

**Application Number:** DM/2020/01157

**Proposal:** Demolition of existing dwelling and construction of replacement dwelling

**Address:** Red Barn Farm, Crick Road, Shirenewton, NP16 6LS

**Applicant:** Mr D Adams

**Plans:** All Proposed Plans (PP) 01A - Plans and Elevations, Site Plan (PP) 02 - Existing Block Plan, Site Plan (PP) 03A - Proposed Site Plan, Location Plan (PP) 04 - Site Location,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young  
Date Valid: 18.08.2020

**This application is presented to Planning Committee at the request of Cllr Brown.**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

Red Barn Farm is located in the open countryside approximately 1.5 km to the south-east of Shirenewton on the Crick Road. The farm has its own access off Crick Road and comprises several large agricultural buildings, a waste transfer yard and a small chalet in a poor state of repair. The site is located within a Minerals Safeguarding Area. The chalet building, which is now uninhabitable, was granted temporary planning permission on appeal in May 1997. The permission was for the retention of the mobile home subject to a condition that it be removed after a period of three years from the date of the decision. The chalet should therefore have been removed from the site by 14 May 2000. The chalet was not removed however and in 2016 a certificate of lawful use (DC/2016/00918) was sought for the residential use of the chalet/mobile home which was granted on the basis that the chalet/ mobile home had remained on site in breach of a planning condition in excess of 10 years. In 2018 planning permission was granted for the demolition of the existing chalet and the erection of a replacement dwelling. That approval has not been implemented and the chalet remains in place. The chalet measures 6m by 10m by 2.7m high. It has a flat roof with a wooden frame, wooden panelling and artificial stone. Much of the external panelling is rotten and/or missing, and the roof and soffit boxes are rotten, damp and damaged in several places. The chalet occupies an elevated position.

#### 1.2 Value Added

Following extensive negotiations between officers and the agent, the scale of the replacement dwelling has been substantially reduced.

#### 1.3 Proposal Description

It is proposed to demolish the existing mobile home and construct a replacement three-bedroom family dwelling. The new dwelling would have a hipped roof and a porch to the front. The new dwelling would measure approximately 7.3 metres by 10.8 metres. It would be 4.6 metres to the eaves and have a total ridge height of 6.4 metres. The cubic content of the new dwelling would be 407 cubic metres. The dwelling would be constructed of blockwork, rendered on the outside with some stone detailing and a slate roof. The existing access into the site would be utilised.

## 2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision	Decision Date
DM/2019/00466	Construction of calf rearing unit and workshop extension	Approved	30.10.2019
DM/2019/00467	Demolition of existing dwelling and construction of a rural enterprise dwelling	Withdrawn	26.02.2020
DC/2016/00918	Residential caravan and associated garden	Approved	26.09.2016
DC/2017/01219	Demolition of existing mobile home/chalet dwelling and the erection of a new replacement dwelling.	Approved	09.01.2018
DC/2008/00285	Building of new grain store.	Acceptable	08.04.2008
DC/2009/00442	Retention of use of part of existing farmyard for parking of six no. 32 tonne tipper lorries and the storage of road planings	Approved	03.03.2010
DC/2016/01286	Demolition of existing mobile home/chalet dwelling and the erection of a new replacement dwelling.	Refused	02.02.2017
DC/2012/00381	Erection of 1no wind turbine and associated works	Allowed on appeal	25.01.2013

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
S15 LDP Minerals

### Development Management Policies

H5 LDP Replacement Dwellings in the Open Countryside  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

## **Supplementary Planning Guidance**

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

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

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/H5-H6-SPG-April-2015.pdf>

Monmouthshire Parking Standards (January 2013)

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

## **4.0 NATIONAL PLANNING POLICY**

### **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**

#### **Shirenewton Community Council - Refuse.**

The same reasons apply as the 2017 refusal

The size and the appearance are not of traditional farmhouse style.

#### **Dwr Cymru-Welsh Water - No comment**

It appears the applicant does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. The development may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards.

#### **MCC Highways - No objection**

There are no proposals to alter the existing access and driveway and the proposed replacement dwelling will not compromise the available space within the site for car parking. The available parking exceeds the maximum requirement of 3 car parking spaces.

