

DELEGATED REPORT

Application No:	P/24/0263
Site Address:	Land Formerly Of Meadowsweet Farm Trelewis Treharris CF46 6TB
Development:	Erection of an extension to an existing agricultural building
Case Officer:	Rebecca Owens
Site Visit:	28th November 2024
Application Expiry Date:	16th January 2025
Consultation reply date expired:	19th December 2024

APPLICATION SITE

The application relates to a parcel of agricultural land that forms part of a wider holding which amounts to some 7.7 ha. The site and wider unit is located within a designated Special Landscape Area and there is also an ancient woodland which is a designated Site of Important Nature Conservation (SINC) and protected by a Tree Preservation Order (TPO) to the west of the application site and within part of the wider unit. The field currently features a single large agricultural building with a hardstanding area to the front and is accessed via an opening off the adjoining lane to the east. It is situated immediately to the west of Ty Newydd Farm and approximately 300m to the south of the entrance to Meadowsweet Farm.

PROPOSED DEVELOPMENT

Full planning permission is sought for an extension to an existing agricultural building. The extension would be located off the south eastern facing elevation and would be 12m in width by 24.m in depth. It would have a pitched roof with a ridge height of 5.8m, reflecting the pitch of the existing structure whilst being at a lower level and creating a double gable to the front. The building would feature hinged metal doors to the front. The lower sections of the external walls would comprise of concrete wall panels while the upper sections would be vented, box profile, metal cladding in Juniper Green colour. The roof would comprise of cement fibre roof covering with a ventilated ridge.

The supporting planning statement indicates that the farming enterprise consists of stock rearing and hay/silage production and that the proposed extension would be used primarily for the housing of the applicant's livestock (sheep) during the winter and for lambing. In addition, the building would be used for wider agricultural purposes including general sheep work in late spring, summer and autumn months (e.g weaning, shearing, health care etc.). It is highlighted that the extension is need for animal welfare and to minimise the loss of lambs.

A new hedgerow and nine new trees are also proposed along the application sites southern boundary and two bat boxes along with a bird box are proposed one trees to the south west of the site which are within the wider land owned by the applicant.

PLANNING HISTORY

The relevant planning history is detailed below:

P/24/0222 Extension to an agricultural building for livestock and associated works (Prior Notification)
Refused on 23 October 2024 as the development would be within 400m of a protected building and it has not been sufficiently demonstrated that the extension would be reasonably necessary for the purposes of agriculture and as such the proposal was not deemed to be permitted development and required consideration under a full planning application.

P/24/0195 Extension to an agricultural building for livestock and associated works (Prior Notification)
Refused on 4 September 2024 as it has not been sufficiently demonstrated that the extension would be reasonably necessary for the purposes of agriculture and as such the proposal was not deemed to be permitted development and required consideration under a full planning application.

P/23/0180 Extension to an agricultural building
Refused planning permission on 16 August 2023 for the following reasons:

1. *"It has not been demonstrated that the proposed development at the scale and design proposed is reasonably necessary for the purposes of the agriculture. As such, due to its size and height, it represents an unjustified, intrusive development which would have a harmful impact on the visual amenities of the open countryside. The proposal is therefore contrary to policies SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan".*
2. *"The proposed extension, by virtue of its prominent siting, design, scale and height, would form a discordant and intrusive feature within the open landscape and would cause harm to the character and quality of the Special Landscape Area. As such, the proposal is contrary to Policies SW11 and EnW5 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan".*
3. *"The applicant has failed to provide a Preliminary Roost Assessment (PRA) of the existing building and adjacent Oak Tree. As such, the impact of the proposal on bats and nesting birds have not been fully assessed. The Local Planning Authority is therefore unable to determine whether there would be any adverse impact or the need for and extent of any mitigation. The proposed development is therefore contrary to Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan".*

P/20/0269 Erection of stable block for 6 horses and retention of engineering works
Refused planning permission on 24 March 2023 for the following reasons:

1. *"The proposed stable building, by virtue of its prominent siting, design, scale and height, would form a discordant and incongruous feature within the landscape. This would be detrimental to the character and appearance of the wider area. As such, the proposal is contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan".*
2. *"The proposed stable building, due to its unjustified and unacceptable size, siting, height and design, would cause harm to the character and quality of the Special Landscape Area. As such, the proposal is contrary to Policy EnW5 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan".*

P/18/0379 Retention of agricultural building
Granted planning permission subject to conditions on 18 January 2019

P/18/0061 Erection of an agricultural building (re-submission)
Granted planning permission subject to conditions on 18 April 2018

P/17/0301 Erection of an agricultural building
Refused planning permission on 8 December 2017 for the following reason:

"The proposed development is not reasonably necessary for the purposes of the agriculture. As such, due to its size and height, it represents an unjustified, intrusive development which would have a harmful impact on the visual amenities of the open countryside. The proposal is therefore contrary to policies BW4, BW5 and BW7 of the Merthyr Tydfil Local Development Plan".

