

**Application Number:** DM/2021/01763

**Proposal:** Change of Use of the Land to an Animal Sanctuary. Temporary accommodation in the form of a touring caravan, to allow staff working at the Animal Sanctuary to stay occasionally overnight to assist with ill or injured animals

**Address:** Rhewl Farm, Shirenewton To Rhewl Farm, Shirenewton, Chepstow

**Applicant:** Ms Mary Frankland

**Plans:** Block Plan - , Location Plan - , Site Plan

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Young  
Date Valid: 27.10.2021

**This application is presented to Planning Committee due at the request of the Local Member, Councillor Louise Brown**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

Dean Farm Animal Sanctuary is situated between the village of Shirenewton to the west and the hamlet of Mounton to the south east. The property is located approximately 2.9 miles from the town centre of Chepstow and 5.2 miles from Caldicot. The property comprises of a range of modern agricultural buildings including general purpose buildings and a stock shed with lean-to attached. The land adjoining the site extends to approximately 63 acres (25 ha) and includes both pasture land and woodland. The buildings are located directly off the unnamed road which runs between Shirenewton and Mounton which is an adopted highway. The animal sanctuary is evolving into what appears to be a mixed-use development. It is not a farm, although its use for the care and safeguarding of animals including farm animals, whilst not agriculture, is not a use that deviates significantly from the previous use.

Dean Farm was purchased by the applicant in November 2016 as an agricultural holding run as a non-profit organisation (Dean Farm Trust) which provides homes to a number of animals which have been rescued. For the last six years, Dean Farm has operated as an Animal Sanctuary at Shirenewton where the main principle of agricultural practice remains. Agricultural operations on the holding include hay cutting and livestock grazing alongside all other general agricultural practices which are carried out throughout the year. The animals on the sanctuary are all cared for and animal welfare is maintained for the entire lifetime. Day to day operations at the sanctuary include general animal husbandry including feeding, treatment to animals, repairs to fencing, maintenance to building(s) and other farm management practices.

The Sanctuary is operated by a small team of staff including eight employees of which three are full time and five part time employees. The Sanctuary relies upon volunteer workers from the local community to assist in the day-to-day operations and has 20 regular volunteers with a further 30 seasonal workers who assist during open days, volunteer days and fundraising events. The Sanctuary relies entirely upon donations and as such operates a number of open days throughout the year. Prior to Covid restrictions, Dean Farm Animal Sanctuary held eleven public events between April and September 2019. Besides organised events, the Sanctuary has private visitors and guided visits including school visits.

At the time of writing, the Sanctuary provides housing for approximately 161 animals at present including the following:

12 Cattle including Guernsey cross, Jerseys and Holstein Friesians  
55 sheep  
7 Goats  
27 Pigs  
13 Horses  
6 Donkeys  
2 Ducks  
70 Hens  
4 Turkeys  
3 Rabbits

The site is located in open countryside which has been designated by Future Wales as Green Belt Area for consideration. The site is situated within the Wye Valley Area of Outstanding Natural Beauty and is designated under Policy M2 of the Local Development Plan as a Minerals Safeguarding Area.

### 1.2 Proposal Description

This application seeks retrospective permission for a change of use from agricultural land to a mixed use. This part of the application refers only to the use of the land as it is operating at the moment. It does not involve any additional tourist or visitor facilities.

The second part of this application is the siting of a temporary touring caravan within the existing yard to allow for the volunteers to stay overnight in an emergency on such occasions when it is necessary for the welfare of an animal, particularly when the animal is sick and needs attention throughout the night. This would not be a permanent residential unit but rather an addition to the established use of the animal sanctuary.