#### **MCC Landscape Officer - No Objection.**

Following discussions with the applicant additional plans have been provided to show the biodiversity benefits as well as integrating the scheme more effectively in the localised landscape. Additional conditions have been suggested in relation to a full landscaping scheme and its implementation.

#### **MCC Ecology – No Objection**

An updated building inspection recorded no evidence of bats and low potential, supported by an updated dawn and dusk survey where again no evidence of bats was observed. Some evidence of nesting birds was found within the structure and therefore appropriate compensation will be required. Full evidence of net benefit should be provided. Additional conditions are suggested in relation to

the demolition of the existing structure. Following revised plans, it is considered to add a condition to address the net gain.

## 5.2 Neighbour Notification

No comments received

## 5.3 Other Representations

None Received

## 5.4 Local Member Representations

Councillor Louise Brown

I would be grateful if the above application DM/2020/01157 could be referred to planning committee for consideration of the relevant planning policies.

The application appears to still cover similar background/policy issues as the previous application (DM/2019/00467) which has been withdrawn by the agent, which I also requested to be referred to the planning committee for their consideration, in the light of the assessment report from Mr R. Anstis.

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**

A certificate of existing lawful use for residential caravan and associated garden was approved in September 2016, establishing a residential use on this site. Planning permission was subsequently granted for a replacement dwelling in 2018; therefore the principle of residential use is established. The current application seeks to increase the size of the replacement dwelling (previously approved) and therefore is considered against Policy H5 of the LDP - Replacement Dwellings in the open countryside.

As the existing structure is classed as a chalet or mobile home (albeit with residential use) it is important to note that the applicant could lawfully replace the existing chalet/mobile home with a new chalet/mobile home up to the size of a caravan as identified in the appropriate Act.

For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression;

"caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(a) length (exclusive of any drawbar): 65.616 feet (20 metres);

(b) width: 22.309 feet (6.8 metres);

(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).

Therefore the existing chalet could be replaced by a mobile home without the need for planning permission and that the maximum size for a caravan is 20.0m x 6.8m x 3.05m, giving a cubic content of 415m<sup>3</sup>. In view of this, it is considered that cubic content figure of 415m<sup>3</sup> is the maximum size of any new replacement dwelling. The principle of replacing a residential caravan with a permanent dwelling of the same cubic content is established through precedent.

### **6.2 Compliance with Policy H5 of the LDP**

#### **6.2.1 Contribution of the original dwelling**

Policy H5 allows for the replacement of existing dwellings where the original dwelling is not a traditional farm house that is important to the visual and intrinsic character of the landscape and provided that it has not been demolished or abandoned. In this case the residential unit is a very dilapidated timber chalet that has no architectural merit and does not contribute positively to the intrinsic rural character of the area. There are no compelling reasons why the existing chalet should be retained as it adds nothing to the character of the surrounding landscape. The proposal therefore accords with criterion a) of Policy H5.

#### 6.2.2 Design and size of the new dwelling

Criteria on b) of Policy H5 states that the design of the new dwelling should be of a form, bulk, size and scale that respects its setting. Criterion d) states that the replacement dwelling should be of a similar size to the existing. In this case we accept that there is a residential use on the site and the Certificate of Lawfulness approved in 2016 allows for a caravan to be stationed on the site. The maximum cubic content of a caravan could be up to 415 m<sup>3</sup>.

Following extensive negotiations the proposed dwelling has been reduced from 640m<sup>3</sup> to 407m<sup>3</sup>. Officers considered that a dwelling of over 600m<sup>3</sup> failed to comply with criterion d) of Policy H5. When considering the fall-back position of a replacement caravan of 415m<sup>3</sup>, it was considered that a dwelling with a smaller volume could however comply with the criteria.

The proposed dwelling has a cubic content of 407m<sup>3</sup> and therefore complies with criterion d) of Policy H5. The design of the proposed dwelling is simple with a low eaves height and a hipped roof. The symmetrical design with a porch at the front and traditional style windows is considered to respect its rural setting. The finishing materials of render with stone detailing and a slate roof are appropriate for this setting. The proposal therefore accords with criterion b) of Policy H5. The proposed scheme will utilise the existing access and residential curtilage, no extension to the curtilage is required and similarly no additional outbuildings are required. The proposal does accord with criteria c) and e) of Policy H5.

