

PLANNING COMMITTEE	DATE: 02/02/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Application Number: C11/1074/24/LL
Date Registered: 12/12/2011
Application Type: Full - Planning
Community: Llanwnda
Ward: Llanwnda

Proposal: ERECTION OF BUND, LEVEL LAND AND SEED, AGRICULTURAL SHED, HARDSTANDING FOR PARKING VEHICLES AND RETENTION OF SHED (PART RETROSPECTIVE APPLICATION)

Location: BRITHDIR, RHOSGADFAN, CAERNARFON, LL547ET

Summary of the Recommendation:

TO APPROVE WITH CONDITIONS.

1. Description:

- 1.1 This is a part retrospective application to retain the existing bund and extend it by erecting a new bund, levelling and seeding the land, retaining a shed for storing logs and erecting a new agricultural shed on a plot of land on the holding of the property known as Brithdir, a stone's throw from Rhosgadfan. The shed will measure 15m long, 12m wide and 5.8m high to the ridge. It will have a single door on the northern gable and two openings with roller shutter doors in the lower sections of those openings to enable machinery to move in and out of the shed on the eastern gable which faces the drive that leads into the site and to the applicant's property. Externally, the building will have a dark green profiled steel roof and the higher sections of the walls will also be of vented dark green profiled steel sheets in order to ventilate the building. The lower sections of the shed will be made of clean concrete blocks, which is a common feature for such buildings. The shed's location will replace the footprint of the shed that was approved in 2005 (see below). The application also includes retaining a small shed made of profiled steel which will be used to store logs for the applicant's personal use. This shed is located on the verge of a coppice located between the proposed agricultural shed and the applicant's property.
- 1.2 The bund enclosing the northern part of the site has already been erected and it is proposed to extend the existing bund towards the proposed agricultural shed along with levelling, seeding and turfing this section of the application site. At present, the site is used as a car park and for storing the applicant's equipment and vehicles along with the vehicles of the employees involved in his business as a masonry contractor. No planning permission has been granted to carry out such a use on this particular site, but this does not necessarily mean that planning regulations have been breached. The Enforcement Unit is investigating the case as a matter that is separate from this application.
- 1.3 The application site and the applicant's property are connected to the nearby third class county road (which links Rhosgadfan and Waunfawr) by an unclassified county road which also serves other dwellings dispersed nearby with a junction to a private drive (which is also a public footpath) that serves the site itself along with the residential property known as Bryn Crin. The site is located approximately 85m outside the development boundary as included in the Gwynedd Unitary Development Plan and to the north-east of the village of Rhosgadfan. Open agricultural land lies to the north of the site and to the east lie the residential dwelling of Bryn Crin and mature trees and agricultural fields. The applicant's property is located to the south along with a coppice and to the west lies open agricultural land which slopes downwards to the third class county road below.

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1.4 The application has been amended three times by the applicant's agent since it was originally submitted, not only to respond to the concerns of the Local Planning Authority and the objections from local residents, but also to reflect the current situation on the site.

1.5 When the original application was submitted, the size of the holding at the time was 2.96ha, however, more recently the applicant has purchased additional land (Cerrig Sais) to the east of Brithdir and the size of the holding has now extended to 6.36ha (15.7 acres). There is no livestock on the land at the moment as the applicant is not prepared to purchase stock until shelter is available for them in the form of a new agricultural shed and this is why the agricultural holding was extended in order to keep and breed sheep. As a result of the Local Planning Authority's concerns regarding the application in its original form, the application was revised in order to reflect these concerns on grounds of:-

- Reducing the shed's surface area from 300m² to 180m²;
- Reducing the height of the shed from 6m to 5.8m
- Changing the design so that it no longer looks like an industrial unit in the countryside;
- Changing the layout of the shed on the site to reduce its impact on the landscape; and
- Removing the hardstanding parking area and changing it to open turfed and seeded land.

