

PLANNING COMMITTEE	DATE: 22/05/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C23/0212/30/LL

Date Registered: 20/03/2023

Application Type: Full

Community: Aberdaron

Ward: Aberdaron

Proposal: Construction of a new building to be used as agricultural storage together with associated landscaping work (resubmission)

Location: Pant Valley, Rhydlios, Pwllheli, Gwynedd, LL53 8LR

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is an application to erect a shed as agricultural storage on a rural site within the holding of the property known as Pant Valley, Rhydlios. The plans show a building measuring 22.86m x 13.74m giving a total internal floor area of 314 m² and 5.8m in height to the ridge. The upper sections of the walls will be covered with dark grey coloured profile metal cladding with a concrete wall on the bottom and a roof of grey coloured corrugated sheeting. The application is a resubmission of a previously refused full application, and the size, form and appearance of the proposed shed is in accordance with the details previously refused.
- 1.2 The site is located in a rural location and far from any existing development boundary. The nearest section of the shed would be located approximately 35m east of residential property, Pant Valley within a section of existing green land. It is a two-storey detached property with a drive leading to it from the nearest public road to the north. It has an extensive surrounding curtilage with what appears to be a detached garage to the side, a static caravan on nearby land together with an existing shed behind the property. Other detached dwellings are scattered within the local area with the nearest property approximately 60m away to the east. There is a *clawdd*/hedge directly behind where the building would be erected with individual trees dispersed along the boundary as well as on the nearby boundaries. The building would be located approximately 100m away from the public road to the north that is a class 3 public highway, while an unclassified road abuts the eastern boundary of the land. Public footpath number 68 Aberdaron runs past the back of the nearby property and through a field behind the application site. The site and the wider area is located within the designations of the Western Llŷn Special Landscape Area and the Llŷn and Bardsey Landscape of Outstanding Historic Interest by CADW.
- 1.3 For information, the previous application was submitted under an agricultural arrangement consideration, and at the time it was noted that there was no justification to approve because of the need for a full planning application. This building measured 18.3m x 13.8m with a total floor area of approximately 252m² that would have been smaller in size than the current proposal and the proposal previously refused.
- 1.4 The previous application was refused due to the lack of information and justification for the proposed development. At the time it was noted that no business plan had been submitted. It is not usual to ask for a business plan with agricultural applications where the agricultural holding is established, however in this case, the applicant does not operate the agricultural holding and therefore, it is believed that it is a totally reasonable request for such information to find out how the enterprise would be likely to operate in the future. As part of the current application, the agent has submitted a statement to support and justify the proposal. It notes the following main points:
- The agricultural holding has been in the family for at least four generations, and the family can trace its history back to the 19th century. Therefore, the farming tradition is in the applicant's blood, and he is keen to carry on and continue to farm the family smallholding. The applicant is a young, local lad who is eager to start farming. We therefore consider that the Council should do everything it can to support and promote an enterprise such as this in the countryside to promote the local economy and for it to thrive, and to retain young people in the area.
 - The intention is to buy a flock of sheep to start off, to breed and sell lambs to the local meat market. It is therefore essential to have a building on the premises for this purpose before any arrangements can be made to have any sheep on the site.
 - The property is traditional for the type of such smallholdings in Pen Llŷn measuring over 6 acres, with an additional 4 acres in nearby premises. In the past, the land was

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rented out to another local farmer, but now this tenancy has ended, and the applicant is keen to take on the work of farming the land.