The proposed touring caravan will be located to the north western elevation of the existing agricultural buildings on site. It will be a Lunar Quasar 462 or something similar in nature. The caravan measures 6.15m x 2.22m and comprises of a two-berth accommodation, with a fully equipped kitchen, toilet and living/dining area. A new hedge would be planted to the west of the buildings and this would include a total of 23.4m (140 plants) comprising of approximately 63 Hawthorn, 42 Blackthorn, 21 Holly and 14 Apple Blossom.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01981	Conversion of existing redundant farm buildings to three dwellings.	Approved	16.12.2019
DM/2020/00044	Installation of glamping pods, amenity block, hot tubs, cosy cocoon with associated works & change of use from agricultural to camping.		25.10.2021
DM/2021/01728	Change of Use of existing agricultural building to provide a mixed-use public facility to include toilet and wash hand facilities and the temporary use of agricultural land for parking.		15.08.2022

DM/2021/01763	Change of Use of the Land to an Animal Sanctuary. Temporary accommodation in the form of a touring caravan, to allow staff working at the Animal Sanctuary to stay occasionally over night to assist with ill or injured animals	Pending Determination	
DC/2016/01241	Discharge of condition 5 (decommissioning and restoration scheme) from planning consent DC/2014/00939.	Acceptable	30.11.2017
DC/2015/01484	Conversion of barn to Residential Use with associated works and drainage etc.	Approved	28.01.2016
DC/2015/01268	Details reserved by condition: condition 1 (condition survey and associated documents) relating to application DC/2015/01011.	Acceptable	26.10.2015
DC/2015/01427	Non material amendments relating to planning application DC/2014/00939. PIR (passive infrared sensor) activated light at substation and amended dimensions of substation building.	Approved	24.11.2015
DC/2015/01065	Non material amendments to previous application ref DC/2014/00939 to include revisions to site layout, inverter and substation details, storage container and combiner box.	Approved	23.10.2015
DC/2015/01064	Discharge of condition 4 (details of the external finishes of the inverter stations and centre station, and details of any internal fencing, hard standing areas and access roads, the details of connection cabling and any signage) relating to application DC/2014/00939.	Acceptable	23.10.2015
DC/2015/01011	Non-material amendment to planning consent DC/2014/00939:- Revised access and construction traffic management plan.	Approved	21.09.2015

DC/2016/00276	The proposed development comprises the installation of: - 1 no. 300mm diameter radio link dish at a height of 24m AGL fixed to a new steel interface on an existing mast; - Non-visible equipment works within the existing internal equipment room in the building; - Ancillary development thereto including all necessary cabling and fixings. The proposed installation is required to provide replacement/improved transmission links to safeguard the operational integrity of the Airwave emergency services network.	Approved	12.05.2016
DC/2016/01316	Discharge of condition no.7 (Method Statement for Dormice) of planning permission DC/2015/01484.	Acceptable	12.01.2017
DC/2016/00690	Non material amendments in relation to planning permission DC/2014/00939 - change of plans to reflect 'as built' status of the project.	Approved	11.07.2016
DC/2015/01426	Installation of additional wooden H pole support in the Sudbrook/Chepstow 33kV line at Rhewl Farm, to accommodate an ABI and cable termination to provide a 'tee off' connection to Rhewl Solar Farm.	Approved	10.12.2015
DC/2014/00939	Provision of photovoltaic solar park and ancillary infrastructure.	Refused	05.12.2014
DC/2016/01152	Agricultural winter stock bedding shed.	Approved	04.12.2016

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

#### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S15 LDP Minerals  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

LC1 LDP New Built Development in the Open Countryside  
LC4 LDP Wye Valley AONB  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection  
M2 LDP Minerals Safeguarding Areas  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

## **Supplementary Planning Guidance**

None relevant.

## **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

#### **Mathern Community Council - Object**

The quality of the maps provided in the application are poor.

The comments made by this Council in respect of application DM/2021/01728 are equally valid to this application, all relating to the expansion of the operation at Dean Farm, particularly in respect of traffic generation.

The adequacy and discharge location of the foul water plant which would also serve this accommodation is not deemed adequate.

This Council would be concerned that the siting of this ancillary accommodation could provide a precedent for further on site accommodation.

The siting of the caravan adjacent to the existing building could constitute a fire risk as the proposed caravan is not fire rated.

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

The animal sanctuary had been operating in its current guise for a number of years, there no grounds to object to the provision of temporary accommodation for volunteers caring for animals overnight.