1.6 In accordance with the requirements of Technical Advice Note 12 "Design" (June, 2009), an amended Design and Access Statement was submitted to complement the latest amended plans and application form and it refers to the five statutory headings.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY B22 – BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

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POLICY B27 – LANDSCAPING SCHEMES

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY D9 – FARM BUILDINGS AND STRUCTURES

The erection of buildings and structures for agricultural purposes will be approved if they are reasonably necessary for agricultural purposes and if they comply with specific criteria involving the impact of the development on recognised features.

2.3 National Policies:

TAN 6 Planning for Sustainable Rural Communities, (2010)

TAN 12 Design, (June, 2009).

Planning Policy Wales (PPW), Edition 7 (July 2014), Chapter 3, Determining Planning Decisions and Enforcing Them.

3. Relevant Planning History:

- 3.1 C05A/0521/24/LL – storage shed approved in September 2004 and including conditions relating to ensuring that the use of the shed was for the applicant's own storage use only along with restricting the use of the area around the shed to the applicant's vehicles and to not to allow at any time the storage of skips, scrap vehicles, plant, machinery or any other similar equipment.
- 3.2 C01A/0183/24/LL – creation of wildlife pond and parking area approved in June, 2001 including the condition that the hardstanding must be only be used for the applicant's vehicles and not to allow at any time the storage of skips, scrap vehicles, plant, machinery or any other similar equipment.

4. Consultations:

- | | |
|--------------------------|--|
| Community Council: | No response. |
| Transportation Unit: | No objection – the proposal to erect a shed and create a parking area for the existing use is not likely to increase or have any detrimental impact on the local roads network. |
| Natural Resources Wales: | Not a full response due to workload, but did offer standard advice. |
| Public Protection Unit: | No response. |
| Public Consultation: | Notices were posted on site, and neighbours were informed through letters of notification. The consultation period has ended and correspondence was received objecting to the application on grounds of material planning matters: |

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- The proposed unit will have a multi-function use (according to the details submitted with the planning application) including the applicant's agricultural use and business use as a construction and masonry contractor.
- Question whether the building is for agricultural use given its design and construction.
- An explanation is needed of what kind of machinery will be stored within the units and whether such machinery will be heavy duty for the purposes of the applicant's business.
- Question whether the design of the log shed is suitable for this type of purpose as it is not ventilated.
- The proposed agricultural shed is located on raised land and no structural surveys have been submitted with the application to show that the land is suitable for construction.
- The applicant has erected another shed on the site without receiving prior consent (i.e. the log shed that is not part of this application).
- The access to the site is narrow and very close to the objectors' house. Transport will have a detrimental impact on the amenities of the objectors on grounds of noise, danger to children and disturbance.
- Can the nearby road network accommodate more transport?
- The application refers to seven parking spaces - why are parking spaces needed for an agricultural shed?
- Risk that the public footpaths will be obstructed.
- Loss of privacy should this application be approved.

Correspondence was also received providing observations on the application that were not considered material planning matters:

- If this application is approved, will the agricultural use disappear from it?
- A business use has been operated from the application site since 2001 (on a small scale involving one lorry) however the scale of the masonry contracting business has significantly expanded between 2009 and now.
- The surface of the drive has been damaged over the years by the combined movements of the applicant's business and personal vehicles and the access to the Bryn Crin residential property has also been damaged.