- Smallholding farming of this type is an old tradition in the area, where farming land is part of the resident's day-to-day work, together with another job to supplement wages. To this end, as submitted in response to the questions asked with the previous application, such a building is essential to enable the activity to carry on expediently.
- The applicant has now decided to farm the land himself and before purchasing stock, he has to ensure that appropriate resources exist to keep stock, feed etc. from harsh weather and to ensure safe storage for machinery such as a tractor, trailer etc.
- The applicant does not live on site but intends to move there when the repair work on the property of Pant Valley has been completed and therefore it is essential that the building is erected for welfare and safety.
- It is proposed to create an access road and hard standing by extending the existing access road at the back of the property along the line of the hedge towards the shed.
- The scale and size of the building has been planned in accordance with the existing guidance and is a building of the best possible economic type for the size of agricultural machinery and keeping stock and feed.
- The soil excavated on the site will be used to create a 'clawdd' and for landscaping. The site is within a Special Landscape Area with open vistas to the north and the public highway - this is one of the reasons why it is proposed to erect the shed at this location as it is lower than the house and not as visible from the road.
- Nearby buildings are substantial and are on higher ground without much landscaping which makes them visible, this is not what is intended in this case.
- The justification for the need for an agricultural building on the site is very obvious as it is located on established agricultural land, and the use of this land goes back decades, if not centuries. It is a fact that there is a need for a new building now to correspond with modern methods of farming, and the size of the building required is likely to be the same, if it is a building for 5 acres or 100 acres of land.
- The scale and plan have been controlled by the size and structure of modern agricultural machinery, animal welfare acts and the convenience of day-to-day working. This means that the size of any building for farming will be more than the initial size. The proposal is to house sheep in the structure on dry straw beds. No slurry will be produced, and the dry manure will be used as land fertilizer, following the latest legislation, directions, and requirements. There will be no risk of foul drainage into a watercourse with the proposal as submitted, and indeed there was no objection to the previous application from Natural Resources Wales, or any other agency.
- There is a previous precedent as several buildings of this sort have been erected locally without having to justify the proposal to the same extent. It is considered that the proposal will not cause any additional impact on the area's visual amenities.

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1.5 The application is submitted to the Planning Committee for a decision at the Local Member's request.

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 Local Development Plan.

2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. 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 reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026 31 July 2017: -

TRA 4: Managing transport impacts

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

CYF 6 - Re-use and adapt rural buildings or a residential unit for business use or construct new units for business/industry.

AMG 2: Special landscape areas

AT 1: Conservation areas, world heritage sites and registered historic landscapes, parks and gardens.

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Notes (TAN) 6: Planning for Sustainable Rural Communities.

TAN 12: Design

3. Relevant Planning History:

3.1 Application C22/0999/30/LL - Agricultural Storage - refused 21/12/22 on the grounds of the detrimental impact on visual amenities and the lack of justification for the store.

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Application C22/0133/30YA - Notice of Intent of an agricultural development to erect a feed store and agricultural machinery store - it was determined that a full planning application needed to be submitted for the proposed development as there is no right to erect new agricultural structures under Class B of Part 6, Schedule 2 Town and Country Planning Order (Permitted General Development) 1995 (as amended) - issued 14/03/22.

4. Consultations:

Community/Town Council: No objection

Welsh Water: Standard conditions and advice

Rights of Way Unit: It does not appear that there are any Rights of Way recorded that will be affected by this proposal.

Land Drainage Unit: Standard advice and response in relation to sustainable drainage requirements.

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

- The size of the shed is unacceptable/does not correspond to the size of the proposal
- Lack of justification
- Concern about the actual use of the shed/noise/disruption
- No change from what was previously refused
- There is an existing shed on the site that should be adapted to be more sustainable
- Unacceptable visual impact
- Detrimental effect on residential amenities of local residents
- Sheep currently graze the land without the need for a shed
- Lack of information/misleading plans - there is a reference to an access road and hard standing, however they are not shown on a plan.

In addition to the abovementioned objections, an objection was submitted that was not a material planning objection:

- Loss/Impact on views
-

Correspondence was received supporting the proposal on the following grounds:

- The applicant is keen to farm the holding, however this would not be possible without firstly erecting a shelter for stock and storage for feed and goods.
- The site is not within the AONB, and it is considered that the building will not create an incompatible structure in the landscape.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The adopted Development Plan includes the Anglesey and Gwynedd Joint Local Development Plan, 2017 (LDP) while national planning policy is included in Planning Policy Wales and associated documents, namely Technical Advice Notes.
- 5.2 Policy PCYFF 1 of the LDP encourages the refusal of applications outside development boundaries unless the location in the countryside is essential. The requirements of the Town and Country Planning Order (Permitted General Development) 1995 (as amended) Schedule 2 Section 6 Class B notes that an agricultural building may be erected where the development is reasonably necessary for agricultural purposes within the unit, and the same principles apply to justify agricultural developments that require planning permission as in this case (these requirements are supported within TAN 6: Planning for Sustainable Rural Communities). There is doubt if the agricultural holding is sufficient to justify a building of this size as no sufficient

