

Application Number: DM/2023/01105

Proposal: Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels

Address: Bushes Farm, Chapel Road, Earlswood, Shirenewton, Monmouthshire

Applicant: Mr and Mrs Wells

Plans: Location Plan 020 - , Block Plan 021 - Original Block Plan, Other 022 - Original Ground Floor P, Other 023 - Original First Floor Pla, Other 024 - Original Roof Plan, Other 025 - Original N and S Elevation, Other 026 - Original E Elevation, Other 027 - Original W Elevation, Block Plan 031 - Existing Block Plan, Floor Plans - Existing 032 - Existing Ground Floor, Floor Plans - Existing 033 - Existing First Floor, Elevations - Existing 034 - Existing N and S Elevation Elevations - Existing 035 - Existing E Elevation, Elevations - Existing 036 - Existing West Elevation, Block Plan 120 - Proposed Block Plan, Floor Plans - Proposed 121 - Proposed Ground Floor, Floor Plans - Proposed 122 - Proposed First Floor, Proposed Roof Plan 123 - Proposed Roof Plan, Elevations - Proposed 130 - Proposed S Elevation, Elevations - Proposed 131 - Proposed N Elevation, Elevations - Proposed 132 - Proposed W Elevation, Elevations - Proposed 133 - Proposed E Elevation, Design and Access Statement D&A - (Part 1), Design and Access Statement D&A - (Part 2), Design and Access Statement D&A - (Part 3), All Drawings/Plans 134 - Bat Building, Other PLANNING STATEMENT

RECOMMENDATION: Refuse

Case Officer: Ms Kate Young
Date Valid: 18.09.2023

This application is presented to Planning Committee at the request of the local member Councillor Louise Brown

1.0 APPLICATION DETAILS

1.1 Site Description

The site is in open countryside in Earlswood approximately 3km north of Llanfair Discoed and 4 km northwest of Shirenewton. The application site is on the western side of Chapel Road just to the north of Bushes Farm Bungalow. There is an existing access track off the road. Within the site, at the time of the officers' site visit 19/09/23, there were several outbuildings of metal sheeting in a poor state of repair, an unoccupied mobile home, a half-built block structure and a stock pile of natural stone some of which had been used to face the block structure. The land on the site slopes up steeply from south to north and part of the site has recently been excavated to a depth of approximately 3 metres.

1.2 Planning History

There was a stone built farmhouse on the site as evidenced by maps of 1882. In 1975 permission was granted for a replacement farmhouse on the site, now known as Bushes Bungalow which is immediately to the south of the application site. Bushes Bungalow was the subject of an agricultural worker's occupancy tie. It was a condition of that approval in 1975 that the existing farm house be demolished or used for agricultural storage. As part of a previous application in 2018 the applicant confirmed that the former farmhouse had been used for agricultural storage.

The permission and implementation has as a result changed its last lawful use to agricultural storage.

In 2018 planning application (DM/2018/00128) was submitted for the Rehabilitation of farmhouse to dwelling with detached new double garage. That application was considered under Policy H4 of the LDP, Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use. It was clear at that time that the building was redundant and uninhabitable. A structural appraisal was submitted with the application which outlined the level of new build and repair that would be required. It stated that generally the existing walls were straight and free from major cracking. It identified that 3.5 square metres of the front elevation, 3 square metres of the east elevation, 12 square metres of the rear elevation and 3 square metres of the west elevation would have to be rebuilt. There would also have to be some minor repair work to the walls and re-pointing would be needed throughout.

The planning permission for the rehabilitation of the farmhouse DM/2018/00128 was approved in August 2018 and the following condition was attached.

No part of any wall of the existing building other than shown on the approved plans is to be demolished .

REASON: This conversion is granted having regard to the Council's policies which relate to the conversion of redundant buildings in the countryside and the information supplied with the application. If substantial demolition and rebuilding are necessary the development may be beyond that which has been permitted.

In September 2022 it became apparent that the building which was the subject of application DM/2018/00128 was no longer standing; on further investigation it appears that none of the original structure remains.

The applicant was advised to stop work on site relating to the new build structure on the footprint of the former building.

1.3 Proposal Description

The application form submitted on behalf of the applicant by Stantec describes the proposal as

"Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels'

This is not considered to be the case as the building to which the previous application relates is no longer standing - it was completely lost in September 2022. Case Law states that the local planning authority (LPA) has to consider the description of proposal as submitted by the applicant even if the LPA knows this description to be incorrect. The application is therefore considered on its own merits with the above development description.

