

Application Number: DM/2024/00985

Proposal: Replacement dwelling

Address: Bushes Farm, Chapel Road, Earlswood, Shirenewton

Applicant: Mr Mike Wells

Plans: Block Plan 120 B - , Other ELEVATION SECTION COMPARISON - , Other ELEVATION TIMELINE - , Other EXISTING AND PROPOSED VOLUME CALCULATION - , Other PROPOSED BAT BUILDING - , Other RESI CURTILAGE - , Block Plan 257 021 B - , Floor Plans - Existing 257 022 B - , Elevations - Existing 257 028 - , Block Plan 257 031 B - , Elevations - Existing 257 04 - , Floor Plans - Proposed 257 121 B - , Elevations - Proposed 257 132 A - , Floor Plans - Proposed 257 122 - , Elevations - Proposed 257 130 B - , Elevations - Proposed 2024 257 131 A - , Elevations - Proposed 257 133 A - , Location Plan 257 - , Other DRAFT UNILATERAL UNDERTAKING - , Other DESIGN AND ACCESS STATEMENT - , Other NATURE CONSERVATION MANAGEMENT PLAN

RECOMMENDATION: Approve

Case Officer: Kate Young

Date Valid: 06.08.2024

The application was presented to Planning Committee on 5th November. However, due to a procedural irregularity at that meeting, the application returned to Committee for consideration on 3rd December 2024, where Members resolved to approve the application contrary to the officer recommendation.

In accordance with adopted protocol, the application is now re-presented with conditions to be agreed by Members.

Conditions:

1 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: If substantial extensions or alterations were necessary this development would not normally be favourably considered and would be contrary to LDP Policy H5.

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

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

3 Within three months of the date of this permission full and comprehensive details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- Detailed scaled plans, showing existing and proposed levels inclusive of proposed cross section
- and RPA.
- Proposed and existing utilities/services above and below ground.

- Soft landscape details for landscaping to include planting plans, specifications including species,
- size, density, number and location, cultivation and other operations associated with planting and
- seeding establishment.
- Hard landscape materials to include surfacing, SUDs, location of proposed lighting, and
- structures (e.g. signs, bins, stores).
- Lighting strategy.

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan.

4 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. Planting of Trees shall be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

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 LDP Landscape Design and Green Infrastructure policies LC5, DES 1, S13, and GI 1 and NE1.

5 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 occupation of the development and shall include details of the arrangements for its implementation inclusive of roles and responsibilities. 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.

6 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA. No lighting, unless it is in accordance with the agreed details, shall be installed on site.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

7 Section 10.0 of the submitted 'Updated Bat Survey report by Ecological Services Ltd and the approved 'Proposed Bat Building drawing by Hall & Bednarczyk Architects Ltd, which illustrates the location and dimensions of the proposed lesser horseshoe bat roost, shall be implemented in full prior to the dwelling being brought into beneficial use and shall be retained as such in perpetuity.

Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first occupation of the building.

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

8 No further development shall take place on site (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard a site of importance for nature conservation and priority habitat in accordance with Policy NE1 and our duties under the Environment (Wales) Act 2016.

9 Within 6 months of the commencement of development, a management plan for the Bushes Farm Site of Interest for Nature Conservation (SINC) shall be submitted to the LPA for approval in writing and thereafter implemented, as approved.

- o Description of the habitats to be managed (Neutral & Marshy Grassland)

- o Aims of management

- o Prescriptions for management action

- o Work schedule, including annual work plan capable of being rolled forward over a minimum of twenty year period

- o Details of ongoing monitoring and remedial measures to ensure aims are met.

Reason: To safeguard a site of importance for nature conservation and priority habitat in accordance with Policy NE1 and our duties under the Environment (Wales) Act 2016

10 No further development shall occur on the site until the LPA has approved in writing (in agreement with the Lead Local Flood Authority) a detailed scheme for the management of surface water. The development shall be carried out in accordance with the approved scheme.

Reason: To prevent an increase in flood risk within a flood risk sensitive area and ensuring that the surface water from the site is disposed of in a suitable fashion.

INFORMATIVES

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

NESTING BIRDS - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended).

The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection.

Policy NE1 - Nature Conservation and Development seeks to ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species.

Warning: A European Protected Species (EPS) licence may be required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

The proposed development will require a Sustainable Drainage System (SuDS) designed,

constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs. Details can be found at:

<https://www.monmouthshire.gov.uk/sab>

As a gesture of good will, the applicant's agent has offered a unilateral undertaking under s106 of the Town & Country Planning Act 1990 to provide a financial contribution towards off-site affordable housing. This has not been requested by your officers as it would not normally be required for a proposal for a replacement dwelling.

