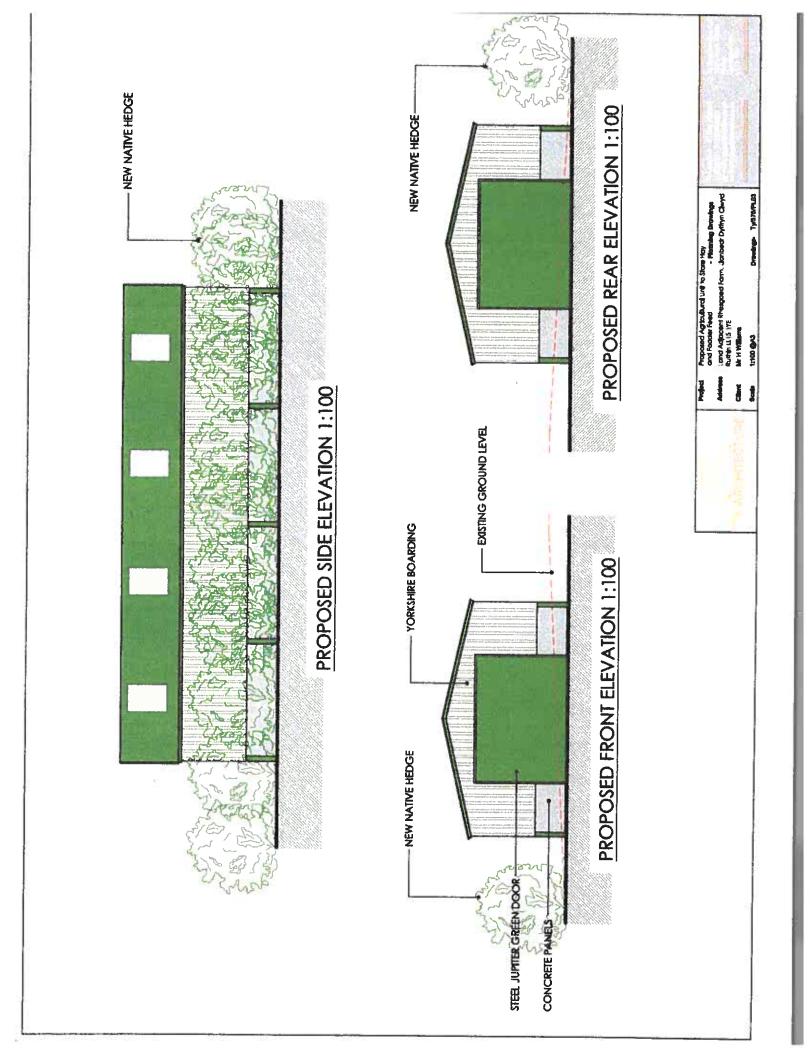
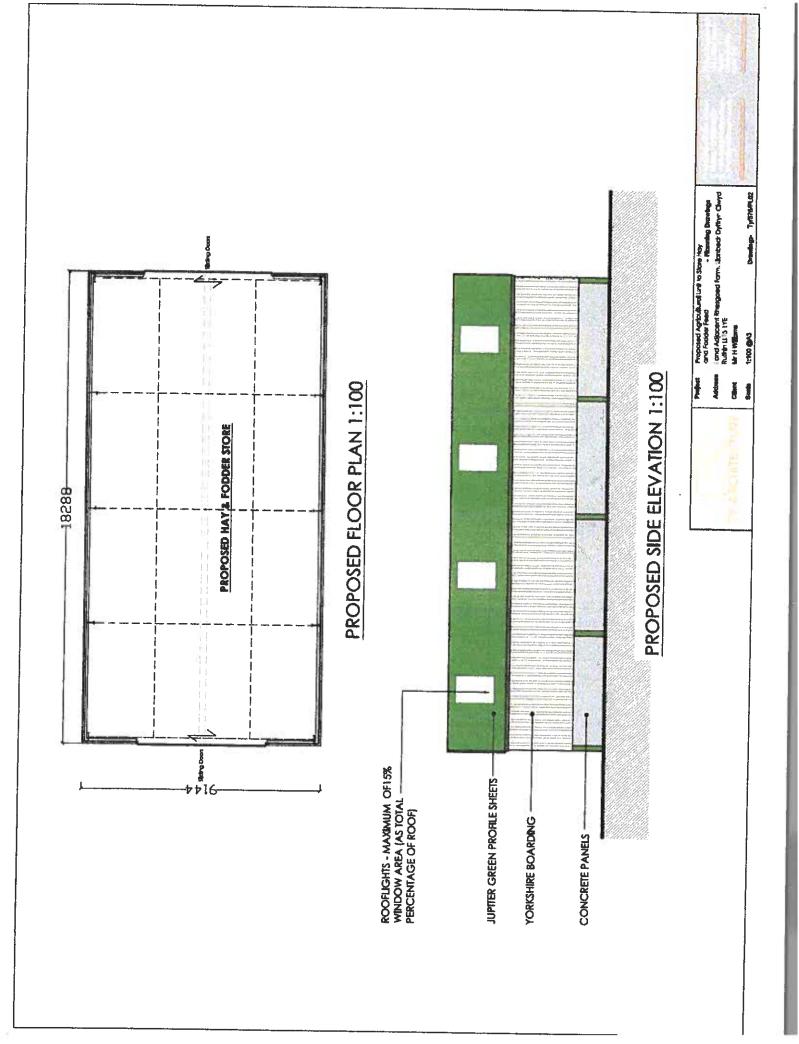