The current application relates to the erection of a new five-bedroom dwelling in the open countryside, the erection of a bat house and alterations to ground levels. The curtilage of building would be extended into the agricultural field to the north. The new dwelling would have a linear form, being mainly two storey with a single storey flat roof element to the west and a car port to the east. It would occupy roughly the same footprint as the former farmhouse. The blockwork would be faced with the natural stone recovered from the site with some areas of charred timber cladding and the roof would be of pantiles.

A Design and Access Statement, Planning Statement, Tree Survey and Bat Survey were all submitted in support of the application.

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01222	Conversion of stone barn to dwelling, with detached new double garage	Approved	27.11.2018
DM/2020/00881	Removal of condition 1 from planning consent 2314 (Date of Decision: 01/09/1975):- Occupation of the proposed bungalow shall be limited to a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or a dependent of such person residing with him.	Approved	05.03.2021
DM/2023/01105	Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels.	Pending Determination	
DM/2023/01127	Discharge of conditions 6, 8 and 9 relating to planning DM/2018/01222. (Bat roost monitoring scheme, construction method statement and landscape scheme).	Approved	13.10.2023

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S12 LDP Efficient Resource Use and Flood Risk
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

SD2 LDP Sustainable Construction and Energy Efficiency
SD4 LDP Sustainable Drainage
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

Conversion of Agricultural Buildings Design Guide SPG April 2015:

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

LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/LDP-Policy-H4-g-SPG-April-2015.pdf>

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Monmouthshire Parking Standards (January 2013)

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

National Planning Policies

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):

<http://gov.wales/docs/desh/policy/100722tan6en.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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council

SCC does not object to this application but if MCC is minded to grant consent then SCC request the following conditions :

1. The like conditions as were set out in the DC/2018/00128 consent, and in particular that the development be carried out strictly in accordance with the submitted plans and specifications

2. That work be limited to normal working hours on weekdays and none on Sundays or public holidays."

Natural Resources Wales (NRW)

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents submitted with the application are included in the approved plans and documents conditioned on the decision notice:

We have reviewed the above documents. We note that a day roost of lesser horseshoe bats was found to be present on site during surveys undertaken in 2017 and 2022. Permanent mitigation for the loss of the roost is proposed in the form of a purpose-built bat house constructed of double rendered block with a slate roof. On the basis of the information in the documents named above, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the measures stipulated in the above documents are adhered to. A European Protected Species (EPS) licence may be required for this development. Our records indicate there is a watercourse within 10m of the proposed development site, and Castrogi Brook is within 49m of the proposed development site. Appropriate pollution prevention measures must be employed to protect the water quality during construction.

Lead Local Flood Authority and SuDS Approval Body - Holding Objection

The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). Without a suitable surface water destination the site may not be lawfully developable. Please provide evidence of a suitable surface water destination. Flood risk maps provided by Natural Resources Wales indicate the area to be at no particular risk of flooding from any source. Our database of previous flood events does not record any flood events in close proximity to the site.

MCC Ecology - No Objection subject to conditions.

- Bats - A survey undertaken in 2016 and 2022 confirmed the structure supported a bat roost of up to 8 lesser horseshoe bats. Since the loss of the building, and roof structure these habitats have been lost. An updated survey submitted as part of this application shows no evidence of bats. Mitigation includes a new purpose built bat house therefore there are no objections.
- Protected sites – SINC to the north, the curtilage will extend into the SINC but the building is outside. An ecological management plan should be submitted that details the long term management of the grassland habitat (SINC)
- Badgers- the proximity of the known badger sett to the proposed works means that a CEMP should detail precautionary measures for protection during works.
- Birds – Precautionary measures for their protection should be included in the CEMP.
- Reptiles - Precautionary measures for their protection should be included in the CEMP
- Net Benefit – specifications set out in Section 10.0 of the Updated Bat Survey report drawing 134 are considered acceptable mitigation and enhancement measures.

MCC Highways - No objection

The application proposes no amendments that directly or indirectly affect the existing means of access or the adjacent public highway.