Have concerns regarding any potential increase in visitors to the sanctuary and therefore recommends a condition limiting the number of open days. The highway authority recommends that the number of open days run by the sanctuary is controlled by way of a suitably worded condition.

**MCC Ecology** - No objection.

## 5.2 Neighbour Notification

Objection letters received from two addresses

Flooding of the highway, this proposal poses a risk of causing effluent contamination to Mounton Brook.

An area of the existing field is already being used for parking.

The Sanctuary has held many public events including at Halloween and Christmas events.

There are more public events than the applicant claims.

We do not accept there is a need for overnight accommodation at the Sanctuary.

If animals require checks in the night, this can be arranged on a shift basis, with some staff working a night shift on what seem to be rare occasions.

Loss of good quality Agricultural Land, PPW aims to protect the country's best and most versatile agricultural land for food production.

Open days already attract thousands of visitors in a single day. An expansion of such public events would necessitate the widening of the highway over its full length.

The road is in a poor state of repair and dangerous.

No Agricultural Land Classification Survey submitted to support this application.

The agricultural landscape is an essential part of the value of this AONB.

Conditions should be imposed limiting future development as residential could pose a real threat to the rural community. in which the land sits.

The caravan has already been installed on the site and is used by the owner.

A driveway, extended hard standing and 'Grasscrete' has already been installed without planning permission

## 5.3 Other Representations

None received

## 5.4 Local Member Representations

Cllr Brown:

The change of use from agricultural to an animal sanctuary with public open days and events /school trips may well be considered to be inappropriate due to the location of the farm on a single rural track road with very limited passing places and its location together with other concerns needs to be fully considered by the planning committee.

It is no different to the previous two applications on this site. It is unclear from the information given why a caravan is necessary on site as there are full time staff employed and presumably some of whom live locally. The timing and frequency of vet visits may be during the day, as may be any observations. A local comment alleges that the reason for a caravan is simply due to the owner now living in Cornwall as opposed to living locally.

The previous application also covered toilet/s. There is no mention of any toilet facility in relation to this application.

The overall intention of these applications is still the same so dealing with this on an incremental piece by piece basis will not assist.

Local comments have also raised concerns with regard to parking, drainage and sewerage disposal and location.

The site can only be accessed by motor vehicle transport for journeys entailing a rural single track narrow lane between Shirenewton and Mounton, with limited passing places.

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 Retrospective Change Of Use

The land in question was purchased by the Animal Sanctuary in 2016 and over time more animals have been brought to the site and there are currently about 170 animals. Most of these are in open pens and graze the land with supplementary feed when necessary. The animal sanctuary is run by volunteers. A second part of the activities at the sanctuary are visits by the public including open days and school visits. The Land Use Gazetteer identifies Animal Sanctuary as a Sui Generis Use.

Planning Case Law:

The work carried out at an animal sanctuary can amount to a very special circumstance as demonstrated in Rotherham 5/12/2005 DCS No 100-040-519. The inspector noted that the appellant kept horses, ponies, donkeys, pigs, fowl, ducks, goats and sheep on the land. Although the keeping of animals in connection with agriculture did not involve development, it was clear that the appellant rescued stray and distressed animals and kept them in various buildings on the land. They were not kept for food and were not involved in the use of the land for agricultural purposes. The inspector, in that case decided that planning permission was required for a change of use of the land.

It is clear that an animal sanctuary is not agriculture but that as the grazing of animals is similar to agriculture and could be tolerated. As more diversification takes place with facilities being developed for visiting members of the public a change of use is occurring. The use of the land for keeping the rescued animals is considered acceptable as it is very similar to agriculture. The day to day operations at the sanctuary include general animal husbandry including feeding, treatment to animals, repairs to fencing, maintenance to buildings and other farm management practices. The issue arises when the facility is open to members of the public for open days and events and then the site takes on more of a tourism use. The more facilities that are provided on the site the more intensive the non-agricultural element of the operation becomes; in this case no new facilities are being proposed except for the touring caravan and that will not be used by visiting members of the public. The Sanctuary, as a charity relies entirely upon public donations. In order to help raise these funds the site holds a number of open days throughout the year. Prior to Covid restrictions, Dean Farm Animal Sanctuary held eleven public events between April and September 2019. From January 2021 to July 2022, there were twenty-four open days held with the maximum number of people attending on one day being 90. More commonly the number of people attending over the whole day was less than 50. Besides organised events, the Sanctuary has private visitors and guided visits including school visits. A condition can be imposed limiting the number of open days that can be held in one year.

