

**20-2023-0566**



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**24/2023/0566/ PF**

**Bro Fair, Rhewl**

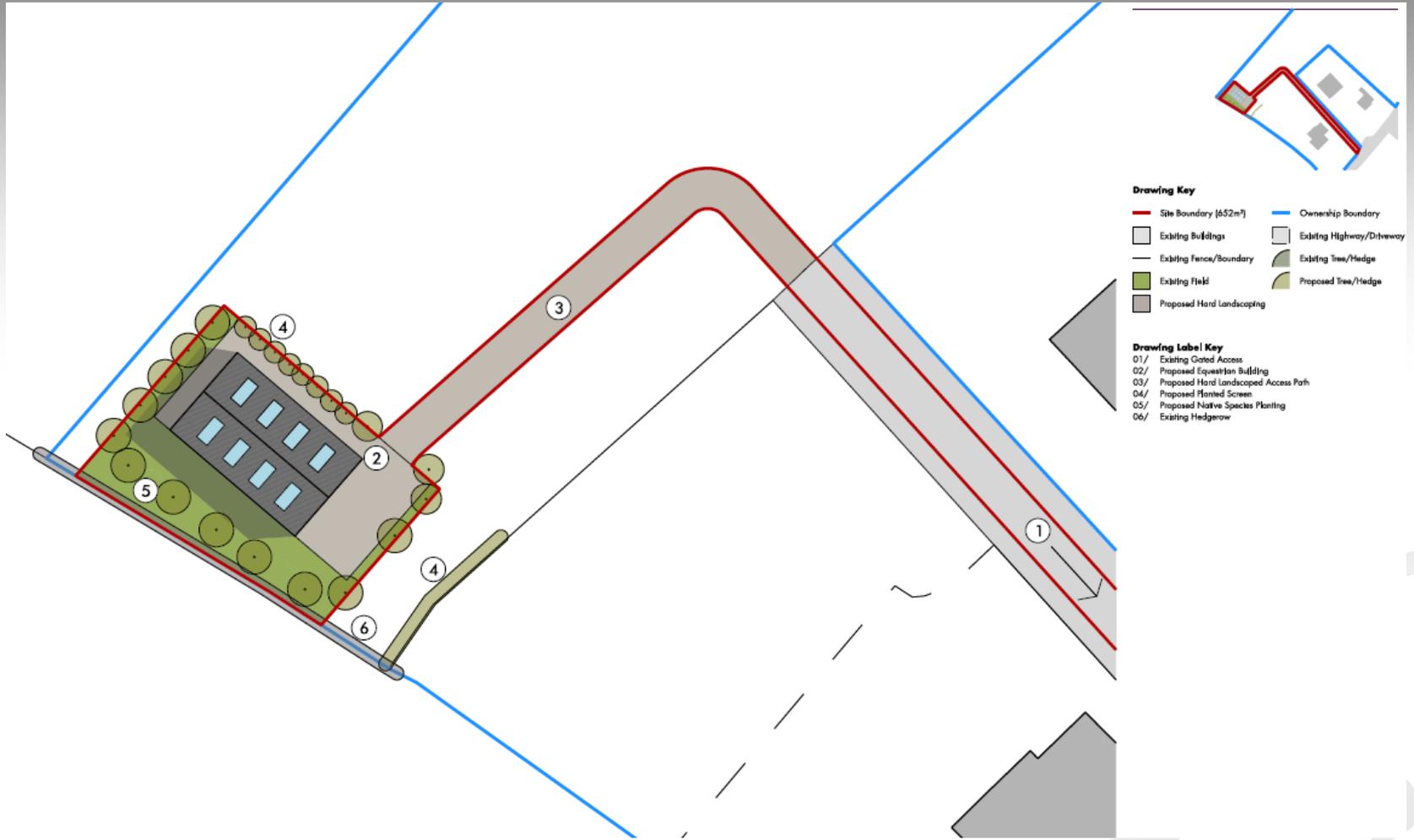
**Erection of stable, formation of  
hardstanding and access road,  
landscaping and associated works**