Landscape GI Officer - Holding Objection

It is noted that the proposed amendments in this application do not appear to address an alteration to the main building ridgelines. Approved plan BP2549/01 REV A Proposed ground floor plans and elevations indicates that the 'central' section of the renovated farmhouse was to have the highest ridgeline and the east and west elevations of the building to be subservient. The current proposals appear to indicate as viewed from the south and indicated on plan ref: 131 that the east ridgeline is significantly higher than the central ridge and west ridgeline is elevated to meet the central ridge. This does not reflect the approved plans and the underlying character of the farmhouse as originally conceived or as one of the proposed amendments. Further clarity would be welcome.

It is also noted that windows and doors as shown on the proposed southern elevation drawing ref: 131 have different shapes sizes and alignments inclusive of the cat slide dormer to that of the

originally approved plans. It is understood that the current application is for proposed amendments to previous planning permission ref: DC/2018/00128 however these items do not appear to be included. Further clarity with regard to all the alterations would be welcome. The original approved application DAS indicated that the design was to preserve the character and appearance of the building.

The rear extension(s) are indicated as being subservient to the approved plans and set into the rising land to the rear of the proposed development. It is considered that the size and extent of glazed elevation as indicated in plan ref: 131 impacts on the character of the roofscape as well as the arrangement of integration with the eastern roof section of the main building. The approved plans re DC/2018/00128 retained the roof pitch and definition of the three-ridge level tiled sections of roof and building as shown on the north elevation equally reflected on the south elevation of the approved and recent proposed plans. The current proposal impacts on the character of the roofscape as viewed from the north and further concerns are raised with regard to the additional light spill into the field setting which does not appear to have been addressed in the information provided. The proposed side extension is a departure from the original building line however the single storey height return stone wall partially screens the glazed extension as viewed from the southeast and approach to the main building retains the intrinsic farm house character. The proposed green roof as articulated in fig 29 and 30 of the DAS will further help to integrate structure as viewed from any higher elevation such as chapel road. There is a concern regarding the extent of glazing associated with proposed side extension and potential light spill into what is a relatively dark skies location and there may be a cumulative impact with a rear extension glazed section. Further clarity with regard to lighting and light spill relating to the side extension to include mitigation measures would be welcome.

The proposed dedicated bat building to be located to the west of the main site within the ownership boundary Based on the information provided and visual in fig 35 of the DAS whereby materials are natural in appearance and recessive in colour and the structure located near woodland edge setting the proposal would be acceptable from a Landscape and GI perspective.

A revised landscape plan to accompany this application would be welcome to demonstrate the proposed layout and include mitigation for the loss and impact of development on existing trees, this could be in the form of additional tree planting within the site. From a policy perspective LC5 Protection and Enhancement of landscape character highlights that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects. It is considered that the proposed scheme may be acceptable from a Landscape and GI visual impact and character perspective.

Following clarification of the development description, the Authority's Landscape Officer has provided additional comments dated 13.11.2023 as follows:

Your email has usefully highlighted the recent history of the site in terms of the complete removal of the original structure and that from a planning perspective the site should be considered as having no existing built structure from which to convert from. My site visit indicated structure above ground so the previous complete removal would not have been apparent to me during my visit.

However, if this is the case it would appear that the application should be considered with reference to LDP policy LC1 New Residential Dwelling in the Open Countryside. The policy highlights 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 and then set against certain criteria such as for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. A proposal for a new residential dwelling in the open countryside therefore would not be consistent with current policy.

The response of 06.10.2023 provided from a Landscape and GI perspective was based on the application DM/2023/01105 description, supporting application information, desk top research and a site visit from publicly accessible areas i.e. the highway and entrance areas to the site. In light of

the new information provided by yourself, as the case officer for the application, there is an objection to the application from a Landscape and GI perspective for the following reason: The status and description of the application is not clear based on all the information provided. Further clarity would be welcome by the applicant to provide an appropriate description against which to comment. This may require a re-submission.

MCC Building Control

Following our meeting, this morning, at Bushes Farmhouse, Earlswood, NP16 6RH, I would like to confirm that we have received an initial notice from a Private Building Inspector for the work at the farmhouse - the notice is detailed as " Refurbishment of dilapidated Farmhouse Bungalow " and was received in July 2022.

