

Application Number: DM/2023/00391

Proposal: Proposed building associated with existing agricultural land use

Address: Agricultural Outbuilding, Llandenny Walks Road, Llandenny, Monmouthshire

Applicant: Kate Mobbs-Morgan

Plans: Site Plan TSW074/D002a - , Location Plan : TSW074/D001a - , All Proposed Plans 4204-001 F - , Other Planning Statement

RECOMMENDATION: Approve

Case Officer: Mr Ryan Bentley

Date Valid: 13.03.2023

This application is presented to Planning Committee due to the level of objections to the application

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a new building associated with existing agricultural land use. The site is accessed from Llandenny Walks Road, C41.2. The site is not located within a development boundary. The site is also within the River Usk phosphate sensitive catchment area.

1.2 Value Added

The applicant has submitted amended plans that detail a bat and bird box will be fitted to the exterior of the building. There will be new planting with native broadleaf tree and hedge (shrub) species to create hedgerow along the existing boundary with the road. There will also be new planting (native broadleaf tree and shrub species) with feathered uneven edge. This will be located to the south west of the building.

The application has been amended following concerns raised during the consultation period. Additional landscaping has been proposed to reduce the visual impact of the development within the wider landscape. The previous patio style doors have been replaced by a wooden double door with an access ramp.

1.3 Proposal Description

Retrospective planning permission is sought for a building associated with the existing agricultural use at the site. The building serves an agricultural holding comprising 7.2ha of grazing pasture with livestock (4 working horses and currently 36 ewes and 24 lambs). The single storey building will have a length of 14.2m and a width of 3.6m. The height to the ridge will be 3.8m. The internal floor space of the building will be 44m². There is no change of use proposed at the site. The external walls on the north, south and east elevations will be clad in metal sheeting. On the west elevation the external walls will be clad in timber with the utility room clad in metal sheeting. The roof will be finished in metal sheeting. There will be a single door and a wooden double door on the west elevation. There will be two windows on the east elevation.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2016/00624	The repair of the existing track, linking that track to the gate that provides the only existing point of entry into the woodland, and extending the track down to the areas of scrub land and coppice are necessary to allow wheeled vehicles into these areas.	Approved	22.08.2016
DC/2012/00839	Proposed detached garage with home office over	Approved	07.11.2012

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
S17 LDP Place Making and Design
S16 LDP Transport

Development Management Policies

SD2 LDP Sustainable Construction and Energy Efficiency
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
SD4 LDP Sustainable Drainage
RE4 LDP New Agricultural and Forestry Buildings
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure

Supplementary Planning Guidance

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

Technical Advice Notes

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Raglan Community Council - concern/objection, relating to a building, being built in open countryside and that it would be out of character with the area and does not form part of any agricultural unit or forming any part of an agricultural diversity scheme. The application is not in line with Policy DES1, Policy DES2, Policy E2, NE1, Policy LC5, EP1, Policy LC1 and Policy RE2. Also, not in accordance with Planning Policy Wales 11. Access onto land as the applicant/agent has indicated the land and the proposed building is going to be used for commercial use, not just pastureland, the Applicant should check and confirm there is sufficient space to accommodate the largest type of vehicle expected to use this access on a regular basis which, in the case of farm vehicles, can include trailers.

If the Planning Authority are minded to grant consent, the building and associated land be placed on the planning authority's register for these properties and undertake monitoring for policy compliance on a regular basis. The Community Council would like to be informed if this application receives any amendments, or changes, and under section 16 of the Development Management Procedure (Wales) Order 2012. The Community Council request that the local Planning Authority notify the Community Council of the terms of the decision of the above application or, where the application is referred to the Welsh Ministers.

National Air Traffic Services (NATS) - No safeguarding objection.

MCC Highways - No objection. The site benefits from an existing access that will be used for the site, which is stated to be used as storage / amenity. The proposed usage will not lead to an increase in traffic generated to and from the site and will be used to accommodate the existing agricultural work. There are no highway grounds for an objection.

Natural Resources Wales (NRW) - We note the application site is within the catchment of the River Usk Special Area of Conservation (SAC). However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

MCC Biodiversity – initially set out a holding objection. Further information or clarification is required. Photographs of the location of the proposed development should be provided to inform the application. No details have been provided regarding ensuring an overall net benefit of the site for biodiversity and therefore the application is not in compliance with PPW 11.

Following the submission of amended plans and images - No objection, subject to Conditions and Planning obligations.

SEWBRc Search Results - Red alert for Bat and Snake. Priority Species of Bat, Scale, Newt and Bee within 300m of the site.

