

Number: 5.4



Rhif y Cais / Application Number : C16-0183-32-LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Application Number: C16/0183/32/LL
Date Registered: 08/03/2016
Application Type: Full - Planning
Community: Botwnnog
Ward: Botwnnog

Proposal: FULL APPLICATION TO RETAIN AN EXTENSION TO AN AGRICULTURAL BUILDING
Location: GWRYCH Y DRYW, BOTWNNOG, PWLLHELI, LL538RG

Summary of Recommendation: TO APPROVE

1. Description:

- 1.1 It was decided to defer a decision on the application at the Committee Meeting on 25 April 2016 in order for members of the Committee to visit the site on 4 July 2016. The application is a retrospective application to retain an extension to an agricultural building. The extension measures 16.4 metres long and 10.6 metres wide and 4.4 metres to its highest point. The applicant states that the floor area of the extension measures approximately 15% of the current area of existing sheds on the farm. The upper walls and roof of the extension have been covered with blue-grey sheets to be in-keeping with the remainder of the building. The extension is located on the south-eastern gable end of the existing building and to the rear of another building that was constructed in 2015 under permitted development rights. The applicant states that the current extension occupies the area of a previous sheep fold and the current extension is used to keep sheep. The farm buildings are located outside the village boundary of Botwnnog as defined in the Gwynedd Unitary Development Plan and within a Landscape Conservation Area. The agricultural buildings are served by a private road which also serves a static caravan park, a workshop a three residential houses.
- 1.2 The application is submitted to the Committee following receipt of more than three objections to the application.

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 in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

B10 – PROTECTING AND ENHANCING LANDSCAPE CONSERVATION AREAS – Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant damage to recognised features.

B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Safeguard landscapes, parks and gardens of special historical interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

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

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

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

B27 – LANDSCAPING SCHEMES - Ensure that permitted proposals incorporate soft/hard landscaping of a high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

B33 – DEVELOPMENTS THAT CREATE POLLUTION OR NUISANCE - Protect public amenities, health and the natural or built environment from high levels of pollution.

CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if they comply with specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

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 can comply with specific criteria involving the location of the development, damage to a protected building, biodiversity and environmental mitigation measures.

2.3 National Policies:

Planning Policy Wales - Edition 8, (January 2016)
 Technical Advice Note 5: Planning and Nature Conservation
 Technical Advice Note 6: Planning for Sustainable Rural Communities
 Technical Advice Note 12: Design

3. Relevant Planning History:

3.1 Application number 2/12/9 'O' - Building to keep animals and feed and a slurry store beneath - Gwrych Dryw, Botwnnog - Approved 22 May 1995.

Application number C15/008/32/YA - Extension to an agricultural building for the storage of animal feed - Gwrych Dryw, Botwnnog - Approved 12 April 2015.

4. Consultations:

Community/Town Council: Support.

Transportation Unit: No recommendation intended.

Public Protection Unit: No observations

Public Consultation: A notice was posted on the site and nearby residents were notified.

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The advertising period has ended and a number of correspondences were received objecting on the following grounds:

- An extension to an agricultural building has been constructed and used without planning consent/ substantial traffic emanating from the site.
- Traffic to the farm has increased since the extension was constructed.
- The main concern is road safety, health and safety and impact on occupiers of nearby residences because the road which serves the farm is narrow, sub-standard and unsuitable for traffic generated by the farm.
- The location of the extension is in breach of European regulations regarding the location of an agricultural building in relation to a residential dwelling.
- The extension to the building is substantial.
- The rural location impacts adversely on the tranquillity of the area.
- Vehicles parking on a narrow road.
- Vehicles driving from the farm yard nearly caused an accident because of the lay-out of the yard as a result of the construction of a recent extension.
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Additional observations received before the planning committee meeting held on 25 April 2016:

- The building location does not conform to European regulations as it is within 400m of a house which is not linked to the farm.
- Access to the farm along a narrow track is unsuitable for farm traffic.
- Building locations affect the amenities and safety of a nearby property.
- Right of way along the road is not suitable for transport to the farm.
- The nearest building to the property should not be used to keep livestock and a solid boundary should be erected between farm buildings and a nearby property.
- The development is unlikely to worsen current problems on the farm.
- Noise by cattle kept inside the buildings at night is unbearable.

