally applied to agricultural development in the open countryside and risks being agricultural in name only.
- The development would require the formation of a roadway or access track, introducing further built features into an otherwise open field and exacerbating landscape and visual harm.
- Buildings of this type typically require internal and external lighting, particularly during winter months. Given the elevated siting, such lighting would result in light pollution and harm to the rural character of the area.
- The proposed steel construction provides little acoustic insulation. Any use involving machinery, vehicles, or storage activity would generate noise likely to travel across the surrounding area and disturb nearby residents.
- Given the absence of clear agricultural justification and the applicant's previous planning history on the site, there is a legitimate concern that the building could be used for non-agricultural or commercial purposes in the future, resulting in increased noise, traffic, and disturbance.

- The applicant's reference to recyclable materials and the provision of bird boxes does not address the fundamental planning harms arising from the scale, siting, visibility, and amenity impacts of the proposal. These measures do not outweigh the identified harm.
- The land currently homes grazing animals, there is no heavy agriculture on the site, we do not believe there is a logical need for such a large agricultural building on this site.
- Serious concerns about the intended over-development of the plot and intended use for the proposed outbuilding.
- The proposal fails to provide adequate drainage details. Surface water is said to discharge to an existing watercourse, yet no drainage design, outfall details, discharge rates, or evidence of consultation with Welsh Water have been submitted.
- The land is already overcrowded with existing shepherd huts and other buildings, and the addition of a large steel structure would further erode the open countryside.
- The land is currently shared by alpacas, and the proposed development would significantly reduce the available grazing and movement space for the animals, to the detriment of animal welfare and the proper agricultural use of the land.
- The storage and use of large agricultural machinery is likely to result in increased noise, activity, and vehicle movements, which would adversely affect the amenity of nearby residents and properties.
- The proposed use of the land outlined in the application does not conform to the necessary area required to justify an agricultural classification. Notably, the blue line delineates an area that has been identified as residential in nature, which directly contradicts previous applications submitted by the applicant for the same site. This inconsistency is evident when compared with the prior application (22/01511), which was recently refused.
- It is noteworthy that the previous application focused on a glamping site, and it appears coincidental that the current application seeks to establish a unit capable of accommodating multiple glamping units. To mitigate the potential for misuse, it would be prudent to condition any approval to explicitly prohibit such uses, in line with the refusal of the earlier application.
- While the application form initially indicates agricultural use, Certificate B explicitly states that the proposal is neither an agricultural smallholding nor for agricultural use.
- The application defines a structure of 97m<sup>2</sup> located at the extreme boundary of the site, which overshadows neighbouring properties without sufficient justification for its siting.
- The design appears to intentionally avoid the threshold for Sustainable Drainage Systems (SuDS) requirements and consultation with the Sustainable Drainage Approving Body (SAB).
- The section drawing demonstrates a fall of between 400 mm and 600 mm across an 8 m width, which would necessitate either an embankment or excavation. This would increase the effective land take, likely exceeding 120 m<sup>2</sup>. A copy of this analysis has been forwarded to the SAB for further consideration.

- Approving a large steel structure in these circumstances risks enabling development by stealth, where buildings justified as agricultural are later repurposed to support leisure or commercial activities. This would undermine planning controls intended to protect.
- Planning permission has been submitted for this property to have the land use changed from agricultural, therefore you cannot erect a massive structure that is disproportionate to the size of land and then change the use from agricultural land to tourism.
- The application, it mentions three passing places on the single-track access road. One of them is in fact our private tarmacked entrance to our property, not a public passing place.
- Storage for Tractor and attachments was always the Mission Hut that still exists on site and was used by the previous owner for this purpose for a much larger plot.
- The quantity of animals grazing on the small plot of land would not leave any requirement for grass cutting.
- For hay storage, a well-ventilated building is required, not an enormous, enclosed workshop that is totally inappropriate for the size of plot.
- I don't understand why these development proposals go on and on, evolving into who knows what.
- Not convinced that the applicants would in fact adhere to any of the terms that they propose to support their application. They obviously have no respect for the community or the Planning Authority, blatantly implementing their business plan regardless.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

County Councilor - No comments received.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The site is located outside any defined settlement boundary and is therefore considered to be open countryside. It is acknowledged that the site is not an existing agricultural holding, rather a paddock associated with a residential property although not residential curtilage. On that basis, the application falls to be considered under LDP Policies that seek to protect the character and appearance of the open countryside (LC1 and LC5) as well as general LDP policies relating to good design and residential amenity (DES1 and EP1).

6.1.2 Policy LC1 informs that there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism.

6.1.3 The applicant has provided a justification for the building to support the application. This states that manually strimming a several acre paddock has become laborious, so the aspiration is to have a tractor and topper, ideally getting an attachment to maintain the 40m of hedge at the north of the property, and the 30m and 10m stretch at the south of the property. The applicant has also stated that they are now unable to get hay for animal feed in small batch deliveries due to local supplier price increase resulting in the need to purchase feed in larger quantities and store it on site. This is considered to be reasonable to justify the proposed new outbuilding under LDP Policy LC1.

6.1.4 As exceptional circumstances are considered to justify the proposed building, Policy LC1 goes on to state that new built development will only be permitted where all the following criteria are met:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;

This will be discussed in Section 6.2 below.

- b) new buildings are wherever possible located within or close to existing groups of buildings.

The proposed new building is proposed to be located to the far southeast of the paddock. It is sited close to a neighbouring garage belonging to no. 4 Twr Pwll and the southern boundary of the site which is shared by a lane serving other properties. There are other existing outbuildings immediately to the south of this lane. As such, the proposed new building will not be viewed in isolation. Criterion (b) is therefore considered to have been satisfied.

- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside.

The proposed building will measure approximately 96m<sup>2</sup> with a shallow pitched roof with a maximum height of 5m. This is not especially large for this type of storage building taking into account the desire to store a tractor and hay, having regard to the fact that Permitted Development Rights for large agricultural holdings normally permit structures up to 465m<sup>2</sup> under a Prior Notification. Criterion (c) is therefore considered to have been satisfied.

- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

This will be discussed in Section 6.2 below.

## **6.2 Good Design / Landscape Impact**

6.2.1 In terms of criterion (a) of LDP LC1, Policy LC5 provides that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

- a) Causing significant visual intrusion;
- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment.

6.2.2 Criterion (d) of LDP Policy LC1 also requires that the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

6.2.3 The proposed building will be a steel framed structure with dark green metal walls and black sheet metal roof. This is typical of storage buildings within rural areas- and the proposed colour pallet is considered to be suitably muted. The ridge of the building will run east to west. Much of the building will be screened from view from the main road to the south by other existing buildings

and a group of mature trees. Furthermore, it will be viewed against the land rising behind it. As such it is considered that the building will not cause significant intrusion, nor significant adverse change in character of the landscape.

6.2.4 The use of the building to assist in managing existing land, will not lead to an intensification of the use. Should any associated glamping use fall away due to refusal of the concurrent application or voluntary cessation, then it is reasonable to assume that the applicant will still need to manage the land as described. Any potential future change of use of the building would require further planning consent.

6.2.5 On the basis of the above, it is considered that the proposed building complies with the provisions of LDP Policies LC1 and LC5.

### **6.3 Impact on Residential Amenity**

6.3.1 The nearest neighbouring residential dwelling to the proposed new building is no. 4 Tyr Pwll which is located approximately 25m to the southeast of the site. There will be a distance of approximately 12.6m between the boundary of the garden of this property and the site. Given the distance between the site and the nearest dwelling together with the siting being to the north and the relatively low eaves and ridge height of the development, it is considered that the impact on this neighbouring occupier as well as no.5 Tyr Pwll will not be significant.

6.3.2 Amberleigh House lies some 261m to the northeast of the proposed building on land which is approximately 8m higher than the application site and therefore will not be impacted by the development. Similarly, Hardwick Lodge lies almost 70m to the northwest and again will not be adversely affected by the new building in terms of outlook or overbearing impact.

6.3.3 Based on the above, it is considered that the proposed development does not conflict with LDP Policies EP1 or DES1.

### **6.4 Access / Highway Safety**

6.4.1 No changes to the existing access are proposed as part of this application. Furthermore, no track is proposed to link the new building and the existing entrance as it is not required given the proposed use. There will be a negligible change in traffic movements with hay being delivered in larger quantities, less often. Therefore, it is considered that the development will not have any adverse impact on highway safety.

### **6.5 Green Infrastructure**

6.5.1 Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigate / Restore.

