



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/01/21

gan Mr A Thickett, BA (Hons) BTP Dip
RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18th January 2021

Appeal Decision

Site visit made on 05/01/21

by Mr A Thickett, BA (Hons) BTP Dip RSA
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18th January 2021

Appeal Ref: APP/T6850/A/20/3260496

**Site address: Upper Gwestydd Farm, Upper Gwestydd Lane, Cefn Mawr, Powys,
SY16 3LA**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995.
 - The appeal is made by Mr WG & Mrs DE Woosnam against the decision of Powys County Council.
 - The application Ref: 20/0806/AGR dated 26 May 2020, was refused by notice dated 30 July 2020.
 - The development proposed is a steel portal framed general purpose agricultural building, with box profile steel sheeting on the walls and roof, together with access doors.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 6, Paragraph A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) for a steel portal framed general purpose agricultural building, with box profile steel sheeting on the walls and roof, together with access doors at Upper Gwestydd Farm, Upper Gwestydd Lane, Cefn Mawr, Powys, SY16 3LA in accordance with the details submitted pursuant to Schedule 2, Part 6, Paragraph A.2 of the GPDO.

Main Issue

2. The main issue is whether the alleged impact of the proposed development on highway safety is a relevant consideration in determining whether prior approval is required under section A.2(2) of Part 6 of the GPDO.

Reasons

3. The erection of a building on an agricultural unit of 5ha or more is permitted under Part 6 of the GPDO subject to, amongst other things, the developer applying to the local planning authority for a determination as to whether prior approval is required for the design and external appearance of the building. This appeal is made against a refusal to grant prior approval for the proposed development. It is not an appeal made against the refusal to grant planning permission as the Council in the committee report and decision notice appear to have considered the appeal application.
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4. The Development Management Manual (DMM) states: '*When considering a prior approval application, the LPA can only consider specific issues, such as the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings*'. The DMM confirms that provided all GPDO requirements are met, the principle of the development is not for consideration. The DMM goes on to say that, only in cases where the authority considers that a specific proposal is likely to have a significant impact on its surroundings, would the Welsh Government consider it necessary for the authority to require the formal submission of details for approval.
5. The Council determined that prior approval was required; '*on the grounds that the siting of the proposed building, being in an open field and not sited in proximity to existing buildings, may have an unacceptable impact upon the landscape*'. The impact of a building on the landscape is a material consideration in determining applications for prior approval. There is no dispute in this case that all GPDO requirements are met. The principle of the development and the use is not, therefore, a material consideration.
6. The Council's objections are not that the siting of the building would in itself impact on highway safety by say, interfering with visibility, but on the grounds that it would lead to the intensification of the use of an existing alleged sub-standard access to the highway. However, as established above and as the Council accepts, the principle of the development, including its use for the storage of agricultural machinery etc, is established under the GPDO. There are likely to be vehicle movements associated with an agricultural building wherever it is located. Had the authors of the GPDO deemed it important and necessary, they would have included highway safety and traffic generation as a matter for consideration for the prior approval of an agricultural building; they did not.
7. The permitted development rights qualifications for agricultural buildings do extend to their use in that, to protect residential amenity, they include limitations with regard to buildings housing livestock. Had the authors of the GPDO considered it necessary to include other qualifications in terms of the use of buildings erected for the purposes of agriculture, I'm sure they would have included them. Again, they did not.

Conditions

8. None of the conditions the Council invite me to impose relate to the matters to which the consideration of prior approval of an agricultural building are limited.

Conclusions

9. In refusing to grant prior approval for the proposed agricultural building on the grounds of highway safety, the Council misdirected itself. No other reasons for refusing to grant prior approval are given and I have not read anything to indicate that prior approval should be withheld.
10. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Anthony Thickett Inspector