

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 19/0506/FUL

**Grid Ref:** E: 314095  
N: 261613

**Community Council:** Penybont Community

**Valid Date:** 04.04.2019

**Applicant:** Mr Eddie McIntosh

**Location:** Mellowcroft, Llandegley, Llandrindod Wells, Powys, LD1 5UF.

**Proposal:** Erection of five agricultural buildings and associated works (retrospective)

**Application Type:** Full Application

### The reason for Committee determination

The Local Member has requested for the application to be determined before Members of the Planning Committee.

### Consultee Responses

#### Consultee

#### Received

PCC-(N) Highways

22nd May 2019

The County Council as Highway Authority for the County Class I Highway, A44

Wish the following recommendations/Observations be applied

The Transport Technical Note submitted as part of this application is a duplicate of what was submitted as part of a previous application for this site. Due to the amendment of the application description, it is felt that this is no longer relevant and its contents have been dismissed for this application.

Clarification was sought by the Highway Authority regarding the sale of the sap. It has been stated in an email from the agent dated 20th May 2019 that the sap will not be sold on site.

The description for this application is for the 'Erection of five agricultural buildings and associated works (retrospective)'. The existing land use is that of agricultural and this will not change as part of this application. With this in mind, the Highway Authority has no objection to this application. It is worth noting however that it is likely any future

applications which will result in additional use of the access will not be supported by the Highway Authority without sufficient improvements made to the access.

#### Recommendations

The Planning Authority have advised that commercial use will not be permitted on the site, therefore the Highway Authority respectfully request that a suitably worded condition be applied to any consent given.

Welsh Water

10th Apr 2019

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

As the applicant intends utilising a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an Approved Inspector. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Environmental Protection

12th Apr 2019

I have had a look at the above retrospective planning application and note on the application form supplied that a cesspit is being utilised, Environmental Protection would not support this and as such would object on the ground that there is an insufficient foul drainage.

I would recommend that the cesspit is changed to either a package treatment plant or septic tank with appropriate effluent discharge method.

Any new system must also comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

Environmental Protection

20th May 2019

The use of composting toilets is acceptable and I do vaguely remember an earlier application with this method being used however, I don't recall the Solar Power side of things being agreed and can find no confirmation of this.

As this is a new application after some considerable time from the original application, I do feel that more information should be supplied such as a waste management plan detailing how and where the waste is to be stored etc. The locations and number of toilets should also be included.

Can I also ask for details surrounding any grey water that may be generated from various activities?

As soon as I have this information I will be in a better position to make a formal comment

*Additional Comments received 21<sup>st</sup> June*

Further to our conversation I have read the details of the additional details and I have visited the site in the past. Being for agricultural use, we are looking a composting toilet with a relatively low loading and if the controls stated are adhered to then I do not have concerns from a public health point of view.

I would however like two points clarified. Firstly that there is sufficient area to spread composted waste and secondly that waste will not be spread in areas where food will be grown.

Community Council

20th May 2019

Thank you for the extension granted to Penybont & District Community Council.

Following their meeting on Tuesday 14th May 2019, it was resolved to inform the planning department that, 'Owing to long standing and recent events this council supports the application for the use of agricultural buildings and would hope that this use could be monitored'.

## **Representations**

Eight letters of public representations have been received in support of the application. The letters provide general comments in support of the Mellowcroft enterprise.

## Planning History

App Ref	Description	Decision	Date
P/2015/0186	Change of use of land to form a mixed use development of retreat facilities (uses D1,D2 & C3 and Sui Generis) and erection of various buildings and structures to include:- erection of classroom for workshops and alternative health therapies, erection of treehouse building to accommodate kitchen, office, site reception, communal lounge and craft shop, hot tub & shower facilities; erection of cedar shack, drivers cabin and shepherds hut for retreat accommodation, woodland camping area, construction of outdoor baths with screening, composting toilets, recycling point, creation of fish pool and wildlife ponds, community allotments and poly tunnel, 3 sheds for allotment use, powerhouse structure with wind turbine, storage shed, bridges and jetty, gates, fences, bench shelter, stone circle & fire pit, parking area & landscaping works (retrospective). Proposed works: the retention of the existing motor-home and touring caravan for use as a temporary dwelling for a three year period, the siting of a farmers hut, gypsy wagon, bunkhouse and crows rest building for retreat accommodation.	Refused	02.07.2015

## Principal Planning Constraints

None

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December		National Policy

2018)

TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

## **Officer Appraisal**

### Site Location and Description

The application site is located within the Community Council area for Penybont. The application site is however located within the open countryside and situated alongside the A44 which is located to the east of the application site. To the north, south and west is then further agricultural land.

Consent is sought retrospectively for the erection of 5 buildings for agricultural purposes. The buildings can be described as follows:

#### *Silver Birch Sap Production and Storage Building-*

13.1 metres in length by 8 metres in width (including associated decking area) reaching a height of 7.5 metres to the highest point and 2.6 metres to the eaves.

#### *Welfare Cabin-*

13.2 metres in length by 9.4 metres in width reaching a height of 3.1 metres.