As well as the objections noted above, objections were received which were not valid planning objections which included:

- The applicant states that he had incorrectly contacted all of the neighbours - the applicant had only discussed the matter with residents of the farmhouse, namely the furthest house amongst nearby dwellings and he had not discussed the matter with the objectors.
- Infected animals have been left at the bottom of the boundary of a garden where children play.

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- A solicitor has many pictures and valid legal reasons for submitting a complaint to the Ombudsman as it appears that the Council has presumed the decision on the application considering that the building has been constructed and is in use.
- The residents of an adjoining caravan park have not received a letter informing them of the development.
- Lorries entering the farm trespass on a neighbour's land.
- The condition of the private road has deteriorated because of traffic and inclement weather.
- Is it possible to develop an alternative access to the farm?

Additional observations received before the planning committee meeting held on 25 April 2016:

- Concerns regarding health and safety matters that derive from farm activities.
- Lack of communication between the Planning Department and the Public Protection Department within the Council regarding concerns expressed by neighbouring residents about activities within the farm.
- The applicant should provide his own access to the farm.
- Hedges felled without permission of the owner.

5. Assessment of the relevant planning considerations:

The principle of the development

- 5.1 Policy D9 of the GUDP supports proposals to erect buildings and structures for agricultural purposes if they are reasonably necessary for agricultural purposes and if they comply with all of the criteria within the policy.
- 5.2. It is understood that the applicant is the owner of 35 hectares of land surrounding the farm in Botwnnog and rents a further 90 hectares. The applicant states that the extension occupies the site of former sheep folds and its surface area measures approximately 15% of the farm buildings. Therefore, it is not considered that there is a doubt regarding the function of the extension to the agricultural building and it is considered that its size and location are reasonable for the agricultural functions of the farm.
- 5.3 Although it is considered that there is an agricultural need for the shed, it is also a requirement that the proposal complies with the criteria of policy D9. Those criteria are:-
- That the site is near existing agricultural buildings unless there are difficulties in relation to the site or the technical design which prohibits that.
 - That the development will not significantly harm a protected building.
 - That the development will not harm biodiversity (especially aquatic life) and that the proposal includes adequate environmental mitigating measures.

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- 5.4 As seen above, the first criterion involves locating the building near existing agricultural buildings. The proposal means extending an existing building and, therefore, complies with this criterion.
- 5.5. The second criterion involves causing significant damage to a protected building, and the third criterion involves harming biodiversity and therefore these matters will be considered below in the relevant sections of the report.

Visual amenities

- 5.6 The design of the extension is of the type that can generally be seen in the area, with concrete panels on the lowest walls and the highest rear external walls will be finished with Yorkshire boards and steel sheets on the gable ends and the roof. The applicant states that the colour of the steel sheets are in-keeping with the finish of the existing shed. The extension is located on an existing building and it is not considered that the proposal would create a structure that will stand out in the landscape.
- 5.7 The site also lies within a Landscape Conservation Area (LCA) and the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest.
- 5.8 The aim of Policy B10 is to maintain, enhance and retain the recognised character and quality of these areas and development proposals which will cause significant harm to the landscape will be refused. A quality design along with a suitable location and appropriate landscaping is expected. . Consideration is given to the economic and social benefits when considering any planning application. The extension is located on the gable end of the building and to the rear of another building that was constructed in 2015 under permitted development rights. Therefore the extension lends itself as an integral part of the existing building in terms of its location and design. Consequently, it is not considered that the application is contrary to policies B10, B22 and B25 of the GUDP.

The requirements of policy B27 are recognised regarding landscaping development sites and although it is not intended to landscape around the development, it is felt that the location of the extension attached to the building and its size creates an acceptable development and does not have a detrimental effect on Biodiversity as referred to in the third criterion in Policy D9 of the GUDP, since it is in the location of previous sheep folds. Therefore, it is not considered that the proposal is contrary to policies B27 or D9 of the Gudp.

- 5.9 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the Historical Landscapes if the impact of proposals is on such a large scale that their impact would be greater than just a local impact. As noted above, the application involves extending an existing agricultural building and, therefore, it is not considered that its location or its size will have a wider impact on the historic landscape. It is not considered that the proposal is contrary to Policy B12 of the GUDP.

General and residential amenities

- 5.10 The application was advertised on the site and nearby residents were notified and correspondence was received objecting to the application.
- 5.11 It is noted that one objection states that the building has been constructed and is being used for agricultural purposes without first receiving permission for it. It must be ted

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that it is not an offence to construct a building without planning permission and Gwynedd Council Enforcement (Planning) Policy 2010 states that a retrospective application could be submitted to the Council in order to regulate the unauthorised development with appropriate conditions and in order to create an acceptable development. The proposal therefore complies with this policy.

