

**47/2024/1056**

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**Dyddiad / Date:** 2025-04-30 09:27:46

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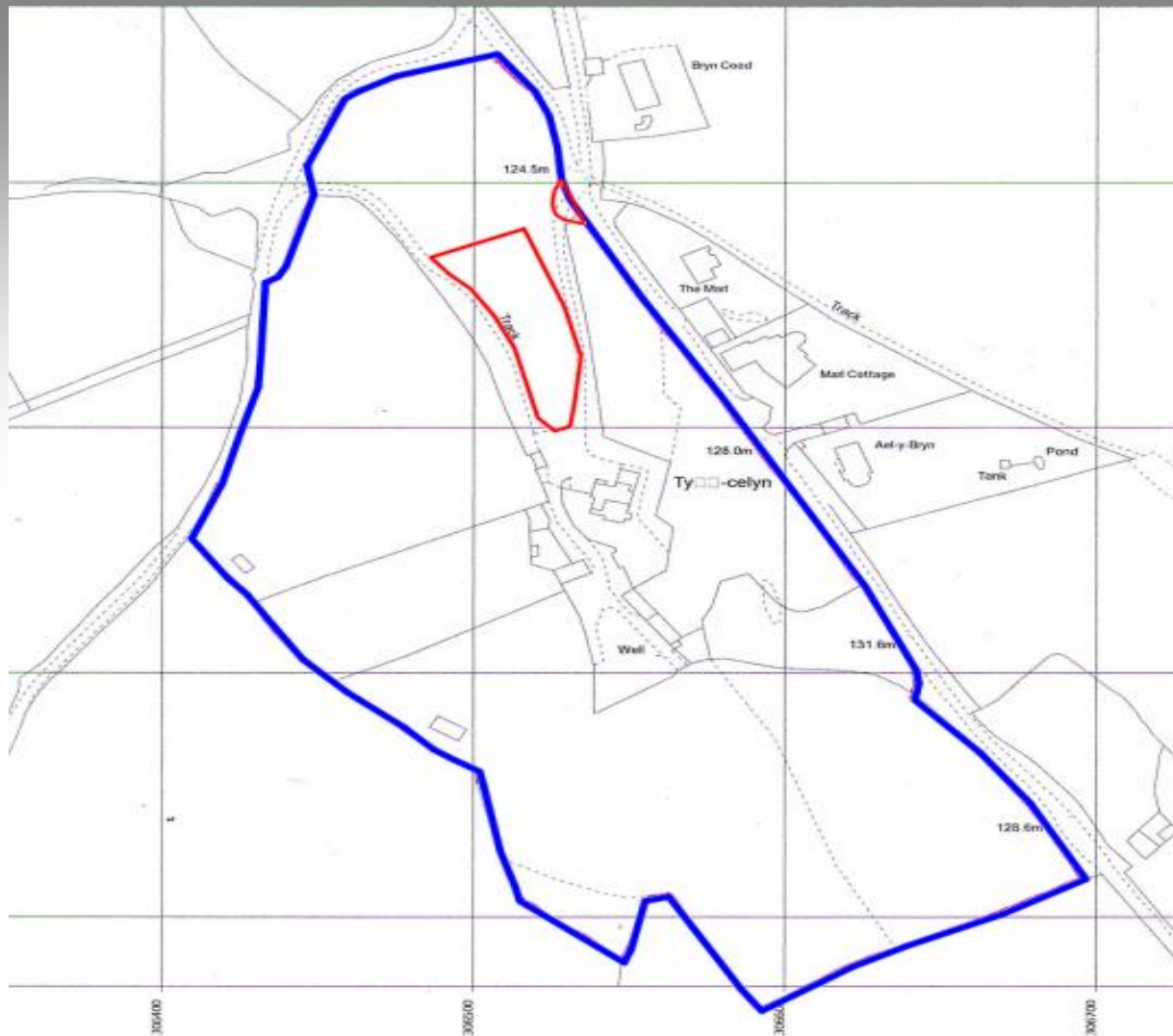


47/2024/1056/PC

***Retrospective application for a change of use of land to a mixed use comprising; residential, agricultural in connection with the existing smallholding and arboricultural uses, and operational development associated with the aforementioned uses, comprising the erection of a steel framed building, provision of new hardstanding layer on pre-existing hardstanding and alterations to a means of access to a highway.***