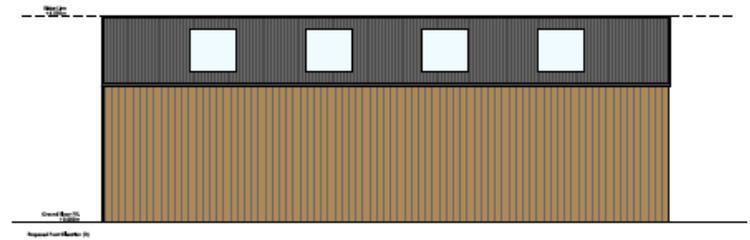
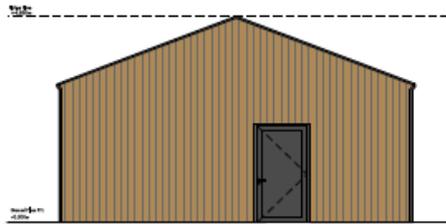
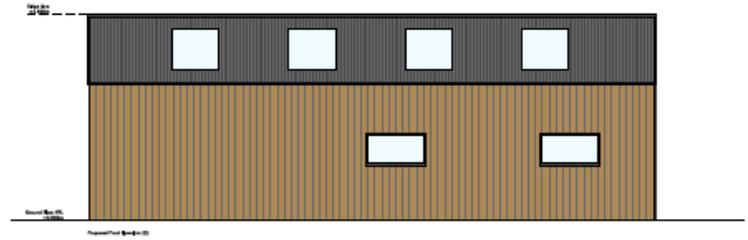
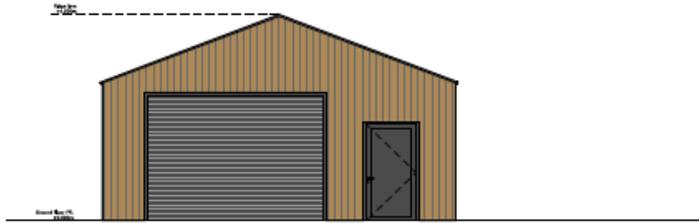
Location plan





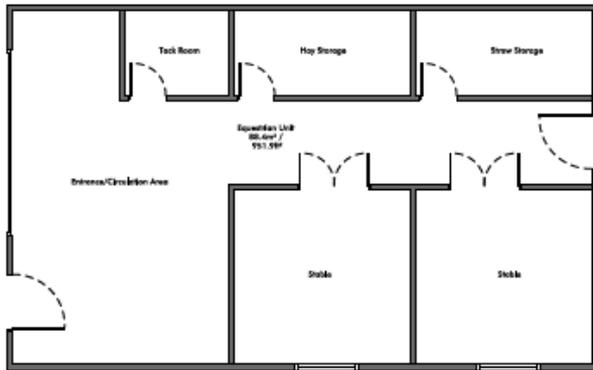
Site plan



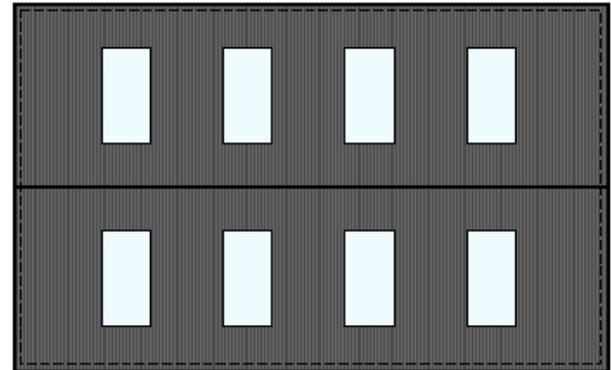


# Elevations





Proposed Floor Plan



Proposed Elevation

# Plans





View Across site





Access track





View from rear of Bro Fair towards neighbouring site





View south towards site location (from north of Bod  
Haulog – red line is approximate location of  
proposed building)

**WARD :** Llandyrnog

**WARD MEMBER(S):** Cllr Merfyn Parry (c)

**APPLICATION NO:** 24/2023/0566/ PF

**PROPOSAL:** Erection of stable, formation of hardstanding and access road, landscaping and associated works

**LOCATION:** Land at Bro Fair, Ffordd Yr Orsaf, Rhewl, Ruthin, LL15 1TW

**APPLICANT:** Mr Alan Jones

**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:**

**LLANYNYS COMMUNITY COUNCIL:**

“Llanynys community Council objects to the subject planning application and plans for the following reasons:-

1. The proposed access to the site is on a narrow busy road which is part of a lay-by which will obstruct the lay-by. The site entrance should be with the existing site entrance to the dwelling.
2. The proposed building seems too large for personal use only.
3. The proposed building should be screened off.
4. Is the planning application also for change of use from agricultural land to equestrian use.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Traffic, Parking and Road Safety:

- Highways Officer:  
No objections

Ecology Officer:  
No objections

**RE-CONSULTATION RESPONSES (following amendment to the location of the building to adjacent to the rear of Bro Fair)**

**LLANYNYS COMMUNITY COUNCIL:**

“Llanynys Community Council has no further observations to the subject planning application and plans following the re-consultation on the amended/additional plans/documents.”