5.2 Neighbour Notification

This application was advertised by means of direct neighbour consultation and a site notice. Seven neighbour objections have been received to date. These objections are for the following reasons:

- Residential appearance of the building. Building has been insulated and finished to a standard higher than is expected for an agricultural building. Materials on site indicate that future development is possible.
- Impact on the open countryside. The building is visible from Llandenny Walks Road to the south. Sets a precedent to the detriment of the special landscape area. Building is not compatible with the surrounding area, with visual intrusion.
- Existing provisions on site (caravan) serve the needs of the applicant.
- The building does not lend itself to the storage of heavy equipment and fodder.
- Application form states the site is not an agricultural holding. The need for the building as the site has been used for 5 years without such need. Is the building reasonably necessary for a land holding the size of 7.2 ha? The building is not needed as a caravan has proved sufficient previously, limited attendance at the site to justify need. Need for welfare facilities is questioned given the site has not required this previously.
- No details have been provided regarding the composting toilet and grey water drainage.
- Accuracy of the sectional drawing is questioned.
- Failure to maintain existing hedge leads to doubts the proposed planting will be successful. Existing hedgerow is unkempt, and hedge management would have limited impact.

Following amended plans and documents, three neighbour objections have been received.

- The applicant's background is irrelevant to justify development.
- Alterations appear to address access concerns but concern it will return to previous design in the future.
- Lack of detail regarding what will be stored within the building and it appears oversized for site.
- Security is not improved as a result of the development.
- Additional information is welcomed but a store is more practical at the site.
- No details regarding the composting toilet and drainage at the site.
- Landscaping is welcomed but existing management of hedgerow leads to questions whether proposed landscaping will be successful.

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

The application site is outside of the settlement boundary in an area of open countryside. This application seeks consent for the siting of a structure to be used in conjunction with the existing

agricultural land use (grazing). The structure will provide a storage area and a utility room. The building is located on land that is graded 3a in relation to Best and Most Versatile Land (BMV). Section 3.59 of PPW11 states that considerable weight should be given to protecting such land from development, because of its special importance. However, due to the limited scale of the development, that it does not prohibit agricultural use of the land, the topography of the land and the siting of the building, the development is not considered to be harmful to the BMV land value.

Policy LC1 of the Monmouthshire Local Development Plan (LDP) sets out 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". In this instance the proposed building is considered justified for the purposes of agriculture under Policy RE4. The additional proposed planting ensures that the proposal assimilates into the landscape and complies with Policy LC5. There are no existing buildings on the site, however the building is sited near to the existing access. The building is single storey and is considered to be in scale with the surrounding area. It is not considered to have an unacceptable impact in principle on the wider landscape or biodiversity.

Policy RE4 relates to new agricultural and forestry buildings, as well as any means of access that are subject to planning control, will be permitted where:

- a) the building or access is reasonably required for agricultural or forestry purposes;
- b) adequate provision is made for the disposal of foul and surface water and any animal waste without risk to features;
- c) the proposal complies with Policy LC1.

Both PPW and Future Wales support development(s) that provide a positive impact to the rural economy and will be beneficial to industries or that strengthen rural practices. TAN 6 provides the following in relation to developments used in conjunction with rural uses; (2.1.1) "The overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable". (6.1.1) "The Welsh Assembly Government's objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities. The planning system can play an important part in supporting the future sustainability of agriculture".

The development is considered to comply with the relevant criteria of these policies. It is considered that the construction of the development within the site to be used in conjunction with the lawful use of the land is acceptable subject to material planning considerations. Therefore the proposed development is considered to be acceptable in principle.

6.2 Sustainability

6.2.1 Good Design/Place Making

The structure does not require a concrete or steel base into the ground as it is mounted on a wooden subframe. It is noted that the building has required earth to be removed as the site slopes, but this has led to the impact of the building being reduced when viewed from the public road to the north/east. The structure is to be sited along the north eastern boundary near to the access gate and lane and screened by trees and hedging along the boundary. The scale, siting and design of the proposal are not considered to result in a prominent visual impact that would prejudice the amenity or character of the area to an unacceptable degree.

The scale and form of the building is considered to be entirely appropriate within the context of the site and surrounding area. The amount of openings is considered to be appropriate, allowing for positive solar gain given the size of the structure. Most of the structure is clad in metal sheeting which is commonplace in a rural landscape. The use of timber cladding on the front elevation is also typical within a rural setting. From a visual impact perspective, the site slopes downwards towards the front of the property. This causes the structure to be visible from the highway to the south west.

However, despite the building being visible, it is not considered to have an unacceptable visual impact on the surrounding area. There is an existing hedgerow located on the boundary along the road which reduces the visual impact as it screens a large portion of the building when travelling along on the road.