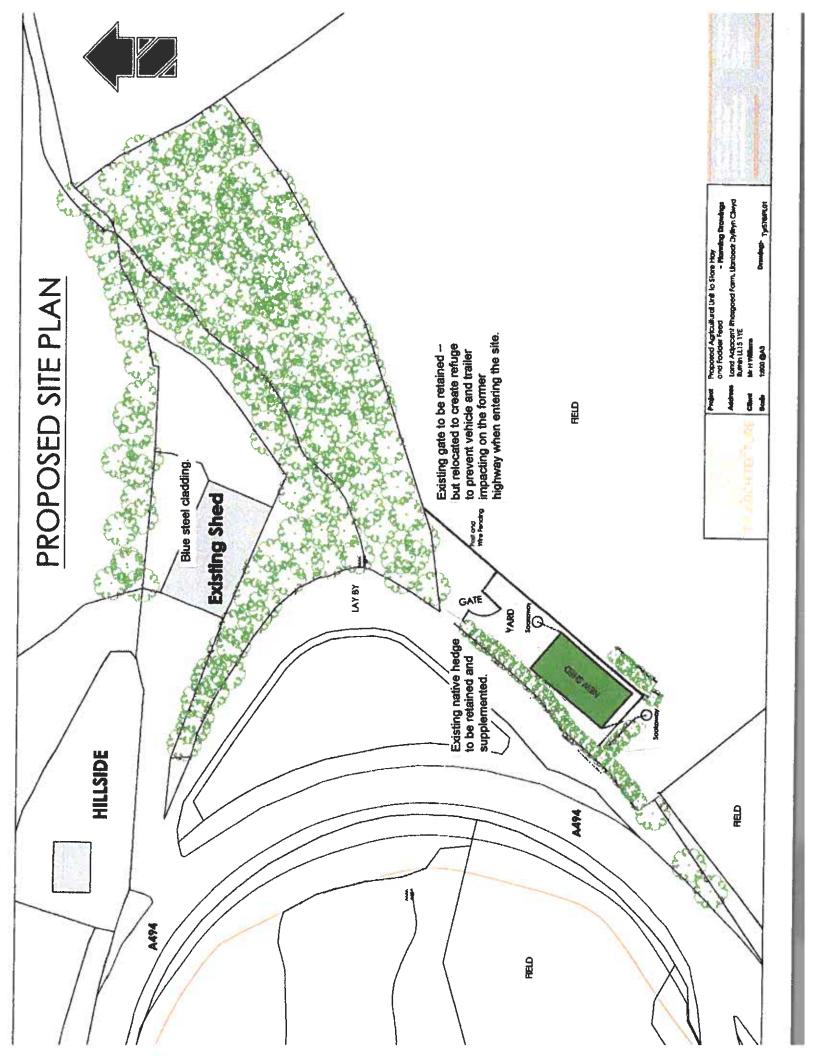


