

Application Number: DM/2023/01042

Proposal: Change of use from agriculture to land for the keeping of horses (retrospective) proposed erection of stable block for five horses, erection of ancillary storage building, construction of manege

Address: Land north-west of Holly Lodge Road From A48 To Dewstow Road, Fives Lanes, Caerwent

Applicant: Mr Alan Connolly

Plans: PNL-01- Proposed Stables elevations and plan 26.09.22
PLN-02 – Existing and proposed site plan 26.09.22
PLN-03 – Proposed barn elevations and plan 26.09.22
SITE LOCATION PLAN – OS extract,
DESIGN AND ACCESS STATEMENT, SUPPORTING PLANNING STATEMENT,
PRELIMINARY ECOLOGICAL APPRAISAL,
RIDING ARENA CONSTRUCTION GUIDE,
Waste Management Strategy 25.10.23
Soakaway drainage destination and manage details – 14.011.23

RECOMMENDATION: Refuse

Case Officer: Mr Adam Foote
Date Valid: 24.07.2023

This application is returning to Planning Committee following Members deciding not to agree on a motion to approve the application at the meeting on Tuesday 3rd October. Therefore in accordance with the Planning Code of Practice (February 2023) the application was deferred for reasons for refusal to be considered based on the discussion within the meeting.

Reasons for refusal:

1. The application constitutes overdevelopment as it is of a scale and use that is out of keeping with the open countryside setting resulting in an adverse impact on the character of the landscape failing to comply with LDP Policies LC1 and RE6.
2. The development will lead to an unacceptable level of traffic which will be detrimental to current residents and users of the existing single track lane with few passing places, contrary to LDP Policy MV1.
3. The development will have a detrimental impact on the rich biodiversity of the established hedgerows and nearby woodland, affecting both the ecology and natural environment of the area contrary to LDP Strategic Policy S13.

Members also discussed the need for additional information including the following:

- Wooden structure not blockwork
- Details of waste management on site (including general waste)
- Details of landscaping, surface finish of the manege
- Surface water drainage for manege
- Lighting

Additional information has been provided post the meeting noted above, this includes:

- Waste Management Strategy including general waste from site.

- Details of surface water drainage to be discharged into a soakaway under the manage, drawings include details of the surface finish of the manage.
- No additional landscaping is proposed and so no further drawings have been supplied in relation to soft landscaping.
- No additional lighting is proposed and so no further details or drawings have been provided.
- The proposal remains that the building will be constructed in blockwork and not timber; details of the proposed building have been provided under the original submission, dated 26.09.22

Conditions at the bottom of this report have been amended to reflect the additional information provided and relevant consultees.

Following the Committee meeting of 3rd October 2023 further representations have been received, including a petition signed by 50 individuals representing 26 households; The representations are summarised as follows:

Concerns relating to the process of the previous meeting and collating reasons for refusal and additional information.

Concerns that the existing and proposed site plans are inaccurate as they do not show the array of buildings currently present on the land. These buildings have a damaging effect on the character of the local landscape.

That the development has a significant urbanising effect on the Public Right of Way

That the loss of the hedge has a detrimental effect on biodiversity

That the impact on the historic landscape cannot be accurately assessed as the application is lacking in information

Concerns over highway safety

Believe that the application is contrary to the Local Development Plan in relation to LDP policies LC1,LC5 RE3, RE4, RE5, RE6, S10, T2 and T3.

Three reasons for refusal of the application are also suggested relating to the inappropriate built form in the setting, and impact on biodiversity following the removal of hedgerow.

The full content of these comments can be found on the website.

PREVIOUS REPORT (3rd October 2023 Committee)

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises an L shaped, 2.11 ha (5.2 acre) field positioned on the north-eastern side of an adopted but unclassified highway known as Five Lanes, Caerwent. The site falls outside of the defined settlement boundaries as shown on the proposals map of the Monmouthshire Local Development Plan (LDP) and therefore for planning purposes is located within the open countryside.

The site is currently enclosed by a combination of post and wire fencing with newly planted and mature and maintained deciduous hedges to the north-west, north-east and the majority of the south-western boundary. Public right of way (footpath) 353/7/1 crosses the site from the south-western boundary leading from the public highway to the north-eastern corner of the land. Vehicular access is gained via a gated access in the south-western corner, adjacent to a gateway serving a field and stables to the west. The area also forms part of the Minerals Safeguarding Area for limestone within the LDP. The Lower Rodge woodland to the north-west is protected as a Site of importance for Nature Conservation (SINC) as it forms part of an ancient and semi natural woodland. The site is outside of the catchment for any riparian Special Area of Conservation (SAC) and is not considered to be in a phosphate sensitive area.

