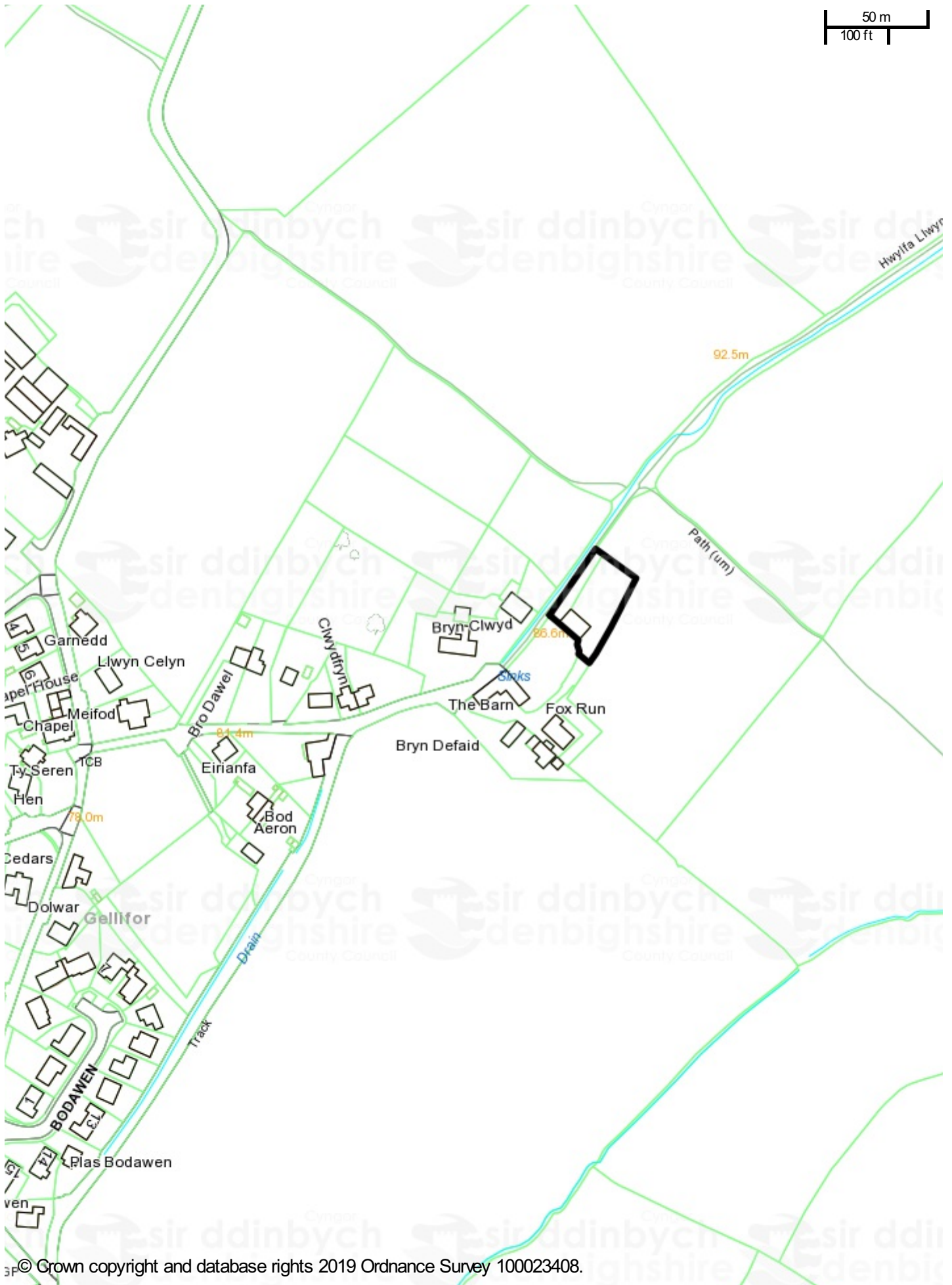


50 m
100 ft



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22/2019/0544

Scale: 1:2500

Printed on: 24/10/2019 at 9:42 AM



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SITE PLAN