6.5.2 The site comprises approximately 3 acres of residential development and grazing land. No existing trees or hedgerows are to be removed. The GI Statement provided with the application proposes the addition of two bird boxes to be situated on the outbuilding to provide additional nesting spots for surrounding wildlife. It is considered that the stepwise approach required by PPW12 has been followed.

## **6.6 Biodiversity**

6.6.1 The River Usk SAC and SSSI are located approximately 600m southwest of the site (separate from the site by a dual carriageway). A component SSSI of Usk Bat Sites SAC is located approximately 6.8km west of the site. Significant impacts on the designated site is considered unlikely due to the scale, nature, and distance of the proposal, however sensitive lighting is recommended given the proximity to the SAC and abundance of suitable foraging and commuting habitat in the local area. There are no local wildlife sites within 1000m of the site.

6.6.2 No ecological survey has been undertaken; however the development appears to be proposed for an area of heavily grazed agricultural land, which is likely to have limited value for biodiversity in its current state. The proposed building appears to be adjacent to a hedgerow and as such works should be undertaken in accordance with the current 'BS5837: Trees in relation to design, demolition and construction' to ensure no damage to the roost protection area. It is noted that no lighting has been proposed.

6.6.3 PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

Two bird boxes have been proposed within the Green Infrastructure Statement. These enhancements are welcomed and considered to be proportional to the scale of the proposal. These can be secured via condition should Members be minded to approved the application.

6.6.4 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SAC's of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

6.6.5 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site, the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new nutrient standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of nutrient within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

6.6.6 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (v5 issued July 2026). It is considered that this development is unlikely to increase nutrient inputs as the development does not include any new foul drainage and the building will not be used for livestock. This can be secured via a condition.

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

6.7.1 There is no requirement for the application site to be an agricultural holding in order to justify an outbuilding for the purposes indicated by the applicant.

6.7.2 Any future change of use from storage would require further consent. As such, a condition to prevent this would not be necessary.

6.7.3 With regards to surface water drainage, it is noted that the although SAB consent will not be required, the Council's SAB Team have considered the application and have raised no objection to the proposals. The Application Form indicates that surface water will drain to an existing watercourse which is a suitable destination for surface water. Should the final built area of the building exceed 100m<sup>2</sup> then SAB consent will be required. This is separate to planning consent.

6.7.4 No external lighting is proposed. Control over lighting can be secured via condition should Members be minded to approve the application.

## **6.8 Well-Being of Future Generations (Wales) Act 201**

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

## **6.8 Conclusion**

**6.8.1** The proposed building is appropriate in scale for the purposes referred to in the application.

**6.8.2** The siting of the building is considered to ensure not adverse impact on the character and appearance of the wider landscape.

**6.8.3** The scale and location of the proposed building will ensure that there is no significant impact on local residential amenity.

**6.8.4** Any alternative future use of the building (for example in association with glamping) would require separate consideration and planning consent.

## **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** All works shall proceed in accordance with proposed measures to secure no net loss and net benefit for biodiversity as detailed within the Green Infrastructure Statement. Evidence of implementation of mitigation and net benefit measures for biodiversity must be provided to the LPA no more than three months later than the first beneficial use of the development.

REASON: To provide no net loss and biodiversity net benefit and ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP policy NE1.

**4** The agricultural building hereby permitted shall not be used otherwise than for the stated purpose of \*\*\* and for no other agricultural purposes and shall remain as such in perpetuity.

REASON: To prevent pollution of water resources and the environment and to ensure compliance with LDP Policy EP2 and Natural Resources Wales' nutrient standards for the river SACs in Wales. Any use of the agricultural building other than the approved use within the SAC catchment might unacceptably increase the amount of nutrients within the catchment to significant levels that could lead to damaging effects to the SAC features.

**5** 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 buildings 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 roosting and foraging/commuting habitat of Species of Conservation Concern in accordance with the Conservation of Habitats and Species

**Regulations 2017 (as amended), Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.**

**Application Number:** DM/2025/01607

**Proposal:** Change of use from agricultural land to leisure and tourism for glamping.

**Address:** Swallows Nest Tyr Pwll Parc Llettis Road Coldbrook Abergavenny

**Applicant:** Ms Elizabeth Pengelly

**Plans:** Location Plan - , Other APPLICATION COLLABORATION AND COMPATIBILITY - , Other COMPLETE DRAINAGE DETAILS AND CALCULATIONS - , Other ECOGRID-GRASS-FILL-INSTALLATION - , Green Infrastructure Appraisal/Statement Green Infrastructure and Landscaping Doc 1 - REV B 05.07.26, Other GUEST POLICIES - REV B 06.07.26, Other PRELIMINARY ECOLOGICAL ASSESSMENT - V4, All Drawings/Plans LP2 - Planning - 05.07.26 REVISION AD, Other 21097-RP-NIA-01 - ,

## **RECOMMENDATION:**

Case Officer: Ms Kate Bingham  
Date Valid: 23.12.2025

**This application is presented to Planning Committee due to 5 or more objections being received.**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

This application relates to an area of paddock adjacent to a dwelling in Hardwick, near Abergavenny. The site slopes down from north-east to south-west by an elevation of 8 metres over approximately 140 metres towards the main road between Abergavenny and Raglan. The paddock houses a group of alpacas and a small glamping site which is the subject of this planning application.

There is also an application for a storage building for the management of the land on the southern end of the paddock (DM/2025/01516).

The site is within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC). There are no other designations.

### 1.2 Value Added

Revised plans reducing the number of units and moving the parking area were submitted following Officer advice and the issuing of the Appeal decision that was received after this application was submitted.

### 1.3 Proposal Description

It is proposed to site 3 no. shepherd huts to provide glamping accommodation together with a washroom. All the huts have a floor area of approximately 7.4m x 2.58m and have a curved metal roof with a maximum height of 3.5m.

Two of the shepherd huts have already been brought to the site under the 28 day Permitted Development rules. A timber animal shelter has also been constructed with a floor area of 27m<sup>2</sup>

with a flat roof that ranges from 2.5m high to a maximum of 2.8m owing to the slope of the land. The moveable timber shower block is also on site. This comprises a compost toilet, shower, store room and sink as well as a communal fridge/freezer. This building measures 6m x 2.4m in area and has a slightly sloping, largely flat roof measuring between 2.5m and 2.8m in height.

The proposed parking area will now be located to the southwest of the proposed shepherds huts, utilising an existing access and an existing area of hard standing at the end of the entrance way, adjacent to the applicant's dwelling. This will provide three parking spaces. An overflow area will also be created using an Ecogrid grass fill installation (or similar). This should provide good drainage/permeability, minimal change in appearance, and no reduction of grazing pasture when car park is not in use.

A previous application (DM/2022/01511) for glamping at this site was refused last year and subsequently dismissed at appeal. The reasons for refusal for the previous application were as follows:

- 1. The scale and layout of the proposed glamping units, particularly the bell tents, the introduction of a new car parking area and the associated activity by users of the site would give rise to unacceptable noise disturbance to nearby residents who currently live in and benefit from a relatively tranquil location. The proposal would therefore be contrary to policies DES1 d) and EP1 of the adopted Monmouthshire Local Development Plan (LDP).*
- 2. The additional vehicular traffic associated with the proposal using the narrow rural lane to access and egress the proposed car park would significantly inconvenience existing road users and cause harm to local amenity, contrary to policies DES1 a) and d) and EP1 of the adopted Monmouthshire LDP.*

A subsequent appeal was dismissed for the following principle reason:

*"Given the scale of the use (28x people) and low existing noise environment, I am not persuaded that the separation distance between the proposed accommodation and Amberleigh House would adequately address noise arising from the use itself. In any event, this would not address noise and disturbance arising from the parking area which does not benefit from any meaningful separation from the shared boundary. Furthermore, there is no substantive technical evidence to demonstrate that the existing and proposed boundary treatments and vegetation to Amberleigh House would provide any meaningful noise mitigation."*

In response to the refusal and subsequent appeal dismissal, this application proposes the following changes:

- Removal of 4no. glamping tents.
- Removal of 1no. shepherd hut.
- Repositioning of the proposed car parking area – now approximately 130m from original location adjoining Amberleigh House.
- Units repositioned to ensure that they are at least 35m from any neighbouring dwellings.
- Guest Policy provided to show the proposed rules and conditions that guests will have to adhere to.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

| <b>Reference Number</b> | <b>Description</b> | <b>Decision</b> | <b>Decision Date</b> |
|-------------------------|--------------------|-----------------|----------------------|
|-------------------------|--------------------|-----------------|----------------------|

|               |                                                                                                                                                                                                                                                       |                          |            |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------|
| DM/2022/01511 | Change of use from empty residential land to tourism for camping/glamping. Construction of wash facilities supplemental to the glampsite. Construction of a field shelter for animals, doubling as an observation deck                                | Refused                  | 06.08.2025 |
| DM/2023/01477 | Retrospective planning permission for an outbuilding on the land adjoining Swallows Nest.                                                                                                                                                             | Approved                 | 20.12.2023 |
| DM/2025/01516 | Erection of a steel frame agricultural building on agricultural land (The outbuilding will be used primarily for animal feed and hay storage, and storage of agricultural equipment, large enough to house a farm tractor and associated attachments) | Recommended for Approval |            |

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

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**

T2 LDP Visitor Accommodation Outside Settlements  
EP1 LDP Amenity and Environmental Protection  
EP5 LDP Foul Sewage Disposal  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
DES1 LDP General Design Considerations  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations

#### **Supplementary Planning Guidance**

Sustainable Tourism Accommodation SPG November 2017:  
<https://www.monmouthshire.gov.uk/app/uploads/2016/10/Sustainable-Tourism-Accommodation-SPG-November-2017.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 12**

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.

## **Welsh Government Circulars**

Welsh Government Circular 008/2018 - Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewerage treatment plants (July 2018).

<https://www.gov.wales/sites/default/files/publications/2019-05/planning-requirements-for-private-sewerage-in-new-development-wgc-0082018.pdf>

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

**Gobian Fawr Community Council** - Recommend refusal.

While the applicant acknowledges that light and noise pollution must be addressed, the submission lacks concrete mitigation strategies, impact assessments, or management plans. The proposed change of use from agricultural land to commercial tourism poses unacceptable risks to rural amenity and local infrastructure.

Key Objections:

- **Unmitigated Light Pollution:** No formal lighting scheme has been provided. Light spill from external fixtures and huts will harm the area's dark skies and disrupt local nocturnal wildlife.
- **Unregulated Noise Impacts:** Tourism introduces late-night outdoor noise, fire pit gatherings, and anti-social hours activity. Without an enforceable Noise Management Plan, neighbouring residential amenity will be severely compromised.
- **Landscape Character:** Converting agricultural land to commercial leisure introduces domestic paraphernalia, parking, and structures that erode the open rural character of the area.
- **Highways and Traffic:** The proposal increases private car movements on narrow, unlit rural lanes that lack adequate passing places, footways, or safe visibility splays.
- **Drainage Infrastructure:** The application lacks technical details or percolation tests regarding foul water treatment, creating potential contamination risks for local land and watercourses.
- The application lacks the necessary technical evidence to demonstrate that light, noise, and environmental impacts can be mitigated. Gobion Fawr Community Council respectfully requests that the Planning Authority refuse this application.

Previous Comments:

Following a formal assessment of the proposal against the Monmouthshire Local Development Plan (LDP) and the previous planning history of the site, the Council has resolved to object to the development. This application is a resubmission of DM/2022/01511, which was refused by the Planning Committee in August 2025. The Council maintains that the fundamental planning issues regarding the suitability of the site remain unresolved. Our independent objection is based on the following grounds:

The Committee's previous decision to refuse permission was based on significant concerns regarding noise, disturbance, and highway safety. The current proposal represents a continuation of the same use in principle: the introduction of commercial short-term holiday accommodation into a tranquil, rural residential context. The Council contends that the scaling-back of the proposal does not sufficiently alter the nature of the development or mitigate the primary impacts that led to the prior refusal.

The proposal is in direct conflict with Policy EP1 (Amenity and Environmental Protection):

- **Tranquillity and Noise:** In a rural environment, noise—particularly from outdoor leisure activities, frequent arrivals, and departures—travels significantly further and has a more profound impact on the character of the area.
- **Commercial Encroachment:** The use of external decking and hot tubs introduces a level of evening activity inconsistent with the existing residential grain. We also note a lack of technical detail regarding the sustainable management of wastewater from the proposed hot tub facilities.
- **Management Concerns:** The Council holds that reliance on guest policies or self-management is an insufficient mechanism to protect the local environment, as such measures are largely unenforceable and do not prevent the initial loss of amenity.

The site is served by a narrow, single-track lane with inadequate passing places. Under Policy DES1, developments must provide safe and suitable access. The Council observes that the physical constraints of the highway remain unchanged since the August 2025 refusal. The introduction of additional commercial traffic, regardless of the reduced scale of the current application, continues to pose an unacceptable risk to highway safety and the amenity of existing road users. Gobion Fawr Community Council concludes that the revised application fails to demonstrate a material change in circumstances or provide a viable solution to the previous reasons for refusal. The development remains an inappropriate use of the site. We therefore urge the Planning Authority to refuse the application.

**NRW** - We have no objection to the application as submitted and provide the following advice.

We understand a public foul sewer is not available to serve the development. Therefore, non-mains foul sewage disposal solutions (private sewerage) can be considered. Foul drainage for the 2 luxury shepherds huts is proposed to the existing septic tank which discharges to ground. This system already serves the existing residential properties at the site. Foul drainage for the eco hut is proposed to a composting toilet. The Complete Drainage Details and Calculations - LP2 - Rev A (29-10-25, unauthored), confirms the proposed compost toilet would separate solids from liquids. Solids would be composted and liquid would be stored in a holding tank which will be periodically removed by a waste effluent removal company.

Recognising the specific nature of the application submitted, we are satisfied it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied the proposal is not likely to have a significant effect on the River Usk SAC.

The Preliminary Ecological Appraisal by Ecological Services Limited (February 2022), has identified European protected species are unlikely to be using the application site. We therefore have no comments to make on the application as submitted in respect of European protected species. We recommend you discuss the need to secure further measures/ avoidance measures with your internal ecological advisor.

**MCC Biodiversity** - No objection subject to conditions for lighting, Net Benefit for Biodiversity and Precautionary Ecological Working Measures. This response follows on from the Biodiversity consultation response dated 11/02/2026 and considers the additional and updated ecological information subsequently submitted.

**MCC Highways** - No objection. Advice was given regarding the access, and the proposal now meets existing design standards with suitable splays for access & visibility.

Whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that Holiday lets tend to be seasonal and are not overly used on an all-year-round basis, therefore vehicle trips to and from the site will be fairly infrequent. In addition, due to the nature of the development the traffic generated is very likely to fall outside peak time AM and PM traffic flows therefore is not considered to have any detrimental impact on highway safety. While the access road is narrow, there are several places to pass, and such constrictions are common amongst rural roads of this type. There are no highway grounds for an objection to the proposal.

**MCC Environmental Health** – No objection subject to conditions.

I have reviewed the information available with this application including the Noise Impact Assessment provided by Murray Acoustics.

Based on the information provided with the application I am of the opinion that I am unable to substantiate an objection to the proposed development. I would however propose the following condition form part of any permission granted.

- The site's quiet hours will run from 21:00 to 09:00, during which guests are asked not to undertake noise-generating activity outdoors. The use of the hot tubs is not allowed between these hours. The latest check-in time is 22:00.
- Each glamping unit shall accommodate a maximum of two adults (plus one child in the Eco huts). A maximum of ten occupants is permitted to stay in the units on site at any one time.
- No amplified speaker systems or generators are to be used on site by the guests.
- Site rules setting out the above, including a request to be considerate of neighbours, will be provided at booking and displayed within each glamping unit.
- The site owners live on site and will provide a point of contact for guests and neighbours. Any noise complaints will be logged, investigated and responded to, with persistent breaches addressed through the booking terms.

*Reason : To protect the amenity of neighbouring residents*

Additionally ,should permission be granted for this proposal a site licence will need to be obtained from the Environmental Health section to ensure appropriate standards of public health and safety are achieved and adhered to.

**MCC SAB / Lead Local Flood Authority** - SAB consent will be required if the hard surfaced area exceeds 100m<sup>2</sup>. The Ecogrid grass fill installation may also need to be added, dependent on the detail of proposed installation. The applicant or their agent may wish to contact SAB for advice on that matter.

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site.

**SEWBREC Search Results** - The River Usk SAC and SSSI are located approximately 600m southwest of the site (separate from the site by a dual carriageway). A component SSSI of Usk Bat Sites SAC is located approximately 6.8km west of the site.