At the time of inspection, the land was laid to pasture with a steel storage container, a small domestic style summer house and a static caravan installed adjacent to the north-western boundary. A gravelled driveway and area of hardstanding have also been installed leading from the vehicular access which has been altered and widened through the removal of part of the south-western boundary hedge and replacement with a 1.8 - 2m high close boarded fence and a set of inward opening double gates which had also been clad with close boarded timber panels. A small paddock area had also been developed using post and wire fencing, adjacent to the south-eastern boundary to provide a contained exercise space for the applicant's dogs. A short section of close boarded fence had also been erected within the field. The PROW has been re-routed from an existing stile running along the boundary of the field and not through the middle as it had run.

Based on aerial photographs, the land appears to have been used as grazing/ pasture for some time having originally formed part of the Council's agricultural estate portfolio, but was subsequently sold. The application site was subdivided from the land to the west between 2000 and 2005. A stables and storage container are evident on the land to the west (i.e. outside the application site) with aerial photographs indicating these were erected/ installed between 2005 and 2010.

1.2 Background

This site was subject of a recent planning appeal (Ref: CAS-02244-P5N1M3) which was dismissed on the basis of the inaccuracy of the supporting plans. There are a number of unauthorised structures/developments on the site which are not sought for retention as part of this application and therefore are not for consideration in the assessment of this application. These structures/developments are being pursued via a separate planning enforcement investigation. Discussions were had between the Planning Officer and the applicant and their agent in an attempt to agree a timeframe/schedule of works for the unauthorised developments which could form part of this application to be controlled via a condition, however as the timeframe was not agreeable this has not progressed and therefore does not form part of this application.

1.3 Proposal Description

The application seeks full planning permission for use of the land for equestrian purposes including the construction of stable and storage facilities and a manege. Consent is sought for the entire site in respect of the equestrian use although the built form/development would be concentrated in the section of land adjacent to the adopted highway. The stables and store are proposed to be sited along the south/west boundary of the field running parallel to the access road with the buildings facing inwards. The buildings adopt a simple utilitarian design typical for this nature of development. The stables are proposed with a stepped arrangement and would be constructed of blockwork with timber cladding and are arranged as five individual stables. The store is proposed to be arranged as a store, tack and dry room with a simple rectangular shape constructed of blockwork and clad in timber. The manege would be located centrally in this section of the field and be constructed with a rubber surface. The proposed plans show the re-routing of the Public Right of Way, and this will require a separate consent. The application includes the erection of boundaries consisting of planting and fencing to demarcate the total area. The scale, design and position of the development is illustrated in full on the submitted drawings.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00738	Proposed equestrian use including an 8 stable block, tack room, hay room, manege and temporary siting of caravan.	Refused	20.07.2022

DC/2005/00094	Replacement Garage (For Private Use)	Approved	22.03.2005
DC/2000/00534	New Pitch Roof Over Existing Flat Roof Extension.	Approved	14.07.2000
DC/2003/01373	Single Storey Side Extension	Approved	13.05.2004

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
S15 LDP Minerals
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside
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
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Renewable Energy and Energy Efficiency SPG March 2016
Green Infrastructure April 2015

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 11
Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 6: planning for sustainable rural communities
Technical advice note (TAN) 12: design
Technical advice note (TAN) 16: sport, recreation and open space
Technical advice note (TAN) 18: transport
Technical advice note (TAN) 24: the historic environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caerwent Community Council: Objects to the proposed development; grounds include: highway safety will be compromised; an increase in larger vehicles; insufficient parking on hard standing; a condition may be required regarding who will maintain the new hedge along the diverted public footpath; protected and priority species do not seem to be considered in the application; little consideration of waste storage and collection; existing concerns about the already installed cesspit; no specific detailed plans for temporary vehicles and buildings; illegal removal of hedgerows has already taken place - not mentioned in the environmental report; a postcode error on the application leads to confusion as to who is the owner of the land, and if a condition is applied limiting regular visitors to the site to the applicant and her family, as suggested by the applicant in the supporting planning statement, then it needs to be clear whether it is immediate or extended family.

MCC Highways: No objection

MCC Landscape/GI: No objection subject to conditions

MCC Ecology: No objection subject to conditions

MCC Public Rights of Way (PROW): No objection

Cadw: No objection.