It is considered to be of an acceptable standard of design that respects the form of the existing dwelling in accordance with policies DES1, RE4, LC1 and LC5 of adopted Local Development Plan (LDP)

6.2.2 Green Infrastructure (GI) / Landscape

The MCC Landscape and Green Infrastructure Officer has been consulted. An analysis of the relevant sensitivity appraisals from LANDMAP information indicates that the LCA has been evaluated as;

Historical; 78% Outstanding, 22% High

Cultural; 27% Outstanding, 73% High

Visual and Sensory & Landscape Habitats; 99% Moderate, 1% Low

Geological; 26% High, 74% Moderate

The MCC Landscape Officer has stated that from a landscape and GI perspective that the proposed development is acceptable and will not have a significant adverse impact on the localised landscape or from publicly accessible receptor locations. The structure is not likely to be on a skyline view. The applicant has submitted an amended site plan that details planting to assist in screening the building from the surrounding area and to ensure there is a net biodiversity enhancement. With the amended plans, from a landscape and GI perspective, the proposal will not adversely impact on valued landscape. Therefore, it is considered to be compliant with Policy LC5 of the adopted LDP.

6.3 Biodiversity

6.3.1 Having regard to PPW11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. Accordingly, the applicant has updated the submitted drawings that would see a bat and bird box fitted to the exterior of the building. There will be new planting with native broadleaf tree and hedge (shrub) species to create hedgerow along the existing boundary with the road. There will also be new planting (native broadleaf tree and shrub species) with feathered uneven edge. It is therefore considered that the proposal accords with Policy NE1 of the adopted LDP.

6.3.2 It is noted that the wider landscape contains a number of flower-rich meadows and therefore details of the existing grassland status should have been provided prior to any development. The MCC Biodiversity Officer has been consulted and photographs have been provided of the status of the existing grassland which shows poor semi-improved grassland with few flowering species. As the applicant is adding planting at the site, this would offer a biodiversity improvement at the site.

6.4.3 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 previously (designated pursuant to EU retained law) 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 phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate 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.

6.4.4 This application has been screened in accordance with the NRW's interim advice for planning applications within the Special Areas of Conservation (SACs) catchments (issued May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the advice:

Development that does not increase the volume of foul wastewater.

6.4 Impact on Amenity

It is noted that there is one dwelling within the vicinity of the development. The boundary of Fair Oak is 13m from the development, with the dwelling itself located 60m from the building. Due to the intervening distance between the building and the neighbour, no unacceptable impact is predicted. Furthermore, the existing boundary treatment helps to screen the building and this reduces its impact on the area and surrounding properties. The neighbouring property, Yew Tree, is 80m from the building and no unacceptable impact on that property is predicted. It is noted that the property, The Cyder House, shares a boundary with the application site. However, the dwelling is located 130m away from the development and impact would be negligible. Therefore, the proposal is considered to adhere to policies DES1 and EP1 of the adopted LDP.

6.5 Highways

6.5.1 Access / Highway Safety/Parking

There are no planned changes to the existing access to the site. No alterations are proposed to the access to the site or to the highway network. The proposed development is not considered to intensify the use of the land significantly beyond its existing use or to result in a significant uplift in vehicular movements to/from the site. Overall, the scale and nature of the development is not considered to have an unacceptable adverse impact upon highway safety.

6.6 Flooding

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

6.7 Drainage

6.7.1 Foul Drainage

The proposed building will have a self-contained composting toilet. NRW have no objections to this proposal and state that the development is not likely to have a significant effect on the River Usk SAC. Therefore, this aspect is considered to be acceptable.

6.8.2 Surface Water Drainage

The scale and nature of the proposal and level of permeable surfaces around it are such that it is considered there would be minimal impact. The applicant has submitted drawings that show surface water will drain into a soakaway within the site. The grey water from the welfare room handwashing sink will flow into the soakaway. The application is considered to comply with Policy SD4 of the LDP.

6.9 Response to the Representations of Third Parties and/or Community Council

6.9.1 It is noted that Raglan Community Council has raised concerns/objections to the building.

- With regards to DES1, this has been addressed within section 6.2.1 of the report. To reiterate, the use of materials for the building is considered to be appropriate within a rural environment and considered to comply with Policy DES1.
- With regards to Policy DES2, this relates to Areas of Amenity Importance. It can be confirmed that the site is not located in an Area of Amenity Importance so this policy has not been considered as part of this application.
- With regards to Policy E2, this relates to Non-Allocated Employment Sites, proposals for industrial and business development. That policy is aimed at industrial sites. The proposal seeks a building in association with the existing agricultural use. Therefore, Policy E2 is not applicable in this case.
- With regards to Policy NE1, following the submission of amended plans, the site is considered to provide a net biodiversity enhancement. The Biodiversity officer has no objections to the application.

