



23/2023/0160



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23/2023/0160

**Land opposite Bryn Eglur, Llanrhaeadr
(former hen shed)**

Change of use of yard to form builder's storage yard (sui generis) and use of existing eco cabin building as associated office (B1).



View of site entrance from road



Front and side of eco cabin-
Proposed use as office



Existing yard area

WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER(S): Elfed Williams (c)

APPLICATION NO: 23/2023/0160/ PF

PROPOSAL: Change of use of yard to form builder's storage yard (sui generis) and use of existing eco cabin building as associated office (B1).

LOCATION: Land Opposite, Bryn Eglur, Llanrhaeadr, Denbigh, LL16 4PH

APPLICANT: Mr Rob Wilding

CONSTRAINTS: None.

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 – Town / Community Council objection

CONSULTATION RESPONSES:

LLANRHAEADR COMMUNITY COUNCIL:

Following observations:

1. No bat survey has been done.
2. Members of the Council would like to see the on site planning history to the buildings and site under review.
3. There is no proven need for the premises and yard usage.
4. The building is of a substantial size outside the Local Development Site which has no local needs requirements.

(Clerk confirmed response is an objection 9/10/2023)

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer-
No objection.

Public Protection Officer –

No comments received.

Strategic Planning and Housing Officer-

LDP policy PSE 4 'Re-use and adaptation of rural buildings in open countryside' explicitly states that, "Proposals for the conversion of rural buildings outside the development boundary for employment use will be supported." It's understood from the submitted information with the applications that the business yard is used for storage purposes i.e., Use Class B8. There appears to be compliance with local policy unless you have evidence to the effect that the rural buildings, 'eco cabin' and 'building', are not suitable for a conversion to office use. Since the premise was previously used as a poultry farm, there are unlikely to be any architectural or historic features that need to be retained as part of the change of use.

Before granting planning permission, you should ascertain that the proposed

change of use also complies with LDP policy VOE 1 “Key Areas of Importance” and LDP policy VOE 5 “Conservation of natural resources”. This is to ensure no adverse effects on local landscape designations or historic buildings in the vicinity of the application sites, and no adverse effects on the natural environment. Technical advice may be sought by you from other consultees, as considered appropriate.

RESPONSE TO PUBLICITY:

No representations received.:

EXPIRY DATE OF APPLICATION: 09/05/2023

EXTENSION OF TIME AGREED? Yes, 10/11/2023

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the change of use of yard to form builder’s storage yard (sui generis) and use of existing eco cabin building as associated office (B1) at the former hen shed building at land opposite Bryn Eglur, Llanrhaeadr.
- 1.1.2 The existing Eco Cabin measures 6.8m x 6.3m with a floor area of 42.8sqm. It is proposed to comprise an office space with communal staff kitchen/mess room, office, PPE storage and hygiene area.
- 1.1.3 The yard to the front of the building would include a yard area for storing builder’s material in connection with the building business and would be accessed via double timber gates from the separate parking area which has provision for 7 vehicles.
- 1.1.4 The yard area is enclosed with a timber fence to the east and west boundary and post and wire field boundary to the north.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Design and Access Statement. Additional information from agent.

1.3 Description of site and surroundings

- 1.3.1 The site is in open countryside approximately 1.5km from the village of Pentre Llanrhaeadr. It is surrounded on all sides by agricultural land, with the nearest dwelling Bryn Eglur located approximately 150m to the south east of the site.
- 1.3.2 The eco cabin building has a lawful development certificate, but no established lawful use. It has a decking around the outside and is accessible through the existing yard area. It is not visible above the hen shed from the road. There are two steel framed, open sided structures within the yard area.
- 1.3.3 The adjacent building is a former hen rearing shed of some 800 square metres floorspace. The building retains most of its original form. It has been split into two units, with a company Ramsport, who operate a Mechanic Workshop for Specialist

Motorsport/Classic Car Business, occupying the northern side and a local builder occupying the other side (subject to separate planning application).

- 1.3.4 The site is accessed from the highway by a single access point which is the original hen shed access on the eastern road frontage. There is a hardstanding area adjacent to the access and parking and turning space for 7 vehicles. The yard itself is enclosed by a timber fence for security and is not visible from the roadside.

1.4 Relevant planning constraints/considerations

- 1.4.1 The application site is located within open countryside and outside of any development boundaries as annotated in the Local Development Plan.