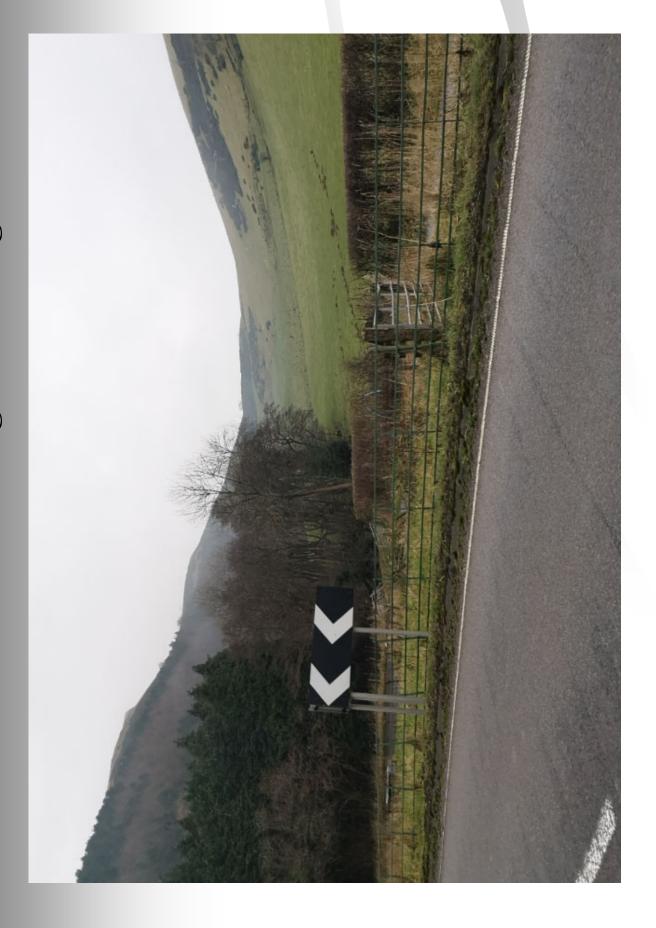
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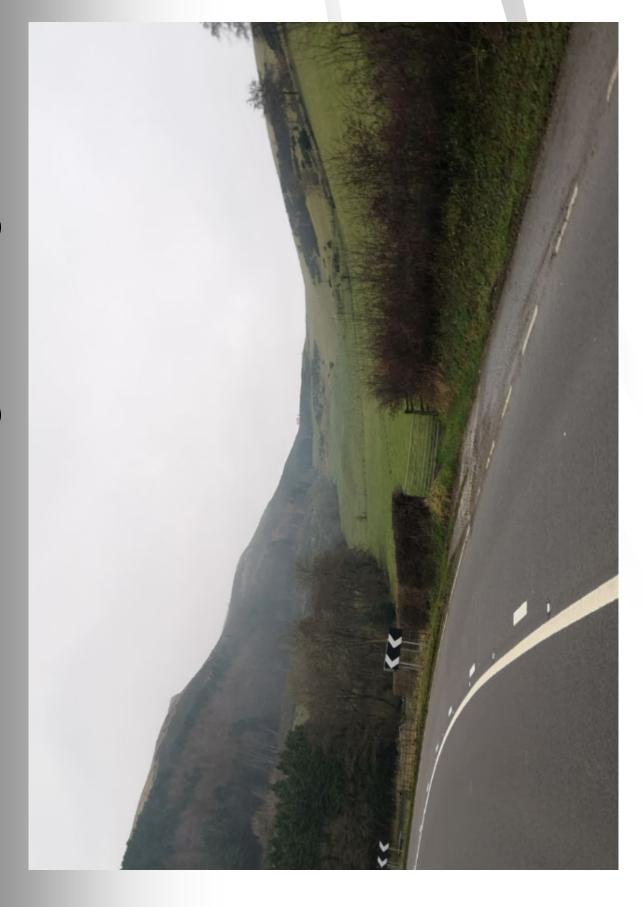
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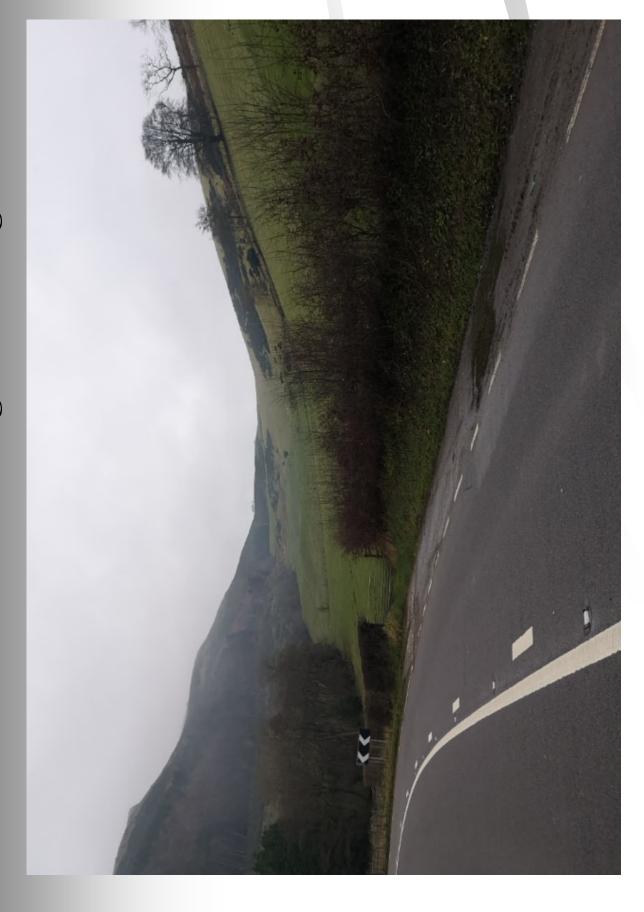