- With regards to Policy LC5, this has been covered within section 6.2.2 of the report. The MCC Landscape officer has no objections to the development.
- With regards to Policy RE2, this policy relates to the Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use. This application seeks to provide agricultural storage within the site. Policy RE2 is not considered to be applicable in this instance because the building is not seeking to be converted and there is no change of use at the site.
- With regards to Policy LC1, this has been addressed in section 6.1 of the report. The building is not considered to have an unacceptable impact on the wider landscape or biodiversity.
- With regard to Policy EP1, this has been covered within the report. No unacceptable impact on local amenity is predicted.
- With regard to TAN6 and the use of the land by livestock, the field is grazed by sheep and horses. The horses graze the land and there is no shelter proposed as part of this application. From the information provided, the site is not changing use to equestrian activities and will remain as land for grazing i.e. agriculture.
- With regard to PPW11, this has been considered in section 6.1. The application is considered to comply with PPW11.
- With regard to the access, there are no proposed changes. MCC Highways have no objections to the application.

6.9.2 It is noted that there have been no objections from Highways, the Landscape Officer, NATS and Biodiversity. Their recommended conditions will be assessed and where applicable added to the decision notice.

6.9.3 It is noted that 10 objections have been received to date.

- With regards to the residential appearance of the building, this has been carefully considered. The use of metal sheeting and timber cladding is common place within a rural environment. The small number of windows proposed, whilst being of a domestic nature, serve to provide light to the building which is to be used for agricultural storage and providing welfare facilities. As the building is single storey and the windows are located to the rear, the appearance is considered to be acceptable.
- With regards to the impact on the open countryside and the building being visible to the south, this has been considered. The applicant has provided amended plans that detail increased landscaping to screen the development. As the building is relatively small in scale, it is not considered to have an unacceptable impact on the surrounding area. This view is supported by the Landscape Officer.
- It is noted that comments have been received stating that the applicant has used the land for 5 years without the need for such a building. Whilst this is noted, this application is based on its individual planning merits and within the context of the existing site, it is considered to be acceptable. The size of the building is considered to be suitable for the size of the existing land holding.
- -With regards to the building not lending itself to the storage of heavy equipment. The applicant is seeking to store equipment and machinery. This application is assessed on the information provided.
- With regards to the insulation of the building, this is at the discretion of the application.
- With regards to setting a precedent for future developments in the area. This development has been assessed on its individual planning merits and compliance with relevant planning policies. Should other developments be proposed in the future, these cases will be assessed on their own planning merits.
- With regards to the application form being inaccurate, this has been corrected by the applicant.
- With regards to the composting toilet and drainage the toilet is considered acceptable in relation to Phosphates and the surface water will be drained via a soakaway. These are considered acceptable.
- It is noted that the accuracy of the sectional drawing has been questioned. This has been considered but the plans are considered to be accurate.

- With regards to the materials on site indicating future development is possible, this application is being considered on the basis of the current submission only not on an assessment of what might or might not happen in the future. Any additional changes which require planning permission would be assessed via a separate application
- With regards to the comments relating to the existing hedge not being maintained, a landscaping condition will be attached to the decision notice to ensure that the proposed landscaping is maintained into the future.
- With regard to security, the addition of a building is considered to improve security within the site.

6.10 Well-Being of Future Generations (Wales) Act 2015

6.10.1 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.

6.11 Conclusion

6.11.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

7.0 RECOMMENDATION: APPROVE

Conditions:

5 YEAR TIME LIMIT

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.

COMPLIANCE WITH PLANS

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.

LANDSCAPING COMPLIANCE

3 All planting, seeding or turfing comprised in the approved details of landscaping, as shown on drawing 'TSW074/D002a', shall be carried out in the first planting and seeding season following the date of this decision and any trees or plants which within a period of 5 years from the date of this decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All planting and landscaping hereby approved following the expiration of five years from the date of this decision shall be retained in perpetuity.

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.

BIODIVERSITY ENHANCEMENT

4 The proposed bird and bat boxes, as detailed on drawing 'TSW074/D002a', shall be implemented in full within 3 months of the date of this decision and shall be retained as such in perpetuity.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

LIGHTING PD RIGHTS

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 along the new track 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.

RESTRICTION OF USE

6 The development hereby approved shall be used for ancillary storage in operation with the lawful use of the site only.

Reason: In the interests of Highway Safety and to safeguard the special character of the countryside.