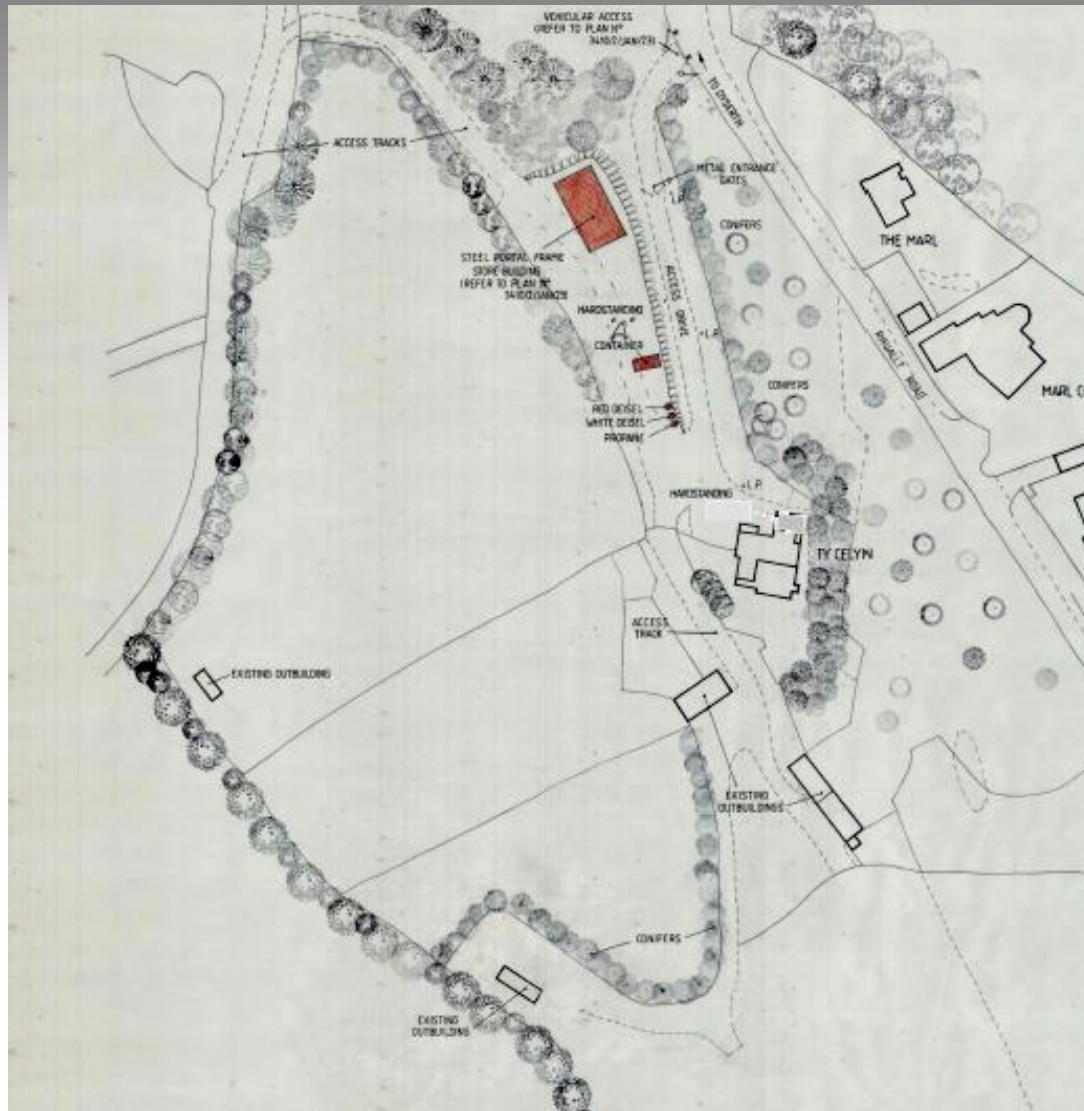
**Ty Celyn, Cwm**





# Location Plan

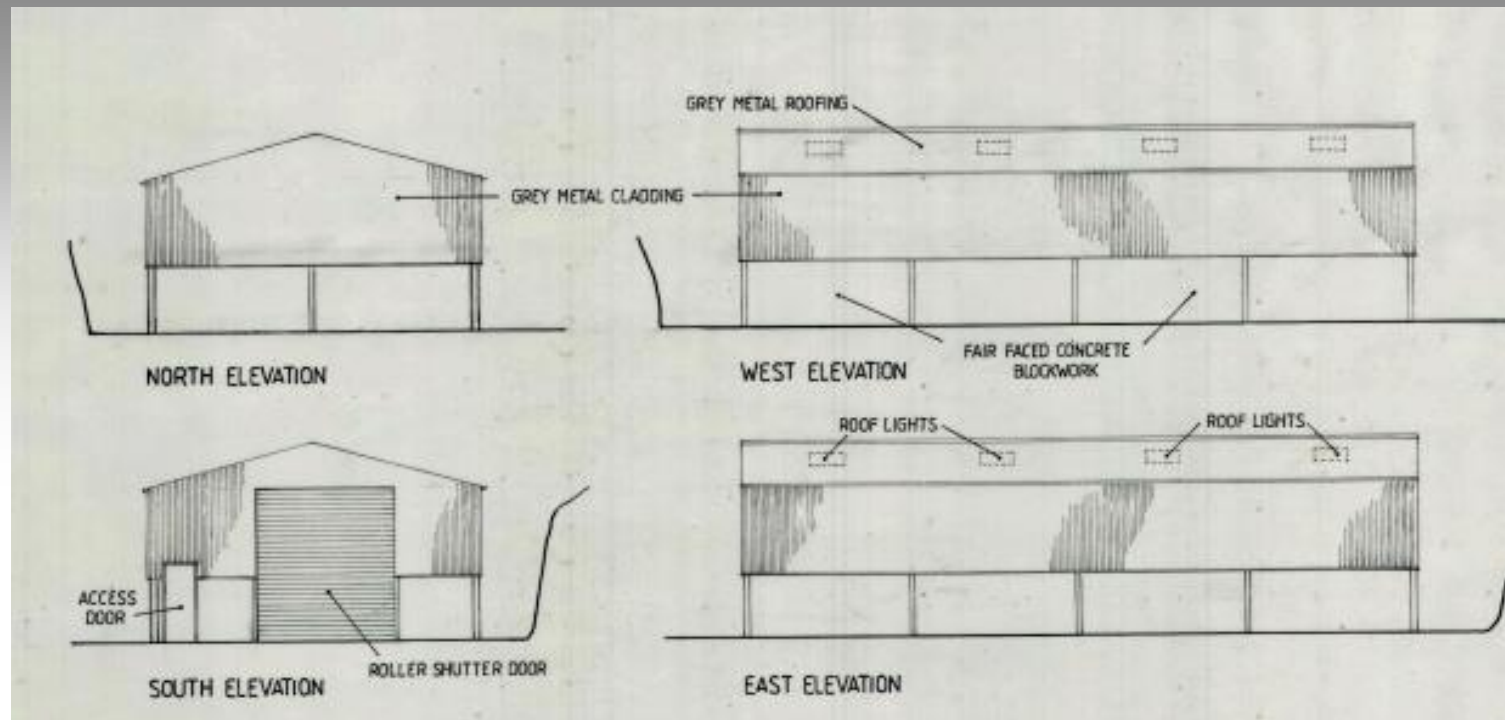




# Site Layout Plan







**Elevations of steel framed building - for mixed use residential, agricultural (in connection with the existing smallholding) and arboricultural uses**







Site photographs













2018 aerial



Most recent aerial

# Aerial images

**Officer** - Sarah Stubbs

**Ward** - Tremeirchion, Cwm & Waen

**Ward Member(S)** - Councillor Robert Chris Evans (C)

**Application Number** - 47/2024/1056/PC

**Proposal** - Retrospective application for a change of use of land to a mixed use comprising; residential, agricultural in connection with the existing smallholding and arboricultural uses, and operational development associated with the aforementioned uses, comprising the erection of a steel framed building, provision of new hardstanding layer on pre-existing hardstanding and alterations to a means of access to a highway.