It must be noted that this is an application for an agricultural building (along with retention of existing shed and erection of bund) and that the application needs to be assessed in this context. Should there be any concerns that the development (if approved) is not being carried out in accordance with the permission, it will be possible for the Enforcement Unit to investigate the matter at that time.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of erecting farm buildings and structures has been established in Policy D9 of the GUDP which states that such applications will be approved provided they comply with guidelines relating to the proximity of sites to existing structures, that such developments will not impact on listed buildings, that such developments will not harm biodiversity and that such developments are essential for agricultural purposes.
- 5.2 The proposed agricultural shed is located on a section of land that has been raised and levelled over the years and is located to the north of an established coppice owned by the applicant. The size, design and layout of the agricultural shed have been amended since it was originally submitted. It would measure 5.8m high to the ridge, and 15m long which is a size that resembles similar modern agricultural buildings. On average, the height of such agricultural buildings for livestock shelters and storing machinery and hay is 5.8m with the minimum being 4m and the maximum being 7.5m. These figures were taken from examples of recent permissions that have been granted for agricultural structures in this part of the County.
- 5.3 Based on its design, location, size and scale, it is believed that the building that is the subject of this application is one that can be considered reasonably necessary for meeting the agricultural needs of a holding of this size. The applicant has confirmed to officers that a building of this type is needed for the agricultural needs of this 15.7 acre holding, and no evidence has been submitted to the contrary. An agricultural building of this size is relatively common on small holdings, and therefore, based on the above, it is believed that the proposal complies with the requirements of Policy D9 of the GUDP. The advice contained in Planning Policy Wales, Seventh Edition (July, 2014), Chapter 3 states that imposing “conditions on a planning permission can enable many development proposals to proceed where it would otherwise be necessary to refuse planning permission. Making appropriate use of conditions can improve the quality of a development and gain the public’s confidence in the conclusions of the planning system.” In this context and in order to avoid any doubts regarding the use of the agricultural shed, it is considered reasonable to ensure that a condition is imposed to restrict the shed’s use to agricultural use only.
- 5.4 Policy B22 of the GUDP states that proposals for new buildings will be refused unless the Local Planning Authority can be satisfied that they comply with a series of criteria, including that any proposal respects the site and its surroundings in terms of size, scale, form, density, location, materials and aspect; that it does not have a detrimental impact on the form and character of the surrounding landscape or on the local natural or historic environment and that it does not have a detrimental impact on prominent views. Policy B23 states that proposals will be refused if they have a detrimental effect on the amenities of the local neighbourhood. Given the relevant policies noted here and the above assessment, it is believed that this part retrospective application is acceptable in principle.

Visual amenities

- 5.5 The site is located outside the development boundary of Rhosgadfan as contained within the GUDP in a rural area where a number of various structures are dispersed in the landscape including agricultural holdings and residential dwellings. The proposed agricultural shed would be located adjacent to an established coppice which screens it

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from the south and creates a backdrop for it from the north. Land to the east of the site is open agricultural land and is located above the application site. Although there is an open aspect to the site from the west, the shed would be located some distance away from the third class road below which assists in reducing the impact of the building on the landscape. Given the size, design, materials and location of the proposed shed, it is believed that it would not create an incompatible or unacceptable feature in the landscape.

- 5.6 It is believed the extension to the existing bund will not create an incompatible feature in the landscape as bunds are integral features in the rural landscape. It is believed that retaining the profiled steel shed for storing logs will not have an unacceptable impact on the visual amenities of the area, due to its size and hidden location on the verge of the coppice located to the north-west of the applicant's property. Given the above, it is believed that the different elements contained in the planning application will not combine to have an unacceptable impact or a significant impact on the visual amenities of this part of the landscape, and therefore, it is believed that the application complies with the requirements of policies B22, B23, B25, B27 and D9 of the GUDP.

General and residential amenities

- 5.7 As referred to in the above report, there are residential dwellings located near the application site and these dwellings include Bryn Crin which is located 45m to the north-east of the site along with Ty'n Llwyn (a grade II listed building) which is located 123m to the north-west of the site. Concerns relating to this application were submitted by the occupiers of both of these dwellings on grounds of loss of privacy and noise disturbance from transport using the local roads network to reach the site. In the context of the former concern, it is assumed that transport related to the applicant's business as a masonry contractor is the source of this noise disturbance and it is considered that this objection is a matter that is separate from the content of the planning application in question. To this end, it is not anticipated that there would be a significant increase in the traffic flow serving the proposed agricultural shed or in the movements that can be typically expected for the existing agricultural holding in Brithdir.
- 5.8 Although objections have been received on grounds of loss of privacy for the occupants of Bryn Crin, should the application be approved, it is believed that the location and layout (i.e. based on distance and the presence of mature trees) of the agricultural shed in relation to Bryn Crin itself will mean that any current overlooking into this particular property will not be intensified. The activities carried out inside and around the proposed shed will be agricultural activities, and such a situation is not likely to create substantial overlooking or loss of privacy (if at all) for the occupants of Bryn Crin. To this end it is believed that the application is acceptable and complies with the requirements of Policy B23 of the GUDP in terms of noise disturbance and loss of privacy for the occupants of nearby dwellings.