6.1.2 Temporary accommodation in the form of a touring caravan, to allow staff working at the Animal Sanctuary to stay occasionally overnight to assist with ill or injured animals

In 2021 the applicants submitted a pre-application request with regards to providing emergency overnight accommodation for use by the staff when they had to attend to a sick animal. The matter was discussed with the Council's Agricultural Consultant who confirmed that it is common practice for animal charities/sanctuaries to use a permanently sited touring caravan to allow the volunteers to stay overnight on such occasions when it is necessary for the welfare of the animal, particularly when an animal is sick and needs attention throughout the night. This would not be a permanent residential unit but rather an addition to the established use of the animal sanctuary. A condition should be imposed on any approval limiting the number of nights that the caravan could be used for overnight accommodation. A log would be required to record when the caravan was used and this may be linked to vet call outs. To establish how many nights it is likely that the caravan would be used, there would be a need to look back over the last three years and estimate how many times it would have been used. Some additional days could be added to allow for flexibility.

The applicants have provided a log of how many times the caravan would have been used between August 2020 and June 2022. This amounted to 45 nights and included incidents such as:  
Horse on antibiotics which required two-hourly observations  
Horse required emergency vet and required 12-hour poultice on foot  
Sheep required monitoring after having eyes pecked at by crows  
Emergency vet call out  
Lamb requiring 4-hour feeds for one week throughout the night  
Abdominal surgery on pony requiring night checks for 5 days.

The applicants say that it is difficult to predict the level of overnight stays required in any given year as it is dependent upon a number of varying factors. However on average overnight stays are anticipated to be between 30 and 40 per annum. If approved this application can be conditioned that the caravan be used for a maximum of 45 days in any calendar year and that a record be kept of its use.

## **6.2 Economic Development**

The Sanctuary is operated by a small team of staff including 8 employees of which 3 are full time and 5 part time employees. The Sanctuary relies upon volunteer workers from the local community to assist in the day to-day operations and has 20 regular volunteers with a further 30 seasonal workers who assist during open days, volunteer days and fundraising events. The number of Volunteers and staff will not alter as a result of this application.

## **6.3 Sustainability**

PPW11 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. In this case the site is located in open countryside, all employees and visitors to the site would be reliant on a private car to access the site. The sanctuary is not located in a sustainable location however it is existing and the current application will not affect the number of vehicular movements to the site.

### **6.3.1 Good Design**

The touring caravan will be of conventional design and the planning authority has no control over its appearance. The site upon which the touring caravan is proposed extends to approximately 13.65m<sup>2</sup> and it is proposed to be located within an existing paddock utilised for grazing. It will be located against the north western elevation of the existing buildings. The caravan measures 6.15m x 2.22m.

## **6.4 Landscape**

The position of the proposed touring caravan would be located against the north-western elevation of the existing buildings. Thus it will be screened from views from the east. The proposed touring caravan will be very small compared to the existing structures on the site. An existing native hedgerow runs along the southern boundary of the site, adjacent to the highway and will be retained. This hedgerow is maintained annually but will be allowed to grow up to help screen the views of the caravan from those using the highway. Furthermore, a new hedge will be planted to the west of the proposed touring caravan and would be approximately 23m in length and contain about 140 plants. The submitted landscaping plan shows the position of the new hedge which will comprise approximately 63 Hawthorn, 42 Blackthorn, 21 Holly and 14 Apple Blossom. The landscaping scheme will not only screen the caravan but also add to the biodiversity net gain on site.