WYNN ROGERS
Architectural Services Ltd

Studio 3, Rosemary Lane, Denbigh, LL16 3TT

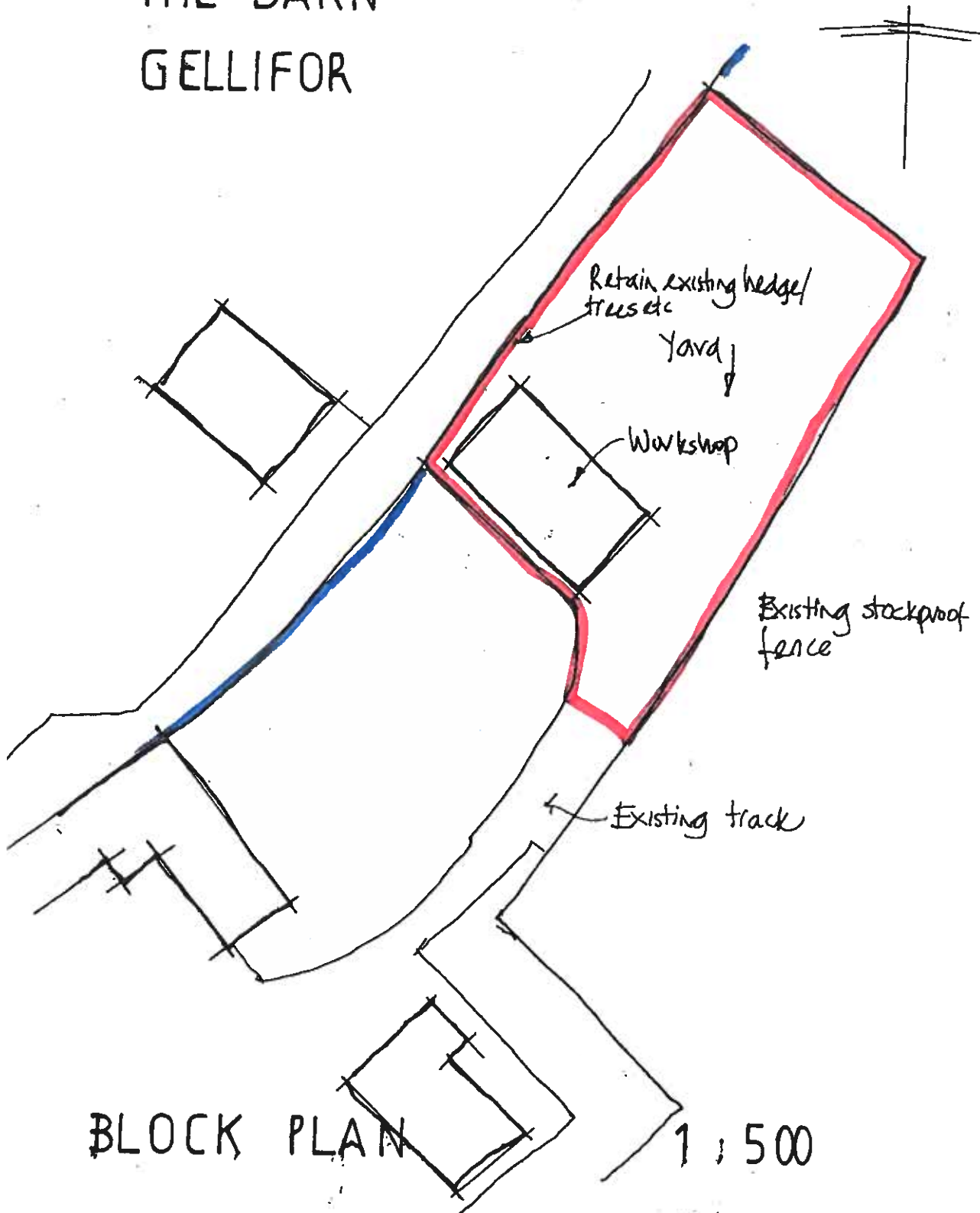
N.BRYN COLBORNE M.C.I.A.T.
Chartered Architectural Technologist

