

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	FRONDEG, PWLLHELI

Number: 9

Application Number: C17/0144/23/LL

Date Registered: 21/02/2017

Application Type: Full - Planning

Community: Llanrug

Ward: Cwm-y-Glo

Proposal: Erection of agricultural shed

Location: Land behind 1 Tai Trefor, Ceunant, Llanrug, Caernarfon, Gwynedd, LL554RS

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

- 1.1 This is a full application to erect an agricultural building to store equipment and machinery, feed, hay and grass. The shed will measure 5.3m to the ridge, 10m at its widest, and 20m at its longest, and would provide a floor surface area of approximately 200msq. The proposed building will be finished in a combination of concrete walls and Yorkshire boards, the roof will be box profile sheets.
- 1.2 At present, the agricultural unit does not have any agricultural buildings. This becomes clear from visiting the application site as a range of agricultural machinery is stored on site. The agent has confirmed that the applicant farms approximately 31 hectares of land under various tenancies. The application site is owned by the applicant and forms part of a small enclosed field / tract of land of approximately 0.2 hectares. Access to the site is from a private access track.
- 1.3 To the west of the site is a terrace of houses, Tai Trefor. The applicant lives at number 1. The shed will stand a little over 65 metres away from the rear of the houses. The gardens are typical for terraced houses, being long and narrow, and the bottom of the gardens will be approximately 30m away from the shed. To the east of the shed is a residential house, Llety Llwyd, which is approximately 85m away.

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 made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.
- 2.3 **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 protecting 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 safeguarding the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

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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.

Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)

POLICY PCYFF 1: DEVELOPMENT CRITERIA

POLICY PCYFF 2: DESIGN AND PLACE SHAPING

POLICY PCYFF 3: DESIGN AND LANDSCAPING

POLICY CYF 5: RE-USE AND ADAPT RURAL BUILDINGS OR A RESIDENTIAL UNIT FOR BUSINESS USE OR CONSTRUCT NEW UNITS FOR BUSINESS/INDUSTRY

2.4 National Policies

Planning Policy Wales Edition 9 2016

TAN 6: Planning for sustainable rural communities

TAN 12: Design

3. Relevant Planning History:

None

4. Consultations:

Community/Town Council: Not received.

Biodiversity: No objection received or observations submitted about the application.

Water and Environment Unit: Not received.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and several items of correspondence were received objecting on the following grounds:

- Additional surface water on land that is already wet.
- The shed is too large for the location.
- Exact location of the shed unclear on the plans.
- Out of character with the existing terrace.
- Detrimental impact on living conditions.
- Concern that livestock will be housed in the shed.
- The land is unsuitable for keeping livestock all year round.
- Need to protect the watercourse.
- Concern about slurry and the impact on the cleanliness of the watercourse.

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- The impact of the use will increase.
- Additional use of the access track by agricultural machinery will worsen the condition of the track.
- Current use of the site negatively impacts living conditions as it is.

As well as the objections above, objections were received that were not material planning objections and these included:

- the impact the shed would have on property value and the ability to sell houses.
- A location behind the applicant's house would be more acceptable.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy D9 of the GUDP supports proposals to erect buildings and structures for agricultural purposes if they are reasonably necessary for agricultural purposes and if they comply with all the criteria within the policy.
- 5.2 Usually, such agricultural sheds do not need planning permission as they are allowed through permitted development rights. This proposal only requires full planning permission because the shed is being erected on a piece of land that is smaller than one hectare. In order to justify the development, a statement was received along with the application explaining the situation and the unit's requirements. Seeing the equipment and machinery on site and considering the size of the holding in its entirety (31 hectares), the size of the shed is considered to be reasonable and reasonably necessary for the unit.
- 5.3 The first criterion involves locating the building close to other agricultural buildings. In the case of the current application, the agricultural unit does not have any existing farm buildings. Criterion 1 is, therefore, not considered to be entirely relevant to this particular proposal. Nevertheless, the aim of the criterion is to reduce the visual impact of agricultural developments which are often in prominent locations in rural countryside. The land is surrounded by trees and natural vegetation on three sides, and a row of terraced houses stand to the north west, which also mitigate the visual impact. In terms of this application, the site is not in a prominent location in the wider landscape; this type of building is also considered to be a common feature of this type of rural area.
- 5.4 The third criterion involves the protection of biodiversity. Observations were received from the biodiversity unit stating that they had no objections or observations with regard to the proposal. Therefore, in principle, it is considered that locating an agricultural shed in this location is acceptable in terms of criteria one and three of Policy D9. The second criterion which involves safeguarding a protected building will receive further consideration later on in the report.
- 5.5 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.

