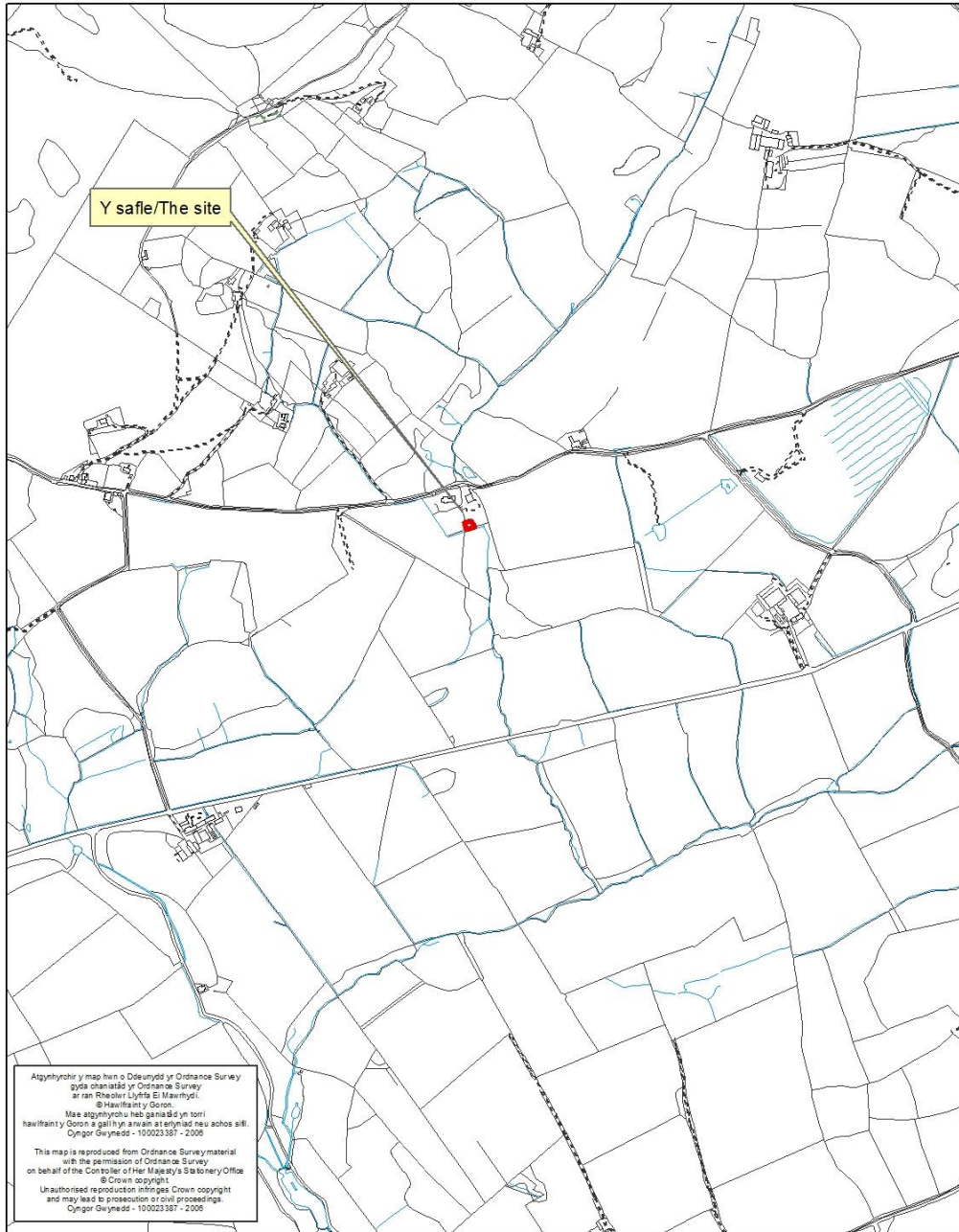


Number: 5.9



Rhif y Cais / Application Number : C16/0410/33/LL

**Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.**



PLANNING COMMITTEE	DATE: 04/07/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Application Number: C16/0410/33/LL
Date Registered: 19/04/2016
Application Type: Full - Planning
Community: Buan
Ward: Efailnewydd/Buan

Proposal: CONSTRUCTION OF SHED FOR STORING MATERIALS AND MACHINERY IN CONNECTION WITH CONSTRUCTION BUSINESS
Location: TIR GLANRHYD, MYNYDD NEFYN, PWLLHELI, GWYNEDD, LL536TL