MCC Environmental Health – Acknowledgement that a Waste Management Plan has been submitted. EH are of the opinion that the attached strategy provides sufficient detail to demonstrate how waste will be managed at the proposed development to protect the living conditions of neighbouring occupiers. They do however recommend that the draft condition is amended to include reference to ensure waste is managed in accordance with DEFRA's Codes of Good Agricultural Practice.

MCC Lead Local Flood Authority-

The applicant has demonstrated a mean of surface water discharge via infiltration. The information provided by the applicant to the SAB demonstrates that infiltration is possible and therefore we have no objection on surface water drainage destination basis. The detail of the drainage will be managed through the SAB process.

5.2 Neighbour Notification

This application was advertised by means of three site notices. A number of representations have been received in opposition to the proposed development.

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 located in an area of open countryside within the Community of Caerwent. In such locations, there is a general presumption against new development unless the proposed development accords with national planning policy or specific policies in the LDP. In respect of this proposal, policies LC1 and RE6 of the LDP are relevant as they offer the potential for new development in the open countryside subject to the proposal meeting their specified criteria.

Policy LC1 requires the proposal to be considered against one of the following LDP policies: S10, RE3, RE4, RE5, RE6, T2 and T3 and provides the following criterion that proposals must comply with:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and

d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value

The relevant policy in this case is LDP Policy RE6 - Provision of Recreation, Tourism and Leisure Facilities in the Open Countryside, which supports new recreational and leisure uses in the countryside.

Policy RE6 specifies the following:

"Development proposals for recreation, tourism and leisure uses in the countryside will be permitted provided that they are of a small-scale, informal nature and subject to detailed planning considerations, including adequate safeguards for the character and appearance of the countryside (particularly its landscape, biodiversity and local amenity value). Development must re-use or adapt existing buildings where possible. In exceptional circumstances new buildings of an appropriate scale may be acceptable where justified and where the proposal meets the criteria set out in Policy LC1".

In principle, the proposed use of the site for the keeping of horses/equestrian activity is considered to be an acceptable use within this location on the basis that the use is personal only and there is no commercial use or livery operated from the site. It is considered that the use of conditions could adequately ensure that the use of the site remained compliant with the objectives of Policy RE6 in this respect. There is no objection to the development of the site for the proposed "arena" or to small scale stables being constructed on site to be used in accordance with the small-scale equestrian use. The stables as proposed are of a limited scale and simple design and therefore are not considered to result in any unacceptable adverse visual impact that would be harmful to the amenity or landscape character of the area.

The agent acting in this matter has provided justification for the scale of the proposed storage building which is considered to be reasonable and warrants the size of the store relative to the number of horses to be stabled on site.

The application forms part of a Minerals Safeguarding Area, although the scale and nature of the proposed development is not considered to sterilise the site from mineral extraction in the future and therefore no objection is raised in this respect.

In this instance the proposed development is considered to comply with the criteria as set by the relevant policies of the Monmouthshire LDP and therefore the proposed development is considered to be acceptable in principle.

6.2 Sustainability

The application site is located outside of the settlement boundaries where both local and national planning policies seek to restrict new development. The site is not easily available via public or sustainable modes of transport and it is therefore considered that most journeys to/from site will be via private motor vehicle. In this case the lawful use of the land is for agricultural purposes and the proposed use for the keeping and exercising of horses for personal use is not considered to result in such a significant uplift to vehicular journeys to/from site and therefore no concern is raised in respect of the sustainability of the site relative to the proposed use.

6.3 Place Making/Good Design/Landscape

The land associated with the proposal extends to about 2 hectares (5 acres) and is positioned on the north side of the Five Lanes highway. With the exception of the unauthorised structures installed on the site by the applicant, there are no buildings on the land, with the area historically used for grazing or for the taking of a hay/ silage crop. Either side of Five Lanes are pockets of development comprising dwellings with outbuildings and/ or stables, field shelters, maneges, etc. Typically, the developments are positioned in close proximity to the highway and as such appear as a form of ribbon development.

With regards to new development in the open countryside, in association with Policy RE6, LC1 specifies the following:

"In such exceptional circumstances, new built development will only be permitted where all the following criteria are met:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value."

Policy LC5 states:

"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 by:

- a) Causing significant visual intrusion;
- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment."

