

DELEGATED REPORT

Application No:	P/24/0222
Site Address:	Land Formerly Of Meadowsweet Farm High Street Trelewis Treharris CF46 6TB
Development:	Extension to an agricultural building for livestock and associated works
Case Officer:	Rebecca Owens
Application Expiry Date:	21st November 2024

APPLICATION SITE

The application relates to a parcel of agricultural land that forms part of a unit which amounts to some 7.2 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

This application seeks a determination as to whether prior approval is required from the local authority for the erection of an extension to an existing agricultural building which is used to store hay and machinery/equipment. The proposed extension would provide housing for some 255 breeding ewes and their lambs, predominately around lambing time. However, no information has been provided with respect to the breed of the sheep. Outside of the lambing season the proposed extension would be used for general agricultural purposes depending on the needs of the enterprise at that time. These would include the following:

- general sheep work in late spring, summer and autumn months, to include regular vaccinations, drenching, and docking of ewes and lambs.
- searing of the ewes and ewe lambs each summer, to help prevent parasites affecting the flock.
- Separate lambs from their mothers during weaning, as well as sorting lambs to be sent to the livestock market or abattoir once ready for the consumer.

The extension would measure 12m in width by 24m in length (288m²) and would incorporate a pitched roof with a height of 5.8m to the ridge. The external walls of the structure would be finished with a mixture of concrete panels to the lower walls and vented

box profile cladding (juniper green colour) to the upper sections. The roof would be covered with grey fibre cement sheeting with a ventilated ridge.

PLANNING HISTORY

The relevant planning history is detailed below:

P/24/0195 Extension to an agricultural building for livestock and associated works (Prior Notification)
Not permitted development permission required, 4 September 2024

P/23/0180 Extension to an agricultural building
Refused planning permission on 26th March 2024 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

No statutory consultees were contacted as part of this application.

PUBLICITY

Due to the nature of this application, no publicity has been undertaken.

POLICY CONTEXT

As this application is for a determination as to whether the prior approval of the local planning authority is required for the erection of a building under Part 6 of the GPDO, there is no requirement to assess the scheme against national or local planning policies.

PLANNING CONSIDERATIONS

The applicant has applied under the procedures set out in Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO), for the erection of an extension to an existing storage barn to provide accommodation for livestock and associated works, in assessing such applications, the test is as follows:

- whether the proposal would fall under Part 6 of the GPDO;
- whether these works are reasonably necessary for agriculture, and;
- whether the siting, design and external appearance of the building is acceptable.

When considering an application for Prior Notification for an agricultural building associated with a holding of 5 hectares or more, Class A states that the following is permitted:

'A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of –

- a) Works for the erection, extension or alteration of a building; or
- b) Any excavation or engineering operations,

Which are reasonably necessary for the purposes of agriculture within that unit'.

It then goes on to list the relevant criteria that the development must comply with in order to be permitted. These have been assessed against the proposed extension which would appear to comply with the following:

- The development would not be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;
- It would not consist of, or include, the erection, extension or alteration of a dwelling;
- The building is of a design typical of that for agricultural purposes.
- The proposal is for structure for accommodating livestock and would cover a ground area of 288 square meters which is below the 465 square meter allowance and would not be within 90m of another building or works constructed within the preceding two years.
- The extension would not be within 3km of the perimeter of an aerodrome.
- The extension would not exceed 12m in height
- The extension would not be within 25m of a trunk road or classified road.
- The site is not within article 1(6) land and the works would not involve excavations or engineering operations connected with fish farming.