Transport and Access Matters

- 5.9 The objectors have raised concerns regarding the suitability of the local roads network in accommodating an increase in the level of traffic linked to this application. As referred to above, it is not believed that approving this application would lead to a significant increase in the level of traffic serving the agricultural holding and this observation has been reiterated by the Transportation Unit as it has confirmed that the proposal of erecting an agricultural shed is not likely to increase or

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have any detrimental impact on the local road network and will not have a detrimental impact on any road or proposed road. To this end it is believed that the proposal is acceptable based on the requirements of Policy CH33 of the GUDP.

Response to the public consultation

5.10 As referred to above, objections were received regarding this proposal for different reasons including observations that are not material to planning. It is believed that the objections have received full consideration in the above assessment and there is no matter that outweighs the policy considerations and the relevant advice noted.

5.11 It must be noted that this is an application for an agricultural building (along with retention of existing shed and erection of bund) and that the application needs to be assessed in this context. Should there be any concerns that the development (if approved) is not being carried out in accordance with the permission, it will be possible for the Enforcement Unit to investigate the matter at that time.

6. Conclusions:

6.1 Having considered the abovementioned assessment, it is believed that the proposal as submitted is acceptable on grounds of location, use, design, materials, visual amenities, residential amenities and road safety and it complies with relevant local and national planning policies and guidance.

7. Recommendation:

7.1 To approve - conditions:-

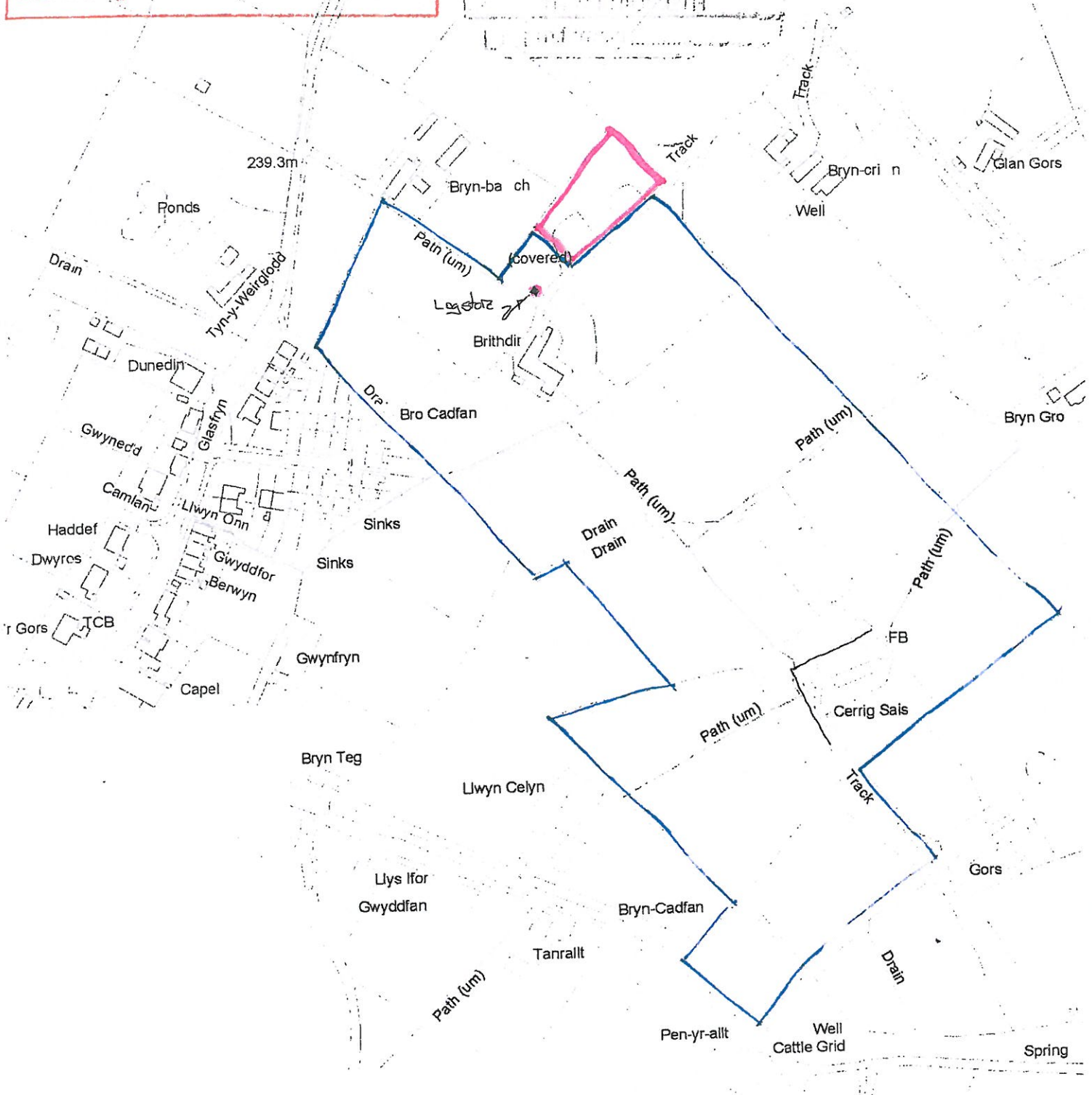
1. In accordance with the amended plans.
2. Restrict the use of the shed to agricultural use only.
3. Cladding to be of a dark green colour.
4. Complete the bund.
5. Restrict the use of open spaces opposite the shed.
6. Landscaping
7. Submit a sample of the vented cladding to be agreed with the Local Planning Authority.