A letter of concern has been received from a local resident who sets out concerns relating to the democratic process and conduct of Members who supported this proposal and requests that if permission is granted then adequately robust and enforceable conditions are applied to address ongoing unauthorised development on the wider site as well as other issues.

The previous report to 3rd December Committee meeting is set out below.

3rd December 2024 Planning Committee report

The application was presented to Planning Committee on the 5th November. However, due to a procedural irregularity at that meeting, the application is returning for consideration by Planning Committee on the 3rd December 2024.

Note: the application is now presented with one reason for refusal as identified in the amended officer report below.

03.11.2024 Planning Committee

This application was presented to Planning Committee at the request of the local member, Councillor Brown

1.0 APPLICATION DETAILS

1.1 Site Description

The site is in open countryside near Earlswood, approximately 3km north of Llanfair Discoed and 4 km north-west of Shirenewton. The application site is on the western side of Chapel Road just to the north of Bushes Farm Bungalow. The land immediately to the north of the site is designated as a Site of Importance for Nature Conservation (SINC, a local designation). 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.

At the time of the officer's most recent site visit (14th August 2024) on the site there was:

- A shed constructed of profiled sheeting, in a poor state of repair and used for storage (outside the red line of the application)
- The footprint of a small concrete block building about 4/5 courses high (outside the red line)
- A recently constructed concrete block building partially faced in natural stone, still under construction and missing a roof
- An unoccupied mobile home
- A stock pile of natural stone
- A shipping container (located to the north of the driveway from the public highway and in the red edge of the application site but outside the proposed curtilage).

There are two vehicular accesses leading to the site, one of which crosses the SINC to the north and is unauthorised.

1.2 Proposal Description

The description of development is a 'Replacement Dwelling'. The proposed plans show the erection of a new five-bedroom dwelling, the erection of a bat house, alterations to ground levels, the installation of a package treatment plant and surface water soakaways. The curtilage of building is proposed to 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 roofed element to the west and a car port to the east. It would occupy roughly the same footprint as the former farmhouse. The blockwork is proposed be faced with the natural stone recovered from the site with some areas of charred timber cladding and the roof would be made up of pantiles.

The following documents were submitted in support of the application
A Design and Access Statement (referring to alterations and a new bat house)
Nature Conservation Management Plan
Updated Bat Survey
Tree Survey
Green Infrastructure Assessment Statement.

1.2 Planning History

There was a stone built farmhouse on the site as evidenced by a map from 1882. In 1975 permission was granted for a replacement farmhouse on the site which was built sometime later and is known as Bushes Bungalow, 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 original farmhouse 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.

In 2018 planning application (DM/2018/00128) was submitted for the Rehabilitation of farmhouse to dwelling with an attached car port to the side. 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. The officers report of August 2018 said

"Bush's Farm, is a two storey stone built former farm house which has been vacant for approximately 40 years and is now derelict and overgrown, part of the roof remains but large parts of the roof are missing. Most of the walls are intact but there is some structural cracking. Some interesting structures remain like the first floor fire place and stair well."

The officers report also noted *that the building had been used for several years as agricultural storage, after the construction of the bungalow, in accordance with the condition applied in 1975.*

A structural appraisal was submitted with the 2018 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.

Another planning application, DM/2023/01105 was received in August 2023, with the development description:

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.

In December 2023 DM/2023/01105 was refused for amendments to previous planning permission. The reasons for refusal of that application were:

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

The above application, DM/2023/01105 is currently the subject of a planning appeal lodged with PEDW.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00128	Rehabilitation of Farmhouse to Dwelling at Bushes Farm, Chapel Road	Approved	31.08.2018
DM/2020/00881	Bushes Bungalow 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.	Refused and now subject to Appeal	06.12.2023
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H5 LDP Replacement Dwellings in the Open Countryside
 SD4 LDP Sustainable Drainage
 LC1 LDP New Built Development in the Open Countryside
 LC5 LDP Protection and Enhancement of Landscape Character
 GI1 LDP Green Infrastructure
 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

Monmouthshire Local Development Plan: Policies H5 & H6—Replacement Dwellings in the Open Countryside & Extension of Rural Dwellings April 2015
<https://www.monmouthshire.gov.uk/app/uploads/2024/06/H5-H6-SPG-April-2015.pdf>

Conversion of Agricultural Buildings Design Guide SPG April 2015

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/H4-LDP-Barn-Conversion-SPG-April\[1\]2015.pdf](http://www.monmouthshire.gov.uk/app/uploads/2015/07/H4-LDP-Barn-Conversion-SPG-April[1]2015.pdf)

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

Monmouthshire Parking Standards
<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\[1\]2013.pdf](http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan[1]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 12

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 – Objects.