P/17/0147 Proposed erection of a barn (Prior Notification)
Not permitted development permission required, 13 June 2017

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering & Highways	No objection
Planning Policy Officer	No objection
Planning Ecologist	No objection subject to conditions
Environmental Health Manager	No objection subject to conditions
Bedlinog and Trelewis Community Council	No response

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a letter was sent to the neighbouring properties and two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (PPW) Edition 12 (February 2024) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context. Paragraph 3.10 states *‘In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.’*

Paragraph 3.38 advises that *‘the countryside is a dynamic and multi-purpose resource... it must be conserved, and where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors.’*

Paragraph 5.6.8. note that *“Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. They should also adopt a positive approach to the conversion of rural buildings for business re-use”*.

Paragraph 3.60 sets out guidance in relation to development in the countryside. It states *‘...new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.’*

Paragraph 6.3.12 advises that local landscapes should be valued and conserved through the planning process. It advises that this may include policies for landscape features, characteristics and qualities of local significance, and the designation of Special Landscape Areas (SLAs). With respect to SLAs paragraph 6.3.13 note that these *“define local areas of high landscape importance, which may be unique, exceptional or distinctive to the area. Planning authorities should apply these designations where there is good reason to believe that normal planning policies cannot provide the necessary protection”*.

Paragraph 6.4.16 also notes that *“Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more*

difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point. Habitat status can be established through evidence remaining on site and local desk-based assessments (planning authorities must ensure that they have access to these data sources). In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary."

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 5 – Nature Conservation and Planning – provides advice on how the planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 6 - Planning for Sustainable Rural Communities - provides guidance on the role of the planning system in supporting the delivery of sustainable rural communities.

Paragraph 6.2.1 states that *"When preparing development plans and considering planning applications, planning authorities should consider the quality of agricultural land and other agricultural factors and seek to minimise any adverse affects on the environment"*.

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Paragraph 5.5.2 note that *"In general terms, good design will almost always be dependent on working within the natural constraints and the historic character of the landscape and this should be the starting point from which the design of development evolves. The aim should be to achieve good design solutions which maximise the natural landscape assets and minimise environmental impact on the landscape"*.

Paragraph 5.8.5 advises that *"The scale, form and siting of new agricultural buildings or buildings for on-farm diversification, is usually influenced by the operational needs of the enterprise. Where possible, new buildings should be integrated within the farmstead. Elsewhere, particular care should be taken with siting, massing and detailed design to enable them to fit well into the landscape. The use of materials appropriate to the setting, attention to the colour of materials and detailing can all facilitate integration into the landscape"*.

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

- EnW4 Environmental Protection
- EnW5 Landscape Protection
- EcW10 Sustainably Supplying Minerals
- EcW13 Minerals Safeguarding

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

Other documents consulted:

Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 – 2013) - Special Landscape Areas Background Paper, June 2018.

PLANNING CONSIDERATIONS

The key considerations in the determination of this application are considered to be the principle of the proposed development including the agricultural need/justification for the building, the design, siting, appearance and character of the proposed building and the wider visual impact of the proposal on the open countryside. Consideration also needs to be given to the impact of the proposal on neighbouring amenity, highway safety and ecology. These matters are discussed in detail below.

Principle and justification of the proposed development

The application site falls outside settlement limits as defined by Policy SW4 of the LDP. Stock rearing and hay/silage production, is a rural enterprise. However, the primary issues for the assessment of the agricultural justification are considered to be, whether there is an agricultural use subsisting at the site that is operated as a viable business that accords with the definition of 'agriculture' under Section 336 of the Town and Country Planning Act 1990, and whether the building is designed for the agricultural purpose that it is proposed to support.

The keeping of livestock and hay production are both considered to be agricultural activities that accord with the aforementioned definition. This application has also been supported by a planning statement which provides details on the extent of the agricultural activity currently taking place on the land. This notes that the applicant currently has a flock of 255 sheep/breeding ewes (comprising primarily of texel but also Leyn Ewes) together with their lambs each year. Furthermore, an explanation has been provided to justify the size and design of the proposed structure. The extension would provide an open ended front elevation and would be constructed using ventilated box profile sheeting and a ventilated ridge. This is necessary to reduced cold winds while allowing airflow and ventilation. It has also been designed to be the minimum size necessary to adequately house the applicant's flock during winter months and allow for lambing to take place in two separate batches each year. The height is noted as being required to ensure access can be gained with a tractor for the purposes of cleaning out the building routinely.

Details have also been provided as to unsuitability of the existing building on site for the proposed use. It is highlighted that this is fully utilised for agricultural storage purposes only, providing under-cover storage for agricultural machinery and implements used in the upkeep of the land and the harvest of hay/silage fed to the livestock during winter months as well as being used to store fodder, feed, hay and straw used by the livestock. The

supporting information notes that it is essential that these products are stored under cover to prevent decay and waste due to wet weather and for security reasons. It is also noted that the design of this building is not suitable for use by livestock given that it was not designed for this purpose and lacks the necessary features and sufficient ventilation. This is currently the only building in use as part of the agricultural enterprise and thus it is recognised that an additional building is required.