Policy LC1 of the LDP presumes against new development in the open countryside but this proposal seen in context would be sited next to an existing agricultural building, would be assimilated into the surrounding landscape and would have very little impact on the surrounding landscape due to its scale and position. The site is located within the Wye Valley of Outstanding Natural Beauty, where any development must be subservient to the primary purpose of conserving



the natural beauty of the area. In this case, the change of the use of the land has very limited impact on the visual appearance of the area, the land continues to be grazed by a variety of animals, the fields have been subdivided into smaller paddocks with post and rail fencing and some shelters have been placed in some of the paddocks. The land continues to look agricultural in character. No new buildings are being proposed as part of this application. With regards to the siting of the touring caravan, this is very small and will be seen in the context of the existing barn against which it is to be placed. The touring caravan will be screened from long range views by the existing building and the proposed new hedge to the west. The scale, nature and intensity of the animal sanctuary is such that it is compatible with the overall management of the AONB. The proposed touring caravan will not generate additional traffic as the staff using it on an occasional basis already work at the site. If anything, it may reduce the level of traffic generated as the staff will need to make fewer trips in times of a medical emergency with the animals. The use of the site as an animal sanctuary has been ongoing for the last six years without an adverse impact on the Wye Valley AONB. This current application complies with the objectives of Policy LC4 of the LDP as it conserves the natural beauty of the area.

The use and the siting of the caravan harmonises with the landscape and is therefore compliant with the objectives of Policy LC5 of the LDP

## **6.5 Biodiversity**

The site upon which the touring caravan is proposed extends to 13.65m<sup>2</sup>, it will be located within an existing paddock utilised for grazing animals on the holding. It is not considered that the site has any potential to support protected species and as such no additional ecology assessments have been undertaken. MCC Ecologists have no objections to the application. The grassland appears likely to be species-poor and there will be a small area impacted. The roadside hedgerow will be retained and allowed to grow to screen the caravan. Although the application also relates to a change of use, the land is already used by grazing animals and it appears unlikely that the change of use will materially impact on biodiversity. Part of Gorrashill Wood Site of Importance for Nature Conservation (SINC) appears to be within the landholding, but there is no evidence that there will be additional impacts on the SINC. The site is not within any areas highlighted of being of concern by NRW in terms of phosphate inputs into the River Wye or River Usk catchments as a result of foul drainage.

Planning Policy Wales (PPW) 11 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 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. As an enhancement it is proposed to install a bird box to be positioned upon a mature tree located within the woodland to the north of the holding. In addition 23m of additional hedging will be planted to the west of the caravan and this will be made up of indigenous species. The Sanctuary also includes a number of bat boxes across the site and a further bat box will be installed upon a mature tree within the woodland. This will ensure that the provisions of Policy NE1 of the LDP are met with regards to providing biodiversity enhancements.

## **6.6 Impact on Amenity**

There is a farm complex at Rhewl Farm approximately 80m to the south east of the proposed caravan. Many of the stone barns on the site have also been granted planning permission to be converted into residential properties. Between the position of the proposed caravan and the complex at Rhewl Farm is a large agricultural building. The siting of the caravan will not affect the residential amenity of the occupiers of Rhewl Farm. There will be no intensity of use of the sanctuary resulting from the siting of the caravan as it is only to be used in emergencies by the existing staff and volunteers on the site.

## **6.7 Highways**

### 6.7.1 Access / Highway Safety

The sanctuary is located in a rural area that has very poor sustainable transport provision and anybody visiting the sanctuary is solely reliant on the car. The animal sanctuary had been operating in its current guise for a number of years and the Highway Authority is not aware of any accidents or congestion issues in the local area that have resulted due to the operation at the sanctuary. The provision of a touring caravan to accommodate volunteers caring for animals overnight on an occasional basis will not generate additional traffic in the area and the Highway Authority has no objections to the siting of the caravan.

The open days do however generate additional traffic and although the numbers are small and spread throughout the day the concentrated vehicle movements associated with the high number of open days at the sanctuary are considered to be detrimental to the safety and capacity of what is considered to be a narrow and rural highway network. The Highway Authority recommends that the number of open days run by the sanctuary is controlled by way of a suitably worded condition. It is proposed that a condition will be imposed limiting the number of open days to be held in any one year to twenty-four.