**CYNLLUN DIWYGIEDIG
REVISED PLAN**

Derbyniwyd/Received 29.07.14

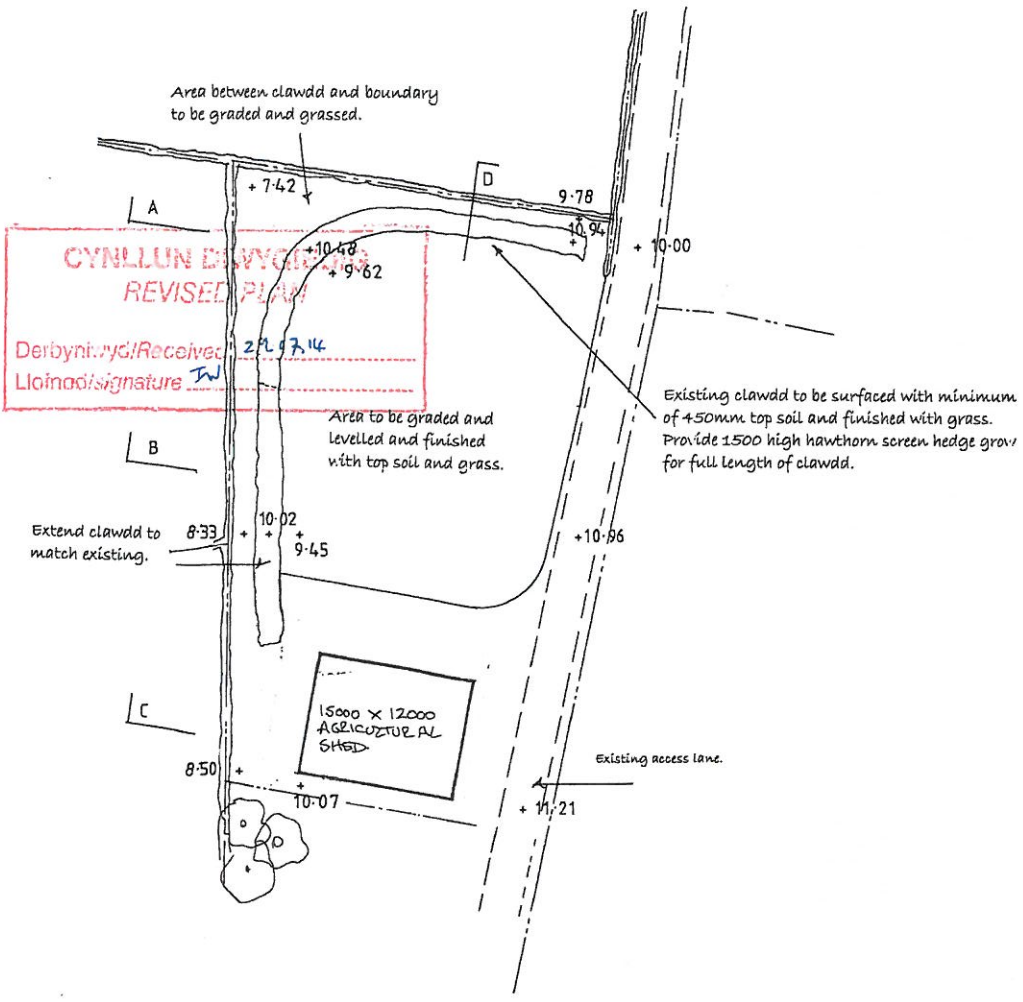
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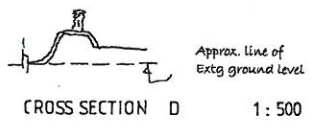
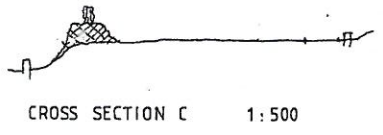