#### *Farm Office-*

5 metres in length by 4 metres in width reaching a height of 4.3 metres.

#### *Storage Shed-*

5 metres in length by 3 metres in width reaching a height of 2.7 metres.

#### *Storage Hut-*

4 metres in length by 2.2 metres in width reaching a height of 2.2 metres.

The buildings are predominately timber clad for the external walls with either a tile or bitumen felt roofing.

### Application Site History

By way of background to the application site, Members are advised that there is a current Enforcement Notice on the Land. The Enforcement notice amongst a number of requirements seeks to remove the buildings/structures off the Land.

This application therefore seeks retrospectively planning permission for five of the structures and to re-purpose them for agricultural uses.

### Principle of Development

TAN 6 relates to planning for sustainable rural communities and includes agricultural and forestry development as well as rural diversification. TAN 6 states that the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings should be considered.

TAN 6 highlights the scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However, it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.

In light of the above it is considered that the principle of agricultural buildings within an agricultural unit fundamentally complies with relevant planning policy subject to the following considerations;

### Landscape and Visual Impact

Policy DM4 of the Local Development Plan seeks to ensure that proposals for new development in the open countryside must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

LANDMAP identifies the application site as located within, "*Two large convoluted areas comprising most of the landscape, other than distinct hills and valleys, in centre and south east of county. Area extends from Wye/Ithon Valleys across to New Radnor basin. Generally peaceful, settled farmland with pleasant views. Gently rolling hills & valleys with strong pastoral field patterns, wooded watercourses and scattered trees & small woodlands. Numerous small villages and scattered farms*" giving the overall evaluation of the area as moderate.

It is noted that the buildings will be re-purposed to meet the need of the agricultural unit. Therefore, whilst noting that the buildings in question are not traditional in design for agricultural purposes consideration has therefore been given to whether the buildings as existing have an unacceptable impact on the wider landscape.

The highest of the buildings measures approximately 7.5 metres in height with the other units measuring 4 metres and under. The site is predominately screened from the A44

with mature landscaping with existing mature woodland areas and tree planting within the site which provides a further element of screening from surrounding areas.

Given the low scale nature of the buildings alongside the mature landscaping which already surrounds the application site it is considered that the proposed development would not be seen as having an unacceptable impact on the wider landscape. The provision of the five buildings is therefore considered to fundamentally comply with relevant planning policy.

### Design and External Appearance

Policy DM13 of the Local Development Plan seeks to ensure that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Development therefore must be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Given the design of the buildings careful consideration has been given to ensure that the design being non-traditional in design do not have an unacceptable impact on the character and appearance of the surrounding area.

As identified above when considering landscape the buildings are low scale in nature and are constructed predominately using timber cladding for the walls and bitumen felt for the rooves. The materials and colours utilised are therefore considered to be acceptable and help assimilate the buildings into the surrounding landscape.

As identified above the buildings are well screened with minimal views of the site from nearby sensitive receptors. Whilst the design of the buildings are noted as not being of typical modern agricultural units in appearance it is considered that due to their materials and low scale nature they complement the character of the surrounding area and therefore fundamentally comply with relevant planning policy.

### Highway Safety

A safe access and parking is a fundamental requirement of any development. The Highway Authority have been consulted and initially raised concern over the potential increased use of the existing highway.

Further information was provided to confirm that the buildings would be used for the agricultural holding itself and the tapping of birch sap which takes place on the land.

In light of the additional information the Highway Officer confirmed that they have no objection to the principle of the development as it would not result in the increased use of the existing access. They however did raise concern over the future use of the



buildings but this would be subject to future enforcement should there be any future breach.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Environmental Health

The application site includes a composting toilet to facilitate any workers on the Land. Environmental Health have been consulted and whilst they consider the use of composting toilets to be acceptable at the present moment the Environmental Health officer considers that insufficient information has been submitted for consideration especially with regards to the management of the waste and its storage.

Whilst additional information was submitted which confirmed the management of the waste material, the Environmental Health Officer has requested a waste management to indicate areas of spreading. A plan has been received and is currently being considered by the Environmental Health officers.

Whilst in principle a composting toilet is considered to be acceptable a further update will be provided to Members prior to the meeting in relation to the spreading areas as proposed.

### Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

The Powys Ecologist has been consulted but at the time of writing this report no response has been received. It is noted that the application is retrospective and therefore all works have already been completed. Given the scale and location of the buildings it is considered that the works as completed are unlikely to have an impact on the natural environment.

The Powys Ecologist has also been consulted on the additional waste management plan and therefore a full response will be provided to Members prior to the meeting.

## **RECOMMENDATION**

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

## Conditions

1 The development hereby being retrospective shall take effect from the date of issuing of the decision notice.

2 The development shall be carried out in accordance with the following approved plans and documents A01, A02, A03, A04, A05, A06, A07, A08, A09 and Waste Water and Foul Drainage Statement.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the agricultural buildings shall be erected without the consent of the Local Planning Authority.

4 The buildings hereby approved shall be used for agricultural purposes or in connection with any use incidental to that use only.

## Reasons

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

3. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).

4. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.