G.LLOYD EVANS
Architectural Technologist

MICHAEL D. COLBORNE B.Sc. (Hons)
Building Surveying

01745 812100

THE BARN
GELLIFOR



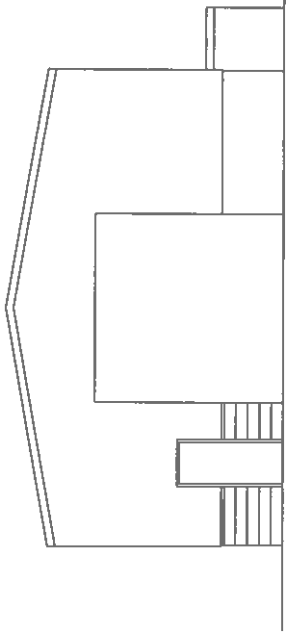
BLOCK PLAN

1:500

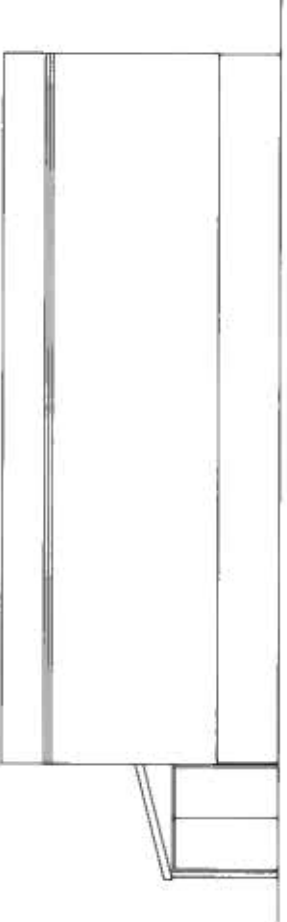
ELEVATION PLAN

NOTES:

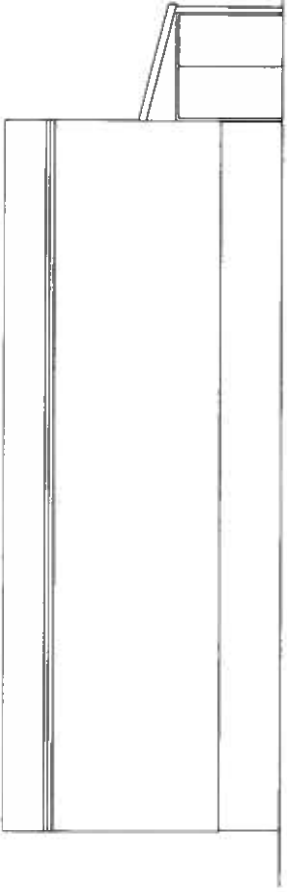
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR THE PREPARATION OF MANUFACTURING DRAWINGS. ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE ARCHITECT.
 www.wynnrogers.com
 WYNN ROGERS ARCHITECTURAL SERVICES
 COMPANY LTD