1.5 Relevant planning history

- 1.5.1 It is understood the use of the shed for the storage of chickens ceased in late 2003 and it was then that the applicant began to use the shed and a building to the rear for Class B8 storage and distribution of white goods. An application to continue the use of both sheds for this purpose was refused in July 2005 due to the scale of the use and its impact on the surrounding highway network. A further application for continuation of this use was refused in 2006. The use has ceased some years ago.
- 1.5.2 An application for change of use of part of the agricultural building and associated hardstanding to Mechanic Workshop for Specialist Motorsport/Classic Car Business was granted planning permission by Planning Committee in 2019.
- 1.5.3 An application for an existing lawful development certificate for the change of use of part of the building to a single dwellinghouse (resubmission) was refused and dismissed by the inspector at a public inquiry in 2020.

1.6 Developments/changes since the original submission

- 1.6.1 Amendment to red line boundary to include access and parking. Updated description. Additional information and explanation for uses.

1.7 Other relevant background information

- 1.7.1 None.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 34/1977 Erection of Poultry House, GRANTED 12/04/1977
- 2.2 34/8463 Erection of additional poultry shed and extension to existing one, GRANTED 27/01/1987
- 2.3 23/2004/0940 Change of use of existing agricultural building to storage and distribution (retrospective application) REFUSED 24/03/2005
1. *The proposal, by reason of the scale and nature of the use, impact on local landscape and inadequate surrounding road network would conflict with criterion i), ii) and iv) of Policy GEN 6 and criterion a), d) and g) of Policy EMP 5 and Planning Guidance (Wales) TAN (WALES) - Agricultural Rural Development.*
 2. *The site is approached by means of narrow unclassified roads, that are substandard in width and alignment to serve the use. The proposal would result in a material increase in the volume and type of vehicular traffic using these roads with consequent additional dangers to all highway users.*
- 2.4 23/2005/1403 Continuation of use of former agricultural building as storage and distribution (retrospective application) REFUSED 22/03/2006

1. *The proposal, by reason of the scale and nature of the use, impact on local landscape and inadequate surrounding road network would conflict with criterion i), ii) and ivv) of Policy GEN 6 and criterion a), d) and g) of Policy EMP 5 and Planning Guidance (Wales) TAN (WALES) - Agricultural Rural Development.*
2. *The site is approached by means of narrow unclassified roads, that are substandard in width and alignment to serve the use. The proposal would result in a material increase in the volume and type of vehicular traffic using these roads with consequent additional dangers to all highway users.*

2.5 23/2015/0016 Change of use from agricultural to vehicle/caravan storage and vehicle repairs/renovations specifically classic vehicle restorations (retrospective application)
INVALID

2.6 23/2019/0268 Existing lawful development certificate for the change of use of part of building to a single dwellinghouse, REFUSED TO CERTIFY 14/05/2019

2.7 23/2019/0259 Retrospective application for the change of use of part of an agricultural building and associated hardstanding to Mechanic Workshop for Specialist Motorsport/Classic Car Business, GRANTED at Planning Committee on 22/05/2019

2.8 23/2019/0706 Existing lawful development certificate for the change of use of part of building to a single dwellinghouse (resubmission) REFUSED 6/12/2019

1. *The applicant has failed to demonstrate, on the balance of probability, that the property has been occupied as a dwellinghouse for a continuous period of four years or more*
2. *The applicant has attempted to secure a lawful use through methods of deception to avoid the residential use being detected and should not benefit in law from that deception.*

PUBLIC INQUIRY

INSPECTORATE DISMISSED

Enforcement Notice upheld with variations. Required the applicant to cease residential use of the building, remove domestic items and fixtures etc

2.9 23/2020/0435 Lawful development certificate for the construction of an "eco-cabin building", GRANTED 25/09/2020

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

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

Policy PSE5 – Rural economy

Policy ASA3 – Parking standards

Policy VOE5- Conservation of Natural Resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Parking Requirements In New Developments

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

Supplementary Planning Guidance Note: Trees & Landscaping

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

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 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

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 further 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.*

The Community Council have raised concerns regarding the size of the building and need for the new use.

Having regard to the concerns raised by the Community Council, the existing eco cabin building is not considered to be excessive in size for the proposed office use at 42sqm. There are Planning Policies in place which allow for the conversions of buildings in the open countryside to employment use. The introduction of an employment use as an office within unused eco cabin building is therefore considered acceptable in principle in relation to policies PSE 4 and PSE 5 given that it is an existing building proposed for conversion in the open countryside.

It is a consideration in relation to the application that the business currently employs 2 staff and would establish an employment use within the eco cabin which currently has no use but is certified as lawful operational development (ie the building itself is lawful and cannot be enforced against, but the building does not have a lawful use at this point).

With respect to the comments about the need for this development in the area, there is no planning policy requirement to establish need for an employment use in an existing building. The justification provided for the proposed use is considered to be sound.

