

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

**Number: 15**

**Application Number: C17/0845/40/LL**

**Date Registered: 01/11/2017**

**Application Type: Full - Planning**

**Community: Llannor**

**Ward: Abererch**

**Proposal: A part-retrospective application for the retention of an agricultural track and erect a new agricultural building**

**Location: O.S Field 7666 and 7157, Llwyn Hudol, Pwllheli, Gwynedd, LL535YE**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1 A full retrospective application for the retention of an agricultural track and erect a new agricultural building for keeping sheep and agricultural material. The agricultural track had already been created, and a planning application was submitted following action from the Planning Service's Enforcement Unit. The proposed building would have a mono-pitched roof measuring 3 metres wide, 6 metres long and 2.7 metres high to its highest point. It is intended to install a timber door at one gable end of the building in order to gain access, the roof and the building's walls would be finished with corrugated steel sheets. The shed would be located near the field's southern boundary, and the rough access track created leads from the entrance in the north of the field along the site's eastern boundary. The field in question is steep and falls to the east, the track has been dug into the steep slope in parts. There are dispersed residential dwellings to the north, west and east of the site, and agricultural fields and a woodland to the south. Access to the site is gained from a third class county road to the north of the site.
- 1.2 The site is located on the outskirts of the rural village of Llwyn Hudol to the north west of the town of Pwllheli, the site is located outside any development boundary in the Development Plan. The land has not been designated for any statutory designation, nor any landscape protection designation. The field in which the development is located is 3.75 acres, however, the applicant farms land separate to the site, and there are no other agricultural buildings on the site that are the subject of the application.
- 1.3 This application is submitted before the Planning Committee in accordance with the Service's delegation scheme in light of receiving three or more objections that are contrary to the officers' recommendation.

## 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 Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. 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 reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Gwynedd and Anglesey Joint Local Development Plan 2011-2026 adopted 31 July 2017 (LDP)**  
  - TRA 4 - Managing transport impacts
  - PCYFF 2 - Development Criteria
  - PCYFF 3 - Design and Place Shaping
  - PCYFF 4 - Design and Landscaping

## 2.4 National Policies:

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Planning Policy Wales, Edition 9, November 2016.  
TAN6 - Planning for Rural Communities  
TAN12 - Design

**3. Relevant Planning History:**

3.1 No relevant planning history.

**4. Consultations:**

Community/Town Council: Not received

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road or proposed road.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period ended on 30 November 2017 and letters / correspondence was received objecting on the following grounds:

- Increase in traffic, and its impact on a nearby retaining wall structure;
- Access to the site is not safe;
- That the track is not necessary or reasonable for the agricultural use of the land;
- The building could be located on land closer to the site's entrance;
- That approving this application would set a precedent for similar developments;
- That the development would have an impact on the landscape and beauty of the area;
- That there was no previous track on the site as claimed by the owner;
- That the building is not necessary in terms of the surface area of agricultural land on site;
- Impact on privacy;
- Stability of boundaries and land adjacent to the site;
- No developments should be approved without conditions limiting future use;

As well as the above objections, objections were received that were not material planning objections and these included:

- Concern that the site could be used for uses other than agricultural.
- That the work of creating the track along the land had been completed without planning permission;
- Impact on nearby property values;
- That vehicles using the track could cause damage to adjacent properties;

## **5. Assessment of the material planning considerations:**

### **The principle of the development**

- 5.1 The principle of erecting buildings is based in Policy PCYFF3 which states that new buildings, extensions or adaptations to buildings should be acceptable on the grounds of the need to enhance to or improve the character and appearance of the site in terms of scale, height, mass and its treatment of the elevations along with the fact it respects its context in the local landscape. The proposed agricultural building is fairly small in terms of its size, and has been designed to a purpose practical to agricultural use. Information submitted with the application, the applicant stated that the building is necessary to shelter sheep during the lambing period. In addition, the building is of a reasonable size in terms of the size of the agricultural land on site (3.75 acres), and it must be noted that there are currently no agricultural buildings on this site. A standard condition would be included on any planning permission given noting if the use of the

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agricultural building was to cease within 10 years of the completion date of this substantial development, unless the local planning authority permits another use, the shed building must be demolished and moved from the land, and the land must be restored to its previous condition as before the development took place.