## 5.2 Neighbour Notification

14 representations received objecting on the following grounds:

In response to amended plans:

- While I acknowledge that revisions have been made to the original proposal, I remain firmly of the view that this site is fundamentally unsuitable for use as a campsite.
- The proximity of the campsite to our property (Amberleigh House) continues to have an unacceptable impact on our residential amenity.
- On numerous occasions, visitors have knocked on our door late at night seeking directions to the campsite.
- Witnessed people walking onto our private driveway in an attempt to gain access and have had to prevent individuals from entering our garden. These incidents have caused significant disturbance and have left us feeling that our privacy and security are being compromised.
- The applicants have continued to carry out development on the site with little regard for neighbouring residents. Most recently, they erected a fence which has removed our previously uninterrupted sunset views.
- We have recently become aware that the applicants intend to spend approximately 50% of their time living outside the UK once the campsite is established. This raises significant concerns regarding the effective management and supervision of the site. An inadequately managed or frequently unattended campsite has the potential to result in increased noise, overcrowding, anti-social behaviour, campfires, and other disturbances, all of which would further harm the amenity of neighbouring residents.
- The recent noise survey, submitted in support of the application, in fact demonstrates that the development causes significant noise, over and above what used to be.
- We still hear the visitors through the night, even though there are apparently guest policies restricting noise. We can hear them early in the morning and late at night.
- We regularly walk across this lane. Does this mean this lane is now not accessible to us?
- The glamping huts are unsightly. It is a quiet area with fields of natural beauty which is going to be ruined on a small parcel of land. This outlook is now part of everyone's view who lives here.
- As this is a move away from pastureland, is there the risk that more of these sites could be done on other neighbouring parcels of land?
- We have seen an increase in litter since the current huts have been introduced especially at the bottom of the lane.
- As a council tax payment area, I believe that this sort of development would be harmful to the environment and as a result would reduce the value of properties within this location.
- For one new person(s) to come along and create a business to make profit and interrupt the neighbours I believe is wrong.
- The applicants have no consideration for any of the neighbours with their persistence in chasing this application at any cost.
- The revised proposal does not overcome the fundamental issues relating to the site's location, the adverse impact on neighbouring residential amenity, or the concerns regarding future management and compliance. I respectfully ask the Local Planning Authority to give significant weight to these ongoing impacts when determining the application.
- We are very disappointed that this development has been able to get as far as this and is continuing to trade, even though the original application was refused.

Previous Objections:

### *Traffic*

- The proposal states that a car park is needed at the top of the land and as such all of the proposed traffic / guests will be using the country lane heading towards existing properties.

- The road is very narrow and as such there is no pedestrian access, so this causes even further health and safety issues with an increase in traffic.
- Even with fewer units, more cars, delivery vans, and guest traffic would still make it unsafe for locals, walkers, and others using the lane.
- The lane is currently in a poor state of repair, with uneven surfaces, potholes, and inadequate drainage. Increased use by construction traffic and additional daily vehicle movements would further accelerate its deterioration, creating hazards for all users and placing additional pressure on maintenance resources.

#### *Visual Impact*

- The visual appearance of the land would deteriorate especially with the addition of a car park being introduced to the area.
- Although the area of land involved may be relatively small, the proposal represents a permanent change of use from agriculture to leisure.
- Glamping developments are not temporary in nature and typically introduce hardstanding, access tracks, services, lighting, increased traffic, and regular human activity. These elements materially alter the agricultural and rural character of the site and its surroundings, regardless of the scale claimed.

#### *Residential Amenity*

- It would spoil the peace and quiet for people living nearby.
- Adding commercial holiday lets here with outdoor decking, hot tubs, and people coming and going doesn't fit in this quiet rural spot.
- There will be an increase in pollution, be it noise or litter.
- Relying on guests to behave nicely won't work, it's impossible to make sure.
- The development will also disturb local wildlife and introduce extra traffic, noise, and lighting into what is currently a quiet agricultural area.
- The plans will impact the neighbour's privacy; there is no doubt about this.
- Promises about good behaviour won't work in practice. Relying on 'guest guidelines' or hoping people manage themselves isn't enough. Those kinds of rules are hard to enforce and don't stop the initial disruption to neighbour's peace and the rural character.
- The roads were once quiet and felt safe, but since this development began there has been a noticeable increase in traffic. More cars, unfamiliar drivers, and vehicles arriving at the wrong property have made the lanes and my driveway busier and more dangerous
- My back garden directly overlooks the area where the shepherd huts are located. These have not been approved, yet they have been operating for over three years. This is already having a negative impact on my daily life. Guests coming and going, car doors, engines, and general activity create ongoing noise and disturbance. In addition, voices and chatter from visitors, especially in the evenings, carry into my garden and home.
- I am also concerned about light pollution from vehicle headlights and outdoor lighting, which further disturbs what was once a quiet and dark rural setting.

#### *Ecology*

- The application states that hedging is to be removed in order for there to be a car park entrance then a section of the hedge will have to be removed to allow for this. So more disruption for the residences and wildlife.
- Further along the lane is a stream that runs along the side of the properties. Surely with eight shepherd huts, the sewage water plus any overflow of surface water for such a development must be considered here.
- Concerned that there is no clear or practical explanation for the disposal of waste water from hot tubs.

#### *Precedent*

- As this is a move away from pastureland, is there the risk that more of these sites could be done on other neighbouring parcels of land? Could this lead to more caravan / camping sites in and around this area?

- A precedent is being set here which would significantly change the character of the area, especially if there is going to be an increase in the volume of non-resident individuals coming into the neighbourhood.
- As a council tax payment area, I believe that this sort of development would be harmful to the environment and as a result would reduce the value of properties within this location.

#### *Welfare of Horses*

- Increased public access creates a risk to the safety and welfare of horses in the adjacent fields.
- Have already had issues with people entering fields and dropping litter, which is dangerous as horses can ingest harmful items. A glamping site will increase trespass and littering risks.

#### *Consideration with Concurrent Application DM/2025/01516*

- Raise concerns regarding its impact when considered alongside the associated planning application for a steel shed on the same land.
- The separate application for a steel shed raises concerns about cumulative development and incremental intensification of use. Considered together, the glamping proposal and the shed suggest a broader shift away from agriculture toward commercial and leisure activities. Assessing these proposals in isolation risks development by stealth and fails to reflect their combined impact.

#### *General*

- The proposal conflicts with policies aimed at protecting agricultural land, preserving rural character, and resisting unnecessary conversion to leisure use.
- Completely agree with Gobion Fawr Community Council and support everything they have said.
- The smaller scale doesn't change the fact that this type of holiday accommodation isn't right for this location.
- This application is a re-submission of DM/2022/01511, which was refused by the Planning Committee in early August 2025. The reasons for refusal were clear and founded on concerns relating to noise, disturbance, and traffic access. In my view, those reasons remain fully applicable.
- The revised scheme does not represent a material change in planning terms.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

County Councillor A Niell – No comments 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**

6.1.1 Policy S11 Visitor Economy highlights that development proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations. Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities will not be permitted.

6.1.2 Policy T2 of Local Development Plan relates to permanent new build tourism accommodation. Where glamping proposals constitute permanent new build development, as could be the case if the shepherd huts are to remain on site all year round then this policy would be applicable. The policy does not support new build permanent self-catering visitor accommodation outside settlement boundaries unless ancillary to established medium or large hotels and proposals for new build permanent glamping accommodation would therefore generally be contrary to this policy.

6.1.3 However, it is recognised that there may be instances where such accommodation could constitute sustainable visitor accommodation in accordance with LDP Policy S11 and sustainable tourism principles set out in 3.3 of the Sustainable Tourism SPG which provides that sustainable tourism accommodation (glamping) proposals should reflect the following key principles of sustainable tourism which are considered below:

1. Generate benefits for the local economy (residents and visitors)

Visitors staying within the glamping units will likely use local services, attractions and hospitality venues as the units have limited cooking facilities and equipment. This will bring money into the local economy and help support local services that are shared by permanent residents.

2. Protect and enhance landscape character and natural/historic environment

Proposed additional planting will significantly improve local biodiversity as the site and the surrounding area is generally made up of grazed fields with limited ecological value. It will also enhance the character of the landscape.

3. Scale and design appropriate to site context

The site area can comfortably accommodate the three units of holiday accommodation proposed with associated structures and parking while still leaving the majority of the site clear of buildings.

3. Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique)

The shepherd huts are rustic / agricultural in appearance being built from timber with corrugated metal roofs.