Regarding the question of whether the structure is original; from a brief look at the building this morning, it would be my opinion, that the structure is not original and has been rebuilt relatively recently. There appears to be a new, insulated blockwork cavity wall, which has been subject to external stone cladding, which, I would guess, is probably the original stone from the demolition of the original structure. There are a few points that indicate this could be the case, namely, there is new solid concrete blockwork visible below the stone cladding, suggesting that the foundations and substructure have been subject to replacement or remedial work. Also the pointing appears not be original, along with the stonework itself being in generally good condition, being plumb and true, without any signs of movement, cracking or other signs of deterioration, that I would expect to see on a stone structure of that age. There is also lime run off (calcium carbonate) visible in some areas, which I would not expect to see on a very old original stone structure, and would be far more consistent with a recent construction.

I would not be able to confirm if the original foundations have been removed without an excavation to look at the position of the foundation, but I would say that, firstly, depending on the age, it is likely that the original stone farmhouse did not have a conventional foundation and could have been built either off larger stone or in fact on the clay ground. Secondly, as mentioned above, there is modern concrete blockwork visible below the stone cladding, suggesting that a new foundation and substructure has been constructed.

Therefore, in my opinion, there is not any element of the structure that is original.

5.2 Neighbour Notification

Letters received from two addresses

The proposed bat house is not in mitigation for the development of the agricultural building as that has been demolished, instead this is an attempt at compensation somewhere else. The proposed large bat building could adversely affect other existing habitats and create yet another building in the open countryside. The siting of the bat building is not suitable. In 1975 there were only two buildings at that location and now there will be five - and an unauthorised sixth is underway - together with a doubling of domestic curtilage, yet throughout that period to the present day MCC's consistent policy at that site has been to protect the open countryside from scattered new developments. Half of the new buildings are for dedicated bat use. It is a policy nonsense. Increase in the size of the residential curtilage.

The application relates to replacement of the original structure with a new build in open countryside. Excavation of the ground around the back of the original building and construction of a bund adjacent to the site boundary.

Concerns also relate to;

Disturbance of the bat colony that previously occupied the structure.

Burial of a badger sett

Excavation, pouring of foundations and laying of bricks for a new outbuilding/garage

Enlargement of a remote existing gateway

Construction of a new access road across an area designated as a SINC.

Use of materials in the construction of new access road that could lead to potentially harmful runoff flowing across the SINC
Damage to third party mature oak tree
Location a mobile home on the site.

5.3 Other Representations

None received

5.4 Local Member Representations

Councillor Louise Brown

The applicant has requested that the application be considered by the planning committee and in view of there being supportive comments on line from the community council and also objections from members of the public, it would be helpful if the planning committee were able to fully consider this application together with any relevant planning policies.

It would also be helpful if further information could be provided on the surface water drainage and sewerage treatment details and location, where the culverts are located, as well as the further information requested by the Landscape team, prior to this being considered by the planning committee.

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 as submitted is for "Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels". However officers remain of the view that application DM/2018/00128 for the rehabilitation of the farm house cannot be implemented since the proposed dwelling was allowed under Policy H4 of the LDP which relates to the conversion/rehabilitation of buildings in the open countryside to residential use. As the former farmhouse was demolished in September 2022, there is no existing building on the site that could be converted to residential use. The current application therefore relates to a new dwelling in the open countryside and is evaluated as such.

6.2 Policy Considerations

The application seeks the building of a new dwelling in the open countryside outside of any development boundary. Policy S1 of the LDP states that in the open countryside the only new dwellings allowed are conversion of rural buildings under policy H4 of the plan, subdivisions and dwellings associated with rural enterprise. The building, subject to this application has been constructed in the last 12 months following the loss of the previous building. Therefore, the building cannot be considered as a conversion, the application therefore cannot be considered under policy H4 of the LDP. The proposal does not relate to the subdivision of an existing dwelling and the applicants have supplied no evidence that the new dwelling is required in association with a rural enterprise.

Paragraph 4.2.24 of PPW11 states that *"In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area."*

In this case the proposed new dwelling would be outside of any development boundary and is therefore considered to be in open countryside. The site of the dwelling itself is not visually prominent although the location of the residential curtilage on a former agricultural field in an

elevated position is prominent. The proposed new dwelling and the curtilage, with the inevitable residential paraphernalia, would have a detrimental impact on the rural character of the area.

The principle of constructing a new dwelling within the open countryside is unacceptable and would be contrary to National and Local Planning Policies which are in place to protect the rural character of the area. Isolated new houses in the open countryside require special justification and no such evidence has been supplied to suggest there are any exceptional circumstances; therefore the proposal is considered to be contrary to policy S1 the LDP.