Summary of the Recommendation: TO REFUSE

1. Description:

- 1.1 The proposal involves constructing a shed on land at Glanrhyd, Mynydd Nefyn to store materials and machinery in connection with the applicant's construction business. The shed would measure 18.3m long, 12.3m wide and 6.8m high with a surface area of 225m² and it would be located at the rear of the existing yard adjacent to the Glanrhyd property. The shed would be finished with a dark green box profile roof and Yorkshire panel timber wall cladding.
- 1.2 There is an existing shed near the yard entrance which was originally approved for agricultural use, but on our inspection it appears that it is used to store materials and machinery for the construction business. The proposed shed would be located further back to the rear of the yard and visible from the county road, between the existing shed and huts in the property's curtilage.
- 1.3 The property is located in Mynydd Nefyn, in the countryside and lies within a Landscape Conservation Area designation and is nearby an Area of Outstanding Natural Beauty. The property is served by an unclassified county road.
- 1.4 Application C15/1046/33/LL to erect a steel frame agricultural shed on the site was refused in November 2015 as the Local Planning Authority had not been convinced that there was a genuine rational agricultural need for the building. With the exception of a minor change to the location of the access door and finishing of walls, the application before the committee is for a shed of the exact same size and location as the previous shed. However, it is for use by a construction business rather than agricultural use which had been previously requested.
- 1.5 The application is submitted to the 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 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 must also 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, and in making 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. 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 decision.

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2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY B8 THE LLŶN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site in accordance with the statutory requirements of the Countryside and Rights of Way Act 2000.

POLICY B10 PROTECT AND ENHANCE LANDSCAPE CONSERVATION AREAS Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant harm to recognised features.

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

POLICY B27 LANDSCAPING PLANS Ensuring that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY C1 LOCATING NEW DEVELOPMENT Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

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 D5 SPECIAL LOCATION NEEDS In exceptional cases, permit the location of industrial or business developments on sites not allocated or safeguarded for business/industry if there are true 'special local needs' which cannot be met on a High Standard Employment Site or Industrial Site.

POLICY D7 RURAL WORKSHOPS OR SMALL SCALE INDUSTRIAL/BUSINESS UNITS OUTSIDE DEVELOPMENT BOUNDARIES Permit proposals if it can be shown that the site for the development is the most suitable location to fulfil the need and if the proposal can comply with criteria relating to using existing buildings, the location of the site, the scale, type and design of the development and that a new dwelling is not necessary to serve the development.

2.4 **National Policies:**

Planning Policy Wales, Edition 8 (2016)

Technical Advice Note 6: Planning for Sustainable Rural Communities

Technical Advice Note 12: Design

3. **Relevant Planning History:**

C15/1046/33/LL Construction of steel frame agricultural shed: Refused 26 November 2015

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C13/0636/42/LL First floor extension to the house and change existing flat roof for a pitched roof: Approved 31 July 2013

C12/0082/42/TC Legal use certificate in order to establish use as a self-contained residential unit: Approved 21 February 2013

C09D/0052/42/LL A single-storey and two-storey extension to an existing granny flat: Refused 27 May 2009

C03D/0349/42/LL Application to construct a shed and a garage: Approved 26 September 2003 (condition that the shed was for agricultural use only)

Y16/000268: Following the refusal of application C15/1046/33/LL for an agricultural shed, the applicant wrote to the Planning Unit explaining the reasons why he required a new shed on the site. The letter received a reply explaining that the application had been refused based on information submitted in the application and in light of the evidence of use discovered on the site. Planning Officers had not been convinced that a genuine agricultural need for a new shed existed on the site, bearing in mind the construction activities and use made of the existing shed and yard.

If there was an intention to re-submit the application, it was explained that the applicant would need to submit evidence to convince the Council of a genuine need for an agricultural shed. It was suggested that the shed's location should be close to the existing building and that the design should be suitable for an agricultural shed. It was emphasised that the unauthorised use of the existing 'agricultural' shed did not assist their position in justifying a new shed. Prior to re-submission, it was suggested that the applicant should firstly consider regulating the use of the existing shed by applying for a legal use certificate, if they could prove that the shed had been used as a builder's workshop for 10 years or more.

4. Consultations:

Community/Town Council: No objection.

Transportation Unit: No objection, the development would not have a detrimental impact on any road or proposed road.

Biodiversity Unit: No Biodiversity concerns and no observations to be made.

Natural Resources Wales: No objection. The site is within Llŷn's Registered Historic Landscape and it should be considered when determining this application. The site is within 70m of the Llŷn Area of Outstanding Natural Beauty boundary, and it is reminded that it should be protected. Views from public footpaths from the AONB are more than 300m from the site and from low points in the landscape, which limits potential views from the site and the proposed development. Therefore, it is considered that the development is unlikely to lead to significant visual harm on the character of the AONB. However, it is suggested that you recommend that an indigenous hedge is planted along the front of the site which abuts the road in order to re-establish the traditional boundary. This would help to improve the site's relationship in the countryside as proven by the nearby road to reduce the impact of land use on the landscape.

Public Consultation: A notice was posted on the site. The advertising period ended on 18 May 2016, no correspondence was received on the application.

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5. Assessment of the material planning considerations:

5.1 Background of the site

There is an existing shed near the site entrance which was approved in 2003 for agricultural use only. Whilst undertaking a site inspection during the previous application (C15/1046/33/LL) to 'erect a new agricultural shed', it appeared that neither the existing shed nor the adjacent yard were used for agricultural use, but rather for the use of a construction business. Machinery within the shed was clearly equipment that was associated with construction and objects stored outside, with the exception of one tractor, were materials and equipment associated with construction. Under the circumstances, there was no justification to approve a new agricultural shed on the site as there was no evidence of agricultural use on the site. The re-submission in question is now requesting a shed in connection with the construction business; however, use of the existing building or the associated yard have not been authorised to be used as a builder's yard. Therefore, the application in question must be considered as an application to construct a building for a new business in the countryside.