4. Generate minimal car trips

Sustainable tourism developments by their nature are generally located in the open countryside where use of a private motor vehicle is necessary at the very least for guests to travel from their main residence to and from the site. In this case however, the site itself is located approximately 3km away from the centre of Abergavenny via the B4598 on which there is a bus stop. Public Rights of Way 368/181/1 and 368/198/3 run from Llettis Way close to the proposed access to the site so that walks directly from the site are also possible.

6. Make use of renewable energy resources (energy efficient)

All of the existing and proposed structures are constructed using recyclable materials.

7. Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure)

The shepherd huts are on wheels and therefore can be towed off the site once no longer required. The washroom is also fully removable from the site being a timber construction on a steel frame. There are no concrete (or other material) bases proposed as part of the application. Drainage can also be disconnected.

The principle of glamping use in the countryside is also supported by LDP Strategic Policies S8 and S10.

## **6.2 Good Design / Landscape Impact**

6.2.1 Strategic Policy S13 of the LDP highlights that development proposals must maintain the character and quality of the landscape by preserving local distinctiveness, sense of place and setting as well as maintain, protect and enhance the integrity and connectivity of Monmouthshire's green infrastructure network. Policy LC5 Protection and Enhancement of landscape character highlights that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects.

6.2.2 The site is located within the open countryside and within the rural settlement associated and in the vicinity of Coldbrook. The site is situated on gently elevating land at circa 80m to 90m AOD with access from the B4598 via Parc Llettis Road. The site is a small field amongst several small paddocks bounded by a lane and a few residential properties. There is a public right of way to the north of the site. The paddock is part of a larger field bounded to the far north-east and west by a hedgerow. To the far south-east is a tree-lined watercourse providing further screening of the site from wider views from this direction. Views from the south-west are limited by intervening buildings.

6.2.3 The animal shelter has a floor area of 6m x 4.5m. The proposed shower room has a floor area of 6m x 2.4m. It is a movable structure consisting of a corrugated sheet roof, timber clad walls and floor, on a steel frame with a lean-to roof with a maximum height of 2.8m. 6.2.4 The shepherd huts are typical in appearance being timber clad with a shallow curved corrugated metal roof. They have a maximum floor area of 7.4m x 2.58m and a height from the base of the wheels to the roof of 3.24m.

6.2.5 Following initial concerns raised by the Council's Landscape and GI Officer to the previous application as submitted, the applicant has provided further planting and landscape details including proposed new tree and hedge planting together with wildflower meadow and shrubs.

6.2.6 The landscaping and planting now proposed is considered to be broadly acceptable, but more detail is sought in terms of species and spacing. Therefore, it is suggested that any consent that Members are minded to grant should be subject to a condition requiring a detailed landscaping plan together with details of longer-term maintenance of this landscaping, including the heights of hedges. Subject to the implementation and maintenance of the proposed new planting, it is considered that the development will not adversely affect the character and appearance of the site or the wider area.

6.2.7 With regards to lighting, the submitted details states that it is intended to have minimal external lighting, limited to motion sensor lights at the entry of the paddock to allow visibility for entering the shepherd huts, and lighting over the hot tub to allow for safe access and maintenance. Lighting will also be provided within the washroom and above the sink. Lighting management will include motion lights to turn off approx. 1min after sensing motion, directing light downwards wherever possible, using shields and baffles to reduce light spill. The maximum bulb lighting will be restricted to 1000 lumen or less and warmer colours lower than 2700k will be used. A plan indicating the location, lighting specification and extent of lighting will be required to ensure light spill is kept to a minimum. The applicants have advised that they are content that this can be provided as a condition of approval should the application progress.

## **6.3 Green Infrastructure**

6.3.1 Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or

bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigate / Restore.

6.3.2 The site consists of grass fields and 40m of hedgerow and a single tree on the northeast of the field. None of these features will be affected by the proposed development. By way of enhancing the green infrastructure, two fruit trees are to be placed to the east of each hut to minimise visual impact and improve biodiversity. Wildflower banking (10m x 2m) on south of site will also contribute to net benefit for biodiversity. On this basis, it is considered that the stepwise approach as required by PPW12 has been followed as well as the provisions of LDP Policy GI1.

## **6.4 Impact on Amenity**

6.4.1 Following the previous refusal and subsequent appeal decision, the maximum site capacity has been reduced from 28 guests, down to 6, with the associated car parking reduced to 3 vehicles. The location of the car park has also been moved and is now proposed to be located approximately 130m away from original location adjacent to Amberleigh House.

6.4.2 This revised application makes use of existing roads and access point to the site which is shared by the applicant's dwelling utilising existing hard standing car parking onsite adjacent to the applicant's property rather than as previously proposed to the north adjacent to a neighbouring dwelling (Amberleigh House). This addresses the concern about the proximity of the car parking area to Amberleigh House and also means that no hedgerow will need to be removed to provide access.

6.4.2 In terms of potential noise and disturbance, it is noted that all the accommodation units have solid walls and are at least 35m away from any neighbouring dwellings. A Guest Policies document (management plan) submitted with the application states that the last check in time will be 10pm and quiet hours of 9pm until 9am have been set. Furthermore, no parties or events, speakers or music any time of day will be permitted with the noise levels to be monitored by owners who live onsite. In addition, should it be deemed necessary by Members, the applicants would accept conditional approval on including a suitable noise monitoring device. Compliance with the management plan can be secured via condition should Members be minded to approve the application.

6.4.2 Due to foul drainage restrictions, each of the shepherd huts can accommodate no more than two people. This is reflected on the floor plans of the huts. A condition requiring a register of occupiers is a standard condition used on all visitor accommodation and therefore occupancy levels can be monitored and controlled by the Local Planning Authority should Members be minded to approve the application.

6.4.3 A Noise Impact Assessment by Murray Acoustics has been provided to support the application. The assessment has followed the IEMA Guidelines for Environmental Noise Impact Assessment, which consider the change in the acoustic environment and the resulting noise effect, supplemented by the absolute internal level guidance of BS 8233:2014 and the WHO Guidelines for Community Noise.

6.4.4 A week - long baseline noise survey (21 –27 May 2026) showed a noise climate dominated by traffic on the A40 dual carriageway, approximately 500m south of the site, with ambient levels higher than might be expected of a typical 'rural' location by day, falling to low background sound levels at night. A deliberate 'worst case scenario' was then assessed of 4no. lodges each simultaneously generating a raised voice, plus a small personal speaker at each lodge during daytime and evening (notwithstanding that the Guest Policies prohibit speakers) with all sources treated as continuous and no allowance taken for ground effect, screening, air absorption or directivity. A further sensitivity check was then undertaken with 4no. normal voices occurring across the 4No lodges during night - time hours, although again this would be expressly not permitted under the guest policies.

6.4.5 On this basis, the predicted change in the ambient sound level at the nearest noise sensitive receptor is + 0.8 dB (daytime), + 0.8 dB (evening) and + 0.1 dB (after 23:00). Each of these are

below the 1 dB change that the IEMA Guidelines identify as the minimum perceptible under laboratory conditions, and a negligible magnitude of impact. Taking account of the small change in level, the intermittent character and low frequency of occurrence of the sources, and the low absolute resulting levels (which keep internal levels at the nearest receptor comfortably within the BS 8233 night - time bedroom guideline), the noise effect of the proposed use was assessed as not significant in all periods.

6.5.6 The sensitivity test confirmed that this conclusion holds even if guests continue to use the outdoor areas for conversation after 23:00, with music stopped. The good practice noise management measures proposed by the applicant in the Guest Policies document would further reduce the already low likelihood of disturbance.

6.5.7 Guest parking considered on the basis a maximum of four cars, repositioned away from the neighbouring dwellings and more than 21 m from any dwelling, is of the scale of a private domestic driveway and is not therefore a material noise source for the purposes of a Noise Impact Assessment.

6.5.8 On the basis of the information provided in the Noise Impact Assessment, the proposed development is not expected to give rise to significant adverse noise effects at the nearest noise sensitive receptors. The Noise Impact Assessment has been reviewed by the Council's Environmental Health Officer who has confirmed that there are no grounds on which for them to substantiate an objection. As such, it would not be reasonable to withhold the grant of planning permission on the basis of noise subject to compliance with the Guest Policies document including quiet hours of 9pm to 9am (including hot tub use), no amplified music and maximum occupancy numbers.

6.5.9 It is not considered reasonable to condition that the site owners live on site. This is because it would be unduly restrictive to the applicant's private interests. However, compliance with the Guest Policies document can be conditioned should Members be minded to approve the application. The other conditions suggested by the Council's Environmental Health Officer have been included below where appropriate under the Welsh Government's Conditions Circular (relevant, necessary, precise, enforceable and reasonable).