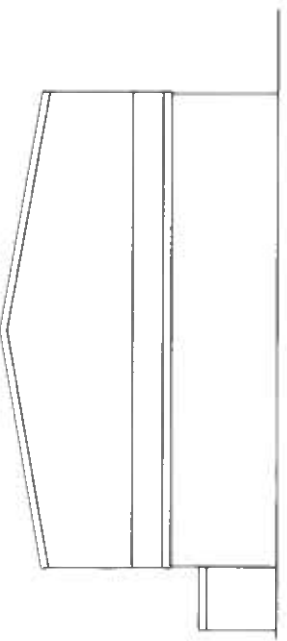
front



side



side



rear

REVISION	DATE	BY



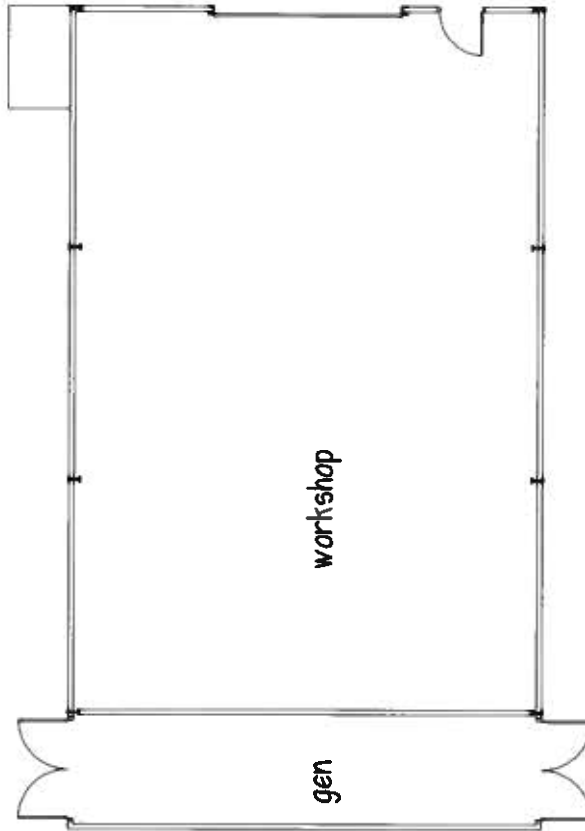
WYNN ROGERS
 Architectural Services
 Studio 3, Rosemary Lane, Denbigh, LL16 3JH
 01745 812100 E-mail: consult@wynnrogers.co.uk
www.wynnrogers.co.uk

CIAT
 Registered Firm
 PROJECT: THE BARN GELIFOR
 DRAWING TITLE: ELEVATIONS
 CLIENT: G CLARKE
 PROJECT NO: DRAWING NO: **2**
 DRAWN: NBC
 SCALE: 1:100
 DATE: May 19
 PAPER: A3

FLOOR PLAN

NOTES:

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR THE PREPARATION OF MANUFACTURING DRAWINGS. ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO WYNN ROGERS ARCHITECTURAL SERVICES CONSULTANT



REVISION	



WYNN ROGERS
Architectural Services
Studio 3, Rosemary Lane, Denbigh, LL16 3JT
01745 812100 E-mail: consult@wynn-rogers.co.uk
www.wynn-rogers.co.uk

PROJECT: THE BARN GELLIFOR
DRAWING TITLE: PLAN
CLIENT: G CLARKE

PROJECT NO.: [] DRAWING NO.: **1**
DRAWN: NBC
SCALE: 1:100
DATE: May 19
PAPER: A3

WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER: Cllr Huw O. Williams

APPLICATION NO: 22/2019/0544/PC

PROPOSAL: Use of agricultural building for the repair and maintenance of applicant's own vehicles, machinery and equipment used in connection with applicant's agricultural contracting and groundworking business and change of use of adjoining agricultural land to ancillary storage in association with the building (retrospective application)

LOCATION: Old Barn Hwylfa Llwyn Gellifor Ruthin

APPLICANT: Mr & Mrs G Clarke

CONSTRAINTS: PROW

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

LLANGYNHAFAL COMMUNITY COUNCIL-

“ The Planning Authority should undertake an independent and impartial review of the site to assess work and noise levels.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer-

No objection.

Public Protection

External Noise consultant

No objection. Recommends that full implementation of the recommendations and specifications of the noise report submitted are carried out. In particular-

1. Remedial insulation works to the wall and roof elevations in line with the adjoining dwellings of Bryn Defaid and Bryn Clwyd detailed on pages 22 and 23 of the noise report must be implemented.
2. Acoustically enclose or otherwise insulate the external generator to ensure the unit is inaudible at the site boundary.
3. Operational hours for machinery use should be restricted as follows:-
 - Monday to Friday 8am to 6pm
 - Saturday 9am to 2pm
 - No operation on Sundays

RESPONSE TO PUBLICITY:

In objection

Representations received from:

David Williams, Bro Dawel Bach, Gellifor

Huw Eryl Evans, Bryn Clwyd, Gellifor

Hugh Williams, Bryn Defaid, Gellifor

John Williams, Moelfryn, Gellifor

Summary of planning based representations in objection:

Residential amenity impacts

Noise and fumes from industrial processes causing nuisance to neighbours

The noise assessment does not take into account the nearest residential property, Bryn Clwyd.

Different types of machinery not assessed in the noise report which are used at the site.

Noise disturbance to horses located 15m away.

Visual amenity impacts

Concerns around the storage of waste generated from Skip Hire and Construction works on the site adjacent to the building

Inappropriate use in the location

Site is located in the open countryside and there are no other B2 uses in this location.