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information was received including any type of business plan regarding the land in the ownership of the applicant or any details regarding the stock levels and nature of the management system that would justify the need for a building of the size proposed. The information received is superficial and general and lacks any detail about the site's procedures and the proposed agricultural business.

- 5.3 Officers have consistently suggested that a business plan should be submitted for the proposal considering the substantial costs associated with the proposal that according to the information submitted, is not currently in operation. As in every case when establishing a new business, it is expected that consideration and detailed assessment has been undertaken to consider the viability of any new plan to ensure that the applicants receive the income anticipated from what is thought to be a significant investment. Therefore, in this case, a detailed business plan was requested that would show the robustness of the proposed plan. This would be a means for the Council to assess whether the proposal has a realistic hope of being viable, that the proposal is not speculative, and will assist to ensure that there is no gap to allow building new buildings in the countryside that would then change into another use if it is shown not to be viable as agricultural use.
- 5.4 Notwithstanding the historical use of the land, and there is no doubt regarding this (it is believed that the tenant currently grazes sheep on the land), the information submitted does not suggest that the applicant himself has direct experience of operating an agricultural business and therefore although not trying to prevent anyone who is eager to commence in this sector, it is totally reasonable to request information to prove the need especially bearing in mind the significant investment required. In the information submitted with the application it is noted "*The applicant does not live on site but intends to move there when the repair work on the property of Pant Valley has been completed*". Looking at the pages of a holiday lettings company on the internet, the property is marketed as a 3-bedroom holiday unit for 6 persons and is available for the rest of the year. There is some doubt regarding this statement and therefore the actual future operational arrangements of the site.
- 5.5 It is not the intention of the Local Planning Authority to frustrate or prevent the wishes of individuals to undertake future agricultural activity, however, we cannot justify the construction of a substantially sized building as proposed here on the grounds of a wish to implement agricultural use sometime in the future. A proposal such as the one here should be justified on the grounds of current specific need or certainly based on specific evidence to justify such a proposal. Based on the information submitted with the application and given the size of the proposed building and the size of the holding shown, the Local Planning Authority is not convinced that the proposed shed in this location is essential or a necessary reasonable development for agricultural purposes. It is also noted that this concern has been expressed by third parties following the statutory consultation process. Therefore, to this end, this latest proposal continues to be unacceptable in terms of the principles of Policies PCYFF 1 and PCYFF 2 of the LDP as the proposal does not comply with all the policies of the Plan itself.

Visual amenities

- 5.6 Policies PCYFF 1, PCYFF 2 and PCYFF 3 of the LDP are considerations for this aspect of the application. It is seen that this would be a substantial and bulky building in size and scale and of an industrial nature, with a dark grey finish situated in a prominent place, isolated near a road and public footpath within an attractive rural landscape (despite the screening scheme submitted as part of the application). The most prominent reasoning of Policy PCYFF 1 is to prevent inappropriate developments being in open countryside. The whole purpose of this reasoning is to protect the countryside from unnecessary developments that would threaten or damage the special

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features of rural areas. It is not believed that approving an isolated development in this location would respect the context of the site and its place in the local landscape and, as a result, the development would be harmful to the visual amenities of the area and, therefore, it would be contrary to policy PCYFF 1 and therefore, policies PCYFF 2 and PCYFF 3 of the LDP as well as the advice in document TAN 6: Planning for sustainable rural communities and TAN 12: Design.