Policy DES1 reflects national planning policy and the objectives of good design. The policy sets out the general design considerations that development proposals in the County will be expected to meet in order to ensure that approved developments display character, respect local distinctiveness, complement their surroundings and provide attractive, sustainable and inclusive environs with key areas of consideration being given to ensuring that the amount of development and its intensity is compatible with existing uses; that developments respect the existing form, scale, siting, massing, materials and layout of their setting and any neighbouring quality buildings and developments respect built and natural views and panoramas where they include historical features and / or attractive or distinctive built environment or landscape.

The application site is visible from the public realm and a PROW crosses the land thus, any development is considered to have an impact upon the amenity and character of the immediate area and to impact upon the amenity and character of the countryside.

The proposed manège is considered to be of a scale that is appropriate for private use and is proposed to be finished with a permeable membrane and 100mm thick base of sand shredded rubber and is not illuminated. It is considered that these are finishes appropriate within this context and does not have an adverse impact on the character of the wider landscape.

The proposed external finish of timber cladding is considered to be acceptable for the barn and stable, but it is considered necessary to condition that the external finish will be applied and completed prior to the development coming into beneficial use as to safeguard the special character of the countryside. In this instance given the limited scale and nature of the proposed development it is not considered that there would be any unacceptable adverse impact upon the amenity or character of the area. No conflict with LDP policies DES1 or LC1 have been identified.

The proposed development due to its limited scale and height, siting and acceptable design is not considered to result in any significant impact upon the landscape character of the area that would warrant concern or the refusal of this application. The Council's Landscape/Green Infrastructure Officer has been consulted on this application and raises no objection subject to conditions. No conflict with LDP Policy LC5 has been identified.

6.4 Biodiversity/Green Infrastructure

The application is supported by a Preliminary Ecological Appraisal Report completed by New Ways Ecology dated 24/07/2023 which concludes that the proposed development would not have any significant adverse impact upon biodiversity interests on site or within the wider area. The proposal has been reviewed by the Council's Ecologist who raises no concern in relation to the development subject to conditions in relation to controlling dust generated by the manure, manage lighting and to provide a biodiversity enhancement. In this case the lighting and dust conditions are considered necessary, however the biodiversity net benefit is considered to be achieved by the proposed planting and therefore it is instead considered more appropriate to condition that full details of the planting scheme be submitted for approval prior to the commencement of development.

There are no additional soft landscaping proposals for the site and so it is not necessary to condition further details.

6.5 Historic Environment

The application site is located on the hillside to the south-west, above the village of Caerwent. The wider site is approximately 355m to the south-west of the Conservation Area boundary; 750m to the south-west of the Scheduled Ancient Monument (SAM) with the storage building approximately 500m to the Conservation Area boundary and 900m to the south-west of the SAM designation.

Given the limited height and scale of the proposed development it is considered that any impact in respect of intervisibility between the historic assets and the site would be minor and not result in any unacceptable impact. Cadw have been consulted on this application and raise no objection to the proposed development in respect of its impact upon the designated historic assets. The proposal is therefore considered compliant with the requirements of Technical Advice Note (TAN) 24 - The Historical Environment and LDP policies S17 and HE1.

6.6 Impact on Amenity

There are residential properties within the vicinity of the site, the closest being High Mass Cottage which is positioned approximately 160m to the east of the southern part of the site. Based on the distances maintained, it is considered that the development proposed would not generate any increased overshadowing, loss of light, increased overlooking or loss of privacy.

As the development would be for personal use, it is considered that the noise and disturbance generated would be no greater than a standard domestic or agricultural arrangement (with consideration given to the potential use of larger machinery to move bales of hay etc). Given the distances maintained between the proposal and closest neighbouring property, the pattern of development already around that dwelling and the overall context of the area with active agricultural operation in place, it is considered that any noise or disturbance generated would not be so detrimental to residential amenity to warrant refusal of the application on such grounds.

Although the residential properties to the east of the site benefit from first floor windows in the northern elevation overlooking the site and land beyond, being mindful of the distances and intervening hedges maintained between, it is considered that the proposal would not have an overbearing impact or inhibitory impact on the outlook to warrant refusal of the application.

Details of the proposed method of the management of manure and disposal of waste has been provided and reviewed by the Authorities Environmental Health Officer. The EH Officer considers that the management plan is sufficient for managing manure and general waste from site. However, they suggest that a condition be added to ensure compliance with the Management Plan and in accordance with DEFRA's Code of Good Agricultural Practice. Therefore, it is considered that the development would not generate an unacceptable level of harm or adverse impact on the amenity of neighbours in line and is considered compliant with LDP policies S13, DES1 and EP1.