Impacts to the tourist economy

Other matters

Questions over the nature of the use:

The current use of the building is not for agriculture which is the lawful use of the building

Discrepancies between the works undertaken at the site and the works proposed to be done at the site by the applicant.

Evidence provided in the form of social media extracts show works for clients has been undertaken at the site and not for repair of applicants own vehicles

Discrepancies in the application form stating no employment of staff when employees of Clarke Contractors have been seen arriving on site on a daily basis.

In support

Representations received from:

Sue Scott, Pen y Bryn, Llangynhafal

Mike Owen, owner of Speddyd Rural Business Park, Llandyrnog

Sarah Hamlyn, Colomendy, Llangynhafal

Summary of planning based representations in support:

Use the bridle path regularly and have not experienced noise issues or horses being frightened.

Local people employed by the applicant

Local business which should be supported

The noise attenuation cladding should ensure noise levels are kept to a minimum.

British Horse Society-

No objection, but advise it is important that the development does not have a detrimental impact on the bridleway and that users of the bridleway are not put off from using it as a result of the development, and that appropriate planning conditions are imposed to ensure that noise emanating from the site does not impact on the users of the bridleway.

EXPIRY DATE OF APPLICATION: 26/08/2019

EXTENSION OF TIME AGREED? Yes, to 15/11/2019

REASONS FOR DELAY IN DECISION (where applicable): N/A

- Additional information requested
- Timing of submission of information and consultation periods.
- Awaiting consideration by Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks permission to continue the use of an agricultural building for the repair and maintenance of the applicant's own vehicles, machinery and equipment used in connection with the applicant's agricultural contracting and ground working business and the use of the land adjoining the building to ancillary storage in association with the building.

1.1.2 The application seeks retrospective permission and has been submitted following a complaint received by the Council and investigation by the Compliance Officer.

1.1.3 The application form states that the building is used for maintenance and repair works between the times of 7am to 5pm Monday to Friday.

1.1.4 The applicants / agent have submitted information to explain and support the proposals:

- A Justification statement

This clarifies the use of the building, which it is stated is for the maintenance and repair of the applicant's own vehicles, machinery and equipment which he uses in his own agricultural and ground working business. This includes the installation of septic tanks and other non-mains sewerage treatment plants. The applicant's son and wife are employed in the business. A part time labourer is also employed. Future additional employees will go directly to site and not to the Old Barn in Gellifor for work.

The application form states the hours of opening are 0700 – 1700 Monday to Friday, with no opening indicated on Saturday, Sunday or Bank Holiday.

- Further information:

Summary of response to criteria of Policy PSE5:

i) is the proposal appropriate in scale and nature to its location?

- Located on the edge of a settlement and detached from the nearest residential dwelling
- MIG welding and grinding is undertaken on an ad hoc basis
- Other equipment is stored at the site which cannot be left overnight on the job
- As the business grows, it is anticipated other premises will be required
- The business serves the local area and there is a demand for what he is doing
- Contributes to the local rural economy
- Small scale development which can be regulated by appropriate conditions

ii) Any suitable buildings are converted or re-used in preference to new build

- The applicant is making use of an existing building on his land, not a new build development.

iii) Proposals for new buildings are supported by a business case

- This is not a proposal for a new building. It is a small scale enterprise. If it grows with an expansion of its workforce and operations then relation may be the best option.
- The application site is not within an AONB or World Heritage Site
- The agricultural holding is very small (3.5 acres) and cannot provide a living just on the land.

1.2 Description of site and surroundings

1.2.1 The site contains an agricultural building granted permission in 2012 for the storage of implements and fodder. It is situated some 36m to the north east of the dwelling, Old Barn, from which it is separated by a lawned garden.

1.2.2 At the time of the site visit by the Case Officer, it was noted that the interior of the building contained a range of machinery and tools and was not in use for the purposes approved in the 2012 permission. The land surrounding the building had other machinery and vehicles parked, along with materials, waste and general equipment and tools, a shipping container, there were a number of wrapped hay bales present.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located outside of any development boundary as defined in the LDP. A public right of way runs adjacent to the west of the site boundary.

