

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/06/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	CAERNARFON

Number: 6

Application Number: C17/0198/30/LL

Date Registered: 21/02/2017

Application Type: Full - Planning

Community: Aberdaron

Ward: Aberdaron

Proposal: Retrospective application for the retention of an agricultural building.

Location: Pwll Melyn, Rhiw, Pwllheli, LL538AE

Summary of the Recommendation TO APPROVE WITH CONDITIONS

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1. **Description:**

- 1.1 Retrospective application for the retention of a steel framed agricultural building that is in the process of being built. The existing frame suggests a building with a mono-pitch roof, however, it is proposed to finish the building with a pitched roof. The proposed building measures 9.1 metres long and 4.6 metres wide and the existing frame extends to 4.1 metres high above ground level. It is proposed that the building's external finish will be a mixture with a concrete block wall and metal profile covering in dark green.
- 1.2 The building is situated in open countryside outside any development boundary and is part of an agricultural field within the Llŷn Area of Outstanding Natural Beauty and lies 5.5 metres from a one-storey dwelling which is a Grade II listed building. The property extends to an area of 2.5 acres. The site borders an unclassified county road to the north and west, and there are other agricultural fields to the east.
- 1.3 An amended plan was received on 30 March 2017 showing the proposed pitched roof of the building, this means that its height will be reduced to 3.7 metres above ground level, a reduction of 0.4 metres. The eaves will measure 3.2 metres above ground level. The application is submitted to the Committee at the Local Member's request as there is concern that there is no justification for such an agricultural building for a holding of only two acres; that such a building is not in keeping adjacent to a listed building; and that its height is intrusive in its current site between the house and the road and it would be possible for it to be relocated behind the building where it would be more hidden.

2. **Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.
- 2.3 **Gwynedd Unitary Development Plan 2009:**

Policy B3 – DEVELOPMENTS AFFECTING THE SETTING OF A LISTED BUILDING - Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

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Policy B8 - THE LLŶN AND MÔN AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) - Safeguard, maintain and improve the character of the Area of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site.

Policy B22 - BUILDING DESIGN - Promoting the design of good buildings by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

Policy B23 – AMENITIES – Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

Policy B25 – BUILDING MATERIALS – Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

Policy C1 – LOCATING NEW DEVELOPMENTS - Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in open countryside will be refused with the exception of a development which is permitted under another policy within the Plan.

POLICY D9 - FARM BUILDINGS AND STRUCTURES - The erection of buildings and structures for agricultural purposes will be approved if they are reasonably necessary for agricultural purposes and if they comply with specific criteria involving the impact of the development on recognised features.

2.4 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

PCYFF 1: Development criteria
PCYFF 2: Design and place shaping
PCYFF 3 Design and landscaping

2.5 **National Policies:**

Technical Advice Note 12: Design
Circular 61/96 - Planning and the Historic Environment, Historic Buildings and Conservation Areas

3. **Relevant Planning History:**

3.1 The site has no relevant planning history, however, permission was granted for two one-storey extensions to the house in 1998 and 2006.

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4. Consultations:

Community/Town Council:

Comments 14.03.17 - Objecting on the grounds of:

- Building is too high
- Adjacent to a listed building
- No agricultural justification as the holding is only two acres

Comments 13.04.17 on the amended plan -

Object on the same grounds as the previous comments.

Natural Resources Wales:

Comments 03.03.17 - Does not affect any matter featured on their check-list.

Comments 21.04.17 on the amended plan -

Response 0.03.17 continues to be valid.

Senior Conservation Officer:

Not received at the time of writing.

AONB Officer

A pitched roof allows the roof level to be lower and therefore the building would be less visible from the road which is an improvement on the previous plan.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertisement period has expired and two items of correspondence were received objecting on the following grounds:

- A high two-storey building that would be visible from near and afar;
- A one-storey building would be sufficient;
- Submission of a retrospective application is totally inappropriate;
- Unacceptable height and needs to be reduced.

5. Assessment of the material planning considerations:

5.1 It is considered that the main matters in this case is the need for the building, the impact of the development on the visual amenities of the AONB and its impact on the setting of the nearby listed building.

The principle of the development

5.2 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Gwynedd Unitary Development Plan (2001-2016) is the current 'Development Plan' and the Joint Local Development Plan for Gwynedd and

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Anglesey (JLDP) replaces the UDP as the 'development plan' once it is adopted. The hope is that the JLDP will be adopted during July 2017.

- 5.3 The statutory test should be the first consideration at all times when dealing with any planning application, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other material considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:

"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".

- 5.4 Although a number of policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report.

- 5.5 Paragraph 2.14.1 of Planning Policy Wales states:

"...thus in considering what weight to give to the specific policies in an emerging Joint LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

- 5.6 The principle of locating new developments is based in Policy C1 of GUDP that states that land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan, and buildings will be strictly controlled by ensuring a good visual relationship between them and existing developments where this is possible.

- 5.7 The principle of permitting buildings for agricultural use in the countryside has been established in Policy D9 GUDP which states that proposals to erect buildings for agricultural purposes will be approved provided they are reasonably necessary for agricultural purposes; if the site adjoins existing agricultural buildings; that the development will not significantly harm a protected building; and that the development will not have a detrimental impact on biodiversity.

