

PLANNING COMMITTEE	DATE: 13/02/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Number: 1

Application Number: C16/1250/17/LL

Date Registered: 06/10/2016

Application Type: Full - Planning

Community: Llandwrog

Ward: Talysarn

Proposal: Erection of a multi-purpose agricultural building

Location: Fferm Tanyffordd, Cilgwyn, Carmel, Caernarfon, Gwynedd, LL54 7SB

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 Members are reminded that this application was deferred at the Planning Committee dated 28 November 2016 in order to give the applicant an opportunity to submit further information.
- 1.2 As a result of this deferral, additional information was submitted by the applicant by letter and associated documents and the matters outlined are noted in the information as follows:
- Confirmation of the size of the holding and the land in their ownership, namely seven and a half acres with mountain grazing rights for 60 sheep, 6 cows and 6 horses
 - Confirmation of the applicant's son's eagerness to restart keeping Cheviots and Suffolk sheep and is eager to have a shed in order to avoid losses in terms of animals and equipment being stolen
 - A substantial list of machinery to be stored within the shed together with confirmation that it will also be used to keep animal feed (straw and hay), firewood and as a shelter for the stock
 - A recent purchase of 35 sheep kept on another farm as the shed which is a part of this application is yet to be erected
 - Confirmation that the existing buildings house machinery without any adequate or suitable space for anything else in them
- 1.3 This is a full application to erect a multi-purpose agricultural building for storing equipment, machinery, hay/feed and provide a shelter for livestock on land near Fferm Tanyfford which is located on the outskirts of Carmel village. Information has been received with the application stating that the agricultural holding is 7 acres.
- 1.4 The shed would measure 17m in width and 15m in length, with a total surface area of 225m² and it would be erected on a parcel of agricultural land beyond the site of the existing shed on the site. The shed would be finished with green box profile walls and a roof of the same colour, with two wide openings on one gable end.
- 1.5 The site is located in open countryside within land that is designated as part of the vast Dyffryn Nantlle Landscape of Historical Interest.
- 1.6 This application is submitted to Committee 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 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

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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 B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Safeguard landscapes, parks and gardens of special historic interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

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.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular access, 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.

The Gwynedd and Anglesey Joint Local Development Plan, which is currently being prepared, is subject to an ongoing Public Examination. At present, it is not a relevant planning consideration for determining planning applications.

2.4 National Policies

Planning Policy Wales, Edition 9, 2016.

TAN 6: Planning for sustainable rural communities

TAN 12: Design

3. Relevant Planning History:

3.1 C16/0937/17/YA – erection of an agricultural shed – refused 30.08.16

3.2 C11/0511/17/LL – single storey domestic side extension and extension to stables to create agricultural shed – approved 14.07.11

3.3 C05A/0864/17/LL – stables and ménage – approved 30.01.06

3.4 C04A/0331/17/LL – stables – approved 23.06.04

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3.5 C01A/0549/17/LL – erection of a timber fence (retrospective application) - approved 19.10.01

3.6 C00A/0301/17/LL - alterations and extension to dwelling and extension to garage/store (retrospective application) - approved 14.07.00

3.7 C98A/0464/17/YA – erection of agricultural shed – approved – 18.10.98

3.8 C96A/0361/17/CL – extension to residential curtilage, re-siting of garage and construction of stable block – approved 13.12.96

4. Consultations:

Community/Town Council: Not received

Transportation Unit: No observations as it is not considered that there would be a detrimental impact on the local roads network.

Natural Resources Wales: No objection but general observations have been submitted in relation to pollution involved with proposed agricultural usage

Welsh Water: Not received

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period ended, no letters of objection had been received when writing the report.

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 of the criteria within the policy.

5.2 It was noted, while conducting the site examination that is usual when considering any planning application, that there was already an agricultural shed on the site. Within this shed it was observed that there was a considerable amount of stored split firewood and there were traces of timber to be seen generally and scattered within the site. There were no obvious signs at the time that agricultural activity was taking place on the site, especially considering the fact that the existing agricultural shed had been approved here.

5.3 An extension to the stables was approved under reference C11/0511/17/LL to create agricultural shed. Having conducted a site examination, it appeared that the shed which had been erected on the site was larger and different in form to the approved application, and that a substantial shed had been erected rather than the extension which was approved. Neither does it appear that this shed is used for a genuine agricultural purpose as was suggested at the time. The matter has now been referred to the attention of the Enforcement Unit.