- 5.7 As has already been noted in the above assessment, the site and the wider area is located within the Western Llŷn Special Landscape Area and to this end, the relevant local planning policy is Policy AMG 2 of the LDP. This policy requires when considering proposal within such areas that appropriate consideration should be given to the scale and nature of the development, ensuring that it will not have a substantial detrimental impact on the landscape. To this end, it is considered that the location, setting, scale and size of the building would have a significant impact on the landscape at the expense of visual amenities especially when substantial agricultural buildings are already located in the application site's catchment area. It is also noted that concern regarding the visual impact of the proposed development has been expressed by third parties following the statutory consultation process. It is, therefore, believed that the proposal is contrary to the requirements of Policy AMG 2 of the LDP.
- 5.8 Although the site is located within the Llŷn and Bardsey Island Landscape of Outstanding Historical Interest, it is not considered that the proposal, on its own, would not have a significant impact on the general character or the integrity of this designation and therefore it is considered acceptable on the grounds of the requirements of Policy AT 1 of the LDP.

General and residential amenities

- 5.9 Residential dwellings are located within the catchment area of the application site including Glanrafon and Caerhos (approximately 190 to 200m to the south), Bryn Ffynnon Caravan Park and Bryn Ffynnon (approximately 120m to the north) and Rhyd Merin (approximately 250m to the west). Although concerns have been voiced by residents regarding the impact of the proposal on residential amenities, it is noted that agricultural activities and dispersed holdings already exist in the vicinity of the site and bearing in mind that this proposal is for an agricultural shed, it is not believed that it would detrimentally affect the residential or general amenities of occupants or holders of nearby property based on noise disturbance and creation of an oppressive structure. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF 2 of the LDP regarding safeguarding residential amenities.

Transport and access matters

- 5.10 The Transportation unit was not consulted in this case due to the distance of the site from the public road. It is therefore considered that the proposal may be acceptable under the material requirements of Policy TRA 4 of the LDP in relation to its impact on the local roads network.

Response to the public consultation

- 5.11 Concern was highlighted by some residents regarding the proposal and there was also support for the proposal. Although there was a consistent claim made about possible activity in the future and the nature of the applicant's current work, consideration was given to the application as submitted. Based on the above information as submitted, and more significantly, the lack of essential information, the application is not considered acceptable on the grounds of its lack of compliance with the requirements of relevant policies including Policy PCYFF 2 of the LDP that

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states that proposals must demonstrate that they comply with all the relevant policies in the Plan itself. Full consideration has been given to all the material observations received in favour and against this latest proposal.

6. Conclusions:

- 6.1 The Local Planning Authority is not wholly convinced that a real need for a new agricultural shed at this site has been proven and therefore the proposal is contrary to the fundamental agricultural development principle and policies PCYFF 1 and PCYFF 2 of the LDP specifically as there is no sufficient justification within a rural location for the proposed development. In addition, due to its size, finish and isolated location, the building would form an incompatible feature in the landscape by harming visual amenities contrary to the relevant criteria of policies, PCYFF2 and PCYFF 3 of the LDP. Having considered the above and all the relevant planning matters including local and national policies and guidance, as well as the observations received, it is believed that this proposal continues to be unacceptable in the form submitted, as it fails to satisfy the requirements of the relevant policies and local and national guidance as noted above.

7. Recommendation:

7.1 To refuse – reasons

1. Based on the information submitted, the Local Planning Authority is not wholly convinced that there is a real need to erect an agricultural building of the size and scale proposed at this location that has not been proven beyond doubt. Therefore, the application is contrary to the requirements of policies PCYFF 1 and PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan 2017 which encourages the refusal of proposals outside development boundaries unless there is justification to show that the location in the countryside is essential and does not comply with other policies within the Plan itself.
2. The scale of the proposal would mean erecting a building of substantial size, situated in a prominent, isolated site, near a road and public footpath and within a Special Landscape Area. This development would not respect the context of the site and its place in the local landscape and, as a result, the development would be harmful to the area's visual amenities. Therefore, the application is contrary to the criteria of policies PCYFF 2, PCYFF 3 and AMG 2 of the Anglesey and Gwynedd Joint Local Development Plan, 2017 together with the advice included within the Technical Advice Note 6: Planning for Sustainable Rural Communities and Technical Advice Note 12: Design which deals with protecting local visual amenities and the environment.