**Location** - Ty Celyn, Cwm, Rhyl, Denbighshire, LL18 5SN

**Applicant** - . Louis Collinge Arbworks UK Ltd.

**Constraints**

Denbighshire Electoral Divisions	Tremeirchion
City Town and Community Councils	Cwm Community

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received

**CONSULTATION RESPONSES: ORIGINAL CONSULTATION**

TREMEIRCHION/CWM/WAEN COMMUNITY COUNCIL

*"No objections - with the condition that a DCC planning officer visits and reviews current activities within permitted planning to ensure that none outside of the existing planning permissions are taking place and if they are then they cease".*

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY

JOINT ADVISORY COMMITTEE

*The site lies in a sensitive rural location close to the designated area of the AONB. The Joint Committee have previously expressed concerns over the commercial use of this site in our response to App Ref 47/2023/0183. The applicants have already made clear what their intentions are for the site and this scaled back proposal does not overcome our previous concerns. Our concerns in respect of the visual impact and the potential noise issues impacting upon the tranquillity of the area remain. The comments made previously in relation to App Ref 47/2023/0183 remain unchanged and we strongly object to the proposal.*

CAMPAIGN FOR THE PROTECTION OF RURAL WALES (CPRW)

Objects: Reference to industrial activity, inappropriate location and the AONB landscape should be safeguarded for its tranquility, views dark skies, etc.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

No objection

Public Protection Officer

No comments

**RE-CONSULTATION RESPONSES (Amendment mainly relates to a new description)**

TREMEIRCHION/CWM/WAEN COMMUNITY COUNCIL

*No objections - with the addition of the following conditions - the operating hours being adhered as discussed with the applicant on the site visit ( Hours of Operation – Staff arrive on site Monday to Friday [occasional Saturday morning] at 07:30 mainly via a car sharing agreement. Staff then leave the site with the required machinery at 08:00 and return between 17:00 & 17:30) plus no further development without further formal planning applications.*

*7 Cllrs had previously, as agreed, attended a site meeting which took the form of a planning committee on the 16th of April 2025 at 7pm. They were all in agreement with the above. Proposed by Cllr A Jones and seconded by Cllr A Morris.*



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

*Despite the changes to the description of development the use essentially remains commercial and forms part of the existing business. It is essentially the same application with the omission of the timber processing element. Given the site's appearance and the extent of commercial activity including loading/unloading etc, storage, re-cycling skip, parking of commercial vehicles, external lighting and other external paraphernalia it remains very much a commercial/business use. The building is a crude steel structure with a roller shutter door which is not agricultural in appearance. There is no doubt this building and proposed commercial use will adversely impact upon the character and appearance of the AONB. Whilst a tenuous link has been made to a small holding use to justify the building's retention there is no evidence of the extent of agricultural use or what the building will be used for. It seems the primary use and intention is for commercial or business activities. The removal of the timber processing element on site does not overcome our previous concerns raised in respect of application 47/2023/0183 and Joint Committee object in the strongest terms to this proposal. To allow retrospective, incremental development of this nature within or close to the designated area, would established an undesirable precedent and should be strongly resisted.*

## CAMPAIGN FOR THE PROTECTION OF RURAL WALES (CPRW)

No further response

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

No further response

Public Protection Officer

No further response

## RESPONSE TO PUBLICITY:

### In objection

Berry's (On Behalf of Local Residents), Beech House, Shrewsbury

Mr & Mrs Rawson, Bryn Coed, Cwm

Mr & Mrs Hearth, Marl Cottage, Cwm

Mrs Jones, Ael y Bryn, Cwm

Mrs Baxter and Dr Roberts, The Marl, Cwm

### Summary of planning based representations in objection:

#### Principle:

Appropriateness of sites location for the use and development.

#### Residential Amenity including Pollution

Noise disturbance to local residents, continues to bring waste to the site such as slabs, concrete and other debris and its processing raises concerns with regards noise, land, air and light pollution: -

**Noise:** The loading, moving, and processing of waste material such as concrete and paving slabs generate significant noise pollution. The sounds from machinery, including excavators and crushers, as well as vehicles arriving and departing, disrupt the tranquillity of the surrounding area and negatively impact neighbouring properties.

**Air:** Dust and particulate matter from activities such as concrete crushing, timber processing, burning and handling of construction debris spread over neighbouring properties, exacerbating air quality concerns.

**Light:** The extended operating hours, particularly early mornings and evenings, have led to increased light pollution and disturbance. Artificial lighting on the yard and shed area during non-daylight hours disrupts the natural night environment

The continuous industrial activity has a severe impact on the local community, particularly those properties overlooking it who are more exposed to its noise, air and light pollution.

#### Highway Safety

The number of company-owned vehicles, including tractors and trailers is significantly understated.

#### Visual Amenity and landscape impact:

The industrial activities carried out such as concrete crushing and waste storage, have a direct and negative impact on the surrounding landscape. The visual intrusion of machinery, stockpiles of waste, and the operation of large equipment disrupt the aesthetic quality of the area, impacting the natural beauty that defines the region.

