



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

**Application Number:** 21/2041/FUL

**Grid Ref:** E: 304186  
N: 247830

**Community Council:** Duhonw Community

**Valid Date:** 02.12.2021

**Applicant:** Ms J Sheil

**Location:** Dukeshill Stables, Land Adjacent To Hengwm Fawr, Llandewi'r Cwm, Builth Wells, LD2 3RZ

**Proposal:** Erection of 5 stable buildings, creation of yard and menege (retrospective)

**Application Type:** Full Application

### The reason for Committee determination

The Local Member has exercised their right to call-in the application for Committee determination on the grounds of the public interest and planning history of the site.

### Consultee Responses

#### Consultee

#### Received

#### Dunhonw Community Council

Duhonw Community Council at their meeting last night wish to note as their concerns remain the same as when raised as an enforcement issue.

#### PCC-Building Control

No comments received at the time of writing this report

#### Councillor Price

7th Dec 2021

I would be minded to call this application to committee, due to considerable local interest and strong objection to this already established development. However, I assume it will automatically go to committee, as the applicant is employed by Powys County Council?

Perhaps I could receive clarification on the matter please.

*Additional comments received 20<sup>th</sup> December 2021 -*

In view of the local public interest in this development, I would wish to call this application to committee. Duhonw Community Council received numerous complaints regarding the extensive earthworks and the erection of buildings on this site, that did not have prior planning approval.

### PCC – Highways

The County Council as Highway Authority for the County Unclassified Highway, U0057

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Thank you for consulting the Highway Authority (HA) on this planning application at “Dukeshill Stables, Land Adjacent To Hengwm Fawr, Llandewi'r Cwm, Builth Wells LD2 3RZ”. The application seeks the “Erection of 5 stable buildings, creation of yard and menege” It is noted that this a retrospective application.

This site is located approximately 2 miles south of Builth Wells and vehicular access is gained from the B4520 county highway, which connects Brecon and Builth Wells, via a 1-mile length of the unclassified county highway network (U0055 & U0057), which runs through Llandewi'r Cwm.

The unclassified highway network (U0055 & U0057) is significantly constrained, being largely single track, with closely bound hedgerows and property boundaries. As a result, there are insufficient passing bays available along the route to enable opposing vehicles to pass at regular intervals and there are no real opportunities to construct additional passing bays, without the acquisition of third-party land. Consequently, opposing vehicles meeting along the route are clearly forced to reverse significant distances in order to pass. Accordingly, the HA does not consider that the highway network is appropriate to serve additional new development, which is not linked to an existing property/holding.

Whilst the application states that the stables are for private use only, the proposal seeks consent for 5 stables and associated buildings, which are clearly configured to provide for up to 7 stable places, which does seem excessive. It is also noted that the facility is not linked to a neighbouring property and that the applicant lives remote from the site; as such, all vehicular movements to and from the site will constitute new/additional vehicular movements along the network. Whilst no attempt has been made to quantify the level and types of traffic such a development is likely to generate, it is likely that they will include towing vehicles and multiple visits on a daily basis for welfare reasons.

In consideration of the above, the HA contends that the immediate highway network and access arrangements are not suitable to accommodate a development of this nature and

the additional vehicular movements that it would likely generate, particularly those involving larger towing vehicles. No mitigation is proposed and as pointed out above, there is extremely little opportunity to provide such.

The proposal would clearly increase the risks associated with the safe and efficient operation of the network, which would be considered detrimental to the safety and convenience of all highway users. The HA therefore considers the proposals to be contrary to Policies T1 & DM13 (10) of the PCC LDP.

If however, the LPA is minded to approve this application, the HA would respectfully recommend that an appropriate condition be attached which limits future uses of the facility to those limited to personal use only.

*Additional comments received 16<sup>th</sup> February 2022 –*

Thank you for re-consulting the Highway Authority (HA) on this planning application at “Dukeshill Stables, Land Adjacent to Hengwm Fawr, Llandewi'r Cwm, Builth Wells LD2 3RZ”.

The content of the Revised Planning Statement and Transport Statement (TS) is duly acknowledged.

Having reviewed the detail within the TS, it is noted that the agent has sought to demonstrate that the provision of stabling and a manage at this location, would effectively result in a reduction of vehicular movements to and from the site. This conclusion is based on a comparison of the likely traffic movements associated with horses being kept on the land, without such facilities.