1.4 Relevant planning history

1.4.1 The building was originally granted planning permission for agricultural use in 2012.

1.5 Developments/changes since the original submission

1.5.1 The information / justification statement referred to in section 1.1.4 has been submitted by the applicant / agent to assist consideration of the application.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 22/2012/0130 Erection of an agricultural building for implements and fodder, GRANTED 15/06/2012.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE4 – Re-use and adaptation of rural buildings in open countryside

Policy PSE5 – Rural economy

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Notes:

TAN 6 Planning for Sustainable Rural Communities (2010)

Circulars

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity including noise impacts
- 4.1.4 Highways

4.2 In relation to the main planning considerations:

4.2.1 Principle

Paragraph 5.6.6 of PPW 10 advises that Local Planning Authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. Authorities are encouraged to adopt a positive approach to the conversion of rural buildings for business re-use.

With regard to agricultural development, PPW10 states that diversification activities come in many forms and include both agricultural and non-agricultural activities. PPW10 goes on to state that diversification projects "should be supported where there is no detrimental impact on the environment and local amenity".

Policy PSE 4 of the Local Development Plan establishes a presumption in favour of the conversion of rural buildings outside development boundaries for employment use.

Policy PSE 5 lends support to developments which help to sustain the rural economy with employment proposals supported subject to compliance with four criteria, namely:

- i) the proposal is appropriate in scale and nature to its location; and
- ii) any suitable existing buildings are converted or re-used in preference to new build; and
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and
- iv) within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.

Concerns have been raised by neighbours regarding the principle of the use and its appropriateness within an agricultural building located so close to residential properties, in the open countryside. These also refer to discrepancies as to what is being applied for and what is happening on the site, with suggestions that the use extends beyond the applicant's own vehicles, etc and involves employees calling there.

In recognising the concerns raised by neighbours, the application has to be considered on the basis of what is being applied for, and in the context of the relevant policies referred to. The policies in place do offer in principle support for the conversions of buildings in the open countryside to commercial use, as a means of sustaining the economy of the area. Nonetheless, Officers consider the acceptability of the use rests on the acceptability of its localised impacts, which is assessed in the following sections of the report.

4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

No representations have been received raising visual amenity issues.

The proposal involves the use of an existing agricultural building with limited external changes impacting on its character. The application also seeks permission to regularise the use of the land adjacent to the building for ancillary storage in association with the use of the building, which does however raise potential issues of visual amenity impact. However, it is not considered this is an instance where the open storage of items associated with an agricultural contracting business has significant adverse local visual impacts having regard to the location and extent of the storage area and the level of natural screening of this area from public view. The application actually offers an opportunity for the Authority to secure improvements to the appearance of the open land surrounding the building, through appropriate hard and soft landscaping and general tidying up / management of the site.

4.2.3 Residential amenity including noise impacts

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Representations have been raised regarding residential amenity impacts.

The Community Council have suggested that the Planning Authority should undertake an independent and impartial review of the site to assess work and noise levels.

Concerns have also been raised by private individuals living in nearby dwellings over noise generated by the use and there are questions over the accuracy of the noise assessment undertaken.

In recognising the basis of objections, the Council's Noise Consultant has undertaken a detailed review of the proposals and raises no objections to the application, subject to imposition of strict conditions requiring insulation works to building, the enclosure of the external generator, and controls over hours of use of machinery. Consideration has been given to representations over the adequacy of the assessment in relation to all properties, and it is concluded that noise levels would not be unacceptable. Horse stables are not regarded as noise sensitive receptors as methodology for assessments relates to dwellings.

Overall, having regard to the representations and conclusions of the noise consultant, Officers do not consider there is a reasonable 'technical' basis for opposing the proposals in this instance as there appear to be reasonable mitigation measures which can be instigated to limit noise emissions arising from the use. These can be captured in suitably worded planning conditions if permission were to be granted.

4.2.4 Highways (footpaths)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

There are representations referring to the impacts on the users of the bridleway which runs to the west of the site. The British Horse Society have commented about the safeguarding of the bridleway and hope that users are not put off from using it as a result of the development, and that appropriate planning conditions are imposed to ensure that noise emanating from the site does not impact on them.