The application does not include any robust supporting evidence to suggest why the proposed new build dwelling in the open countryside is justified. New dwellings in the open countryside are only permitted in exceptional circumstances. There is no justification to deviate from national and local planning policies which clearly outline that there is a presumption against new built development in the open countryside. The construction of the new build dwelling is not justified for the purposes of agriculture or forestry and is therefore contrary to the guidance within Planning Policy Wales, Technical Advice Note 6 and Policy LC1 of the LDP. Policy LC1 of the LDP says there is a presumption against new built development in the open countryside unless it is required for rural enterprise, agriculture or tourism and even then it is subject to strict criteria. The principle of constructing a new dwelling within the open countryside is unacceptable and would be contrary to National and Local Planning Policies. Paragraph 3.6 of PPW11 says that Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. This is to protect the rural character of the area. Isolated new houses in the open countryside require special justification. There is no justification to deviate from national and local planning policies which clearly outline that there is a presumption against new built development in the open countryside.

Policy LC1 of the LDP presumes against new built development in the open countryside. It is recognised that there may be exceptional circumstances where new built development may be acceptable in the open countryside for the purposes of agriculture, forestry, farm and rural diversification/ enterprise and recreation, leisure and tourism, as justified under national policy and/ or policies S10, RE3, RE4, RE5, RE6, T2 and T3 of the LDP. However in this case there are no exceptional circumstances and the proposal is contrary to Policy LC1 of the LDP.

6.3 Sustainability

The Local Development Plan and PPW encourages sustainable development. The location of the site is not sustainable given that the residents of the new dwelling would be reliant on a car to access all facilities. The new dwelling at Bushes Farmhouse adopts a range of passive design strategies. The modern construction methods will represent a significant step change in the thermal efficiency, the use of carefully selected and durable materials will create a building envelope that has low embodied CO2 in its composition and helps to create natural habitats for flora and fauna. The design will incorporate a series of measures to increase its thermal performance, which have been facilitated by the new construction. Reduced Energy and CO2 emissions such as high performance insulation combined with a high degree of airtightness being integrated into the proposed extension design and construction including, the use of renewable and FSC traceable materials within the construction, A-rated efficiency windows offering optimal levels of ventilation and natural daylight within the extension, a ground source heat pump together with underfloor heating, Low energy internal lighting. In addition a waste management methodology includes design strategies that provide on-site waste separation enabling recycling and storage for scheduled collection. Dedicated bin stores located in the utility room will facilitate this.

The fact that the new dwelling will be energy efficient is not sufficient justification for allowing a new dwelling in the open countryside in an unsustainable location.

6.4 Good Design

Policy DES1 of the LDP requires that the development contribute to a sense of place while its intensity is compatible with existing uses. In this case the design of the new dwelling is broadly

acceptable, it is the principle of a new dwelling that contrary to policy. The proposal involves significantly increasing the size of the curtilage by over 100% over and above that which was approved under the previous conversion DM/2018/00128. The encroachment of the residential curtilage, especially into the agricultural field which has been designated as a SINC, to the north that occupies an elevated position, will have a harmful impact on the rural character of the area.

6.5 Landscape

Policy LC1 says there is a presumption against new built development in the open countryside unless it can be justified under national planning policies and/or policies S10, RE3, RE4, RE5 RE6, T2 or T3. There is no such justification in this case. Policy LC5 of the LDP seeks the protection and enhancement of the landscape character. The MCC Landscape an GI officer has provided comments based on the development description, and raises some concerns over the details of the design when compared to the previous approval.

When considering the application as a new build dwelling, it is not visually prominent being set at a low level and surrounded by mature trees. A newly constructed house would look different from a converted one in that all the building lines would be straight however given that the dwelling is to be clad in the original stone this visual difference would be minor. The current proposal also involves a significant level of excavation to the north of the property into the agricultural field to the rear and that the extensive residential curtilage would include elevated land would have an impact on the landscape. Increasing the intensification of the site and potential for domestic paraphernalia to extended into the surrounding field. The overall impact might not be significantly harmful in isolation, but to refer back to Paragraph 4.2.24 of PPW11 one dwelling might not be significant, but an accumulation of such will have a significantly detrimental impact on the special character of the wider landscape.

6.6 Biodiversity

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.

Bats were present on site as identified in the surveys of 2018 and 2022. However the habitats have since been lost, mitigation has been sought in the form of a separate bat house linked by the green (tree) corridor. This has been assessed and considered by the Authorities Ecology Officer who has confirmed that this is acceptable mitigation. Appropriate mitigation has also been provided for badgers. In addition measures for the protection of the SINC and ongoing management of birds and reptiles have been provided as well as suitable enhancements.