More of the original structure of the old farmhouse has been lost. In applying for its replacement, the applicants appear to accept that the farmhouse is not capable of restoration or renovation. The bungalow which was built as its replacement still exists. The old farmhouse should have been demolished upon construction of the replacement bungalow. It follows that the current application is, despite its title, an application for a new build in open countryside.

1. The proposed new building does not comply with the planning policies of the Welsh Government nor of MCC as to new build in open countryside
2. The size and scale of the proposed building significantly exceeds the original volume of the farmhouse.
3. The size and scale of the proposed building will have a material adverse effect on the local landscape being uncharacteristic of typical Monmouthshire farmhouses.
4. The new building will adversely impact on local infrastructure and amenities particularly transport and schools which are already overstretched.

SCC is surprised that this application has been followed by an appeal against MCC's decision to refuse the proposed amendments in application DM/2023/01105. SCC suggests DM/2024/00985 be referred to MCC's Planning Committee and held in abeyance pending the outcome of the appeal at which point SCC would wish to make further comment.

SCC made further representations reiterating that the old farmhouse should have been demolished once the new bungalow had been built. It follows that the present application is not for the renovation of an old farmhouse but for the construction of a new residential house on the site of the old farmhouse. The application does not assert any farming/agricultural need for the proposed renovation.

SCC propose 2 options:

Require the removal of the bungalow as a precondition of the renovation of the farmhouse or, Consider the application as a new build in the countryside and not a renovation. A large 5 bedroom house would have a detrimental impact on the character of the surrounding area and on local services and amenities.

SCC note they have not been able to view the detailed plans on the website, and may wish to make further comment, however due to the history SCC objects to the application and recommends refusal.

MCC Highways - No Objection.

The access arrangements remain unchanged in respect of the current application and will utilise the existing access as proposed under the previous applications.

MCC Tree Officer - Concerns

The site is surrounded by mature, semi mature and established trees. There is evidence that trees have been removed and that the RPZ has not been adhered to. Considerable ground removal has been carried out exposing and damaging tree roots. An Arboricultural report will be required to assess the damage done and identify future protection; they may also be a risk to property if stability has been compromised.

There is a large pile of dead trees which have been excavated and seem to have been arranged to burn. It is not clear if it is intended to clear more trees. Initial TPO notifications have been served.

MCC Building Control - No objection.

There are many areas where compliance would need to be demonstrated, including, but not limited to, method of fire suppression, structural aspects, ventilation, drainage, access and security, as well as a design sap calculation being required prior to commencement of works on site.

Lead Local Flood Authority and SuDS Approval Body - Provisional holding objection.

The proposed development will require SuDS and further information or clarification is 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.

There are no objections in relation to flood risk.

SuDS officer requests a condition to ensure no development takes place until a SAB application has been approved.

GI and Landscape Officer - Provisional holding objection - Further information or clarification is required.

It is not clear from the information provided that compliance with LDP Policy H5 (a) ii has been fully determined.

Further information is required in terms of the potential visual impact of the proposal on the localised landscape character as viewed from publicly accessible receptors, including a photomontage visualisation of the proposal in this context.

The Nature Conservation plan states that the track installed through the SINC to provide access will be reinstated, this is welcomed although this does not appear as being within the red line boundary. Full and comprehensive landscape and management plan will be required to show how the proposed new works, remedial works including a timeline and aftercare will be achieved.

Figure 32 of the DAS indicates native species, however more detail on planting mix is required.

Full details of the proposed works to trees is required, including the need to address the loss of existing trees with suitable and appropriate replanting, which should include betterment.

Further details of the proposed green roof are required.

Further details of the proposed ground levels are also required.

Conditions are also suggested.

MCC Ecology – No objection subject to conditions.

Natural Resources Wales - No Objections.

NRW note the submission of an updated Bat survey (June 2023) to support the application, which identifies that bats are/were present at the site. They note that the deterioration of the building (roof collapse) and recent building works mean the building has negligible potential to support bats and welcome the introduction of a bat house.

On the basis of this report NRW do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned.

5.2 Neighbour Notification

Letters of objection received from four addresses

This site has been subject to biodiversity devastation, including bats, trees, badgers and harmed the SINC.

There is no original building on site to replace and so there is no policy to support new build in the open countryside.

The original farmhouse was presumably vacated following the construction of the adjacent bungalow. The structure was then left to decay over the subsequent 40+ years and so any historic planning rights would have ceased due to abandonment.