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- 5.6 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:

"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ..."

- 5.7 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report.

- 5.8 Paragraph 2.14.1 of Planning Policy Wales states:
"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

- 5.9 No equivalent policy exists in the Joint Local Development Plan for Gwynedd and Anglesey (Composite Version including Matters Arising Changes); but policies PCYFF 1 and CYF 5 assess the suitability of developments and the construction of new buildings for business use. With regard to criteria 1 and 2, these ensure that the scale and nature of the development are acceptable given the location and size of the building in question; also that the development does not lead to use that would conflict with other nearby uses. It is considered that they refer to the same principles as policy D9 of the Unitary Development Plan and, as such, the recommendation in this report is considered to be consistent with the emergent policy.

Residential and visual amenities

- 5.10 Policies B22, B23 and B25 are considerations for this aspect of the application. The policies relate to design and materials and the safeguarding of residential amenities and the amenities of the area. Criterion 2 of policy D9 is also relevant. The objections received mainly refer to the site's existing use, the size and location of the shed in relation to nearby property, and the impact this usage will have on the condition of the private road leading to the site as well as the rear of the nearby terrace of houses.
- 5.11 The shed is of a simple design and typical for an agricultural shed. The proposed building will be finished in a combination of concrete walls and Yorkshire boards, the roof will be of box profile sheets, the colour of which is yet to be agreed. These materials are relatively standard for this type of development and are unlikely to have a substantial effect on the visual amenities of the area. This type of building is also a common feature of rural areas. Thus, it is not considered that the shed would stand out prominently in the wider landscape.
- 5.12 Nevertheless, the shed would be entirely visible from the rear of the nearby houses and the gardens, but because the gable end of the shed would face the houses, and because of the distance between them, the impact is not deemed to be oppressive or substantially detrimental to the residential amenities.
- 5.13 It must be realised that the land is already being used as an agricultural unit and no planning permission is required for that. It must be acknowledged that agricultural

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activities are likely to generate impacts but this impact already exists whether a shed exists on the site or not. During a site visit, it was clear that the unit did not have a suitable place to store machinery and equipment and this, in itself, creates a negative visual impact. It is considered that allowing a suitable storage shed to be constructed on the site would be a means of improving the site by keeping the equipment inside the shed. It is not considered that the shed would increase the impact on nearby residents as the shed would not lead to an increase in agricultural use of the site. The shed responds to existing use and needs.

- 5.14 Concerns about the housing of livestock in the shed are acknowledged, but this proposal is for a shed to store equipment, machinery and feed only. Nevertheless, because of the proximity to residential houses, it is considered appropriate to ensure that the shed not be used to house livestock or to store manure and slurry, through imposing relevant planning conditions. The proposal has also raised concerns about the cleanliness of the watercourse and the regulations related to the keeping of slurry. This application is for the construction of a storage shed only and, therefore, it is not considered that this development would directly impact these matters given the proposed conditions. It is, therefore, considered that the proposal is in accordance with policies B22, B23 and B25 and D9 of the GUDP.

6. Conclusions:

- 6.1 Considering the above and having considered all the relevant matters including local and national policies and guidelines, and the observations received including letters of objection, it is not believed that the proposal is unacceptable or contrary to the requirements of the policies noted above. Therefore, based on the above, it is believed that the proposal is acceptable.

7. Recommendation:

- 7.1 Approve - reasons
1. Time
 2. In accordance with the plans
 3. Materials / finishes
 4. Agricultural storage use only.
 5. No storing of manure or slurry within the building.