5.2 The principle of the development

Policy C1 of the UDP attempts to ensure that new developments are located in sustainable locations within towns and villages and on land within development boundaries. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of developments that are permitted under another policy.

5.3 Policy D7 of the Gwynedd Unitary Development Plan permits small scale workshops/industrial units/business units outside development boundaries provided that they can show that the proposed site is the most suitable location to meet that need. Priority is given in the policy to use buildings that already exist, but an exception is granted if no suitable buildings are available, and where the site is physically connected to an existing development boundary, or close to a group of existing buildings or is a previously developed site. The policy criteria also relate to the development's size suitability, that the development includes boundary treatment, and that no dwelling is required to serve the development. In the case of this application, it is questioned whether or not the proposed site is the most suitable site for a builder's shed, as council policies presume against new developments in the countryside that are outside development boundaries with the exception of agricultural developments. The Council is not convinced that this is the most suitable location for a builder's yard and the applicant has not submitted any arguments in favour of siting in this location, or any reasoning where an exception could be justified to construct a building from scratch.

5.4 As the development is industrial, it is essential to consider whether the development has specific location needs under policy D5 of the GUDP. Although the applicant has been using the site as a builder's yard in the past, this use has not been authorised and it is not considered that there is any exceptional need here to locate a builder's business in the first place. There are no arguments in the application justifying this location or reasons why such a builder's yard cannot be located within development boundaries within a nearby town or village such as in a purpose-built industrial estate. The applicant has not shown any evidence to convince us that the development site is the most suitable location to meet the need for a builder's workshop/yard, and that no suitable buildings are available on a different site. Although the location is adjacent to the applicant's house, it is not considered that such a builder's shed/yard has any specific 'special siting needs' that cannot be satisfied on an existing or designated employment/industrial site such as the Nefyn industrial estate. Therefore, the development is contrary to Policies D5, D7 and C1 of the UDP.

5.5 Should the existing shed and yard be established and authorised, by means of a certificate for the existing use as a builder's yard (as suggested in correspondence and pre-application advice which is noted above) an application for a new shed would then be considered under a different policy

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namely policy B8, Expansion of Existing Enterprises, of the GUDP. Under the existing circumstances, it would currently be very difficult to justify a new shed on the site.

5.6 Visual amenities

The property is located in the countryside within a Landscape Conservation Area designation and is within 70m of an Area of Outstanding Natural Beauty designation. The shed that resembles an agricultural shed would be set at the rear of the plot, and it would be visible from the access, between the existing shed and huts and containers within the curtilage of the Glanrhyd property. Although its design would be similar to an agricultural shed, there is concern that erecting another new shed would create a very built-up area in the countryside. The location and setting of the proposed shed do not form any physical link with the existing shed. It was questioned why an extension could not be erected on the existing shed, rather than erecting an entirely separate and disjointed shed. Ideally, re-locating the shed closer to the existing one would be a visual improvement and it is believed that it would be possible to move it without significant problems. It is also believed that the appearance of the site would improve in the landscape, which is a Landscape Conservation Area and is nearby the AONB, should landscaping work be undertaken on the boundary with the county road. Should the principle of the development be acceptable, it is possible that the proposal could be acceptable in terms of policies B8, B10, B22, B25 and B27 which relate to design, landscape and visual amenities of the area subject to meeting relevant conditions.

5.7 The site is located within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the historical landscapes where the impact of proposals that are of such scale and magnitude that their impact would be greater than merely a local impact, are assessed. In terms of its location and size, it is considered that the proposal would only have a local impact and that it would not have a broader impact on the historic landscape. Therefore, it is not considered that the proposal is contrary to Policy B12 GUDP.

5.8 Transport and access matters

A rural unclassified road serves the site and there is an existing wide entrance into the yard in question. Given that this is a family business with the applicant and his son living opposite the application site, it is not anticipated that the development would generate a substantial increase in traffic to what is currently experienced on the site. The nature of a builder's activities mean that they work away from the site therefore, customers will not be visiting the site. The Transportation Unit has no objection to the application. Therefore, the proposal is considered acceptable in terms of policy CH33 of the GUDP on road safety.

6. Conclusions:

6.1 Having assessed the proposal against the relevant policies, it is considered that the proposal as submitted is contrary to the principles of policy D5, D7 and C1 of the Gwynedd Unitary Development Plan and therefore, there is no option but to refuse the application.

7. Recommendation:

7.1 To Refuse – reasons

1. It is considered that the proposal is tantamount to erecting a new industrial building in the countryside, where there is no justification or exceptional location needs in existence to justify a new builder's shed on the site. Therefore, the proposal is contrary to policies D5, D7 and C1 of the Gwynedd Unitary Development Plan (July 2009).