

**Application Number:** DM/2020/01076

**Proposal:** Use of existing agricultural Dutch barn for the storage of cars

**Address:** Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk

**Applicant:** Mr Arun Patel

**Plans:** Location Plan 278.P01 - , Block Plan 278.P02 - , Elevations - Existing 278.P03 - , All Drawings/Plans A16-010-001 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham

Date Valid: 07.08.2020

### **1.0 APPLICATION DETAILS**

This application was presented to Planning Committee in April 2021 with a recommendation for approval. Members deferred the application to investigate whether or not the external works to the building required planning consent or were lawful.

The applicant has supplied evidence that the Dutch barn was in agricultural use from the time that he bought it on 9th May 2008. At the time the barn was in a poor state of repair. Planning permission was not in required for the upgrading works to the Dutch barn, provided that the works were for the purposes of agriculture as the filling in of the walls is Permitted Development under Schedule 2, Part 6, Class A (a) of the Town and Country Planning (General Permitted Development) Order. This is provided that they comply with the conditions in A.2 - i.e. that details are submitted (via an Agricultural Notification) to seek whether prior approval is required. No application was forthcoming. However, the applicant has now supplied photographic evidence of the Dutch barn in its completed state on 4th May 2017, i.e. a term in excess of the 4 years which therefore establishes the works as lawful development. It is noted that the applicant states that the barn was in reality completed in late March but no photographic evidence is available.

On this basis it is considered that the works to the Dutch barn are lawful and no further action is required. Accordingly as per the issue raised by Councillor Howard at the April Committee meeting, the external works to the building are considered to be lawful through the passage of time and would not have been required to be advertised as part of this current planning application.

The previous report and recommendation are included below.

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**This application is presented to Planning Committee at the request of Llangybi Fawr Community Council**

**1.0 APPLICATION DETAILS**

1.1 Site Description

This application relates to a group of agricultural buildings, a farm house and converted barns located near to the village of Llangybi.

1.2 Proposal Description

This is a retrospective application to use an existing dutch barn for the storage of cars. The barn is agricultural in character being finished with a curved corrugated metal roof and concrete panel walls with Yorkshire boarding above. The floor area of the barn is approximately 264 sq.m.

The barn is located to the south-west corner of the site, some 19m away from the nearest property known as Barn 3 which is currently undergoing works for conversion to a residential dwelling for the same applicant.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00675	1. External wall finish to be traditional lime render finish. 2. Addition of window to bedroom 4 at first floor. 3. Removal of oak post to study area. 4. Change window/door finish from painted wood to natural wood.	Application Returned	25.04.2018
DM/2020/00072	Proposed conversion of cattle shed to form 2no 3 bedroom holiday rental units.	Withdrawn	29.01.2021
DM/2020/00074	Conversion of 3no storage containers to form two bedroom holiday accommodation.	Withdrawn	16.10.2020
DM/2020/01077	Static caravan for use as temporary residential accommodation (1 year) while barn conversion under construction at Clawdd y Parc Farm.	Pending Consideration	
DC/2009/00783	Proposed extension to farmhouse and residential conversion of 4 barns	Approved	30.04.2010
DC/2015/00764	Revisions to existing approved scheme for barn conversion to domestic accommodation	Approved	29.06.2017

DC/2012/00062	Change of use of existing agricultural building to form stabling for up to 30 horses with the additional formation of an exercise arena for equestrian purposes	Approved	28.06.2012
DC/2017/00485	Amendments agreed with Enforcement - retaining wall to rear terrace.	Approved	28.04.2017
DC/2017/00095	Agricultural stock housing shed.	Withdrawn	27.03.2017
DC/2017/01100	Non material amendment previous application DC/2017/00614 - change from coloured cladding walling to vertical timber boarding - Agricultural stock housing shed.	Approved	26.09.2017
DC/2011/00281	New Agricultural Building	Acceptable	21.04.2011
DC/2008/00828	Two storey and single storey extensions to farmhouse. Conversion of barns to 6 no. holiday lets. Addition of building to accommodate swimming pool. Conversion of barn to home office. Relocation of Dutch barn. Re-clad storage shed.	Withdrawn	21.02.2013
DC/2011/00498	New garaging and stores	Withdrawn	20.08.2014
DC/2011/00899	New access road to supply the barns and ancillary buildings at Clawdd y Parc	Withdrawn	20.08.2014
DC/2015/00524	Retrospective application for conversion of barn approved under previous applications (revised scheme).	Refused	19.06.2015
DC/2017/00614	Agricultural stock housing shed.	Approved	18.07.2017
DC/2015/00703	Retrospective application for 2 no. agricultural general stock sheds.	Withdrawn	16.11.2016