6.4.9 Overall, given the significant reduction in the scale of the development from up to 28 guests to 6, it is considered that the proposed glamping use will not significantly adversely affect neighbouring occupiers in terms of noise and disturbance.

6.4.5 The impact of traffic movements is considered below in Section 6.6 below.

## **6.5 Biodiversity**

6.5.1 Significant impacts on designated site are considered unlikely due to the scale, nature, and distance of the proposal, however sensitive lighting is recommended given the proximity to the SAC and abundance of suitable foraging and commuting habitat in the local area. There are no local wildlife sites within 500m of the site.

6.5.2 A Preliminary Ecological Appraisal (PEA) was undertaken on the 21st May 2026. The methods and conclusions of the report are considered to be acceptable by the Council's Biodiversity Officer and no further ecological surveys are therefore required. It is noted that the design has evolved to ensure that the existing access is utilised and there will be no impacts to the hedgerows. As such, the risk to protected species and designated sites is considered to be low. Precautionary Ecological Working Measures have been recommended to avoid harm to protected and Priority Species and adjacent habitats

6.5.3 Planning Policy Wales (PPW) 12 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

6.5.4 Net Benefit for Biodiversity Measures as presented within Green Infrastructure and Landscaping Rev B - 05-07-26 are noted to include:

- Two Hawthorn trees will be added to the East side of each of the Shepherd huts, to integrate development into the landscape setting. (6x total trees)
- Wildflower banking and shrubs to be planted using a native British seed mix, located in land adjoining proposed development.
- The inclusion of two bird boxes: 1 x Universal Swift Box and 1 x Sparrow Terrace Box. The PEA recommends that the Universal Swift Box and Sparrow Terrace Box are fixed as high as possible on the north, east or west elevation of the animal shelter structure.

The proposed enhancements are considered to be appropriate and proportionate for a development of this scale.

6.5.5 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site, the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new nutrient standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of nutrient within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

6.5.6 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments. It is considered that this development is unlikely to increase nutrient inputs because foul drainage for the 2 luxury shepherds huts is proposed to the existing septic tank which discharges to ground. This system already serves the existing residential properties at the site. Foul drainage for the eco hut is proposed to a composting toilet. The Complete Drainage Details and Calculations - LP2 - Rev A (29-10-25, unauthored), confirms the proposed compost toilet would separate solids from liquids.

## **6.6 Transport**

6.6.1 The site is located off the C24.15, a narrow country lane that predominately serves the nearby agricultural buildings and scattered residential dwellings. The C24.15 directly connects to the classified B4598.

6.6.2 The application is a modification of DM/2022/01511 to which the Highway Authority raised no objection. However, it was refused at committee partly on highway grounds. In dismissing the subsequent appeal, the Inspector considered the impact of traffic on highway safety and local amenity and stated the following in her decision:

*"I concur with the Council's Highway Authority that, having regard to the nature of holiday uses, such movements are unlikely to regularly coincide with peak traffic periods associated with neighbouring properties. Furthermore, the need to slow, wait, or manoeuvre to allow vehicles to pass is an established characteristic of rural lanes of this nature. Therefore, whilst the proposal would likely result in a greater degree of inconvenience for existing users of the lane, I do not consider that this would be to an extent that would be materially harmful to local amenity. Accordingly, the increased traffic on the access lane alone does not warrant withholding planning permission."*

6.6.3 The current application represents a reduction in proposed units and usage of the site and utilises an existing access. The proposed site plan indicates 3 self-contained shepherds huts will be provided, with a proposed capacity of 6 adults. The site provides an appropriate parking facility to meet the requirements within the MCC Local Parking Standards for a site of this size and usage.

6.6.4 As this application reduces the number of units proposed, the Highway Authority have again concluded that there are no highway grounds to refuse the proposed development.

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

6.7.1 In responding to the comments from the Community Council, with regards to concern about light spill it is suggested that a condition requiring a detailed lighting plan to be submitted to and approved by the Local Planning Authority be included on any consent that Members are minded to approve.

6.7.2 Although tourism use will introduce a more domestic character to the area, the units and associated structures themselves are rural in appearance being timber and metal. The proposed parking area is close to the existing residential dwelling and garden, not requiring any new hard standing. There are no concrete bases and all structures are removable in accordance with guidance related to sustainable tourism and therefore the whole development is reversible. Furthermore, the area around the application site is characterised by ad hoc groups of a mix of residential and agricultural buildings. As such, it is considered that the proposed development will not erode the open rural character of the area.

6.7.4 In relation to foul drainage, no pean existing percolation tests or further technical details are required to support the application as the foul waste from 2 of the huts will connect to an existing permitted septic tank which has capacity while the remaining hut which does not include a bathroom will utilise a compost toilet. The foul drainage has been assessed by NRW who raise no objection.

6.7.5 Noise impacts are addressed in Paragraphs 6.4.3 above. Highway and traffic impact is addressed in Section 6.6 above.

6.7.6 Turning to objections raised by neighbouring occupiers, many of the concerns have been addressed by moving the car park to the south of the site, reducing the number of units to three and ensuring that there is a distance of at least 25m between any glamping unit and any neighbouring dwellings.

6.7.7 There has been anecdotal reports of visitors to the glamping site knocking on the door of Amberleigh House door late at night seeking directions and walking onto the private driveway in an attempt to gain access. Understandably these incidents have caused upset to this neighbour. However, this could be resolved with better signposting or instructions provided that the time of booking. Furthermore, having the car park located to the south of the site adjacent to the applicant's dwelling should further reduce the chance of visitors becoming lost and going to the top of the track.

6.7.8 A fence would not require the benefit of planning permission if under 2m in height. The removal of the fence if along a common boundary is therefore a private legal matter.

6.7.9 Is it is not known if the applicant is to remain living at the site full time. Irrespective of this, should Members be minded to support the application with a condition ensuring that the Guest Policies document is strictly adhered to, then whoever is managing the site will be responsible to insure that this is the case.

6.7.10 With regards to the welfare of horses that graze near the site, the area accessible to the public via the C24.15 country lane as well as a bridleway and footpath. The addition of 3 no. Glamping units is considered unlikely to cause any additional threat to horses in the fields around the site. Littering is a site management issue but it should be assumed that the vast majority of visitors will respect the local environment in any case.

6.7.11 House values are not a material planning consideration. Notwithstanding, it is considered that the 3 shepherds huts and associated parking area will not harm the visual appearance of the area or adversely impact local residential amenity to an extent that would the wider area.

6.7.11 An application for a storage building for equipment to manage the land associated with property but not related to the proposed glamping is also before Planning Committee so that the cumulative impact of development can be assessed. It should be noted that the proposed storage building is required for the management of the land owned by the applicants and there is no evidence that the building is required to facilitate the glamping development proposed in this application.

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

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

## **6.9 Conclusion**

6.9.1 The proposed use of the land for glamping meets the requirements of Adopted Supplementary Planning Guidance relating to sustainable tourism that has been provided to support LDP Policy T2.

6.9.2 The scale of the development has been significantly reduced in response to a previous refusal and dismissed appeal and the car parking area moved away from neighbouring dwellings.

6.9.3 The scale and design of the proposed huts, associated washroom and animal shelter is considered to be appropriate to the rural location.

6.9.4 A Noise Impact Assessment provided with the application concludes that the proposed development is not expected to give rise to significant adverse noise effects on neighbouring occupiers subject to compliance with the Guest Policies document.

6.9.5 Any increase in traffic would not be to an extent that would be materially harmful to local amenity or highway safety.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

2 The development shall be carried out in accordance with precautionary ecological working measures to avoid harm to protected and Priority Species and adjacent habitats. These shall include:

- materials, spoil and machinery shall be stored within the development footprint and away from retained vegetation and adjacent semi-natural habitats;
- fuels, oils, chemicals, cement and other potentially polluting materials shall be stored and handled so as to prevent spills or runoff into adjacent habitats or drainage features. Cement washings and contaminated water shall not be discharged into adjacent habitats or drains, and spill kits shall be available on site during construction;
- vegetation clearance and ground works shall be undertaken carefully, with logs, rubble, vegetation piles and other potential refuges removed by hand where practicable. Clearance shall proceed towards retained vegetation to allow reptiles and other mobile animals to disperse away from the works.
- open excavations shall be covered overnight or provided with a suitable means of escape and checked each morning before works commence; and
- if a protected species is encountered during works, works in the affected area shall cease and advice shall be sought from a suitably qualified ecologist before works recommence.