#### 6.2.3 Good Design

Policy DES1 of the LDP requires that the dwelling contributes to a sense of place while its intensity is compatible with existing uses. The design of the proposed dwelling reflects that of a traditional rural dwelling. The dwelling has a low eaves and ridge height and is surrounded by mature trees so that it will not appear visually prominent within the wider landscape even when viewed from the adjacent road. The intensity of the proposal is comparable with the existing residential use and the new dwelling will assimilate well into the landscape. The proposed dwelling will not interrupt natural views and panoramas in the area because of its low overall height. It would not be dominant in the landscape, nor will it result in an overly prominent structure. It is considered to respect the rural character of the landscape.

PPW 10 states that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the layout, form scale, visual appearance of the development is considered to engage appropriately with its surroundings.

### 6.3 Landscape

The proposed new dwelling because of its two story nature will be slightly more visually prominent than the chalet it replaces, however it is considered to be an improvement in visual terms and the new dwelling will be surrounded by the existing mature trees on the site which will help to soften the proposal. The proposed small scale of the dwelling and its low ridge height means that it will be satisfactorily assimilated into the landscape, particularly when viewed from the adjacent road which runs from Shirenewton to Crick. The replacement dwelling that was approved in 2017 had a ridge height of 7 metres the current scheme has a ridge height of 6.4 metres so the current scheme will be less visually prominent. The proposed scheme will occupy roughly the same footprint as the approved scheme and will be sited close to the position of the existing chalet. Whilst not within an existing group of buildings the new dwelling will be 27 metres to the south of an existing large

agricultural building and the new dwelling will be seen in this context despite the agricultural building being set at a lower level. The proposed new dwelling because of its design and siting is not considered to have an unacceptable impact on the landscape, heritage or biodiversity of the area. The Council's Landscape Officer has reviewed the revised plans and considers that the proposed development would not have a detrimental impact on the wider landscape. In addition, they suggest relevant conditions to secure appropriate landscaping. The proposed dwelling would be sympathetic and harmonises with the surrounding rural landscape. The proposal therefore accords with the objectives policy LC1 of the LDP which seeks to protect the open countryside from new build development and policy LC5 which seeks to protect landscape character. The proposal would not have an unacceptable adverse impact on the surrounding landscape. The actual detailed design of the dwelling is acceptable, the appearance and finishing materials are appropriate for a Monmouthshire farm and therefore the proposal does accord with PPW10 objective of "Local Distinctiveness"

#### **6.4 Biodiversity**

A Bat Survey Report was submitted as part of this current application. Internal and external inspections were carried out in May 2019. The report found that the building is in a very poor condition, with extensive damage and degradation throughout. Though there is access to the soffit boxes and behind the external panelling, many of the areas have significant damp. Regular ingress of wind and water is likely and as such much of the potential access spots are largely unsuitable. Due to the limitations of potential roosting locations within the building, the building has been designated as having low potential. The Emergence Survey found no evidence of bats. The building is considered generally unsuitable for hibernation and the impact on bats is likely to be negligible. The redevelopment of the building is unlikely to result in any impacts on bats and it is considered that an EPS Licence will not be required for the renovation of the building.

A condition has been added to ensure biodiversity net benefit is secured.

#### **6.5 Impact on Amenity**

No detrimental residential amenity impacts are anticipated. There is adequate intervening distance as the nearest neighbouring properties to the site are Coalpits which is over 170 metres to the south and Dinwood over 300 metres to the west. As a result there will be no significant overbearing or overlooking impacts resulting from the development of a permanent residential dwelling. The proposal accords with the objectives of LDP Policy EP1 in that it does not adversely affect the privacy, amenity or health of the occupiers of neighbouring properties.

#### **6.6 Highways**

The site is served by an existing vehicular access and driveway with ample space within the site for vehicle parking. There are no proposals to alter the existing access and driveway and the proposed replacement dwelling will not compromise the available space within the site for car parking. The available parking exceeds the maximum requirement of 3 car parking spaces. The Highway authority does not object to the proposal for a replacement dwelling on this site and the proposal accords with the objectives of Policy MV1 of the LDP.