Luci Duncalf

WARD: Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr H O Williams

APPLICATION NO: 16/2020/0810/ PF

PROPOSAL: Erection of an agricultural building for the storage of hay and

fodder (resubmission)

Land adjacent to Rhesgoed Farm Llanbedr Dyffryn Clwyd

Ruthin LL15 1YE

APPLICANT: Mr H O Williams

CONSTRAINTS: Within 67m Of Trunk Road

AONB

PUBLICITY Site Notice - No UNDERTAKEN: Press Notice - No

Neighbour letters - Yes

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

- Application submitted by a County Councillor
- 4 or more objections/ recommendation grant.

CONSULTATION RESPONSES:

LLANBEDR DYFFRYN CLWYD COMMUNITY COUNCIL- "No objections"

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE-

Objection. Concerned that the proposal will have a significant impact on the open character and appearance of the area. Notwithstanding the landscaping proposals designed to mitigate its visual impact, the building is unrelated to any existing farm building complex and will appear as sporadic and discordant development in the open countryside to the detriment of the AONB. The committee favours proposals for new farm buildings to form part of and be well related to an existing complex of buildings to minimise their impact on the landscape.

Concerned that if other small parcels of land which are separate from an existing farm building complex were to make a similar case this could result in a proliferation of agricultural buildings across the countryside to the detriment of the AONB. Recommend the LPA undertake an independent agricultural appraisal prior to determining the application.

WELSH GOVERNMENT HIGHWAYS AUTHORITY-

No comments received within statutory period.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES -

-Highways Officer-

No objection to the proposals and would advise that the Welsh Assembly Government will provide advice on the access onto the A494.

- Public Protection Officer-

No comments received.

RECONSULTATION RESPONSES:

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE-

The AONB Officer has looked at the additional landscaping plans and considers that they may help to mitigate the visual impact, but would prefer to have the existing hedge to the front boundary retained with gaps filled in and supplemented with some native hedgerow tree planting. The AONB Officer still considers the proposal will result in a loss of character and cause harm to the landscape due to its prominent and sensitive location.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mrs J. Williams, Hillside, Llanbedr Dyffryn Clwyd

Mrs M. Lowe, Rhiwisg, Llanbedr Dyffryn Clwyd

Mrs J. Powell, Bryn Eryl, Bryn Goodman, Ruthin

Mr M. Waters, 45 Sturge Avenue, London

Mrs G. Williams, Helyg, Willow Street, Llangollen

Summary of planning based representations in objection:

• The proposed building is large for the land it serves compared to the adjacent existing building

Visual amenity and impact on AONB

- Inappropriate scale of development for the location- would be overly dominant in this sensitive area
- The location is not acceptable as this is an important stretch of the A494 and serves as a vantage point down over the valley.
- Negative visual impact on the natural landscape of the AONB and would be overly prominent in views on this important road.
- The supplementary hedge planting will take years to mature and will not offer immediate screening.