- 5.2 TAN 6 Planning for Sustainable Rural Communities states that it should be ensured that agricultural buildings conform to the landscape and this should be ensured without compromising their intended functions and that the design and materials used can be important considerations for agricultural/forestry buildings and roads. On the grounds of the plans submitted as part of the application, it is considered that the principle of erecting an agricultural shed of this size and on this site is acceptable.

### **Visual amenities**

- 5.3 Policy PCYFF 4 of the LDP makes it a requirement for every application to integrate to its environment. In addition, policy PCYFF 3 of the LDP makes it a requirement, amongst other matters, for every application to exhibit a design of high quality that gives full consideration to the context of the natural, historic and built environment.
- 5.4 The track and proposed building are located within an area and landscape with randomly dispersed buildings, and similar access tracks are located on land adjacent to the site. From looking at the site from a distance from the direction of Abererch Road (from the direction of the south east), it is not considered that the proposed building and the existing track would be obvious within the landscape which is already dotted with buildings and tracks/roads. Given the small size and scale of the development, the development would not appear too oppressive in its context. The design and materials of the shed would be completely typical of a modern agricultural building, and to that extent, it would not appear out of place in the landscape. Having considered the completed size and location of the building, along with the current vegetation landscaping, it is not considered reasonable to request the developer to carry out further landscaping and planting. As part of the public consultation, observations were received noting that it would be beneficial to locate the shed on higher ground close the entrance, nevertheless, a building on the suggested plot on higher ground could be more prominent and visible in the landscape. The proposal is therefore acceptable based on the requirements of Policy PCYFF3 and PCYFF4 of the LDP and the advice included in the TAN6.

### **General and residential amenities**

- 5.5 Policy PCYFF2 states that proposals should be refused if they have a significant detrimental impact on health, safety or amenities of the occupants of local property, land uses or other property. As previously stated, residential dwellings are dispersed in the area adjacent to the site, with the nearest dwelling located approximately 60 metres from the proposed agricultural building (Llwyn Hudol). It is generally considered that the distance of the nearby residential dwellings ensures that the development would not lead to additional negative impacts in terms of noise and general disturbance than already exist in this agricultural area. In response to the public consultation observations were received noting that it would be beneficial to locate the building on a plot on higher ground at the top of the slope, it is considered that this location would cause more impact to the amenities of nearby residential dwellings, and that the proposed located is more acceptable in terms of visual and residential amenities. Therefore, the development is not contrary to Policy PCYFF2 of the LDP which aims to protect residential amenity of local residences, and other land and property uses or features in the area.

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### **Traffic and Access**

- 5.6 Access to the site is gained from a third class county road to the north of the site. This is the current entrance and it is not considered that there would be a significant increase in its use as a result of this development as the site's use would remain the same. Despite the concerns received as a result of the public consultation, the Council's Transportation Unit does not object to the proposal. It is considered that the proposal therefore complies with the requirements of policy TRA4 of the LDP.

### **Response to the public consultation**

- 5.7 Concerns were raised that the development would set an unacceptable precedent to further develop this land. However, every application must be considered based on the individual planning merits of the application under consideration here only. The circumstances of other sites would likely differ, and if applications are submitted from elsewhere in the area, they would be assessed on the grounds of relevant factors to those cases. Therefore, it is considered that the concern relating to precedent does not provide a basis for refusing the development. In addition, the fact that an aspect of the development (access track) was completed without planning permission does not provide grounds for refusal, as every application must be considered on its own merits.
- 5.8 A concern was received that the development would also have an impact on nearby property values, this is not a material planning consideration and therefore this has not been considered in this report. It is also considered that the matters related to undermining or weakening boundaries, and the safety of users either side of those boundaries are civil matters to be solved by the relevant parties, and they are not matters in which the local planning authority can interfere.

### **6. Conclusions:**

- 6.1 Given the assessment noted above and having considered all the relevant matters including local and national policies and guidelines, it is believed that the proposal is acceptable in principle, and based on its scale, use, location, design, form, materials, and residential and visual amenities.

### **7. Recommendation:**

- 7.1 To approve – conditions:-
1. Develop in accordance with the plans;
  2. Condition to confirm a dark green colour for the agricultural shed or a similar colour to be agreed in writing with the Local Planning Authority.
  3. Condition to use of the building for agricultural purposes only.