The complete demolition of the remaining structure in 2022 made it physically impossible to comply with the conditions imposed by the 2018 consent, making the consent invalid .

The applicants have failed to comply with planning and environmental constraints.

Misleading information in support of the application.

Failure to refuse this application would set a precedent.

The access track should be removed and the SINC reinstated.

Over-development of the site resulting in additional buildings.

Further comments were more general

That the structural improvements of the building were essential and so this made the collapse understandable.

The focus should now be on improving the housing stock and reinstating the ecology on site.

The proposed building is of good design but is enlarged, a small extension such as the rear corridor to the rear.

A condition or a Section 106 Agreement should be included to restore the SINC.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Louise Brown

I am writing to request that this application DM/2024/00985 is referred to the planning committee for consideration of the national and local planning policy issues raised.

I note that there is also an appeal on the original application DM/2023/01105 in view of the refusal of the application when it was considered by the planning committee last year.

In view of the fact that the outcome of the appeal on the original application DM/2023/01105 is not known, then it would seem appropriate for this application to be considered by the planning committee after that appeal has been determined.

If this application does proceed after the outcome of the appeal decision is known or if the appeal is withdrawn and the time limit for appealing has past but this application is still proceeded with, then I would like the opportunity to comment further.

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 development description states that the proposal is a replacement dwelling. However, it is considered that at the time of writing there is no lawful residential dwelling on the site and therefore it is not possible to consider the replacement of such.

The original farmhouse (residential unit) was replaced by Bushes Bungalow in the 1970's and ceased to be used as a residential dwelling. The residential use was abandoned following the new bungalow being occupied. The old stone farmhouse lay empty for over 40 years and the previous applicant maintained that the former farmhouse had been used for agricultural storage, as per the planning condition applied in 1975. Even before any works had taken place on site in 2022, the building was not habitable and the residential use had been abandoned. Part of the roof was missing, some of the wall had collapsed. In the submitted Design and Access Statement by Hall and Bednarczyk accompanying this current applicant it states that:

"The farmhouse was left vacant for approximately 40 years during which time it fell into a state of disrepair with partial collapse/removal of the walls and roofs, with large sections becoming overgrown with ivy and shrubbery."

The dilapidated former farmhouse, whether demolished or not, had no extant residential use and therefore a new residential dwelling on this site cannot be considered as a replacement.

Policy H5 of the Local Development Plan refers to Replacement Dwellings in the Open Countryside and states that, the replacement of existing dwellings in the countryside will be permitted provided that the original dwelling

- i) is not a traditional farmhouse, cottage or other building that is important to the visual and intrinsic character of the landscape;
- ii) has not been demolished, abandoned or fallen into such a state of disrepair so that it no longer has the appearance of a dwelling.

In this case, had the building not been demolished it would not have complied with Policy H5 as the residential use had been abandoned and the structure was that of a traditional farmhouse that was important to the visual and intrinsic character of the landscape. The proposed development would not meet criterion ii) of LDP Policy H5 as the original building no longer exists and thus, is not a lawful dwelling.

The proposed dwelling which is the subject of this application is considered to be, in policy terms, a new dwelling in the open countryside, and therefore, considered under separate policies and in the same terms as DM/2023/01105.

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, the subject to this application has been re-constructed in the last 12 months following the loss of the previous building. Therefore, the building cannot be considered as a conversion and 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 3.60 of PPW12 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 thus contrary to Policy LC1 of the LDP.

6.2 Sustainability

The LDP and PPW encourage 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 proposed 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 would incorporate a series of measures to increase its thermal performance, which have been facilitated by the new construction. Efficient thermal construction would be incorporated into the build with highly efficient windows, a ground source heat pump together with underfloor heating and 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 would facilitate this.

The highly technical specification of the proposed building is welcomed, but it is not considered to be a sufficient justification for allowing a new dwelling in the open countryside in an unsustainable location.

6.2.1 Good Design and Place Making

Policy DES1 of the LDP requires that the development contributes 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, but it is the principle of a new dwelling that is contrary to policy. Moreover, the proposal

involves significantly increasing the size of the curtilage by over 100%, well beyond that which was approved under the previous rehabilitation/ conversion application 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, would have a harmful impact on the rural character of the area contrary to Policy DES 1.

6.3 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 site is located in the open countryside and currently consists of a partially re-constructed building (quarter built as per planning statement 2.24), that had been substantially demolished, set on a small landform platform accessed along a short track from the lane to the east. The site is set within north to south sloping land with hedging to boundaries, woodland to the west and grassland in fields to north and south of the site which form part of the Bushes Farm SINC. Immediately adjacent to the east of the building are mature trees also within the SINC. Areas of woodland to the west are ancient and semi-natural woodland.