Residential Amenity

• Concerns that the building will be used for alternative uses or accommodation of livestock in the future.

Accuracy of plans

- The amount of acreage connected with the proposed building is not accurate
- A number of trees have been felled to accommodate the building, not included on plans.
- Details of the excavation of the building into the hillside should be provided

Highways

Welsh Government guidance notes for permitted development for agricultural buildings states
that for a class A or B road, the building should not be permitted within 25m of a trunk road or
highway.

In support

Representations received from:

Mrs. E. Rees, Cae Mawr, Llanbedr Dyffryn Clywd

Mr B. Lewis, 40 Maes Hafod,

Summary of planning based representations in support:

- No adverse visual impact as already an agricultural building nearby of a greater size.
- Support the use of the building for storage which is easily accessible in this location

- Support the use of the building which is essential for the welfare of the applicant's livestock.
- Important to support farmers in these worrying times for agriculture.

EXPIRY DATE OF APPLICATION: 22/12/2020

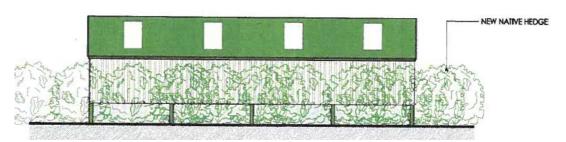
EXTENSION OF TIME AGREED? N/A

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

PLANNING ASSESSMENT:

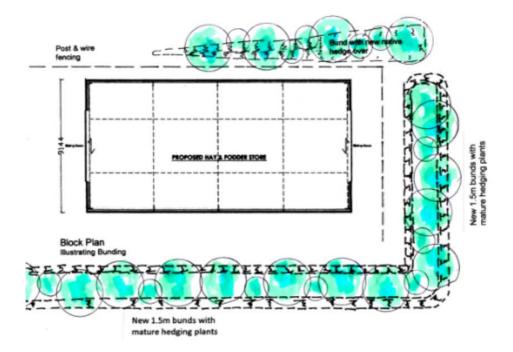
1. THE PROPOSAL:

- 1.1 Summary of proposals
 - 1.1.1 The application seeks permission for the erection of an agricultural building for the storage of hay, fodder and supplements at land adjacent to Rhesgoed Farm, Llanbedr Dyffryn Clwyd.
 - 1.1.2 The proposed building would be located to the east side of the A494 adjacent to the existing layby or former A494 road. It would measure approximately 9m in width and 18m in length resulting in approximately 166sqm in floor area. It would have a pitched roof with a ridge height of 4m and an eaves height of 2.5m.

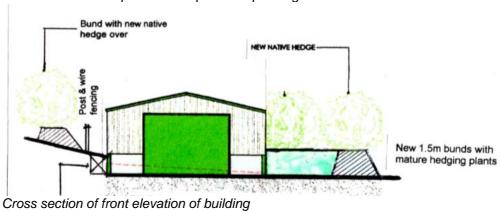


Proposed side elevation

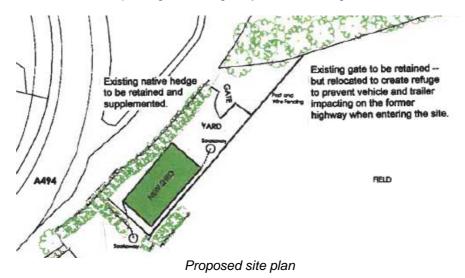
- 1.1.3 4 roof-lights are proposed to each side of the roof which is to be finished in juniper green box profile sheets and two large steel juniper green doors are proposed to the two side elevations. It is proposed to have timber boarding to the upper sides with concrete panels below.
- 1.1.4 Two soakaways are proposed to each side of the building.
- 1.1.5 Post and wire fencing is proposed to the south east and south boundaries, a mature native hedge is proposed to be planted to the north-west boundary facing the road on top of a 1.5m high bund. The south west boundary is proposed to have a bund with native hedge planting on top and also to the bund to the south east boundary.