### 6.7.2 Parking

Parking for those working at the sanctuary is provided to the south east of the buildings upon the associated yard area. The proposed development does not include the provision of additional parking or any alterations to access. There is a small informal car park at the entrance to the site. This has been left as grass and can be used on open days. The car park appears to be of sufficient size for use on the open days and there are no records of cars parking on the highway.

## **6.8 Flooding**

Based on the Development Advice Maps associated with Technical Advice Note (TAN) 15: Development and Flood Risk the site is outside of any allocated flood zone and is therefore unlikely to flood. The application site is not located within an area classified as being at risk of flooding as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004) and as published by Natural Resources Wales

## **6.9 Drainage**

### 6.9.1 Foul Drainage

The retrospective application for the change of use of the land will not result in any increase in foul water discharge. The touring caravan would have its own chemical toilet which would be subject to an emptying regime.

### 6.9.2 Surface Water Drainage

Surface water from the caravan will drain to soakaways . The site area of the caravan is well below 100sq.m. and there is no additional hardstanding resulting from the proposal. Therefore SAB approval will not be required.

## **6.10 Phosphates**

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. 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.

### **6.11 Mineral Safeguarding Area**

The proposal to site a caravan in this location, is unlikely to impact on the mineral safeguarding of the area given that it is located within an established enterprise and is adjacent to an existing building.

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

#### *Level of traffic generated by the application.*

The siting of the touring caravan for use in emergencies when an animal is sick will not generate additional traffic, the staff using the caravan will already be on site, the caravan is somewhere to sleep if they need to attend to the animals through the night. It may actually reduce traffic movements slightly as the staff will not have to access the site more than once a night.

The existing use of the animal sanctuary will not alter because of this application, it will only regularise the existing situation. The Highway Authority has offered no objection to the retrospective change of use. There are no recorded incidents of traffic safety issues in the last 6 years since the sanctuary was founded. The open days do generate additional traffic but this is very low compared to the overall use of the highway network as is spread out throughout the day. If the application is approved there is an opportunity to limit the number of open days that can be held in any one year and this would improve the current position.

#### *Justification for the caravan*

This has been explained in the main body of the report. The matter was discussed this with the Council's Agricultural Consultant, who confirmed that it is common practice for Animal charities/sanctuaries to provide a touring caravan on the site to allow for the volunteers to stay overnight on such occasions when it is necessary for the welfare of the animal, particularly when an animal is sick and needs attention throughout the night. This would not be a permanent residential unit but rather an addition to the established use of the animal sanctuary. A condition could be imposed on any approval limiting the number of nights that the caravan could be used for overnight accommodation.

#### *Provision of toilets on the site.*

This application does not include additional toilet facilities. The touring caravan will have its own chemical toilet inside, as with any touring caravan. Reference is made to incremental development of the site. Each planning application has to be determined on its own merits and the details that are included in this application. Any future developments on this site would require a separate application.

#### *Quality of the submission is poor.*

Officers consider that there are sufficient details in the submission to make an informed decision. Reference is made to a different application, DM/2021/01728. This application has been withdrawn and has no bearing on this current application.

#### *The siting of a caravan on the site will pose a fire risk.*

This is properly a matter for other legislation.

#### *Precedent for further residential development.*

This application is not seeking permanent full time residential accommodation, just some overnight accommodation in case of emergency. The site is outside any development boundary and there is no justification for residential development in this location. This current application will not set a precedent in this regard. The need for the emergency accommodation and the impact on the AONB have been discussed in the main body of the report. There is no need to impose a condition limiting further development on the site as any such application, including one for residential use would need to be the subject of a separate application

There have been letters of objection received from two addresses.

Residents are concerned that the application will result in flooding of the highway and contamination of the Mounton Brook. The change of use has not resulted in any foul water or surface water discharge. The siting of the caravan will result in some surface water running off the caravan but this will be minimal and soak away to the existing field. The proposal does not involve any additional hardstanding and no SAB will be required due to the small size of the caravan.