- 5.8 The applicant's agent states that the building is necessary to house stock during occasional harsh weather and to store equipment associated with stock that graze the land, and agriculture. No details have been submitted regarding how much stock the applicant has, however, it is understood that the size of the property is 2.5 acres. Since no details have been presented regarding stock, consideration should be given to place a condition restricting the building's use for agricultural purposes only and the building should be demolished if the agricultural use ends within a period of 10 years. The building does not cause significant harm to a protected building (namely the residential property that is not the applicant's house) and it does not detrimentally impact biodiversity. Subject to the contents of the above condition, it is considered that the proposal would conform to policy C1 and D9 GUDP, and it would not undermine Policy PCYFF in the Joint Local Development Plan.

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Visual amenities

- 5.9 The site lies in a prominent position within the Llŷn AONB. A steel frame without planning consent currently exists on the land and this suggests a building with a mono-pitch roof extending to 4.1 metres high. In an effort to reduce any impact on the AONB's visual amenities, an amended plan was received on 30 March 2017 showing the proposed building with a pitched roof, this means that it is proposed to reduce the height of the finished building to 3.7 metres above ground level, a reduction of 0.4 metres. In addition, it is proposed to cover the building with dark green profile sheeting, a finish common to many such buildings in the area, as it reduces the impact of buildings in prominent sites in the landscape.
- 5.10 Observations have been received from the AONB Officer stating that the pitched roof would reduce the height of the building and make it less visible from the road. He has no objection to the proposal in terms of any impact on the wider landscape, and therefore it has to be considered that the proposal complies with policy B8 of the GUDP.
- 5.11 In terms of the building's finish and design, it is proposed that it will be covered with dark green profile sheeting to the level of the eaves on the eastern elevation, whilst the northern, western and southern elevations have a wall of concrete blocks up to 1.5 metres above ground level, with dark green profile sheeting further up and on the pitched roof. This reflects the common design and finish in the area for agricultural buildings, and the proposal does not change this. Additionally, there are mature hedgerows along the property's boundary with the unclassified county highway, that will reduce any further impact. It is therefore considered that the proposal complies with policy B8 of the GUDP in terms of any impact on the AONB's visual amenities, and Policy B22 and B25 GUDP in terms of design and building materials, and it does not undermine Policies PCYFF 2 and PCYFF 3 in the Joint Local Development Plan

General and residential amenities

- 5.12 The nearest dwelling (apart from the applicant's property) to the proposed building is situated approximately 30 metres north east of the site, on the other side of the unclassified county highway. Due to the size of the proposal and its location in relation to the nearby property, it considered that the development would not cause significant harm to that property.
- 5.13 It is not considered either that the proposal is likely to affect the reasonable privacy of users of the nearby property, nor that it would entail an overdevelopment of the site. The proposal will not add to the traffic or the noise associated with traffic in a way that will cause significant harm to local amenities, and will not create an opportunity for persons to act anti-socially. It is therefore considered that the proposal complies with the relevant criteria in Policy B23 of the GUDP.

Transport and access matters

- 5.14 There are no matters concerning any highway or proposed highway here and therefore the Council's Transportation Service was not consulted in this case.

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Biodiversity matters

- 5.15 There are no biodiversity matters in relation to the building in this case. This is noted because of the reference to biodiversity matters in Policy D9 GUDP.

Relevant Planning History

- 5.16 The property has no relevant planning history.

Any other considerations

- 5.17 Objections have been received to the proposal on the grounds of the proximity of the agricultural building to the property's dwelling, a Grade II listed building. Policy B3 states that proposals on sites affecting the setting of Listed Buildings will only be approved if the design of the development enhances the special quality of the main building; that it does not lead to the loss of features such as walls, railings, ancillary buildings, landscaping, hedges, trees, associated objects, surfaces or archaeological remains that contribute to the special character of the Listed Building; and that it does not cause significant harm to important views of and from the building.
- 5.18 The property was added to the list of buildings of historic and/or architectural interest as it is a good example of a small cottage holding, characteristic of the area. Since listing the property on 6 April 1998, the Council has approved a one-storey extension on the eastern gable-end of the property in January 1999 and that extension has been built. The design of the proposed building reflects the standards of agriculture today and it would not be appropriate to ask for a building in materials that match the dwelling-house itself.
- 5.19 Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a requirement for local planning authorities to determine applications for planning permission and have special regard to certain matters including the desirability of preserving/safeguarding the setting of a listed building. The setting is often an essential part of a building's character, especially if there is a park, garden or land arranged to support its plan or function. The location of the proposed building is outside the curtilage of the listed building itself and it does not affect any features noted in Policy B3. The observations of the Senior Conservation Officer have not been received at the time of writing, however, a response is expected before the date of the Committee in order to establish if the development is in total compliance with Policy B3.

Response to the public consultation

- 5.20 Two emails objecting to the application were received for the reasons stated in 4 above. The objectors live approximately 280 metres from the site, however, it is noted that the basis for the objection is the impact on visual amenities rather than any impact on the amenities of nearby residents. However, it is noted that AONB Officer does not object to the proposal and the amended plan has reduced any impact on the visual amenities of the AONB.

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6. **Conclusions:**

6.3 Given the above assessment, together with the information submitted as part of the application, it is considered that the development is acceptable based on principle, location, use, design, materials and the impact on visual amenities and complies with relevant local and national planning policies and guidance. It is considered that the amended plan with a pitched roof for the finished building is an improvement on what currently exists on the land, and therefore it is recommended that the application is approved subject to the inclusion of the conditions noted below.

7. **Recommendation:**

7.1 To approve – with conditions

1. In accordance with the amended plans received on 31 March 2017.
2. External metal cover to be in a dark green colour BS 12 C 39.
3. Agricultural use only and the building will be demolished if the agricultural use ends within a period of 10 years from the date of the permission.