Proposed block plan with planting



1.1.6 The existing gate is to be retained and relocated to create a refuge to prevent vehicles and trailers impacting on the highway when entering the site.



1.2 Other relevant information/supporting documents in the application

1.2.1 Additional information on the justification of the building. Site sections plans.

1.3 Description of site and surroundings

- 1.3.1 The site is located to the east of the bend in the A494 trunk road on the opposite side of the road to Rhesgoed Farm. The original A494 road is still in existence and now forms a layby with a small fenced off patch of grass separating it from the main trunk road.
- 1.3.2 There is an existing agricultural building located to the north of the site which is screened by evergreen trees and is only visible on approach to the south up the bend in the road.
- 1.3.3 There is woodland to the north and north east of the site and agricultural fields to the east and south. The land is the applicant's ownership is 4ha in size.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of any development boundaries described in the Local Development Plan.
- 1.4.2 It is within the AONB protected area designation.

1.5 Relevant planning history

1.5.1 Previous application for a shed building in the same location was withdrawn in February 2020.

1.6 <u>Developments/changes since the original submission</u>

1.6.1 Amendments to the planning application form to include the other owner of the site at present and additional information on the justification and cross section plan of the building in relation to the hillside.

1.7 Other relevant background information

1.7.1 Justification summary provided by agent.

The land is used for livestock and cropping of hay and the unit is primarily used for the storage hay, fodder and supplements in order to feed and ensure the health and well-being of the stock. It will also be used to accommodate machinery. The proposed unit is minimum required to fulfil this use and to make the holding viable.

Additional justification from the applicant.

Current stock rates are 50 ewe lambs and 10 store cattle but the intention is to purchase or rent more land and buy 200 ewes every autumn to keep over winter and buy 20 cattle in the spring to sell in the autumn. At present hay is baled and wrapped in plastic but the intention is to store the hay in the new shed. The business is registered as a farming enterprise, and the proposal is required as part of a subdivision of the enterprise.

No soil will be removed from site and the shed will be dug approximately 0.6m into the field to create bunds to the north-west. The concrete panels on the site will hold up the banks. The gates to the south will be closed off so a new hedge can be planted and help to screen the building from the roadside.

2. DETAILS OF PLANNING HISTORY:

16/2019/1055 Erection of an agricultural building for the storage of hay and fodder, WITHDRAWN 02/04/2020

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 - Rural economy

Policy VOE2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of

Outstanding Natural Beauty

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018
Development Control Manual November 2016
Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009) TAN 6 Planning for Sustainable Rural Communities (2010) TAN 12 Design (2016)

TAN 18 Transport (2007)

Circulars

3.3 Other material considerations

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 and impact on Area of Outstanding Natural Beauty
 - 4.1.3 Residential amenity
 - 4.1.4 Ecology
 - 4.1.5 Highways (including access and parking)
- 4.2 In relation to the main planning considerations:
 - 4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales 10 (December 2018) paragraph 3.56 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

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.

TAN6 Appendix 1 sets out the general considerations for planning authorities when dealing with agricultural prior notification applications. TAN6 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. Whist this application is not for a prior notification, the considerations would be of relevance to this current application.

Policy PSE5 states that development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development.

Representations have been received which raise concerns over the principle of the development including the size of the building in relation to the land which it serves. The AONB Joint Committee have also objected to the building as it is unrelated to any existing farm and would favour new agricultural buildings to be well related to an existing complex to minimise their impact on the landscape. Concerns have been raised regarding the setting a precedent for similar developments in the countryside to the detriment of the AONB.

The proposed new agricultural building is situated some 190m to the north east of the existing Rhesgoed Farm complex within an agricultural field. It is acknowledged that the building is not proposed to be connected to Rhesgoed Farm or any other farm complex in this location. However the building would be registered to the applicant's farm enterprise with DEFRA, VAT and the Tax Authority which demonstrates that it is connected to an existing farming enterprise. The justification statement provided for the new building states that the building is required for the storage of hay, fodder and supplements in order to feed and ensure the health and well-being of a current stock number of 50 sheep which are grazed on the land which equates, at present to 4ha, but more land is to be acquired in the future along with an increase in stock numbers each year.