The Highways Officer raises no objection to the development.

With regard to representations over impacts on users of the bridleway, it is suggested in light of the controls suggested by the Noise Consultant and the fact that louder machinery is only likely to be used on an adhoc basis, the users of the bridleway are unlikely to be negatively impacted for any long period of time. The more general impacts on the highways network from the use involved are considered to be acceptable.

Other matters

In relation to the other matters raised by neighbours in objection to the proposal, the application has been submitted following a complaint received by the Council and investigation by the Compliance Officer as to the use of the building not being for agricultural use. The application seeks to regularise the change of use, and the Council has to determine whether what is being applied for, as described in the application documents, is acceptable or not.

Information has been provided by objectors regarding the type of work undertaken at the site which it is being suggested is on a more commercial basis for clients not in connection with the applicant's own agricultural contracting and ground working business. In respecting these comments, as noted above, the application to be determined is for the change of use of the agricultural building for the repair and maintenance of the applicant's own vehicles, machinery and equipment used in connection with his agricultural contracting and groundworking business, along with the use of adjoining land for ancillary storage in association with the building. If a permission were to be granted, and uses / activity not falling under the description of what is being applied for, then this would need to be investigated to determine whether there is a breach of the permission and whether enforcement action is required.

With regard to the comments made about employment at the site, it is acknowledged that the application form states that there is no employment of any staff, however the Justification Statement confirms that there are 3 full time employees and a part time labourer employed in the business. It is not considered this is of significance to the main planning issues to be considered in relation to the application.

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council 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. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 In respecting the basis of representations, subject to the controls suggested by the noise consultant, Officers believe it would be reasonable to offer support for a use restricted to the applicant's own business. The application is therefore recommended for grant subject to the imposition of conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition
 - (i) Elevations (Drawing No. 2) received 19 June 2019
 - (ii) Floor plan (Drawing No. 1) received 19 June 2019
 - (iii) Block plan received 19 June 2019
 - (iv) Location plan received 19 June 2019
 - (v) Noise Assessment (Rev. 01) received 19 June 2019
 - (vi) Justification Statement received 28 August 2019
2. The use of the building shall be restricted solely to the repair and maintenance of the applicant's own vehicles, machinery and equipment used in connection with applicant's agricultural contracting and groundworking business, and the remaining land contained within the red line on the block plan shall be used solely for ancillary storage in association with the building.
3. The use of the building and land shall be subject to the following restrictions:
 - a. Access to the buildings and land for the purposes of setting up and closing down, picking up and dropping off items for use in connection with the business shall be restricted to between the hours of 0700 to 1800 Monday to Friday, and shall not be permitted at any time outside these hours.
 - b. No noise emitting operations shall be permitted to be carried out within the building or anywhere on the site other than between the hours of 0800 to 1700 Monday to Friday, and shall not be permitted at any time outside these hours.
4. The use of the building hereby approved shall not be permitted to operate beyond 31st May 2020 unless the written approval of the Local Planning Authority has been obtained to full details of the proposals for a scheme of remedial noise insulation works on all 4 internal walls of the building in accordance with the recommendations set out in Section 5 of the Noise Assessment (Rev. 01 by Sanctuary Acoustics, received on 20 June 2019), and the approved

scheme has been implemented in full. The approved details shall be retained at all times thereafter.

5. The generator within the yard area shall not be permitted to be operated beyond 31st May 2020 unless the written approval of the Local Planning Authority has been obtained to full details of an acoustic enclosure or such alternative means of mitigating noise from the generator, and the approved scheme has been implemented in full. The approved enclosure shall be retained at all times the generator is in use.
6. There shall be no external storage of any items on the yard area beyond the 31st May 2020 unless the written approval of the Local Planning Authority has been obtained to full details of a scheme of boundary screening/planting to the north east and south east boundaries of the yard and the approved scheme has been implemented in full. The approved screening/planting shall be retained at all times.
7. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

The reasons for the conditions are:-

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. For the avoidance of doubt and in the interests of residential amenity.
3. In the interests of residential amenity.
4. In the interests of residential amenity.
5. In the interests of residential amenity.
6. In the interests of visual amenity.
7. In the interests of visual amenity.