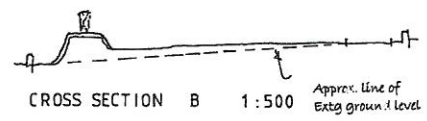
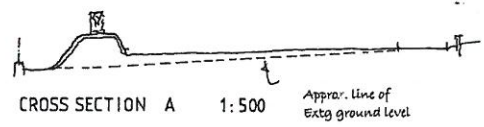


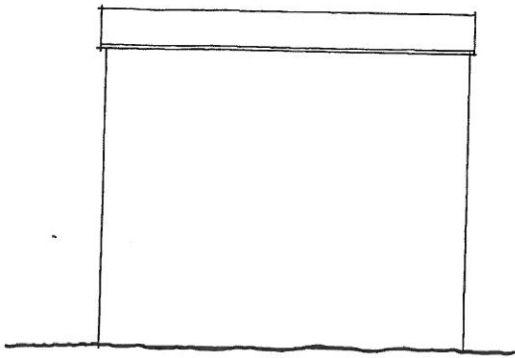
LOCATION PLAN
1:2500

CYNGOR GWYBODAETHYD
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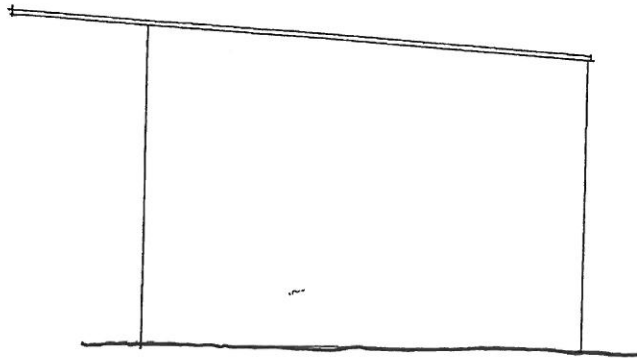