**RESPONSE TO PUBLICITY:**

None received

**EXPIRY DATE OF APPLICATION: 18/01/2024**

**EXTENSION OF TIME AGREED: 07/11/2024**

## REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- awaiting consideration by Committee

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 The application seeks permission for the erection of stables and tack room along with associated hard standing and access track on land adjacent Bro Fair, Rhewl. The application relates to approximately 0.065 ha of agricultural land and would result in the change of use from agriculture to equestrian. However, this would only relate to the site of the building – the remainder of the field would remain as agricultural.
- 1.1.2 The proposed building would be located approximately 50m to the north-west of the dwelling Bro Fair.
- 1.1.3 The building is proposed to comprise two stables, tack room, storage and feed rooms.
- 1.1.4 It would measure 12m x 7.5m in size with a height of 4.5m and eave height of 3m.
- 1.1.5 The external walls of the building would be finished in natural timber cladding, whilst the roof would be dark corrugated style sheeting. A concrete apron is proposed around the building with a parking area to the south. The building would be served by its own access track which would run from the rear of Bro Fair to the development site.

#### 1.2 Other relevant information/supporting documents in the application

- 1.2.1 Additional information from agent on the justification for the building.

#### 1.3 Description of site and surroundings

- 1.3.1 The site is an existing agricultural field located adjacent to the dwelling known as Bro Fair. An unrelated dwelling, Bod Hyfryd is located 80metres to the west of the site. A large agricultural shed (belonging to Bod Hyfryd) is situated between the site and Bod Hyfryd
- 1.3.2 The site is bound to the east by a mature hedgerow fronting the road and a ditch with hedgerow and a number of mature trees to the north. There is an existing agricultural access to the northeast corner of the field.

#### 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of the development boundary of Rhewl as defined by the LDP.

#### 1.5 Relevant planning history

- 1.5.1 No history relating to the field.

#### 1.6 Developments/changes since the original submission

- 1.6.1 Since the initial submission the building has been relocated nearer to the Bro Fair.

## 2. DETAILS OF PLANNING HISTORY:

2.1 No planning history relating to the field.

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy VOE5** – Conservation of natural resources

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Trees & Landscaping

### **Government Policy / Guidance**

Planning Policy Wales (Edition 12, 2024)

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2016)

## 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 must be considered in conjunction with Planning Policy Wales (Edition 12, 2024) 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 12) 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 – including loss of agricultural land
- 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

PPW 12 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.

Technical Advice Note 6 (TAN6) Appendix 1 sets out the general considerations for planning authorities when dealing with agricultural prior notification applications. TAN 6 paragraph 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. Whilst it is acknowledged that this is not an application for a prior notification due to the size of the agricultural holding, the principles are still relevant to this application in terms of impacts.

TAN6 section A.14 states the siting of a new agricultural building can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.

Planning Policy Wales (Edition 12, 2024) paras 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 12 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The justification provided to support the application states that the building is needed to provide shelter for the applicants 2 horses. The applicant has also stated that they do not have access to other land and that the shelters are required to ensure the continued well being of the horses.

The proposed erection of a stable building so as to ensure the continued welfare of the horses is in this instance considered justified. The proposal would only result in a loss of 0.065ha of agricultural land from a unit of 0.8ha. The remainder of the site would continue to be used for agricultural purposes (the grazing of horses on land is classified as agricultural). It is therefore considered that the proposal is acceptable in principle subject to further detailed assessment of its visual impact and other materials considerations. The loss of 0.065ha agricultural land from a site area of 0.8ha is not considered to be significant enough to justify refusing planning permission in this instance.

#### 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.

TAN6 section A.14 states the siting of a new agricultural building should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation and relate to existing buildings in size and colour.