#### Biodiversity impact:

Impact of the activities taking place and light pollution on local wildlife

### Environmental and impact on AONB:

Impact of ripping out trees and replacing vegetation with hardstanding, parking and the erection of a large steel framed shed.

### General comments regarding the submission and activities on the site: -

Concerns over accuracy of submission in relation to description of development and activities taking place on the site including amount of vehicles involved in the operations and hours of operation.

Residents have submitted information/photographs and video clips that concern continued industrial activities that are being carried out including waste processing, waste collection and concrete crushing.

The applicants agent has responded in detail to the local residents formal response and individual photograph and in summary comments as follows: -

- Many old photographs that pre-date the submission of this application
- Applicant is working with correct waste exemption licences issued by NRW
- Some photographs show agricultural activity on an agricultural smallholding
- Many photographs taken from applicants social media pages and are not of Ty Celyn

**EXPIRY DATE OF APPLICATION:** 14/05/2025

### **PLANNING ASSESSMENT:**

#### **1. THE PROPOSAL:**

##### 1.1 Summary of proposals

1.1.1 The proposal is for *Retrospective application for a change of use of land to a mixed use comprising; residential, agricultural in connection with the existing smallholding and arboricultural uses, and operational development associated with the aforementioned uses, comprising the erection of a steel framed building, provision of new hardstanding layer on pre-existing hardstanding and alterations to a means of access to a highway* at Ty Celyn, Cwm.

1.1.2 The proposal contains 3 main elements, detailed as follows and as set out on the annotated location plan below: -

#### **1) Retrospective application for a change of use of land to a mixed use comprising - residential, agricultural in connection with the existing smallholding and arboricultural uses.**

The area of land within the red line is described to be used for a mixed use of residential in connection with the existing dwelling 'Ty Celyn', agricultural in connection with the existing smallholding (the area of land within the blue line indicated below) and the applicants arboricultural business (ArbWorks UK Ltd).

#### **2) Operational development associated with the aforementioned uses, comprising the erection of a steel framed building, provision of new hardstanding layer on pre-existing hardstanding.**

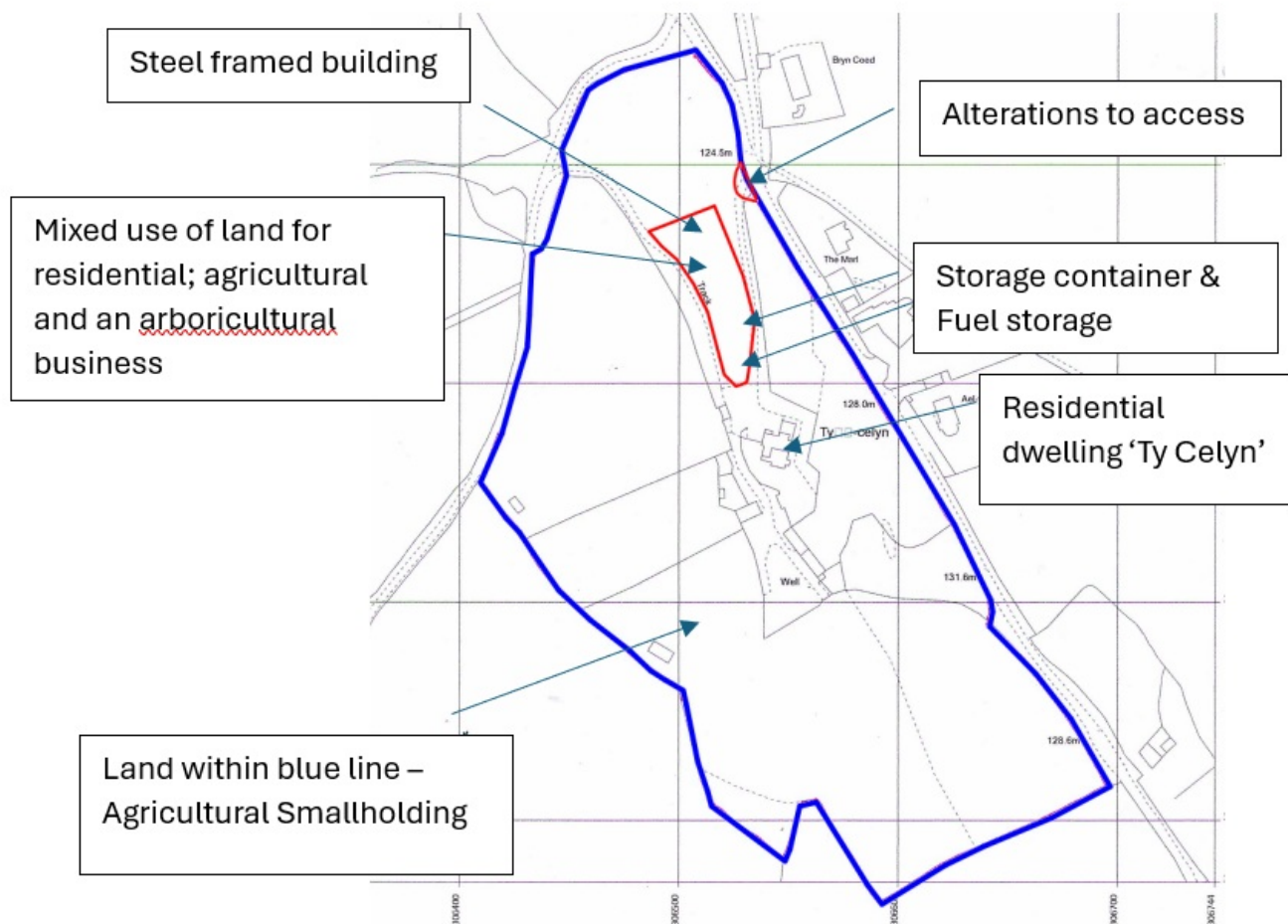
A steel framed building has been erected on the site measuring approximately 9m wide by 18m in length, to a ridge height of 5.5m. The external materials are grey metal cladding, with a lighter grey roller shutter door on the front elevation and there are 4 small rooflights within both roof planes. The submission describes this building as a storage building for machinery and equipment for uses in connection with the use of the dwelling at Ty Celyn, the existing smallholding and the arboricultural business.