6.7 Highways

The proposed development is expected to generate additional vehicular journeys to/from site relative to the existing use as an agricultural field. However, taking the expected increase into consideration the overall trip generation is still considered to be low. The Council's Highways Section has been consulted on this application and raises no objection. The proposed access is deemed to be acceptable for the proposed use, and no concern is raised in relation to traffic generation or capacity of the local highway network. It is considered necessary to condition that the use of the land is solely for private use to ensure there is no unacceptable adverse impact upon highway safety in the area. It is acknowledged that highway safety has been raised as a concern within representations from the public consultation but based on the above it is not considered to warrant a reason for refusal. The proposed development is considered to comply with LDP Policy MV1.

6.8 Public Right of Way

The application site is crossed by a public right of way. As part of the development it is proposed that the right of way be diverted so that it is positioned adjacent to the eastern boundary of the site. During the pre-application process the applicant was advised that granting of planning permission does not entitle developers to obstruct or divert a public right of way, nor must it be assumed that because planning permission has been granted that an Order under s.247 or s. 257 of the Town & Country Planning Act 1990, for the diversion or extinguishment of the right of way, will invariably be made and confirmed.

6.9 Drainage

As of the 7 January 2019, all construction works with a cumulative constructional area of 100m² or more are required to have a Sustainable Drainage System (SuDS) to manage on site surface water designed in accordance with the Welsh Government Standards to Sustainable Drainage. SuDS Approving Body (SAB) consent is independent of planning permission and the applicant has been advised of the requirements to secure such consent prior to any further works take place on site.

Details of the proposed soakaway and drainage destination have been provided by the applicant and reviewed by the Authorities Sustainable Drainage System team who do not raise any objection. The information has shown that infiltration is possible and therefore they have no objection to surface water drainage proposals.

Full details of the proposed drainage system will be necessary as part of the SAB application and properly managed by the SUD's team. On the basis of the above, the application is considered compliant with LDP policies S12, S13, SD4, NE1 and EP5.

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

Representations in opposition to the proposed development have been received from both the Community Council and from members of the public. Many of the points raised have been addressed within earlier sections of this report, however the main themes have been identified below:

Visual impact/Impact upon character of the area – this has been considered within an earlier section of this report and is deemed to be acceptable.

Overdevelopment of the land – an objection in relation to the number of horses relative to the size of the available land has been received stating that the proposal represents an over-development as it cannot provide sufficient grazing land for the number of horses. The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010, provides specific stocking ratios that must be observed. However, this legislation is not applicable to leisure animals such as horses and ponies. Under the requirements of the Animal Welfare Act 2006 (which is regulated and enforced by the Department for the Environment Food and Rural Affairs (DEFRA), the RSPCA and the Police) it is the owner or keeper's responsibility to ensure reasonable steps are taken to

ensure their animal's welfare needs are met and it is for them to assess whether the site is suitable for their animals.

Paragraph 1.10 of the Code of Practice for the Welfare of Horses which is issued under section 14 of the Animal Welfare Act 2006, provides the following information:

"As a guide, in order to maintain correct body condition, each horse requires a minimum of 0.4 to 0.6 hectares (one to one and a half acres) of good grazing if no supplementary feeding is being provided. However, this will depend on the ground conditions, the time of year, type of horse and degree of pasture management employed. A smaller area may be appropriate where a horse is principally stabled or housed and grazing areas are used only for occasional turnout."

Paragraph 1.13 specifies:

"It is not always practical or possible to remove horses from fields or pastures which become muddy, however, it is essential that the horse does have a comfortable, well drained area on which to stand and lie down, and on which to be fed and watered."

As a result, the structural development proposed, the area of land available for grazing would be reduced to approximately 1.7hecatre (4.28 acres) and is smaller than that advocated by the Code. However, the space requirement relates purely to the area required for good grazing if no supplementary feeding is being provided and does not relate to the land area required for turnout purposes. Following discussions, the applicant has confirmed that the animals would be stabled overnight from the end of October to April and during inclement weather, with daily turnout provided on the remainder on the pasture to the north or within the manege. All animals would be provided with daily supplementary feed in the form of hay/ haylage and hard feeds (to be stored in the large building) whilst stabled or turned out within the arena. Day time summer stabling will also be practiced during hot weather and/ or to reduce exposure to fly and midges which can lead to skin conditions. Whilst it is likely that the pasture area would become poached as a result of use in the winter this is not uncommon and can be rectified through the appropriate management of grazing, resting of pastures, use of the manege and animal rotation thereby reducing the intensity of use and impact on the land to the benefit of the character and amenity of the wider area.