The proposed design of the agricultural building is typical for agricultural development. The building is proposed to have timber clad walls and dark coloured sheeting roof. It would be located to the rear of existing residential and agricultural development at Bro Fair and Bod Hyfryd. Additional landscaping is proposed in the form of additional hedgerows, tree planting and wildflower meadow planting.

It is considered that the siting of the stables would not appear as excessively intrusive within the wider landscape and is to be constructed of appropriate materials for its location. Whilst the final details of landscaping have not been submitted, it is clear from the indicative plans that the development would be further assimilated into the landscape when the proposed landscaping has matured. It is considered that the proposal would not have a detrimental impact on the visual amenity of the area, subject to the imposition of planning conditions relating to the detailing and implementation of a landscaping scheme.

#### 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.

The nearest unrelated residential property to the site is Bod Hyfryd, some 85metres east of the site. Bod Hyfryd is an existing dwelling on an agricultural unit and has a number of agricultural buildings within its grounds.

Having regard to the context of the site, and the details of the proposal, it is not considered that the erection of an agricultural building in this location would raise privacy concerns given the separation distances, boundary treatments and the use of the building for agricultural purposes.

It is not considered that the proposed building would result in unacceptable disturbance from vehicles using the access track

On balance, it is not considered that the proposed development would have an unacceptable impact on residential amenity.

#### 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 12) 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 12) 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 development. It is therefore considered subject to a condition, that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity net gain at the site.

Subject to the imposition of an appropriately worded condition it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

#### 4.2.5 Drainage (including flooding)

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 drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 12) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

The application is for the erection of an agricultural building within an existing field. Hardstanding is proposed to the new access track and a concrete apron to the front of the building.

SUDs approval will be required from the SAB as the building's size exceeds 100sqm and the additional hardstanding is also over 100sqm.

It is therefore considered that, subject to the SAB approval being obtained, the development would not have an unacceptable impact on the drainage of the site.

#### 4.2.6 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.

The proposal involves the utilisation an access to the site which runs between Bro Fair and Bod Hyfryd. The building is considered small scale for personal use. rather than for a commercial use. Accordingly. Highways Officers consider that vehicle movements to and from the site will not be excessive

The Highways Officer raises no objection to the and as such the proposal is considered to be acceptable from a highways perspective.

#### 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.

##### Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

## **5. SUMMARY AND CONCLUSIONS:**

- 5.1 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant subject to conditions.

### **RECOMMENDATION: GRANT** - subject to the following conditions:

1. The development to which this permission relates shall be begun no later than 7<sup>th</sup> November 2029
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) Existing Site Location Plan (Drawing No. A001 Rev P06) - Received 25 June 2024
  - (ii) Existing Site Plan (Drawing No. A003 Rev P06) - Received 25 June 2024
  - (iii) Proposed Site Location Plan (Drawing No. A002 Rev P06) - Received 25 June 2024
  - (iv) Proposed Site Plan (Drawing No. A004 Rev P06) - Received 25 June 2024
  - (v) Proposed Agricultural Building Plans (Drawing No. A005 Rev P04) - Received 25 June 2024
  - (vi) Proposed Agricultural Building Elevations (Drawing No. A006 Rev P04) - Received 25 June 2024
  - (vii) Planning, Design and Access Statement - Received 15 August 2023
  - (viii) Justification Statement - Received 25 June 2024
  - (ix) Green Infrastructure Statement - Received 25 June 2024
3. No development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.
4. No development shall take place until a detailed scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include a full planting list of the species proposed ensuring only native species are implemented. The development shall be carried out strictly in accordance with the approved details.
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.
6. Notwithstanding the hereby approved plans, no external lighting shall be permitted to be installed on the building until the written approval of the Local Planning Authority has been obtained to details of the proposals, which shall be designed to avoid negative impacts on nocturnal wildlife. The approved measures shall be implemented in full and retained at all

times thereafter.

7. Should the use of the building for agricultural and equestrian 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 to a state fit for revegetation.

8. The use of the building shall not be used at any time other than for purposes ancillary to the residential use of the dwelling at Bro Fair, and shall not be used for any commercial purpose at any time.

**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 order to maintain and enhance biodiversity
4. In the interests of visual amenity and in order to maintain and enhance biodiversity
5. In the interests of visual amenity and in order to maintain and enhance biodiversity
6. In the interest of the amenities of occupiers of nearby properties and to protect nocturnal wildlife
7. In the interest of landscape and visual amenity
8. For the avoidance of doubt, in the interests of residential amenity