It is understood that trees and vegetation were removed from the site in 2022 when the applicant acquired the site. The application documents state that the area of land where the steel framed building is located was already a hardstanding when the site was acquired and that ground vegetation was cleared back with a fresh layer of gravel laid on top of the previous hardstanding. The application states that no changes to land levels have been made by the applicant.

The hardstanding is used primarily to park vehicles with a single storage container also sited on the hardstanding with a small fuel storage area adjacent.

#### **3) Alterations to the vehicular access**

The proposal includes the retention of alteration works to the vehicular access onto Rhualt Road which comprised of widening the access with the installation of walls and pillars and some re-surfacing.



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

1.2.1 In addition to the plans, an updated Planning Statement has been submitted following the updated description (in response to queries raised by Officers) and in response to comments raised by local objectors, particularly that claim that industrial activity/stone crushing is taking place at the site. A Green Infrastructure Statement is also included.

Some key points from the Planning Support Statement are as follows: -

### Introduction

*This Planning Statement is submitted as part of a retrospective planning application for the mixed use of land, erection of a steel framed building and pre-existing hardstanding for residential use, agricultural use in connection with the existing smallholding and for use as an arboricultural business depot together with alterations to the existing access at Tŷ Celyn, Cwm, Dyserth. The application is submitted on behalf of the applicant*

*The application is a resubmission of a previous application (47/2023/0183) which was withdrawn by the applicant due to concerns raised specifically in relation to elements of the proposal. The previous application related to change of use of land to timber storage & processing facility (Use Class B2) including the siting of storage containers, erection of shed, formation of private ways and alterations to existing access.*

*In October 2023 when the previous application was withdrawn, the timber processing elements of the previous proposal including the use of an office on site in connection with the applicant's Arbworks UK Ltd business, ceased. Timber is no longer being transported, stored or processed on site for commercial purposes since October 2023.*

*Therefore this application seeks retrospective consent for a more limited scope of development relating to retaining alterations to the existing vehicular access serving Tŷ Celyn from Cwm Road, retention of the steel framed building used for the storage of equipment and machinery in connection with the rural business of Arbworks UK Ltd, as well as being used by the applicant in connection with the agricultural smallholding and residential dwelling of Tŷ Celyn and retention of the pre-existing hardstanding area between the residential dwelling of Tŷ Celyn and the steel framed building for mixed use purposes.*

*The steel framed building at the site continues to be used in connection with the applicant's arboricultural business, ArbWorks UK Ltd, storing equipment and machinery owned by the applicant. No arboricultural operations of any kind are undertaken at the site. Employees in relation to ArbWorks UK Ltd arrive at the site in the morning to collect a work vehicle, they travel from the site to work in the local area and then return at the end of the day with the work vehicle and travel home in their own vehicle. The steel framed building is also used to store machinery and equipment used in connection with the smallholding and the residential dwelling of Tŷ Celyn.*

*The remainder of the land is used as a smallholding associated with the residential dwelling of Tŷ Celyn, used for the applicant's enjoyment and is not used commercially in any way.*

*The proposal relates to the retention of an existing steel framed building and preexisting hardstanding around it which is used for parking of vehicles associated with the applicant's rural business, Arbworks UK Ltd, which is a small business employing around four additional staff in addition to the applicant and his wife. The building is also used in connection with the existing smallholding and residential dwelling of Ty Celyn.*

On the basis of the local concerns and also claims that industrial activities are still taking place at the site, Officers queried the description of the application and whether industrial activity such as rock/stone crushing or waste processing is taking place at the site. The applicants agent has advised of the following discussion with the applicant: -

*"He explained that every now and again, he has some stones which he crushes on site to use for laying on existing tracks at the small holding, or tracks on farmland which forms part of the wider estate which Ty Celyn is part of. If there is any stone crushing, this is for a short period of time, no more than once a month, if that. NRW were satisfied that there wasn't any breach or concern.*

*He advised that he has been contacted by NRW in relation to potential 'carrying of waste' and 'processing of waste' on the site. The applicant explained that was not the case. He has a skip on site, which is generally emptied monthly, which is just for his responsible disposal of any waste material in connection with the arb business, personal use in connection with Ty Celyn, and the small holding generally".*

The Planning Statement clearly states that all other uses on the site ceased back in October 2023

### 1.3 Description of site and surroundings

1.3.1 The site is located to the south of Cwm and is accessed off Rhualt Road which runs from Cwm to Rhualt and on the edge of 'Coed Cwm' to the east.

1.3.2 The site slopes down from Rhualt Road, and is accessed by a track.

1.3.3 The site is bounded by Rhualt Road to the east, and a small minor road to the west with open fields beyond and to the south. The nearest dwellings to the site are above Rhualt Road to the east, where 3 residential properties are located - The Marl, Marl Cottage, and Ael Y Bryn which directly overlook the application site.

1.3.4 Ty Celyn itself is located to the south of the application site red line and comprises a large detached 2 storey dwelling. Prior the applicant acquiring the site all the land outside the residential curtilage of the dwelling is thought to be an agricultural small holding with some brick outbuildings and small animal shelters present.

1.3.5 The overall site within the applicants ownership extends to approximately 6 hectares in total.

### 1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the open countryside as defined by the Local Development Plan. The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) boundary lies to the east of the site along Rhualt Road.