As a result of the management techniques available in conjunction with the facilities proposed, it is considered that the site is capable of accommodating the number of horse proposed. Being mindful that the animals would have access to drained and surfaced areas (stables and manege) on which to stand, lie down, be fed and watered with further turnout space provided on pasture land it is considered that the proposal would be compliant with the requirements of the Code.

Highway Safety – the Council's Highways team has considered the application and raise no concern in relation to highway safety or to traffic generation as a result of the proposed development. Concerns have been raised from the public consultation in relation to the nature of vehicles using the lanes to access the site. This is not considered to warrant a reason for refusal given the nature of vehicles that would likely use the highway network to access the land in respect of the use as an agricultural field. In respect of parking facilities the development does not propose a dedicated parking/hardstanding for vehicles as they state this will not be required. The lack of a designated parking area is not considered to warrant the refusal of this application and it is considered there is sufficient room for vehicles to park within the field adjacent to the entrance.

Public Right of Way – objections have been received in relation to the diversion of the PROW; from a planning perspective there is no objection to the proposed alternative route but this is controlled under separate legislation and consent would need to be obtained via the correct channels irrespective of the outcome of this planning application. This application would not provide consent for the re-routing of the PROW. In respect of the responsibility for maintaining the hedges this would fall to the land owner and therefore no such condition would be required.

Protected priority species – the supporting documents submitted with this application detail the means of how the development would not have an adverse impact upon priority/protected species. This has been considered by the Council's ecologist and is deemed to be acceptable within the context and relative to the scale and nature of the development.

Waste Management – this has been considered in an earlier section of this report and it is considered this can be controlled via condition.

Unauthorised developments – the existing unauthorised developments are not included within this application and therefore do not form part of the proposed development and cannot be considered in the assessment of this application. The existing unauthorised developments are being considered under a separate planning enforcement investigation, and while they are within the red line boundary for the site, they do not directly impact upon the proposed development.

Limitations of the use – consent is being sought for a personal use of the land and therefore it is considered sufficient to condition that the use of the land is for personal use only and not for commercial purposes.

Incorrect/misleading/missing information – The detail as provided within the application form and associated documents are considered to be accurate and sufficient for the purposes of this application to be considered valid and for an assessment to be made on the proposed development.

It is considered that the proposed development is acceptable and accords with both local and national planning policies.

6.6 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.

6.7 Conclusion

Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

TIMESCALE

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.

APPROVED 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.

SURFACE WATER

3 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

EXTERNAL CLADDING

4 The development hereby approved shall not come into beneficial use until the wooden cladding as shown on approved plans PLN-1 and PLN-3 has been applied and completed. The cladding shall be maintained thereafter in perpetuity.

REASON: In the interests of visual amenity and to safeguard the special character of the countryside.

WASTE MANAGEMENT

5 The development shall be operated in accordance with the approved waste management plan dated 25.10.23 and in line with the DEFRA codes of good agricultural practice at all times that the site is in beneficial use.

REASON: To protect the living conditions of neighbouring occupiers.

HEDGE PLANTING

6. The proposed hedges shall be planted in a native species that shall consist of and be planted in accordance with the following specification:

Blackthorn 25%, field maple 10%, hawthorn 50%, hazel 10% and holly 5%

450-600mm height Br (bareroot)

Destiny 5 plants / lin m in a double staggered row 300mm between rows

Protection: Biodegradable spirals to each plant. Either stock proof fence or lighter fence such as chicken wire or chestnut paling to protect from vehicles / people walking through

Mulch: bark chips 50mm depth to 600m width

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 policies LC5, DES 1, S13, and GI 1 and NE1.

LANDSCAPING COMPLIANCE

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

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

LANDSCAPING MAINT

8 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to the commencement of development and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

PD RIGHTS LIGHTING

9 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 within the site until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that 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.

SAB REQUIREMENT

10 No development shall commence until either SAB approval has been obtained or a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

REASON: To prevent hydraulic overloading of the public drainage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

LIMIT USE

11 The development hereby approved shall be for personal use only and shall not be used for commercial purposes, including livery use.

REASON: In the interests of highway safety and to protect the living conditions of neighbouring residents in accordance with LDP Policies MV1 and EP1.