Having regard to the above, Officer opinion is that the acceptability of the use should rest on the assessment of localised impacts which is assessed in the following sections of the report. The criteria of Policy PSE 4 and 5 as above are considered to have been met.

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 an office use of an existing building with limited external changes. The office is located directly to the rear of the former agricultural building

and is not clearly visible from public vantage points. It is therefore not considered to raise any unacceptable impacts in terms of visual amenity as it is to remain as existing. The proposed builders yard area is fully enclosed by a timber fence for security and is not visible from public vantage points. Overall it is not considered the change of use of land and building would raise any unacceptable visual amenity concerns. The application 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.

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.

No representations have been received raising residential amenity issues.

The closest residential properties to the site are located approximately 150m to the north west (Fron-deg) and south east of the site (Bryn Eglur).

It is considered that a new office use within the existing building would not raise any significant residential amenity concerns such as noise disturbance issues. Based on the details submitted it is considered that the use of the external yard area as a builder's storage yard is not considered to raise unacceptable noise nuisance. However, there is a possibility that there may be a need in the future for the site to be used for construction, building or prefabrication type work in association with the proposed use. Given the presence of residential dwellings in the locality it is considered prudent to impose a safeguarding planning condition prohibiting such activity at the site without the prior approval of the LPA.

The Ramsport Classic Car business operating from the other side of the shed has not raised noise complaints since its operation in 2012 and therefore Officers would be of the opinion that and office use and builders storage yard would not raise unacceptable noise impacts more than what currently exist at the site or what have previously operated at the site subject to the imposition of the aforementioned condition.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment

(Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

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 ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The proposal is not supported by an ecology survey, however PPW states that all new developments should demonstrate a biodiversity enhancement. It is therefore considered reasonable to attach a condition to demonstrate that biodiversity enhancement will be provided at the site as a result of the change of use.

Subject to the imposition of an appropriately worded condition, it is considered that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity opportunities at the site.

4.2.5 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.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

No representations have been made in relation to highways impacts.

There are no access / highway alterations proposed. It is considered that the traffic flow arising from the proposed use is not any greater than that associated with the previous agricultural use and that it does not create any increased danger to the users of the highway.

Highways Officers have raised no objection to the proposal and therefore, it is considered that the proposal would not give rise to an increase in traffic being generated throughout the day and is considered to be acceptable in respect of highway impacts.

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 The principle of the proposal is considered to be in accordance with planning policy and the localised impacts are considered to be acceptable, subject to appropriate conditions being attached to any permission.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 8th November 2028
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) Site and Location Plans (Drawing No. 23/6/1 Rev A) - Received 14 July 2023
 - (ii) Floor Plans and Elevations (Drawing No. 23/6/2) - Received 7 March 2023
 - (iii) Supporting Planning Statement (Civitas Planning Ltd) - Received 7 March 2023
3. Notwithstanding the submitted plans, no external lighting shall be installed anywhere within the site without the formal written approval of the local planning authority to the detailing of the proposed lighting, including emergency/security lighting, how light spill is to be minimised, and to a management plan for the control of the lighting. The details shall include the design of the lighting and associated columns / means of fixture to buildings, their position, height, the means and intensity of illumination, hooding, the extent of lumination and the anticipated spread of light, and where relevant, the hours of operation and ideas for the use of lower intensity lighting at night. The lighting strategy shall be implemented and managed strictly in accordance with the approved details.
4. There shall be no storage of items to be used in connection with the builder's yard or business, on any part of the site, outside the enclosed yard area, other than in accordance with the plans approved under condition 2 of this permission.
5. Notwithstanding the hereby approved plans, the development shall not be brought into use until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and specification of bat and bird boxes shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.
6. Notwithstanding the hereby approved plans and documents a full landscaping scheme shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be designed to deliver a net benefit for biodiversity and include all proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, maturity,

location, height, spacing and timing of implementation. The landscaping scheme as approved shall be implemented in the first available planting season following this permission and shall be retained as such at all times.

7. 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
8. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles as indicated on the approved plan, and shall be completed prior to the use commencing.
9. There shall be no building work, construction work, prefabrication work or preparation of materials (relating to the use of the site as a Builders Yard) in the external areas of the site without first submitting details in writing to the Local Planning Authority for its written approval of those activities. The site shall then only be used in accordance with those approved details.

The reasons for the conditions 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
3. In the interests of residential amenity and to protect ecological interests
4. In the interests of visual amenity.
5. In order to maintain and enhance biodiversity
6. In the interests of visual amenity
7. In the interests of visual amenity
8. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. In the interest of residential amenity.