SITE PLAN 1:500

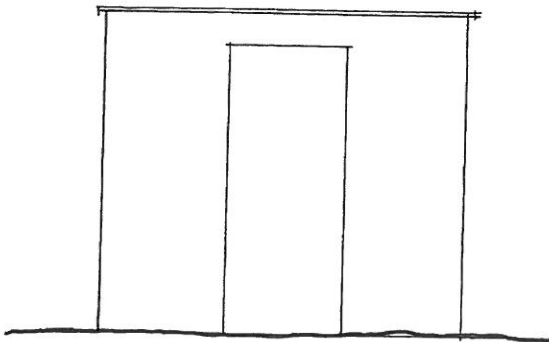




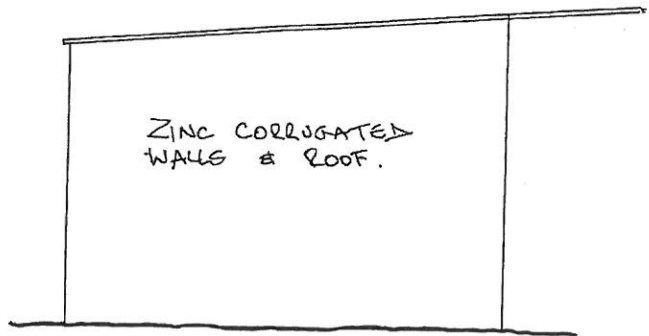
REAR



SIDE

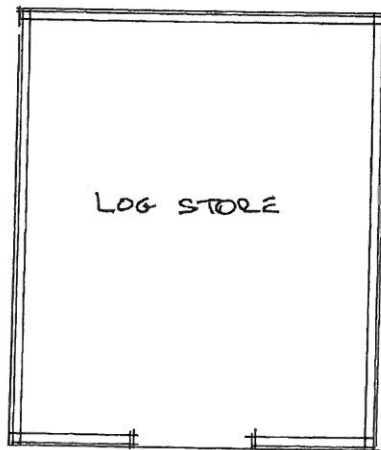


FRONT



ZINC CORRUGATED
WALLS & ROOF.

SIDE



PLAN

CYNOOR ABYNSDD
CYNOOR ABYNSDD
29 GOR 2014
LAFTR...
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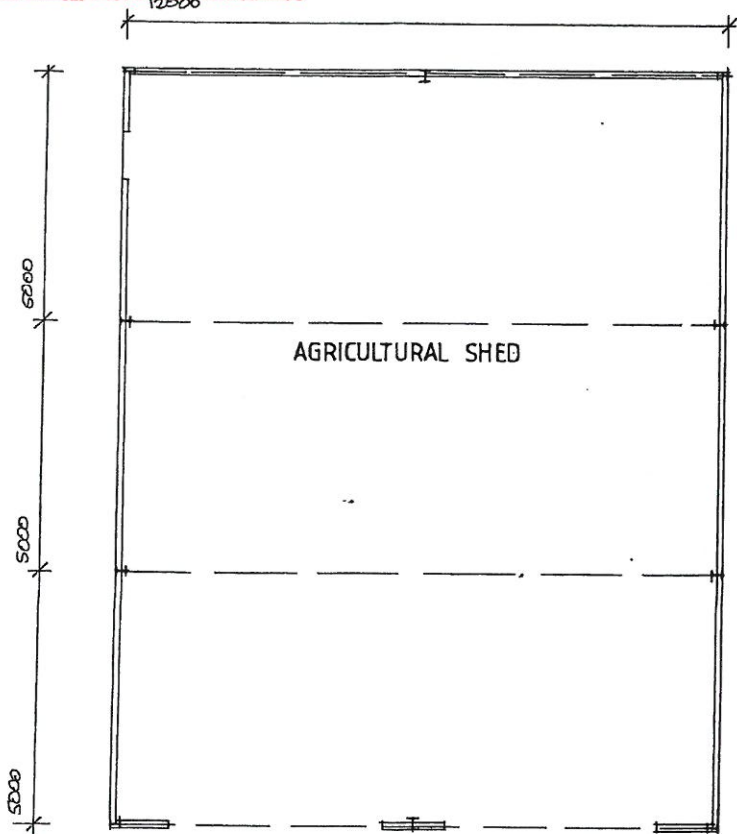
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FINISHES:

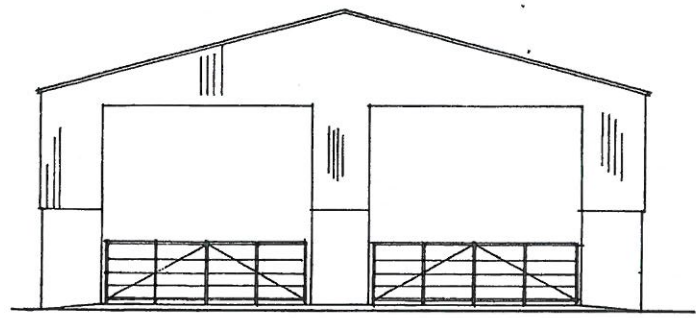
- Roof. Profiled plastisol steel sheeting, Colour - Green
- Walls. Profiled plastisol perforated steel sheeting, Colour - Green with fairfaced blockwork up to 2100 above floor level.
- Roofline 150hr pvc gutters with 100mm diam. RW pipes.

CYNLLUN DIWYGIEDIG
REVISED PLAN

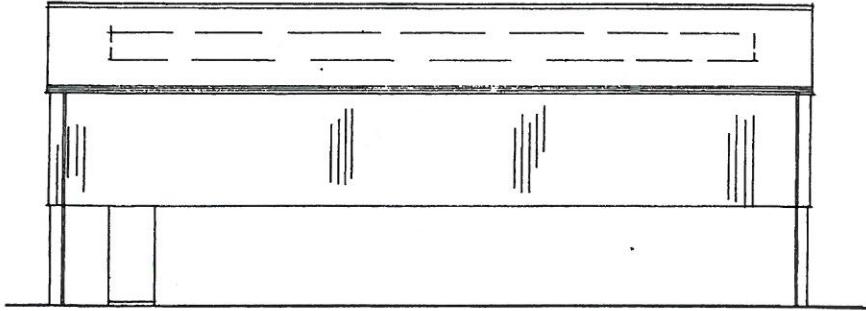
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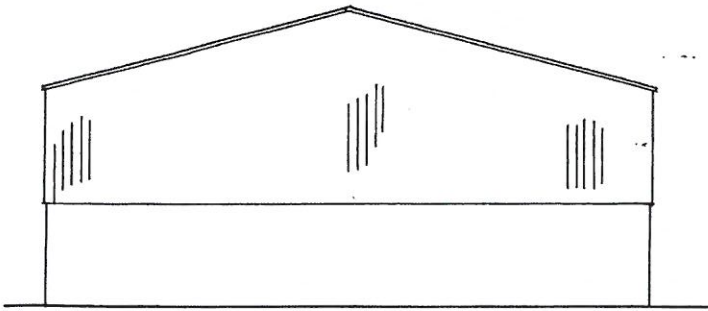
PLAN 1:100



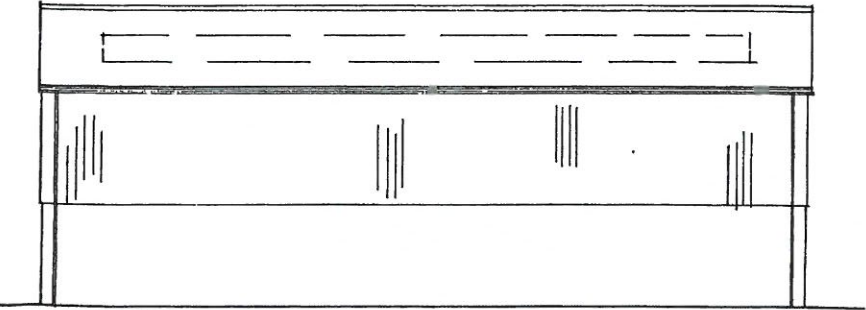
SOUTH EAST



NORTH EAST



NORTH WEST



SOUTH WEST

1:100