However, buildings for housing livestock do not benefit from GPDO rights if they are within 400m of the curtilage of a protected building. For interpretation of the term 'protected building', the GPDO states at Section D.1 (b):

"protected building" means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is apt; but does not include—(i) a building within the agricultural unit; or(ii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;"

The extension would be within 400m of the farmhouse of Ty Newydd which is located to the east, but as this is a dwelling on another agricultural unit which is used for or in connection with agriculture it is not classed as a protected building. However, the extension would also be within 400m of the curtilage (garden) of Meadowsweet Farm located to the north. It has come to the attention of the Local Planning Authority that whilst this may have been a farmhouse previously, this is no longer the case. The application site address is 'land formerly of Meadowsweet Farm which suggests that the land associated with the Farmhouse of Meadowsweet Farm has, at least in part, been sold off. Closer investigation into this has revealed that an application was received in 2026 for a Certificate of Lawfulness for an existing use of the property as a residential dwelling, without compliance with an agricultural occupancy condition (Planning Ref: P/16/0385). It was concluded that based on the evidence provided, the occupant of Meadowsweet Farm had not been solely or mainly working in agriculture or forestry (and thus has been occupied as a residential dwelling without compliance with an associated agricultural occupancy condition) for a continuous period of 10 years and the application was therefore approved. As such, it would appear that Meadowsweet Farmhouse is not used for, or in

connection with agriculture and as such would be classed as a protected building. The proposal therefore fails to comply with section A.1(h) of Part 6, Class A of the GDPO.

Notwithstanding this, Class A also requires the development to be “***reasonably necessary for the purposes of agriculture within that unit***”. The proposal put forward as part of this application seeks to provide an extension to an existing storage barn (which is used for the storage of hay and machinery in connection with the agricultural use of the land) to provide an area for housing livestock particularly in the winter and during the lambing season. The keeping of livestock is considered to be an agricultural activity and the application been supported with some information in regard to the proposal and the activities on the land. In order to assist the authority’s determination as to whether the development is reasonably necessary in connection with agriculture a consultant has been employed to provide an appraisal of this information.

The report considered that the plans of the building are typical of modern agricultural buildings. The height of the building would enable access by agricultural machinery, such as a tractor and loader to empty the building of soiled bedding at the end of lambing and is not considered excessive. Similarly the box profile metal sheeting above concrete panel walls are standard for agricultural buildings. It was also noted that adequate ventilation for sheep at housing is important which has been provided by the vented side sheets (which allow entry of fresh air but prevent the ingress of rain) and the vented ridge (which allows the egress of stale air). As such the design would appear to be appropriate. However, it is highlighted that the accompanying Planning Statement provides limited information about the operations on the holding. Whilst, it is stated that there are 255 breeding ewes, the breed is not specified and no details are included with respect to when the ewes are expected to lamb. This information would impact upon the space requirements at lambing and the duration of housing. In addition, no analysis of space requirements have been provided.

The agricultural consultant has indicated that the ewes would likely be smaller sheep, such as Welsh Mountain, as these are more suited to exposed land in this area. Minimum space requirements for livestock are provided in British Standards recommendations – BS5502 Part 41 for sheep states that the minimum space requirement for such ewes and their lambs is 1.3m² per ewe which equates to a minimum space requirement of 331m², if all the ewes were housed at the same time. Thus, at the proposed 288m² floor area it is assumed that the ewes will be housed and lambled in batches.

Planning Statement indicates that the existing building is fully utilised for storage of agricultural machinery; and feed, hay and straw used by the livestock on the holding. However, there is no detail of the space requirements of these various elements, including the type of machinery, so it was not possible for the agricultural consultant to ascertain whether the existing building is in fact fully utilised and so not available for housing sheep at lambing. They have therefore suggested that the lack of justification means that the building is not proven as ‘reasonably necessary’ for agriculture in that unit because it has not been shown that the existing building cannot be used for lambing.

Having regard to the fact that the development would be within 400m of a protected building and noting the lack of justification to prove that the building is reasonably necessary, it is concluded that the development does not benefit from permitted development rights under Class A of Part 6 of Schedule 2 of the GPDO and therefore full planning permission is required.

The local planning authority are not opposed to the principle of another building or extension to benefit the agricultural needs of the applicant but it must be satisfied that this is reasonably necessary, particularly given the potential harmful impact on the character of the landscape and the character and quality of the Gelligaer and Taf Bargoed Special Landscape Area

Accordingly the following recommendation is made:

RECOMMENDATION: BE REFUSED AS PLANNING PERMISSION REQUIRED

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 23.10.2024