### 1.5 Relevant planning history

1.5.1 An application was withdrawn in October 2023 for *Retrospective application for the change of use of land to timber storage & processing facility (Use Class B2) including the siting of storage containers, erection of shed, formation of private ways and alterations to existing access*

### 1.6 Developments/changes since the original submission

1.6.1 The description of the application has been amended, the Planning Statement has been updated and to include further reference to a business case. Some corrections have also been made to the plans.

### 1.7 Other relevant background information

1.7.1 None

## **2. DETAILS OF PLANNING HISTORY:**

2.1 47/2023/0183/PC Retrospective application for the change of use of land to timber storage & processing facility (Use Class B2) including the siting of storage containers, erection of shed, formation of private ways and alterations to existing access WITHDRAWN October 2023

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

Policy PSE 5 - Rural Economy  
Policy VOE 1 - Key areas of importance  
Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty  
Policy VOE 5 - Conservation of natural resources

#### Supplementary Planning Guidance

Supplementary Planning Guidance Conservation and Enhancement of Biodiversity  
Supplementary Planning Guidance Clwydian Range and Dee Valley Area of Outstanding Natural Beauty  
Supplementary Planning Guidance Clwydian Range and Dee Valley Area of Outstanding Natural Beauty: Planning for the Dark Night Sky  
Supplementary Planning Guidance Trees and Landscaping

#### Government Policy / Guidance

Planning Policy Wales Edition 12, 2024  
Future Wales: The National Plan 2040  
Development Management Manual 2017

## **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 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
- 4.1.2 Visual amenity including impact on the Area of Outstanding Natural Beauty landscape
- 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 national policy, Planning Policy Wales (PPW 12) Section 3.60 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, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, 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.*

Section 3.38 of PPW 12 states that *"The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake for its ecological, geological, physiographic, historical, archaeological, cultural, and agricultural value and for its landscape and natural resources"*.

The proposal is for the retention of a mixed use of the site within the red line only, comprising of residential, agricultural (in connection with the existing smallholding) and the applicants arboricultural business. The operational development consists of a steel framed building, provision of new hardstanding layer on a pre-existing hardstanding and alterations to a means of access to a highway.

The arboricultural business is described as a base/depot where staff enter the site at the start of the working day to access a work vehicle and equipment, they then leave the site in the work vehicle to work off site all day and return at the end of the day, leaving the work vehicle and equipment before going home in their own vehicles that have been left parked on the hardstanding all day. The application does not include any other commercial or industrial activities on the site.

Policy PSE 5 states that in order to help to sustain the rural economy, tourism, and commercial development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising the special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

The justification text for Policy PSE 5 establishes the need to sustain rural employment throughout the County is recognised and relevant considerations relating to sustainability and minimising environmental concerns are identified. The policy requires the demonstration of a business case for the development, in order to establish the benefits of the scheme in relation to sustaining local employment and the rural economy. The benefits could include provision of local employment opportunities, use of locally sustainable sources for any raw materials, scope to sell local produce, and provision of services to local communities.

The application involves a mixed use of land for residential, agricultural and retention of an arboricultural business including the retention of a permanent steel framed building and hardstanding for the same mixed uses with the altered access serving the site as a whole.

In terms of the criteria of Policy PSE 5 the Planning Statement sets out the following;

(i) In relation to the proposal being appropriate in scale and nature to its location:

The statement compares the scale of the business and building to a standard agricultural use in order to justify its location, referring to the footprint of the steel framed building being under 200sqm and reflecting the size of a small agricultural shed, suitable for a smallholding such as Ty Celyn.

(ii) In relation to suitable existing buildings being converted or reused in preference to new build:

The statement refers to the new building that has already been erected as there was no other suitable building available on site. The steel framed building offers a safe and secure storage for the business' equipment and machinery. Existing buildings on the site are small and unsuitable.

(iii) In relation to justification for the new build:

The statement includes reference that the vast majority of Arbworks UK Ltd's work is based in Denbighshire, with some of the work outside the County, but within the North Wales area. Arbworks UK Ltd is a rural family business providing a provision of services by way of tree surgery and landscaping to local communities.

The applicant and his wife are employed by the business and they also employ 4 local workers, providing high-quality skilled jobs. All of the staff live locally and having a base at Ty Celyn is convenient in terms of travelling from their homes to collect work vehicles and travel sustainably together to the site where they are working for the day, and then return at the end of the day, before travelling home.

As the ArbWorks UK Ltd business is owned by the applicant and he and his family live at Ty Celyn, the investment in the erection of the building provides certainty in terms of the availability of the building for the business, and ensures that the building and its content is safe and secure. Some of the equipment is also used by the applicant for his own personal use in terms of maintaining his property and small holding. Locating the building at Ty Celyn is therefore considered to be more sustainable, reducing the need for him to travel to a building off site. In light of this, it is considered that there is a business case for locating the building to support a small rural family business at Ty Celyn.

(iv) In relation to the impact on the AONB landscape:

The statement asserts that the siting of the new building would not have an unacceptable impact on visual amenity or the AONB landscape. The steel framed building has been set into the hillside and is located on lower ground in comparison to the road, limiting views of the building from the AONB as well as from the residential dwellings. The design of the building reflects the general character and appearance of an agricultural building and would not appear to be out of character with the rural setting of the application site. The building is screened by existing trees and newly planted conifers near the access reducing its prominence from views from the AONB to the east.

The statement also refers to an existing hardstanding at the site which has been cleared of vegetation and a new layer added to it.

In relation to Policy PSE 5 and the specific policy criteria, Officers would conclude:

(i) In relation to the proposal being appropriate in scale and nature to its location:

The arboricultural business is small scale with 4 local people employed in addition to the applicant and his wife that live on site at Ty Celyn. The arboricultural business use described is like a 'depot' in nature, with workers collecting a work vehicle and equipment to work off site all day and then returning to collect their personal vehicle and returning home. Trips would be limited primarily to the early morning and later afternoons. There are no other commercial activities or industrial activities taking place at the site and the scale and nature of activities at the site would be low key and infrequent.