- 5.12 The occupants of the plot on the adjacent caravan park state that the Council had not informed them of the application. It must be noted that a standard notice had been placed on a wooden pole on the boundary of the caravan park along with a notice sent to the owner of the caravan park informing them that the application had been received by the Council. It is considered that this action satisfies the statutory requirements regarding advertising a planning application.
- 5.13 It appears that the objections received as a result of the statutory advertisement refers mainly to the size of the extension, the location of the extension in relation to nearby property (including the caravan park) and the impact of traffic generated by the extension on the condition and safety of the private road leading to the farm and nearby properties. It must be realised that the farm has been in existence on the site for many years and that farm activities are likely to create traffic, including heavy vehicles for transporting animals, feed and farm machinery etc. and it is likely that such a situation would continue whether or not the extension existed or not.
- 5.14 The above Visual Amenities section has already discussed the impact of the building on the landscape. Objectors states that the location of the extension is in breach of European guidelines regarding the proximity of agricultural buildings to private houses but no details were submitted to the Council regarding these guidelines and, therefore, it cannot be confirmed whether they are material planning considerations or whether they are matters which are included under regulations beyond planning matters and regulations. However, it must be noted that the application involves retaining an extension to an existing building and that extension is located on the south-eastern gable end of the building and is further away from the objectors' houses than the existing buildings. As a result, it is not considered that the proposal is contrary to policy D9 of the GUDP. It must also be noted that the Public Protection Service has submitted observations confirming that they had no observations on the matter as the application involves the retention of an extension to an agricultural shed. It is not considered that the scale of the development causes substantial harm to the quality of health, safety or human amenities or the natural or built environment.
- 5.15 It is considered that the objections which refer to the movement of agricultural vehicles on the private road to the farm yard are civil matters rather than relevant planning considerations. It must be realised that the farm has existed on the land for many years with traffic transporting goods to the farm as needed. It must also be noted that an application was submitted before to construct an extension to the farm building in 2015. That extension was located on the previous site of a silo and between the site of the current extension and the private road. The application was advertised on land near the site and no objection was received. Prior permission was granted to construct the extension on 12 February 2015 and that permission has been implemented.
- 5.16 It is understood by the objectors that constructing an alternative access road to the farm in order to separate the farm from the residential houses would be likely to resolve the objections to the application. However, there is no substantial planning objection to the application on the grounds of road safety or local amenities and, therefore, it is considered that there is no planning justification for including a condition on any permission enforcing the constructing of a boundary to separate the

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farm buildings from the private road along with constructing a new access road to the farm.

- 5.17 It is not considered that the application is contrary to policies B23, B33 or B25 of the GUDP.

Transport and access matters

- 5.18 The site is a location in the countryside approximately 1 km from the village of Botwnnog. The existing private track that leads from the unclassified county road to the site measures approximately 70 metres in length. The track serves the farm, residential properties and a static caravan site nearby. Considering that the farm buildings already exist, it is not considered that the current extension because of its size and location on the site of previous sheep folds would create a substantial increase in traffic along the road. The applicant states that the land-use and land-based activities have been in existence already and the application does not add to this. It is not considered that the traffic levels for the farm would increase sufficiently to justify objecting on the grounds of roads. The Transportation Unit submitted observations confirming that they had no objection to the application. It is not considered that the proposal is contrary to policy CH33 of the GUDP.

Relevant planning history

- 5.19 The application is submitted to the Council as a result of discussions with an officer from the Planning Service's Enforcement Unit.

Response to the public consultation

- 5.20 Full consideration was given to the relevant planning matters raised as a result of the statutory publicity given to the application, and it is not considered that the objections received justify refusing the application in this case.

6. Conclusions:

- 6.1 The fact that that a working farm exists on the site is a material planning consideration when considering the current application. The Council has already approved a similar extension to the building in 2015 under permitted development regulations. The surface area of the current extension measures approximately 15% of the existing sheds and consequently it is an ancillary part of the site. The proposal does not have a significant impact on the area's visual amenities nor does it have an additional substantial adverse effect on the amenities of nearby residents and it conforms to all the policies noted in this report.

7. Recommendation:

- 7.1 **To approve** - Agricultural use only.