Objectors consider that there are more public events than the applicants claim. This could be controlled by a condition limiting the number of open days that can be held in any one day, thereby improving the current situation.

Loss of high quality agricultural land that should be used for food production.

National and local planning policies do allow for farm diversification and in this case there is no certainty that if the application was to be refused that the land would return to food production.

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

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

### **6.14 Conclusion**

The site has been running as an Animal Sanctuary since 2016. The use of the land for keeping the rescued animals is acceptable as it is broadly similar to agriculture. The Council's Agricultural Consultant has confirmed that it is common practice for Animal charities/sanctuaries to use a permanently sited touring caravan to allow the volunteers to stay overnight on such occasions when it is necessary for the welfare of the animal, particularly when an animal is sick and needs attention throughout the night. This would not be a permanent residential unit but rather an addition to the established use of the animal. The sanctuary provides employment for eight members of staff and volunteering opportunities for up to fifty people. The sanctuary is not located in a sustainable location however it is existing and the current application will not affect the number of people accessing the site or the number vehicular movements to the site.

The proposed caravan is very small and will be viewed in the context of the large existing agricultural building next to which it will be sited. A new hedge will be planted in front of the caravan to screen it from view and to provide biodiversity enhancement. This application complies with the objectives of Policy LC4 of the LDP as it conserves the natural beauty of the Wye Valley. The proposed touring caravan and animal sanctuary use will not cause a significant visual intrusion into the landscape and it will not cause a significant adverse change in the character of the area. The animal sanctuary use is compatible with this location and has been operating as such since 2016. The use and the siting of the caravan harmonise with the landscape and are therefore compliant with the objectives of Policy LC5 of the LDP. It complies with Policy NE1 of the LDP with regards to providing biodiversity enhancements.

The Highway Authority have no objections to the siting of the caravan - this will not result in an increase in traffic movements to the site. The number of open days can be controlled by condition. There will be no alterations to the parking provision or the existing vehicular access. The application is policy compliant in all respects and it presented to Members with a recommendation for approval.

## **7.0 RECOMMENDATION: APPROVE**

Conditions:

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

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

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

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

3 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 buildings 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 safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

4 The touring caravan hereby approved shall only be used by staff or volunteers of Dean Animal Sanctuary for the sole purpose of the welfare of animals kept at Dean Animal Sanctuary. It shall not be used for overnight accommodation for more than 45 days in any calendar year. An up to date register recording all the times that the caravan is used for overnight accommodation showing the dates of arrival and departure shall be maintained by the site operator and shall be made available at all reasonable times for inspection by the Local Planning Authority. The register should also show how many times a vet visited the site. The caravan, hereby approved, shall not be occupied as a person's sole or main place of residence.

REASON: To ensure that the touring caravan is only used to allow the volunteers to stay overnight on such occasions when it is necessary for the welfare of the animal, particularly when an animal is sick and needs attention throughout the night. The provision of permanent residential accommodation would not be acceptable in the open countryside.

5 No more than 16 open days shall be held in any one calendar year. An up to date register containing details of the date and times of all open days shall be kept and made available for inspection by the Local Planning Authority upon request.

REASON: The use of this site for more than 16 open days per year would have an adverse impact on the highway network and would be contrary to the provisions of policy MV1 of the LDP and to protect the amenities of the nearby residential properties from noise and general disturbance in accordance with LDP Policy EP1.

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 caravan, adjacent barn 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 LPA.

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.

7 The development shall be carried out in accordance with the method statement of the approved Biodiversity Plan drawing and Design and Access Statement (DJ&P). This shall include the installation of one bird and one bat box to the specification provided and native tree planting to

the west of the caravan. Ecological enhancement measures shall be installed before the first occupation of the caravan and retained thereafter.

Reason: To provide no net loss and net gain of biodiversity in accordance with the Section 6 Duty of the Environment (Wales) Act 2016 and LDP Policy NE1