The justification statement also makes a case for mitigating the visual amenity impacts which are to be alleviated through the retention of soil from the excavation of the hillside into bunds with hedge row on top which will help to screen the site from the roadside and views beyond.

With respect to the comments received regarding the principle of the development, Officers are of the opinion that the building would still be connected to an existing registered farming enterprise which is in the process of becoming re-established following the recent sale of the family farm at Rhesgoed. The stock numbers are proposed to increase each year along with the purchase of more land to accommodate the flock. Whilst the building is considered large in relation to the size of the land it serves, there is no LDP policy or guidance provided in TAN6 which seeks to control the size of a building in relation to the land it serves.

Having regard to Planning Policy Wales, Technical Advice Note 6, and the circumstances/justification for the building, Officers consider that the erection of an

agricultural building is acceptable in principle, however this is subject to an assessment of the localised impacts which will be discussed in more detail in the remainder of the report.

4.2.2 <u>Visual amenity and impact on Area of Outstanding Natural Beauty</u>

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.

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects Planning Policy Wales 10 that which requires planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Paragraph 2.1.1 of Appendix A of TAN6 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. Paragraph A14 also provides advice on the design appearance and siting of new agricultural buildings.

Representations have been received which raise visual amenity concerns. These include comments on the inappropriate scale and dominance of the development for the location and the negative impacts on the character of the AONB. The AONB Joint Committee have also objected to the proposal due to the sensitive nature of the site and the harmful impact the building would have on the character of the area through its sporadic and discordant form of development in the open countryside.

The proposed agricultural building would be sited some 190m to the north east of the existing complex of buildings at Rhesgoed Farm but would not be connected to the farm. The building is proposed to be located on higher ground and on the south side of the A494 trunk road and cut into the hillside. The site is on sloping ground, with the majority of the field to the east rising steeply behind. There is a back-drop of evergreen woodland to the north of the site but the site is relatively open on three sides with a small hedge fronting the road.

Having regard to the comments and representations received, Officers acknowledge the fact that the building is unrelated to any existing development and would be better suited to be on lower ground within an existing farm complex. However, it is also noted that TAN 6 suggests that where it is not possible to site adjacent to an existing complex, the siting of the building should have as low an impact on the character of the landscape as possible.

Officers are of the opinion that the development can be assimilated well into the landscape through being cut into the hillside and set back from the existing front hedge which defines the boundary of the original trunk road (now layby). Guidance in TAN 6 recommends that new buildings should be set into the slope to reduce the visual impact and to avoid sites on skylines. Officers consider that the potential prominence of the building has been mitigated to an acceptable level through the

proposed landscaping including the additional mature hedgerow planting to the front boundary and up on top of bunds to screen the building to the side and rear corner from views down the trunk road. TAN 6 recommends that planting should 'help to break up a prominent silhouette, minimise its impact on the landscape and help anchor a new building to the surrounding landscape'. It is considered that the proposal achieves this to an acceptable degree.

It is not considered that the proposal is wholly unacceptable in visual amenity terms in this location given the nature of the proposal for agricultural use which would support an existing farming business. Many agricultural buildings are typically located away from the main farm complex to serve the land they are sited on which is not an uncommon form of rural development. It is therefore considered that the proposed landscaping scheme would help to alleviate the visual impacts to an acceptable level given the agricultural nature of the building which would not be an uncommon feature in this area.

Officers consider that it is important to ensure that the site remains tidy and presentable outside of the shed and that materials or fodder should not be stored outside the shed as this could impact negatively on the appearance of the AONB. Should the application be approved by members at Planning Committee, Officers consider it reasonable to attach conditions to control the storage of materials external to the building to protect the character and appearance of this important area of the AONB.

Having regard to the design, siting, scale, massing and materials of the proposed building, in relation to the character and appearance of the AONB landscape, it is considered the proposal would not have an unacceptable impact on visual amenity and on the character of the AONB subject to appropriately worded conditions and is therefore broadly in line with the policies and guidance listed above.

4.2.3 Residential 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 residential amenity impacts of development should therefore be regarded as a potential material consideration.

Representations have been received raising concerns relating to residential amenity including the use of the building and potential future uses for livestock accommodation.