REASON: To safeguard protected and Priority Species and maintain the ecological value of adjacent habitats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

3 All works shall proceed in accordance with proposed measures to secure no net loss and net benefit for biodiversity as detailed within the Green Infrastructure and Landscaping Rev B - 05-07-26. Evidence of implementation of mitigation and net benefit measures for biodiversity must be provided to the LPA no more than three months later than the date of this permission.

REASON: To provide no net loss and biodiversity net benefit and ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP Policy NE1.

4 External lighting associated with the development shall be installed and operated in accordance with the measures set out within the Green Infrastructure and Landscaping Rev B - 05-07-26. No additional external lighting shall be installed.

REASON: To safeguard roosting and foraging/commuting habitat of Species of Conservation Concern in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

5 The development 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.

6 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.

7 There shall be no more than 3 Shepherds Huts on the site at any one time.

REASON: To safeguard the landscape and residential amenity of the area in accordance with LDP Policies LC5, DES1 and EP1.

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

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

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

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

10 The glamping site hereby approved shall be run in strict compliance with the approved Guest Policies document (July 2026) including quiet hours from 21:00 to 09:00 (including use of hot tubs).

REASON: In the interests of local residential amenity, to comply with LDP Policy EP1.

11 In the event that the development hereby approved ceases to trade, the glamping units and all associated structures shall be removed from the site and the land restored to its former condition within 3 months of closure of the business.

REASON: To safeguard the visual amenity of the area in accordance with LDP policies LC1, LC5 and DES1.

## **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 A site licence will need to be obtained from the Environmental Health section to ensure appropriate standards of public health and safety are achieved and adhered to.



## Appeal Decision

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by Julie de-Courcey BSc LLB MTPI MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19/08/2026

Appeal reference: CAS-04666-R1L0N7

Site address: Land at Llangovan, Monmouth, NP25 4BU otherwise known as Roots Farm,  
Trecastle Lane, Llangovan, NP25 4BU

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- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Emma Roberts against an enforcement notice issued by Monmouthshire County Council
  - The enforcement notice, numbered E25/197, was issued on 14 October 2025.
  - The breach of planning control as alleged in the notice is: Unauthorised material change of use of the land from agriculture to residential use including the associated siting of a mobile home & associated foul drainage apparatus.
  - The requirements of the notice are:
    1. Cease the residential use of the land edged in red on the attached plan (appendix A).
    2. Remove the mobile home in its entirety from the land edged in red on the attached plan.
    3. Remove the associated foul drainage apparatus in its entirety from the land edged in red on the attached plan.
  - The period for compliance with the requirements is six months from the date that this Notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
  - A site visit was made on 13 July 2026.
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### Decision

1. It is directed that the enforcement notice (the notice) is corrected and varied as set out below:
  - In Schedule 2 (Alleged breach of Planning Control) change 'Unauthorised material change of use of the land from agriculture to residential use including....' to

‘Unauthorised material change of use of the land from agriculture to a mixed use comprising agriculture and residential including...’.

- In schedule 4 (Time for compliance) change ‘Six Months’ to ‘Twelve months’.
2. Subject to this correction and variation, I dismiss the appeal and uphold the enforcement notice.

### **The notice**

3. The plan accompanying the notice includes two separate but adjoining plots of land that comprise the planning unit. The Local Planning Authority’s (LPA) evidence does not suggest that there is any residential use of the easternmost parcel of land; from my site inspection, it appears to be in wholly agricultural use. The residential use of the adjoining field does not extend to its entirety.
4. I have a duty to get the notice in order and s176(1) of the Act grants powers to (a) correct any defect, error or misdescription in the enforcement notice, provided it would not result in injustice to the appellant or the Council. I am mindful that case law has established that it is not open to a LPA to divide up a planning unit artificially so as to achieve a more restrictive effect than would result from a notice directed at the unit as a whole. Therefore, I understand the LPA’s rationale for the extent of land shown within the red line on the map accompanying the notice. However, in light of the foregoing observation, I consider it necessary to amend the description of the alleged breach of planning control to ‘Unauthorised material change of use of the land from agriculture to a mixed use comprising agriculture and residential including...’. I discern no injustice to either party in so doing.

### **Preliminary matters**

5. The appeal on ground (a) lapsed. Consequently, the planning merits of the alleged unauthorised development, including the issues of precedent and location, siting and design of the ‘mobile home’, are not for my consideration. If the appellant wishes to have its merits considered, an application for planning permission for the development, would need to be made.
6. Planning legislation provides the basis for determining this appeal. The Caravan Sites and Control of Development Act 1960 (CSCDA) and Caravan Sites Act 1968 (CSA) provide the definition of what constitutes a ‘caravan’. They are relevant in so far as they link to and inform planning legislation.

### **Application for costs**

7. An application for costs has been made by Emma Roberts against Monmouthshire County Council. This application is the subject of a separate Decision.

### **Background**

8. The field with two road frontages is predominantly in pasture. In one corner is a unit in residential use that the notice refers to as a ‘mobile home’, so I shall also refer to it as such. It has a pitched roof. At one gable end is an open-sided utility/storage area with a suspended tarpaulin ‘roof’. Amongst other things, the site subject of the notice accommodates freestanding solar arrays, firewood storage, children’s play equipment, outdoor seating, firepit, dog run, polytunnel, vegetable patch, various enclosures and structures for housing livestock and fowl and storage of a tractor, trailers, quad and other agricultural machinery. At the site’s upper end, adjoining the entrance off the public road, is an open storage area with a variety of items including pallets, stakes, insulation, drainage pipes, glass panels in wooden frames, metal components and water butts.

9. The LPA previously considered three determinations for prior approval relating to the site subject of the notice. It determined that prior approval was not required in one instance (DM/2025/00565) that proposed:
- A 144 sq.m. enclosed barn for storage of equipment, feed and vehicles, height to ridge 7m and to eaves 5m;
  - A 108 sq.m, cold frame for growing vegetables with a ridge height of 3.7m and height to eaves 2.4m; and
  - A 108 sq.m. green house for growing fruit with a ridge height of 3.7m and height to eaves 2.4m.
10. The notification was submitted to the LPA on 30 April 2024 and was deemed acceptable subject to, amongst other things, a condition that required the development to be carried out within 5 years of that date.

### **The appeal on ground (c)**

11. An appeal on ground (c) is that the matters alleged do not constitute a breach of planning control. It is one of the 'legal' grounds of appeal whereby the onus is on the appellant to make out their case to the standard of the balance of probabilities. The appellant primarily relied on The Town and Country Planning (General Permitted Development) Order 1995 (as amended) [GPDO], Schedule 2, Part 5, Class A in claiming that the matters alleged in the notice do not constitute a breach of planning control.
12. Class A (Caravan Sites) permits the use of land as a caravan site in the circumstances referred to in paragraph A2. The latter cross-references to paragraphs 2 to 10 of Schedule 1 to CSCDA (Cases where a caravan site licence is not required).
13. I need to consider whether the 'mobile home' is a caravan as defined by s29 of the CSCDA, as modified by s13(1) of the CSA. Although some services have been installed, the 'mobile home' is not affixed to the ground, it sits on metal stilts, the drawbar is intact at one end and at the opposite end are steps leading up to interior floor level. A photo appended to the Planning Contravention Notice (PCN) that the LPA served on the appellant's partner on 7 August 2025 showed the 'mobile home' in two parts and another showed them seemingly bolted together. In its evidence the LPA referred to the structure as a 'mobile home/caravan' and did not suggest that Class A could not, by definition, be relied on in this instance.
14. It was stated on the completed PCN that the structure was 12.1m long, 6.0m wide and the overall height of living accommodation (as measured internally from the floor at the lowest level to the ceiling at the highest level) was 3m. My observations on site did not cause me to question that evidence. Those dimensions do not exceed the limits set out in s13(2) of the CSA.
15. Notwithstanding the limited information that I have on the matter, the 'mobile home' appears to satisfy the definition of a twin-unit caravan. Therefore, I shall consider it as a caravan for the purposes of assessing whether the permitted development rights apply.
16. Paragraph 9 of Schedule 1 to the CSCDA provides that a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out if that use is for the accommodation of a person or persons employed in connection with the said operations. The provisions that operations "*are being carried out*" and "*a person or persons employed*" are stated in the present tense. Therefore, if persons are to be employed or where operations are to be carried out at some time in the future, the permitted development rights do not apply. They exist subject to a condition that the use shall be

discontinued when the specified circumstances cease to exist, and the caravan shall be removed as soon as reasonably practicable following completion of the operations.