By way of enhancement the applicant is providing 2 Beaumaris woodstone bat boxes installed into trees to the North East and 2 Schwegler bird boxes installed in trees to the North. The Bat Survey Report has also indicated that there will be additional planting on the site. These enhancements are appropriate and proportional for the proposal and will provide ecological net benefit on the site as required by the Environment (Wales) Act 2016 and Planning Policy Wales Edition 11 and policy NE1 of the LDP. The Authority's Ecology officer has suggested suitable conditions to ensure compliance and longer term maintenance.

6.7 Impact on Amenity

There are two residential properties close to this site. Bushes Bungalow which is approximately 35 metres to the south east. The garden area of Bushes Bungalow abuts the access drive into the application site. There is also a stone barn approximately 66 metres to the south of the application site that has planning permission for conversion to a residential unit. The new dwelling proposed for this site will not have a significant adverse impact on the privacy, amenity and health of the occupiers of neighbouring properties and therefore accords with the objectives of policies DES1 and EP1 of the LDP.

6.8 Highways

6.8.1 Sustainable Transport Hierarchy

PPW 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 proposed dwelling will not be sited in a sustainable location, it is a long way from and defined settlements or facilities. The settlement of Earlswood does have a community facility in the form of a village hall but not a primary school as suggested in the submitted planning statement. The closest Primary school is in Shirenewton. There is a bus stop on the main B-road about 1 km from the site the bus, which runs four times a day, provides access to Chepstow, via Shirenewton, and Cwmbran. The location is not considered sustainable for a new build residential unit.

6.8.2 Access / Highway Safety

The site has the benefit of an existing vehicular access into the site. The application proposes no amendments that directly or indirectly affect the existing means of access or the adjacent public highway.

6.8.3 Parking

The adopted Monmouthshire Parking standards require one off street parking space per bedroom up to a maximum of three for residential properties. In this case sufficient car parking provision can be accommodated within the site and therefore the proposal accords with Policy MV1 of the LDP.

6.9 Affordable Housing

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in a net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). In this case the internal floor area of the new dwelling is 120 square meters. Therefore, the financial contribution for affordable housing would be

$$314 \times 35 \times 0.58 = \text{£}6,374.20.$$

6.10 Flooding

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

6.11 Drainage

6.11.1 Foul Drainage

The proposed Block Plan Drawing no. 120 shows the position of a package treatment plant. No details of the treatment plant have been included with the submission. 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 SACs 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.

6.11.2 Surface Water Drainage

Surface water will be disposed of via a sustainable drainage system. As the total construction area is above 100m² SAB approval will be required.

The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). Without a suitable surface water destination the site may not be lawfully developable.

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

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

7.0 Conclusion

Despite the development description the Local Planning Authority considers the application to be for a new build dwelling in the open countryside. The former building, to be converted has been lost, the building that is part of this application has been in part constructed, therefore this application is retrospectively seeking permission for a new build residential unit. National and Local Policy have for considerable time sought to restrict new build development in the open countryside except in very special circumstances. In this case there are no extenuating circumstances as to why the newly constructed dwelling (albeit not completed) should be granted permission against this longstanding policy. It is therefore considered that the principle of the development is contrary to Planning Policy Wales, Technical Advice Note 6 and LDP policies S1, LC1 and LC5.

8.0 RECOMMENDATION: Refuse

1 Notwithstanding the description of the proposal on the application form, the application relates to the erection of a new dwelling in the open countryside without justification. This is contrary to Policy S1 of the Monmouthshire Local Development Plan and to national planning policy and guidance within Planning Policy Wales and Technical Advice Note 6.

2 This proposal would result in a new dwelling being located within the open countryside without justification. The proposed residential dwelling with the associated curtilage, driveway and parking area would significantly adversely affect the open rural character of the area. The residential curtilage would extend into a former agricultural field which has been designated as a Site of Interest for Nature Conservation (SINC). The change of use of this elevated land and the inevitable domestic paraphernalia would be detrimental to the rural character of the area and would be contrary to policies LC1 and LC5 of the LDP.

3. The development fails to secure an affordable housing contribution in line with LDP Policy S4 and MCC adopted Affordable Housing SPG July 2019.