

DELEGATED REPORT

Application No:	P/23/0180
Site Address:	Meadowsweet Farm High Street Trelewis Treharris CF46 6TB
Development:	Extension to an agricultural building
Case Officer:	Rebecca Owens
Site Visit:	16th August 2023
Application Expiry Date:	26th December 2023
Consultation reply date expired:	3rd October 2023

APPLICATION SITE

The application relates to a parcel of agricultural land that forms part of a unit 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 15.21m in width by 24.02m in depth, basically doubling the floor area. It would have a pitched roof with a ridge height of 7.66m, reflecting that of the existing structure and creating one large building with a double gable to the front and valley roof between the existing building and the extension. The building would feature hinged galvanised doors with a roller screen. The lower sections of the external walls would comprise of pre stressed concrete wall panels while the upper sections would be Juniper Green box profile cladding (ventilated to the gable ends). The roof would comprise of cement fibre roof covering with a vented ridge.

The supporting planning statement indicates that the farming enterprise consists of stock rearing and hay/silage production. It notes that the applicant has purchased additional ewes for lamb production which necessitates a building for the housing of livestock, particularly in the lambing and winter seasons.

Hedgerow planting in is also proposed along the southern boundary but no details of this have been provided.

PLANNING HISTORY

The relevant planning history is detailed below:

- 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 Ecology Officer	Requires ecological survey work

Environmental Health Manager

No objection subject to conditions

Bedlinog and Trelewis Community Council

No objections

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a letter was sent to the neighbouring farm 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"*.

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 BW4 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. This 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...’. There is no dispute that there are agricultural activities taking place and the business, which comprises of 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. However, no information has been submitted regarding the extent of the agricultural activity currently taking place on the land or indeed in relation to expansion of the business which it is suggested has necessitated the need for the extension of the existing building. Furthermore, while the

proposed extension may benefit the business, no explanation for its size or design has been provided to justify an extension of such a large footprint or indeed height.

Given the above, there is no reasonable justification for the size and height of the building and thus it has not been proven that the extension is necessary for the farming activities that would take place. It would therefore amount to an inappropriate form of development in the open countryside. Accordingly, the development would conflict 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 original planning application for this building was refused permission as it was not deemed reasonably necessary for the purposes of the agriculture and its size (15.24m in width by 22.86m in length) and height (7.5m to the ridge) were considered intrusive and harmful (Planning Ref: P/17/0301). A further application was subsequently submitted with the eaves and overall height reduced so the building would have a maximum height of 6.04m. This was subsequently approved (Planning Ref: P/18/0061). However, a further application was then submitted for the retention of the building subsequently erected as this was not in accordance with the approved plans being erected at the original height of 7.5m. This was approved under planning permission P/18/0379 which relates to the existing building as it currently stands. Whilst eventually gaining permission at the current size and height, the scale and visual impact of the building has been a fundamental consideration of these previous applications with approval been granted on balance having regard to the benefits of the building to the agricultural enterprise.

However, the proposed extension would double this already large and somewhat intrusive structure and would create a substantial building with a footprint of just over 612 square metres, with twin gables to the front measuring 7.66m high. Whilst its impact on views from the south would be less significant (given that it would be sited directly off the side of the existing structure and would be softened by the proposed hedge planting), its prominent frontage would be doubled in size and would be readily visible from the road that runs to the east of the site. The design, height and mass of the resultant building, with two large roller shutter doors to the front, would be more akin to an industrial type structure than the more typical collection of farmstead buildings. As such it would appear at odds with its surroundings, it would intrude further into the remote character of the landscape and erode the character and quality of the Gelligaer and Taf Bargoed Special Landscape Area (SLA). Therefore the proposal would be contrary to 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

Given the proximity of the proposed works to an existing Oak tree located to the south east, it was requested by the Ecology Officer that an arboricultural survey and Preliminary Roost Assessment (PRA) be submitted. This would enable an assessment of the potential impact of the proposal on the health of the tree and any potential harm to bats and nesting birds in the tree and the existing building.

The arboricultural 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 is recommended that the tree be removed and the applicant has indicated that this is now the intention.

In terms of bats and birds, the tree inspection undertaken as part of the arboricultural report found no evidence of nesting birds or bat roost features. However, no PRA for bats and nesting birds of the tree or the existing building have been provided. The local authority's ecologist has indicated that in addition to the arboricultural report a Ground Level Tree Assessment would be required. Without these assessments it is not possible to determine whether there would be any adverse impact or the need for and extent of any mitigation. The proposal is therefore contrary to Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). However, this application was submitted in 2023 and thus before this was published and made a requirement. As such it is not considered reasonable to now request this given the length of time the application has been under consideration. Notwithstanding this, had the application been deemed acceptable, ecological enhancement would have been secured along with the planting of a hedgerow, which would provide additional habitats in the local area that would contribute to the wider green infrastructure objectives.

Conclusion

In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

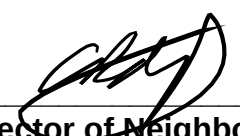
Accordingly the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following REASON:

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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 26.03.2024