#### **6.7 Minerals Safeguarding**

The site is located within a Minerals Safeguarding Area for Limestone. Policy M2 refers to the impact on mineral safeguarding resulting from new developments. In this case there is already a residential use on the land which would prohibit mineral extraction. A replacement dwelling would not alter this.

#### **6.8 Affordable Housing**

There is no requirement for an affordable housing contribution under LDP Policy H4 as the application seeks a replacement dwelling. No net additional residential units are being created.

#### **6.9 Flooding**

The site is not in a designated flood zone identified in the DAM maps of TAN 15.

## **6.10 Drainage**

### **6.10.1 Foul Drainage**

It is proposed that foul drainage will be discharged to a package treatment plant. This is acceptable in a non-sewered area.

### **6.10.2 Surface Water Drainage**

Surface water will be discharged by soakaway. There is sufficient land available to accommodate this. The proposed scheme 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 applicant has been informed of this.

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

6.11.1 Councillor Brown raised concerns that the application appears to still cover similar background/policy issues as the previous application DM/2019/00467 which was withdrawn and refers to the assessment report from Mr R. Anstis. That application was for a rural enterprise dwelling which would have been considered against the advice contained in TAN 6. As the application was withdrawn it has no relevance to the current proposal for a replacement dwelling. In this case the applicants are not suggesting that the property is required for an agricultural worker, rather an independent residential dwelling. The assessment report from Mr R. Anstis is not relevant in this case as there is no requirement for an agricultural justification. It is important to note that a residential use has been established on the site via the Certificate of Lawfulness and the previous approval. This application seeks a change in size of the proposed replacement dwelling.

Shirenewton Community Council recommend refusal of the application. This is on the basis of the proposed size and the appearance which the Community Council consider are not of a traditional farmhouse style. Since the original submission the size of the dwelling has been significantly reduced, particularly its height. The Community Council have been re-consulted on the amended design and considered the revised plans at their meeting of the 7<sup>th</sup> December. The Community Council refer to the previous objections in relation to the principle of a replacement dwelling. They note the reduced size of the proposed dwelling, however maintain their objections based on the non-traditional style and size and raise concerns over ecology and landscape impact.

As noted above, the principle of a dwelling has been established on the site. It is considered that the reduced size and design now complies with policy as explained above.

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

6.12.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the 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.

## **6.13 Conclusion**

6.13.1 A certificate of lawful use for a residential caravan and associated garden was approved in September 2016, establishing that there was a residential use on this site. Planning permission was granted for a replacement dwelling in 2018. Therefore the principle of residential use is established. The current application seeks to increase the size of the replacement dwelling. As explained, the

current mobile home can lawfully be replaced with another mobile home (caravan) to a maximum of 415m<sup>3</sup>. Therefore it is considered that the replacement building should not be larger than a lawfully sited caravan. Following negotiations, the applicant has significantly reduced the volume of the proposed dwelling in line with these parameters. As the scale and impact of the proposals have been substantially reduced, they are considered to comply with the criteria within Policy H5 and are now considered to be acceptable.

This application is considered to be policy compliant and is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

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

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

**3** 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 policy H5 of the LDP

**4** Prior to development (including demolition, ground works, vegetation clearance) the biodiversity net benefit measures provided on "Proposed Site Block Plan - Ref. [PP] 03B produced by Griffiths Design Architectural Technologists. Dated December 2020" shall be detailed in full, including positioning (height) and specification providing for the future management and an implementation timetable. The details shall be submitted to and approved in writing by the Local Planning Authority.

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

### **5 LANDSCAPE CONDITION**

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

- o Detailed scaled plans, showing existing and proposed levels, appropriate cross sections with site levels

- o Proposed and existing utilities/services above and below ground.

- o Soft landscape details shall include: means of protection, planting plan, specifications, number and density including cultivation and other operations associated with tree, hedge, grass and wildflower establishment.

- o Minor artefacts and structures (e.g. Refuse or other storage units, fencing and lighting).

- o A landscape management plan to inform a 5 year landscape establishment period clearly identifying areas of responsibility

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



## 6 . LANDSCAPE WORKS IMPLEMENTATION

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

## 7 . LANDSCAPE MAINTENANCE

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

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

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