Whilst it is questionable that the mixed use of the site is similar in scale and nature to a small agricultural unit of just 6 hectares, it is nevertheless considered to be of a scale and nature that is appropriate in this location subject to conditions to control the use.

(ii) In relation to suitable existing buildings being converted or reused in preference to new build:

Original stone/brick buildings on the site (outside the red line) appear to be being used in connection with the dwelling and/or smallholding and do not appear suitable in size to house larger machinery and equipment.

(iii) In relation to justification for the new build:

The business case submitted is not overly detailed however it explains that the majority of Arbworks UK Ltd's work is based in Denbighshire, any other work is within the North Wales area. The services provided by the business are tree surgery work and landscaping to local communities. The applicant and his wife are employed by the business and they also employ 4 local workers, providing high-quality skilled jobs.

Whilst the benefits may be limited, the tree surgery and landscaping works undertaken by the business within the County contributes to improving the environment and local communities. The business also employs 6 local people which in turn contributes to the local economy.

iv) In relation to the impact on the AONB landscape:

Officers are of the view that the scale and nature of the mixed use and operational development in connection with it would not result in a detrimental impact on the AONB landscape in respect of visual impact or in terms of the tranquillity of the area.

As detailed above, the residential and agricultural small holding use is existing and the arboricultural use is small in scale generating low level activity at certain times of the day, the site being a depot for the arboricultural business. All other operations are undertaken away from the site. Visually (as discussed in further detail below), the hardstanding, steel framed building and single storage container are set into the hillside at a significantly lower level than Rhualt Road. From Rhualt Road, only a small part of the roof slope is visible due to the site levels and screening. It is unfortunate that the applicant removed vegetation and trees from the site and undertook extensive works to form a hardstanding. Based on the evidence available it is difficult to agree that a hardstanding was 'pre existing' and that no level changes have been made at all, as claimed in the Planning Statement. However overall the site remains well screened and in the event that permission is given, a condition would be required to provide additional landscaping particularly to screen the steel framed building from views from the west of the site and looking towards the AONB.

In conclusion, it is Officers' opinion that the principle of a mixed use for residential, agricultural in connection with the existing smallholding and arboricultural uses, along with the operational development associated with the aforementioned uses which comprises the erection of a steel framed building, provision of new hardstanding layer on pre-existing hardstanding and alterations to a means of access to a highway is acceptable having regard to Policy PSE 5, subject to the inclusion of conditions.

As the proposal is a unique situation seeking a mixed use of residential, agricultural/smallholding and an arboricultural business, a personal permission is considered justified in this case.

4.2.2 Visual amenity including impact on Area of Outstanding Natural Beauty landscape

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.

PPW 12 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

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 guidance in Planning Policy Wales (PPW 12) which requires planning authorities to 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.

Local representations raise the visual impact of the proposal as a concern locally. The AONB Officer and Campaign for the Protection of Rural Wales (CPRW) have also raised concerns relating to the impact on the AONB as an important consideration owing to the proximity to the boundary of the Clwydian Range to the east of the site.

The site itself is not within the AONB but it is close to the boundary and is close enough to impact on the AONB.

As can be seen from the site plans and photographs above, the development has a greater visual impact than it did previously by the erection of a steel framed building and works to create a large, more prominent hardstanding. Some additional landscaping has taken place close to the access however vegetation and trees have been removed from the site where the steel framed building has been erected and to create/clear the hardstanding.

The photographs at the front of the report are taken from Rhualt Road close to the site and from views beyond (taken from public highways). Whilst the steel framed building is visible it is not out of place in the rural landscape, appearing as a small scale agricultural building. The hardstanding and building is set at a much lower level than Rhualt Road and

with the exception of a small section of the eastern roof slope of the building is not visible. The scale, design and materials used in construction of the building are acceptable and in keeping with its location.

To mitigate for the vegetation and tree clearance undertaken by the applicant when he acquired the site, and to screen the steel framed building further, landscaping should be undertaken at the site particularly on the western boundary close to the building. If permission is granted, a planning condition is suggested requiring details to be submitted within 1 month and to be undertaken in the first planting season.

Concluding on the visual amenity impacts it is not considered that the development would adversely impact on visual amenity and the setting and tranquillity of the AONB. The scale of the proposal and activities undertaken in connection with the mixed use, particularly the arboricultural business are limited and not out of character within a rural location.

Whilst the site itself is not within the AONB, due to its proximity it does impact on it. Supplementary Planning Guidance (SPG) has been developed for lighting in the AONB - 'Planning for Dark Skies' and provides guidance and advice on design and lighting principles which should be followed to assist new development proposals in the area, and in this case close to it. If planning permission is granted, a lighting condition is suggested requiring the submission of a lighting scheme which should be designed not only to avoid negative impacts on the Dark Night Sky but also nocturnal wildlife.

#### 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.

Local residents have raised concerns regarding noise and disturbance and as summarised previously within the report, question the accuracy of the application and submitted information, photographs and videos of works taking place at the lower end of the site. This area of the site is outside the red line, on the area described within the submission as a smallholding.

The concerns of the local residents are acknowledged. However, this application relates to a particular part of the site and seeks permission on this land only, for a change of use of land to a mixed use comprising; residential, agricultural in connection with the existing smallholding and arboricultural uses. It also seeks permission for the operational development associated with the aforementioned uses on the land in question, comprising the erection of a steel framed building, provision of new hardstanding layer on pre-existing hardstanding.

When questioned, the applicant has advised that no industrial activities take place at the site any more and that some stone crushing for use in laying tracks in connection with the smallholding and wider estate that Ty Celyn is part of takes place occasionally, for short periods. This takes place on the smallholding at the lower part of the site and outside the application red line, and in connection with the smallholding and wider agricultural use of the land which is not a consideration of this application.