5.4 It is believed that this building and its use is unauthorised as it appears that its use is not for agricultural purposes. Having considered the current use of the shed on the site, it is therefore questioned whether this applicant has a genuine agricultural need

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for a new agricultural shed. The additional information submitted does not persuade or prove without doubt that there is a need for a shed in addition to what already exists on the site.

- 5.5 A letter was submitted with the original application, detailing the background of the need for a new shed. It refers to the loss of livestock during the adverse weather in 2013, and the intention to buy more sheep. It also refers to the holding which is 7 1/2 acres in size, and the fact that the shed would enable them to keep the sheep indoors during adverse weather and the lambing season, in addition to keeping feed dry and to safeguard equipment. The letter submitted as a result of deferring the determination of the application at the committee on 28 November confirms the information already submitted without elaborating or submitting hardly any entirely new information.
- 5.6 On the basis of the information that accompanied the application and the observed use/activity in the existing 'agricultural' shed and within the surrounding site, officers remain of the opinion and are not convinced that the proposed shed in this location is a reasonable necessary development for agricultural purposes. It is not considered that there is true justification to erect a new agricultural shed as the existing shed (which in its present form is unauthorised in relation to its size/design and use) could be used in addition to the other sheds which have already been built on the site.
- 5.7 It is therefore not considered that the principle of erecting a new agricultural shed in this case conforms to the main clause of policy D9 which refers to the need for a development to be reasonably necessary for agricultural purposes.

Visual, general and residential amenities

- 5.8 The proposed shed would be erected on land which is higher than the public road below, which leads to Carmel village. Although the shed would be slightly 'sunk' into the ground, it is considered that it would be visible from the direction of the road below due to its height (6.8m to the ridge). The application refers to a dark green finish which differs from the dark grey finish of the existing sheds, which could be controlled by means of an agreed condition on the finish, that would comply with the requirements of policy B25, but there are other fundamental concerns about the proposal which cannot be satisfied alone by agreeing upon the colour.
- 5.9 There is concern about adding to the existing number of sheds on the site with a new site of the indicated size. It would be constructed on elevated land and would be visible from a distance. It is not considered that it would be detrimental in relation to its impact on nearby residential amenities as the closest houses are at a sufficient distance from the site, but there is concern about the appearance of a large industrial-style shed in addition to the other sheds on the site. The existing sheds are closer to the current house with a covering of established trees to the rear, while the location of the proposed shed is closer to open land and would be more prominent from other viewpoints. It is considered that this would be harmful to the area's visual amenities and is therefore contrary to policies B22, B23 and B12.

Transport and access matters

- 5.10 The Council's Transportation Unit has no objection to the proposed development in relation to any concern about its effect on the local roads network, and it is therefore considered that the proposal is acceptable in relation to this aspect and the relevant requirements of policy CH33.

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Relevant Planning History

- 5.11 From the planning history referred to earlier in this report, it can be seen that a number of applications have been submitted and approved for structures on this site and on lands within the blue lines on the location map. It is not entirely clear that adequate land is being used for the agricultural use and therefore it is not considered that there is justification for additional buildings on the grounds of increasing the size of the agricultural holding, and if it were justified, it is possible that the need for an agricultural shed would be on another site. It is acknowledged in the information submitted "that the farm is not large, but it is a way of adding to the entire family's income". Clearly, there is no objection in principle to supporting an enterprise which would be beneficial to families such as this; but, in this case, given the size of the holding, the presence of agricultural sheds which have already been erected on the site (though they don't appear to be used for actual agricultural use), it is not believed that there is adequate justification for an additional agricultural shed on this site.

Any other considerations

- 5.12 None

6. Conclusions:

- 6.1 Considering the above and having considered all the material planning matters in full including local and national policies and guidelines as well as additional information received from the applicant, it is believed that this proposal to erect another multi-purpose agricultural building on the site is unacceptable and that it is contrary to the requirements of the policies as noted above.

7. Recommendation:

- 7.1 To refuse – reasons –

1. The Local Planning Authority has not been persuaded that there is a proven reasonable necessary need for an agricultural shed for this site. It is therefore considered that the proposal is contrary to the requirements of policy D9 of the Gwynedd Unitary Development Plan.
2. The location of the proposed shed is prominent within the local landscape due to its form and size and its elevated position, and it is therefore considered that this would harm the area's visual amenities, including the Dyffryn Nantlle Landscape of Historic Interest, which is contrary to the relevant requirements of policies B12, B22 and B23.