DC/2017/01358	The change of stone finish to lime render finish to the external walls on the areas stated on the drawing A14-04306 as the stone is of a poor quality and cannot within reasonable means be pointed and the introduction of a small window to the rear elevation to provide light to the approved bedroom.	Refused	04.12.2017
DC/2016/01117	Timber framed garage in association with Farmhouse. Similar construction to existing garage at the site.	Approved	03.01.2017

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

#### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

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

#### **Planning Policy Wales (PPW) Edition 11**

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

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

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Llangybi Community Council** - It was agreed that a strong objection should be submitted given the numerous retrospective applications and the apparent constant flouting of planning requirements in relation to this site. It was considered that there may be too fine a line between a classic car collection and classic car trading in the light of past experience at this site. It was also noted that comments submitted to Mon CC in support of this application, appear to come from individuals who have no connection with the local area. The activities at Clawdd-y-Parc continue to cause the Community Council and indeed many local residents, great concern.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Three objections received:

When the barn was refurbished three years ago it was built solely to store, trade or maintain cars. Nothing to do with its intended purpose for the storage of hay and straw or any form of agriculture. The structure of the building has been fully insulated with heating, wash room even double glazed sliding doors in the south side concealed in the Yorkshire boarding.

Obviously never intended as a 'manure store' as described on the plans.

Large transporter lorries are frequently seen negotiating the steep, narrow lane, delivering and collecting.

There is no justification for this change of use and it totally conflicts with planning policy as set out in the LDP.

It is wrong to even consider granting retrospective permission: the applicant clearly has no respect for the rules and this operation should be shut down immediately.

## 6.0 **EVALUATION**

### 6.1 **Strategic & Spatial Choices**

#### 6.1.1 Principle of Development

The applicant has stated that they are an enthusiast, not a commercial trader. All the vehicles are the applicant's own and registered in their name. On this basis, the change of use of the building does not fall within any specific LDP policy but would be covered by general policies in relation to design (DES1), amenity and environmental protection (EP1) as well as other detailed planning considerations which will be considered below.

#### 6.1.2 Good Design/ Place making

The former open-sided dutch barn has been enclosed with concrete panels with Yorkshire boarding above to provide a water tight environment. The materials are considered to be in keeping with the rural character of the original building and its setting within an agricultural holding. The external changes are therefore considered to be acceptable in terms of the impact on the appearance of the surrounding area and meet the requirements of LDP Policy DES1.

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

The barn is approximately 40m away from the nearest neighbouring occupiers. Neighbours have reported large car transporters visiting the site and lots of vehicle movements. This may be necessary at times but is not considered likely to be a frequent occurrence based on the applicant's statement that the cars are a private collection and it is not a commercial operation. A condition limiting the use of the building to ancillary domestic use has been suggested, should Member be minded to approve the application. No more than 15 vehicles are currently kept in the building and this can also be conditioned should Members be minded to approve the application. On this basis, it is unlikely that the use of the barn to store cars will have a significantly adverse impact on any neighbouring occupiers and the application meets the requirements of LDP Policy EP1.

Should the use become commercial then further planning consent would be required.

## **6.2 Highways**

### **6.2.1 Access / Highway Safety**

No changes to the existing access or parking arrangements are proposed as part of this application.

## **6.3 Distinctive & Natural Places**

### **6.3.7 Water (including foul drainage / SuDS), Air, Soundscape & Light**

The site is outside the Phosphate Sensitive Catchment Area of the Rivers Usk and Wye SACs. Therefore no further information or action in relation to drainage is required. There will be no changes to existing foul or surface water drainage as a result of this development.

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

6.4.1 The refurbishment of the dutch barn undertaken three years ago would not have required planning permission as it would be viewed as repair/maintenance works. The change of use from agriculture however would - hence this current application. The fact that this is a retrospective application is not a material planning consideration.

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

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

## **6.6 Conclusion**

6.6.1 The proposed use of the existing building to store cars for private use will not adversely affect local residential amenity or the character or appearance of the site or surrounding area.

## **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 No more than 15 vehicles shall be stored within the barn at any time and the building shall be used for private domestic use only.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