17. I need to consider whether building or engineering operations were being carried out for construction of the development described in paragraph 9 above at the time the notice was served, and if so, whether the appellant was employed in connection with those works.
18. The appellant said that site entrance improvements had been made to accommodate HGVs, constituting building and engineering operations. According to the responses given to the PCN, the constituent sections of the mobile home were brought onto the site on 7 July 2025. If works to improve access to the site were carried out prior to service of the notice on 14 October 2025, they may have been to facilitate that delivery. On the balance of probabilities, those works alone are not persuasive that the development subject of the notice does not require express planning permission.
19. Whilst preparatory work such as acquiring and preparing equipment and building materials and getting associated consents may be required prior to the commencement of development, in accordance with s55 of the Act, they do not constitute building or engineering operations and do not justify residential use of the site. The appellant cited other preparatory works that they considered to satisfy the definition of development but there is no evidence that those works had commenced on or before 14 October 2025 and that they continued in any sort of systematic way thereafter. The prior approval decision was issued on 28 May 2025. In the 4+ months from that permission being granted to issue of the notice, there was no persuasive evidence that building or engineering operations in connection with the development subject of prior approval had commenced. In the interim, the mobile home became the appellant's sole residence in mid-August 2025.
20. An Interested Party's (IP) evidence is noted in this respect where they said that the works subject of the prior approval had not begun when the notice was served. Additionally, in their submitted final comments of 20 January 2026, the appellant said that '*engineering works are planned to begin imminently*'.
21. At the time of my site visit the south-western portion of the roadside field had been fenced off. This extended to an area approximately 30m x 50m, consistent with the siting of the structures for which prior approval was not required. A digger was being operated, and grass and topsoil had been removed from the area. When I arrived at the site and he came across the field to show me into the mobile home, the digger operator introduced himself as the appellant's partner. He returned to this task whilst I conducted the remainder of my site visit.
22. The extent of work that had been carried out at the time of my site visit suggested that it is more likely than not that building or engineering works for the structures covered by the prior notification had not commenced prior to service of the notice. Apart from my observation that the appellant's partner was, on the day of my visit, operating a digger on site in the location of the proposed agricultural buildings, there is scant persuasive evidence as to: what operations he and the appellant have been employed in since taking up residence on the site; the frequency and duration of those works; what operational tasks they will be employed in for the remainder of the construction period; and its likely duration.
23. Reference was made to the precedent value of cases throughout the UK, but this was not accompanied by associated evidence.
24. Although referred to in the context of the appeal on ground (f), the appellant also cited the need for accommodation in association with the use of the land for agriculture. The

placing of a mobile home on land in agricultural use, for example, to provide necessary storage and/or occasional or seasonal welfare/shelter and sanitary facilities for agricultural workers, could be considered as incidental to the lawful use of the land for agriculture. In such circumstances a breach of planning control would not occur. However, in this instance, in response to the PCN, the appellant's partner advised that the mobile home was the family's primary residence. Therefore, mindful of the provisions of s55(2)(e) of the Act, I am not persuaded that development subject of the notice is incidental to the site's use for agriculture.

25. For the reasons set out above, on the balance of probabilities, the development subject of the notice does not benefit from permitted development rights or express planning permission. Therefore, it constitutes a breach of planning control and the appeal on ground (c) fails.

### **The appeal on ground (f)**

26. An appeal on ground (f) is that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters, or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
27. The notice requirements seek the cessation of the residential use of the land, removal of the mobile home and associated foul drainage apparatus in its entirety from the land. Therefore, it is clear that the purpose of the notice is to remedy the breach.
28. The appellant suggested that the development be allowed to remain pending the outcome of an associated planning application to retain it in association with the agricultural buildings subject of the prior notification. This is not a lesser steps argument, rather it is a request for more time within which to submit an application to seek planning permission. The matter of the time for compliance with the requirements of the notice is considered under ground (g).
29. As stated on the notice the foul drainage is 'associated' with the mobile home and is part and parcel of the unauthorised material change of use. To allow it to stay: pending determination of any subsequent planning application for a dwelling; or in association with any future use of or operational development on the land that might either not constitute development or require express planning permission, is not a lesser step that would remedy the breach.
30. The appellant also referred to the need for accommodation for seasonal workers and for shelter and washing facilities in association with the agricultural use of the land. On that basis, she considered it excessive that the mobile home and associated foul drainage be removed completely and ultimately replaced. However, such considerations are not obvious alternatives or lesser steps that would achieve the purposes of the notice. They would not remedy the breach and do not demonstrate that the requirements of the notice are excessive.
31. Reference was made to the Workplace (Health, Safety and Welfare) Regulations 1992. Notwithstanding that no citation was given for the quotation so that it could be considered in context to see whether it applied in this instance in conjunction with Regulation 3 thereof, that is a separate legislative regime and the appeal on ground (f) is concerned with remedying the breach of planning control.
32. In the absence of persuasive evidence that the steps required by the notice exceed what is necessary, I am satisfied that they are the minimum required to remedy the breach of planning control. Consequently, the ground (f) appeal fails.

### **The appeal on ground (g)**

33. An appeal on ground (g) is that any period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
34. The first of the appellant's reasons for seeking the period for compliance to be extended from 6 to 12 months was to enable preparation, submission and determination of a planning application for retention of the mobile home and associated foul drainage apparatus.
35. Despite pleading ground (a), the appellant did not pay the prescribed fee within the specified period and the appeal on that ground and the deemed planning application lapsed. There is no indication that a planning application has been submitted to the LPA. Regardless of this, there is no surety that, even if an application were submitted, it would be approved. Evidence on how they considered the development to be consistent with Technical Advice Note 6 Planning for Sustainable Rural Communities could have been advanced in support of the deemed planning application. Therefore, on that basis, I am not persuaded that the period for compliance falls short of what should reasonably be allowed.
36. The appellant added that 6 months would not be enough time to find alternate accommodation that would be suitable in terms of: cost; enabling their eldest dependent to remain at their current place of education; and distance from the appeal site that would enable 'multiple times' daily visits to take care of livestock.
37. In my assessment of the facts, 6 months would be sufficient time to physically remove the unauthorised development. However, I need to consider the issues in the round.
38. The appellant and their family live on the appeal site and the notice requires the residential use to cease, necessitating them to find alternative accommodation. In such circumstances, the qualified rights of Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998 (HRA), would be engaged in any planning assessment. As set out above, cessation of the residential use is a necessary and proportionate response in order to meet the aims of planning policy. Nevertheless, in light of the HRA, I consider it reasonable to extend the period for ceasing the residential use and removing the mobile home and associated foul drainage apparatus to 12 months. This provides increased flexibility for the appellant to find suitable alternative accommodation and would better balance the competing public and private interests.
39. As I conclude that the period for compliance with the requirements of the notice falls short of what should reasonably be allowed, I shall extend it as set out in the decision. The appeal on ground (g) succeeds to that extent.

### **Other matters**

40. The issue of expediency of serving the notice, rather than issue an enforcement warning notice that s173ZA of the Act provides for, was a matter solely for the LPA in accordance with s172(1)(b) thereof. The rationale for and reasonableness of that choice are not matters for me to review under this appeal.
41. The appellant mentioned a 'lawful development certificate' but there is no evidence that an application was made to or approved by the LPA under either s191 or 192 of the Act.
42. Passing reference was also made to Schedule 2, Part 5, Class B of the GPDO but, it is not relevant to the development subject of this notice.
43. Alleged noise nuisance from use of a mobile generator is an issue that the IP would have to pursue with the Council's Environmental Health Department. Similarly, allegations about unauthorised development outwith the appeal site, are also a matter for the LPA.

44. Concerns about the implications of a restrictive covenant for the land and development subject of this notice are a private legal matter. The comparative visual and environmental impact of any subsequent replacement for the mobile home are not pertinent to my consideration of this appeal.

### **Conclusion**

45. For the reasons given above and having taken account of all the other matters raised insofar as they relate to the grounds of appeal being pursued, I conclude that the period for compliance set out in the enforcement notice falls short of what is reasonable. The appeal on ground (g) succeeds to that extent and I shall vary the notice prior to upholding it.

46. In reaching my decision, account has been taken of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with that Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives, as required by section 8 of the Act.

*Julie de-Courcey*

INSPECTOR

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