Given the above, it is considered that the applicant has demonstrated a reasonable need for the building and justified its design and scale as being necessary for the farming activities that would take place. It would therefore amount to an appropriate form of development in the open countryside. Accordingly, the development would accord with the objectives of Policy SW4 of the LDP.

Character and visual amenity

The site is located in the open countryside and is within Special Landscape Area 5: Gelligaer and Taf Bargoed. Policy EnW5 seeks to protect these areas, allowing developments that are sensitive and respect the character and distinctiveness of the area. The landscape is remote and open, characterised by gently rolling hills comprising pasture land. It is noted that there are buildings located nearby but these are generally well screened from the road and form part of groups rather than standing in isolation. The existing structure to which the extension is proposed is singular in the landscape and does not form part of a wider collection of buildings. It is readily visible from the adjacent road, occupies a large footprint and is of a substantial height.

The proposed extension, although substantial in size would represent a subservient addition to the existing structure and its size and design has been justified above. In addition, its siting is considered the least impactful being located off the southern elevation of the existing structure. As such its impact on views from the south would be less significant and would be softened by the proposed hedge planting. It is noted that its frontage would be more prominent and would be readily visible from the road that runs to the east of the site. However, it is typical for agricultural buildings to be erected in groups and as such it is considered that it would be viewed as a typical collection of farmstead buildings. Having recognised the need for the structure and accepting the justification of the design it is on balance considered that the proposal is acceptable in terms of its visual impact and that it would not harm the remote character of the landscape and erode the character and quality of the Gelligaer and Taf Bargoed Special Landscape Area (SLA) to such an extent that would warrant its refusal. Therefore the proposal is found to be acceptable in terms of Policies EnW5 and SW11 of the LDP.

Residential amenity

In terms of the impact of the proposal on surrounding properties, it is noted that the extension would be located some distance from the nearest dwelling or indeed neighbouring farm buildings. As such it would not give rise to any adverse impact on residential amenity. In this respect it is also noted that no representations were received following the publicity exercise.

Parking and highway Safety

The proposed extension would not impinge upon the existing access arrangements or indeed impact parking. As such the proposal would not have any adverse impact on

highway safety and no objection has therefore been received from the Head of Engineering and Highways.

Ecology

It is recognised that an Oak tree which was located to the south east of the site has recently been removed. An arboricultural survey has been submitted which was undertaken prior to the removal of the tree. The survey found that the area within the periphery of the Oak crown has been subject to heavy plant traffic and there is some evidence of compaction. In addition, soil levels in this area have been altered considerably (estimated at approximately 2 – 3 metres) from original ground level. It was concluded that mechanical wounding has left the tree with multiple wounds, that could be an entry point for decay and any other pathogenic activity and that the soil level changes have left the tree roots in anaerobic soil conditions with the upper and middle crown dieback being evidence of this. As such it recommended that the tree be removed. Planning Policy Wales notes that applicants should not undertake pre-emptive site clearance works prior to submitting a planning application and where a site has been cleared prior to development its biodiversity value should be considered to have been as it was beforehand and a net benefit for biodiversity must be achieved from the earlier point. The application has been supported by a Biodiversity Enhancement Plan and Green Infrastructure Statements, these documents have been considered by the Local Planning Authority's Ecologist who is satisfied that they have demonstrated a net benefit for biodiversity and a suitable scheme for enhancement. Accordingly he has not raised any objection to the application subject to conditions which secure the above and control lighting.

Conclusion

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title: Proposed Plan, Drawing Number: 79347/GH/100, Received 21 November 2024

Drawing Title: Proposed Elevations, Drawing Number: 79347/GH/101, Received 21 November 2024

Drawing Title: Proposed Block Plan, Drawing Number: 79347/GH/003, Received 21 November 2024

Drawing Title: Biodiversity Enhancement Plan, Drawing Number: 79347/GH/004, Received 21 November 2024

Arborocultural Evaluation, produced by David Wiltshire. Tech ArborA, received on 20 January 2025

Green Infrastructure Statement dated November 2024, produced by Roger Parry & Partners, Received 21 November 2024

Tree & Hedgerow Management Plan, version 1.0 dated January 2025, produced by Roger Parry & Partners, Received 22 January 2025

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **BEFORE** the extension hereby approved is brought into use, the bird and bat boxes shall be provided in accordance with Drawing Number: 79347/GH/004 and shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. The building hereby permitted shall only be used for agricultural purposes and should the agricultural use of the building permanently cease, within 9 months it shall be removed and the land restored to its former condition, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason - To preserve the character of the open countryside in accordance with Policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **Prior to the installation of any external lighting**, a Lighting Scheme shall be submitted to and agreed in writing by the Local Planning Authority, which shall include:
- Details of the siting and types of all lighting to be used
 - Drawings setting out light spillage and demonstrating dark corridors and dark zones being maintained.

Lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED

DATE: 27.01.2025


Director of Neighbourhood Services