The proposed building is put forward for the storage of hay, fodder and supplements. It is not proposed for the accommodation of livestock. There are unrelated residential properties to the north of the site and the proposed building would be approximately 85m from the dwelling, separated by an area of trees and a layby.

Given the distance to the dwellings, the proposed use of the shed and the existing agricultural use of the land, Officers do not consider the proposal would unacceptably increase the level of noise and disturbance to neighbouring properties and therefore a refusal of planning permission on residential amenity grounds would not be justified.

4.2.4 Highways (including access and parking)

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. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW) and TAN 18 – Transport, in support of sustainable development.

Representations raising highways concerns have been raised which relate to permitted development for agricultural buildings. This is not a prior notification for prior approval for an agricultural building, and therefore such objections are not valid.

The site is served by an existing layby leading from the main trunk road to the north. No alterations are proposed to the existing access.

Welsh Government Transport and the Council's Highways Officers have been consulted on the application. The Council's Highways Officers have raised no objections and no comments have been received on the consultation with the Welsh Government Transport.

Welsh Government Transport issued a Holding Direction on the first submission which was withdrawn (ref. 16/2019/1055). Additional information to support the application was required including:

- The details of what type of vehicles, their movement and frequency, predicted unloading/ loading activity and location have not been confirmed in the submitted information, clarification is required.
- No drainage from the development site shall be permitted to connect or allowed to discharge into the trunk road drainage system, clarification of the proposed site drainage is required

In this resubmission, only one existing gate into the site off the layby is proposed with a yard area to the side. There would be no new access onto the trunk road and there is no connection with the Rhesgoed Farm site on the other side of the road, reducing the number of cross road vehicular movements. The vehicular movements would be to load and unload hay and fodder for storage and distribution over the land to the flock. The site is already agricultural land, and therefore the continued agricultural use of the land is not considered to generate an unacceptable increase in vehicular movements which would impact negatively on the trunk road. The drainage is proposed to two soakaways, one in the yard area and one to the side in the field. It is not considered that the proposed drainage scheme would have an unacceptable impact on the trunk road drainage system.

The Local Authority Highways Officer has not raised an objection to the proposal.

On the basis of the details submitted, the proposal is not considered to adversely impact on highway safety.

Other matters

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 With respect to the comments received regarding the impacts to the AONB and the character of the area, Officers are of the opinion that on balance, taking into account adopted planning policy and national guidance for such proposals, with appropriate landscaping and screening arrangements that the proposal is not unacceptable and it is recommended that permission be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. The development to which this permission relates shall be begun no later than 16th December 2025
- 2. 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 pursuant to this permission:
 - (i) Proposed elevations (Drawing No. PL03) received 15 October 2020
 - (ii) Proposed floor plan and side elevation (Drawing No. PL02) received 15 October 2020
 - (iii) Existing site plan (Drawing No. SU01) received 15 October 2020
 - (iv) Proposed site plan (Drawing No. PL01) received 15 October 2020
 - (v) Location plan received 28 October 2020
 - (vi) Illustrative photograph received 15 October 2020
 - (vii) Illustrative photograph- block plan and bunds received 29 November 2020
 - (viii) Illustrative photograph- elevations and bunds received 29 November 2020
- 3. Should the use of the building for agricultural purposes cease, the building shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored in accordance with a restoration to be submitted and approved in writing by the Local Planning Authority.
- 4. Notwithstanding the approved plans, the front boundary hedge shall not be as shown on plans but shall be retained as existing with gaps filled in with supplementary native hedgerow plants and supplemented further with native hedgerow tree planting, details to be further agreed in writing by the Local Planning Authority. The amendments shall be carried out strictly in accordance with the approved details in the first planting season following commencement of development.
- 5. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. 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.
- 6. No external lighting shall be permitted to be installed or operated, including emergency/ security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage. The scheme shall be carried out strictly in accordance with the approved details.
- 7. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the details hereby approved and shall be completed prior to the development being brought into use.

The reasons for the condition are:-

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. For the avoidance of doubt and to ensure a satisfactory standard of development.
- In the interest of landscape and visual amenity and to protect the character of the AONB. In the interests of visual amenity and to protect the character of the AONB. 3.
- 4.
- 5. In the interests of visual amenity and to protect the character of the AONB.
- To protect the character and appearance of the AONB. 6.
- In the interest of highway safety. 7.