Noise/dust concerns in connection with the stone crushing/laying may be a matter for Public Protection. Any waste related matters that may be relevant to the rock/stone crushing on the smallholding would be a matter for NRW, and Officers have been contacted by NRW advising that they have provided advice and guidance to the applicant on the requirement to register some waste exemptions at the property.

In conclusion, the change of use of land to a mixed use comprising of residential, agricultural in connection with the existing smallholding and arboricultural uses along with the operational development associated with the aforementioned uses is not considered to adversely impact upon the local residents living close to the site. The previously withdrawn application which included timber storage and processing (Class B2 general industrial activities) is acknowledged however these uses have been removed from the site and are not part of this application currently under consideration. Noise/dust concerns relating to the stone/rock crushing being carried out on the lower part of the site on the existing smallholding are acknowledged however are taking place in connection with an existing use of the land. There may be other regulatory controls - Public Protection and/or NRW. A condition is recommended to ensure that no rock/stone crushing should take place on the application site at any time.

Subject to the imposition of planning conditions controlling the use of the site it is not considered that there would be any adverse impacts on residential amenity by allowing a mixed use of the site.

#### 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 (Edition 12, 2024) within Chapter 6 'Biodiversity and



Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG 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 (Edition 12, 2024) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems*" (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) 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).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- *Green Infrastructure*

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- *Net Benefit for Biodiversity and the Step-wise Approach*

Clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- *Protection for Sites of Special Scientific Interest (SSSI)*

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape'.

- *Trees and Woodlands*

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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) Policy 9 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 a Green Infrastructure Statement has been submitted and details biodiversity enhancement with a habitat enhancement plan also included. This plan shows bird, bat and pollinating insect homes proposed to be installed in different locations across the site. It is therefore considered 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, along with additional landscaping requested by a planning condition.

Subject to the imposition of an appropriately worded condition to ensure additional landscaping is undertaken 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 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network.

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

These policies reflect general principles set out in Planning Policy Wales (Edition 12, 2024) and TAN 18 - Transport, in support of sustainable development.

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.

Some concerns have been expressed in relation to larger vehicles using the site in the context of industrial/other uses taking place at the site.

The application describes the types of vehicles using the site in connection with the arboricultural business as employees cars entering the site (4 cars) at the start and end of the working day. The vehicles used in connection with the arboricultural business are described as 4 pick ups, a transit tipper and a tractor. A skip is delivered/exchanged to the site once a week. The application clearly states that the proposal does not include any delivery, processing or storage of timber.

The application includes the retention of alterations to the means of access to Rhualt Road which have included widening the access with the installation of walls and pillars and some re-surfacing. Parking and turning space is available within the site, the hardstanding being used to park vehicles when not in use.

The Highway Officer has been consulted and has raised no objections to the access works that have been undertaken at the site and does not consider there to be any highway safety concerns with the proposed mixed use of the site.

#### **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 The principle of the mixed use comprising; residential, agricultural in connection with the existing smallholding and arboricultural uses, and operational development associated with the aforementioned uses, comprising the erection of a steel framed building, provision of new hardstanding layer on pre-existing hardstanding and alterations to a means of access to a highway is considered acceptable.

5.2 The visual and residential amenity impacts are considered acceptable subject to the imposition of planning conditions.

5.3 The access works to the site entrance are acceptable and an improvement in highway safety terms.

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

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

Location Plan (V2 28-3-24) Received 28-03-2024

Existing and Proposed Site, Floor and Elevation Plans (Drawing No. 3410/2/JAN/2023 V3) Received 17-03-2025

Existing and Proposed Site Plan (Drawing No. 3410/1/JAN/2023 V4) Received 17-03-2025

Revised Planning Statement Received 17-03-2025

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development

2. The mixed use of the site and operational development as detailed in the description of this planning permission shall only be carried out/occupied by the applicant Mr Louis Collinge (of Ty Celyn, Cwm and Arbworks UK Ltd).

Reason: To control development in the open countryside

3. The site and steel framed building shall not at any time be used as Use Class B1 (light industrial), Class B2 (General Industrial) or Class B8 (Storage and distribution).

Reason: For the avoidance of doubt, in the interests of residential amenity and to control development in the open countryside.

4. The steel framed building shall not at any time be used as a dwelling or holiday accommodation, or any other use permitted by Classes C3, C4, C5 or C6 of the Town & Country Planning (Use Classes) Order 1987 (As amended).

Reason: To control development in the open countryside

5. Within 1 month of the date of this permission a full landscaping scheme shall be submitted to the Local Planning Authority for written approval. 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.

Reason: In the interest of visual amenity and enhancing the biodiversity of the area

6. Within 1 month of the date of this permission an external lighting scheme, designed to avoid negative impacts on nocturnal wildlife and the Dark Night Sky shall be submitted to and approved in writing by the Local Planning Authority.

The approved lighting scheme shall be installed within 1 month from the date of the approval.

No further lighting shall be installed without the approval of the Local Planning Authority.

Reason: To maintain the favourable conservation status of protected species and to protect the AONB Dark Skies status

7. No rock/stone crushing shall be permitted to take place on the application site at any time.

Reason: In the interest of residential amenity and to protect the AONB.

8. No external storage, siting or stationing of machinery, tools or equipment relating to the mixed use of the site shall be permitted outside of the steel framed building.

Reason: In the interest of visual amenity and to protect the AONB.

9. The operation of the Arboricultural business (Arbworks UK Ltd) shall be restricted to the following times/days: -

07:30 to 17:30 hours Monday to Friday

08:00 to 13:00 hours Saturday

No operations permitted on Sundays or Bank Holidays

Reason: In the interest of residential amenity

10. Should the use of the Arboricultural business (Arbworks UK Ltd) cease or move to a different site, the steel framed storage building shall be removed and the site restored in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and the amenity of the area