

DELEGATED REPORT

Application No: P/24/0195

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: 4th October 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 be used for livestock particularly during the winter and during the lambing season.

The extension would measure 15.21m in width by 24.02m in length and would incorporate a pitched roof design 7.5m in height at the ridge. The external walls of the structure would be finished with a mixture of concrete blockwork and green box profile sheeting. The roof would be covered with grey cement fibre sheeting.

PLANNING HISTORY

The relevant planning history is detailed below:

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 as follows:

- 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 365.3442 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 extension would be within 400m of the farmhouse of Ty Newydd 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.
- The site is not within article 1(6) land and the works would not involve excavations or engineering operations connected with fish farming.

Whilst the proposal would appear to comply with the above criteria in terms of the extension, Class A 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. What the building would be used for when not required for lambing or housing livestock outside of the winter months is not known and the above is the only justification given in terms of ‘reasonable necessary’. The keeping of livestock is considered to be an agricultural activity. However, no information has been submitted regarding the extent of the agricultural activity currently taking place on the land or what has necessitated the need for the extension of the existing building. No details of the livestock on the holding have been provided although the reference to lambing indicates that the building would be for sheep, and no information regarding the scale of the flock has been submitted.

Indeed during visits to this site as part of this application and previous applications no evidence of sheep on the land has been witnessed despite the planning statement indicating that they are kept on land adjacent to the building. However, it is recognised that they maybe kept elsewhere on the wider holding. The applicant has also not outlined why the existing building can not be used for the purposes outlined, particularly as the building would only appear to be required during the winter and lambing seasons. It is noted that the existing building is almost of an identical size and design and therefore could potentially be utilised, albeit with some minor alterations if necessary. Without additional information the Planning Authority cannot determine that the exiting building is unsuitable. Furthermore, no explanation for the size or design of the proposed extension has been provided to justify that it would be fit for the purpose proposed or why such a large footprint and indeed height is necessary. It seems to have been designed to reflect the existing building in terms of both footprint, scale and materials, rather than based on the requirement for the flock. Given the above, there is no reasonable justification for the need, design, size and height of the building and thus it has not been proven that the extension is reasonably necessary for the farming activities that would take place.

In addition it is noted that the description provided by the applicant refers to “associated works”. No information has been provided to outline the extent of any associated works and as such these can not be assessed against the provisions set out in Part 6 Class A.

Therefore, on the basis of the lack of evidence and justification to support the application, it is considered that the submitted details fail to illustrate that the proposed barn and its design would be reasonably necessary for the purposes of the agriculture activity. As such it 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.

However, it is noted that planning permission has already been sought and refused for an extension which is almost identical to this proposal, for the reasons outlined above in the relevant section of this report (Planning Ref: P/23/0180). This included a failure to demonstrate that the proposed development at the scale and design proposed was reasonably necessary for the purposes of the agriculture with minimal supporting information provided to established this.

It was also refused due to the prominent siting, design, scale and height of the extension, as it would form a discordant and intrusive feature within the open landscape, harming the character and quality of the Special Landscape Area. The site is located in the open countryside and is within Special Landscape Area 5: Gelligaer and Taf Bargoed. 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 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 would not be akin to the 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).

The refusal notice and officer report clearly set out the above concerns and an informal meeting was held with the applicant to outline what was required to address the reasons for refusal which included looking at alternative designs and justifying both the need and design to show the extension was reasonably necessary and fit for purpose. However, this decision has not been appealed nor has another application be made. Instead an application has been made for prior approval with no additional information or justification provided.

The local planning authority are no opposed to the principle of another building or extension to benefit the agricultural needs of the applicant. However, it must be demonstrated that it is reasonably necessary and suitably designed, 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: 04.09.2024