The Council's Landscape Officer has considered the proposals and concludes that additional information would be required to support the application to enable a full response and has provided a holding objection.

The Officer is concerned that there appears to be a lack of consistency regarding the application boundary area in terms of indicated pertinent works related to the proposal. A photomontage visualisation of the proposal within the context of setting and landform would be appropriate as part of a focussed Landscape Visual Assessment (LVA). This would also provide an indication of the relationship of the proposed architectural form and light spill with landform especially on the north elevation but also on the southern elevation. Further information relating to the relationship of levels with regard to the proposed parking area and retained trees is also required. An appropriate remediation, planting and seeding landscape plan and landscape management plan is considered to be required.

The site lies within a sensitive landscape character area. An analysis of the relevant sensitivity appraisals from LANDMAP information indicates that the LCA has been evaluated as:

Visual & Sensory; 88% High and 12% Moderate

Historic Landscape; 23% Outstanding and 77% High

Cultural Landscape; 98% Outstanding and 2% High

The replacement dwelling proposal seeks approval for part retrospective retention of the existing built form at the point of application and proposed completion of works to construct a building of a similar structure to that of an original dwelling as indicated in the planning statement 3.3 and 3.4. The proposal includes new parking, landscaping, reinstatement works and a proposed bat building to the west of the site.

Materials are indicated as being traditional - stone, timber and pantiles with more contemporary materials on the single storey side extension and barn door infill i.e. glass, a green roof and charred timber cladding. From a policy perspective, LDP Policy LC1 - New Built Development in the Open Countryside - highlights that there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies. New built development will only be permitted where all of the criteria a) to d) have been met.

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 concluded that from a landscape perspective, there is insufficient information to ensure compliance with LDP policies LC1 and LC5.

6.4 Biodiversity

6.4.1 The proposed works are limited to the building to form the new dwelling and the immediate area outside the SINC and thus the SINC should not be impacted by the proposal. The Design & access Statement suggests reprofiling of the land to the rear of the proposed dwelling and thus, to mitigate for any damage, if permission is granted conditions are required for an Ecological Management Plan for the SINC and a Construction Environmental Management Plan (CEMP).

6.4.2 As mitigation for the loss of a bat roost, a purpose-built bat house is proposed west of the dwelling. A new section of hedgerow to improve connectivity is also proposed. Other species identified can be protected via the terms of the required CEMP.

6.4.3 The various measures proposed are considered to provide a net benefit for biodiversity and there are no objections from either NRW or MCC's Ecologist to the proposed development.

6.5 Impact on Amenity

There are two properties close to this site. Bushes Bungalow 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 is sufficiently far from these properties and positioned so that it would 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.

6.6 Transport

6.6.1 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, being a long way from any 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 Mynydd-bach/ Shirenewton. There is a bus stop on the main B-road about 1 km from the site and 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.

6.6.2 Active Travel

No active travel solutions have been proposed as part of this application.

6.6.3 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 and accords with Policy MV1 of the LDP.

6.6.4 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.

6.7 Affordable Housing

The applicants have submitted a draft Unilateral Undertaking as part of the application. The proposed undertaking is between the applicants and the council and the first schedule states:

Planning Obligation

The Owners will undertake to the council

Part 1 Contribution

1. The owner covenants with the council to pay the contribution to the council on or before 28 days from the grant of planning permission.

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. In this case the application is seeking a replacement dwelling, if this was the case then no contribution for affordable housing would be required as there would be no net gain in the number of residential units.

If this development was to be allowed as a new dwelling in the open countryside then a financial contribution based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019) would be required.

6.8 Flooding

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

6.9 Drainage

6.9.1 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 SACs. 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.

6.9.2 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.

6.10 Planning Obligations

No obligations are required for a replacement dwelling.

6.11 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.

6.12 Conclusion

There is no lawful residential use on the site and thus, there can be no replacement dwelling, there being no residential dwelling to replace. The old, dilapidated farmhouse was replaced by Bushes Bungalow in the 1970's and ceased to be used as a residential dwelling. Even before the structure was lost in 2022, the residential use had been abandoned and the building was not habitable.

It is a long-established principle in national and local planning policy 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 a newly constructed dwelling 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.

7.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

- 1 The proposed building, by virtue of a lack of an existing lawful residential use on the site, is not considered to be a replacement dwelling. Therefore, the proposals fail to comply with LDP Policy H5. 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 (LDP) and to National Planning Policy and Guidance within Planning Policy Wales and Technical Advice Note 6.