

DELEGATED REPORT

Application No: P/22/0294

Site Address: Penrhiw Farm
Trelewis
Treharris
CF46 6TA

Development: Retention of steel framed agricultural building

Case Officer: Caroline Pulley

Site Visit: 17th November 2022

Application Expiry Date: 2nd January 2023

Consultation reply date expired: 13th December 2022

APPLICATION SITE

This application relates to an agricultural building that has recently been constructed within the curtilage of Penrhiw Farm in Trelewis. The building is located in a fairly isolated area within the open countryside. It is positioned to the west of an existing hay barn and is bound on all other sides by adjoining fields with a hard-standing area being located immediately to the east. The principle access to the site is via an access track located to the west.

PROPOSED DEVELOPMENT

This application seeks retrospective planning permission for the retention of the agricultural building. The submitted plans indicate that the building is 9.2m wide by 13.8m in length. It has a typical dark green steel frame construction with precast concrete panels/plastic coated steel sides. The front of the building features a set of galvanised sheeted gates. The roof measures 5.6m high and is covered with fibre cement sheeting. The land surrounding the building has been built up above the existing field level by a maximum height of 1.75m. The information provided states that the building is needed to house a small flock of early lambing ewes.

PLANNING HISTORY

There is no recent planning history relating to the development of this building. The planning history for the farm reveals the following applications:

P/11/0302 - Conversion of stable / storage area to a kitchen area for the preparation of cooked meat products

Granted APPROVAL on 08.12.2011

P/11/0279 - Installation of photovoltaic panels to barn roof.

Granted APPROVAL on 05.11.2011

P/03/0254 - Prior approval application – Extension to existing agricultural building at Penrhiw Farm.

Prior approval NOT required on 18.07.2003

CONSULTATION

Head of Engineering and Highways: No objection.

Bedlinog Community Council: No objection.

Ecologist: No objection, subject to enhancement measures being provided.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a site notice was displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) 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... and 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 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.'*

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.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EnW5 – Landscape Protection

Policy EcW8 – Renewable Energy

Policy EcW10 – Sustainably Supplying Materials

Policy EcW13 – Minerals Safeguarding

- Supplementary Planning Guidance (SPGs)

Note No. 4 – Sustainable Design

Note No. 5 – Nature and Development

PLANNING CONSIDERATIONS

The site falls outside settlement limits as defined by Policy SW4 of the LDP. Therefore, the proposal is regarded as 'countryside development' and a presumption against inappropriate development will apply unless the development proposal comprises one of the listed exceptions, one of which being that the development is associated with a rural enterprise which is defined by para 4.3.2 of TAN 6 as 'land related businesses including agriculture, forestry, and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services...'.

In this case, it is not contested that the development is associated with a farming enterprise. The information accompanying this application identifies that the applicant owns 73 hectares of land, with the proposed building being required to serve an agricultural need arising from the supervision of early lambing ewes. Therefore, it is quite clear that agricultural activities are taking place on this site and the business does relate to a rural enterprise.

The agricultural building measures 9.2m by 13.8m, providing a floor area of 127 square metres. The building is 4.3m to the eaves and 5.6m to the ridge and is of a scale and height which is appropriate for its function. However, as the location of the building in the open countryside is only justified for the purposes of agriculture, a condition to ensure that the building is removed in the event that its use for the purpose of agriculture within the land ceases is necessary.

In terms of residential amenity, the building is located some distance away from neighbouring farm buildings. As such, the proposed development is not considered to give rise to any adverse amenity issues. The Council's Head of Engineering and Highways has also considered the development and has not raised any objection to the application. Therefore, the proposed development is acceptable in terms of its impact on highway safety.

The Council's Ecologist has advised that no survey work is required as part of this application. However, in line with the Environment (Wales) Act 2016, he has requested the provision of two barn owl boxes inside the building, one near the apex of each gable. In addition, he notes that a tree (or trees) to the north of the site may have been removed and if this is the case, replacements should be provided. Whilst these requests are acknowledged, this planning application has only been submitted because the building was constructed before the applicant had applied for a determination as to whether the prior approval of the authority would be required. Such requirements for enhancement measures could not have been applied to a prior notification application. Taking this into account, it is considered that the request for two barn owl boxes and replacement trees would not be wholly appropriate or proportionate to the scale and nature of the proposed development. However, given the retrospective nature of the application, it is considered appropriate to condition the provision of a single barn owl box inside the building.

Finally, 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 APPROVED subject to the following CONDITIONS

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

Front elevation drawing received on 07.11.2022

Rear and side elevation drawings received on 07.11.2022

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

2. Within 2 months of the date of this decision, details for the provision of a barn owl box inside the building hereby approved, together with details of its location, shall be submitted to and approved in writing by the local planning authority. The barn owl box shall be installed in accordance with the approved details within three months of the date of this decision.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

3. Should the use of the building, hereby permitted, for the purpose of agriculture within the agricultural land identified within the red and blue lines on the site location plan received on 07.11.2022 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.

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



Director of Neighbourhood Services

DATE:

14/12/2022