Whilst the HA does not dispute such findings, it should be noted that the land itself is classed as agricultural land, which does not cover the keeping of horses on the land for leisure purposes; further, it is noted the required “change of use” has not been obtained. The HA therefore contends, that the baseline traffic flows should be considered against the legitimate agricultural uses of the land, rather than the existing equine uses suggested. Such agricultural uses, which would have previously been linked to the adjacent farm, would clearly have been significantly lower than those suggested.

In consideration of the above, the HA maintains that the conservative projected annual vehicular movements of 1596 movements, as detailed with the TS, which includes 120 towing movements, would in effect be new and additional vehicular movements along the constrained adjacent highway network.

In consideration of the above, the HA maintains that the proposal would clearly increase the risks associated with the safe and efficient operation of the network, which would be considered detrimental to the safety and convenience of all highway users. The HA therefore considers the proposals to be contrary to Policies T1 & DM13 (10) of the PCC LDP.

*Additional comments received 18<sup>th</sup> March 2022 –*

The County Council as Highway Authority for the County Unclassified Highway, U0057

Wish the following recommendations/Observations be applied  
Recommendations/Observations

The following is a highway update report which supersedes the findings and recommendations contained within the previous highway response. It follows the receipt of additional planning advice provided by the local planning authority. That advice concludes that the keeping and grazing of horses on agricultural land, is in fact lawful, and that it does not require a change of planning use. As such, the vehicular movements being undertaken to and from the site at present, are legitimate, and are therefore a material planning consideration in this instance.

In acknowledgement of the above, it is accepted that the traffic frequency exercise contained within the submitted Transport Statement (TS), is relevant in this instance. That particular exercise, contained on Page 4 of the TS, provides reasonably robust detail to demonstrate that the site, with permanent facilities, would likely result in reduced levels of vehicular movements compared to the current arrangement.

In light of this information, the HA considers that an objection on highway grounds could not be sustained in this instance. Its previous objection, is therefore withdrawn, and no highway improvements are sought.

Welsh Water

13th Dec 2021

Surface Water Drainage

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

The applicant is advised that some public sewers and lateral drains may not be recorded

on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### PCC – Countryside Services

Public footpath 3 Duhonw Community abuts the development site. The applicant is aware of the public footpath and Countryside Services therefore have no specific comments to make on the application.

### Natural Resources Wales

15th Dec 2021

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

#### Protected Sites

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC).

As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued Planning Advice, (May 2021) which gives specific advice for new developments within phosphorus sensitive SAC River catchments.

We consider there is insufficient information available to inform your test of likely significant effect on the SAC. Information should be sought to demonstrate the buildings are compliant with The Water Resources (Control of Agriculture Pollution) (Wales) Regulations 2021 (The CoAPR 2021), and its operation will not lead to ground and/or surface water pollution as well as an increase in the amount of phosphate discharge into the SAC.

We advise that your Authority needs the following information to inform your determination process:

- o Confirmation of whether the proposed development will result in an increase in stock numbers held on the paddock.

- o Details of the proposed drainage plan. The applicant should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Dirty water and parlour washings must not be allowed to enter surface water drains.

Clean roof water and dirty water (parlour washing/ slurry) must be kept separate and discharged/stored in accordance with the CoAPR 2021, the Code of Good

Agricultural Practice (COGAP) on effective manure management and BS 5502

(Building and Structures for Agriculture Code of Practice for Design, Construction and

Loading). Details of how this separation will be achieved should be included on a drainage plan.

- o Appropriate manure management measures. We note no information has been submitted with regards to the storage and management of manure. Further details should be submitted to confirm the management of the manure (including contingency measures). The applicant should demonstrate that manure is managed in line with CoGAP to avoid an increase in the amount of phosphorus entering the catchment.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We have standing advice for good farming practice available on our website for the Applicant and your Authority to make use of - Natural Resources Wales / Good farming practice.

## Protected Species

We also note that there is no information about protected species with the application and therefore, we are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

*Additional comments received 2<sup>nd</sup> February 2022 –*

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, and the additional information which we received on 05/01/2022.

We have no objection to the proposed development as submitted and provide the following advice:

## Protected Sites

As stated within our previous response letter (CAS-176899-Y9H4 dated 15/12/2021) the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

We have reviewed the additional information provided and note the following: that there will be no increase of livestock as result of this proposal and that no dirty water will be produced due to the use of bedding at the stables which will be dealt with as dry manure.

We advise that any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. If manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment.

Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC.

## Protected Species

We also note that there is no information about protected species with the application and therefore, we are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

## Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. If you have any queries on the above, please do not hesitate to contact us

PCC - Environmental Protection

7th Dec 2021

Environmental protection has no objection

## Representations

Following the display of a site notice there has been no public representations received at the time of writing this report

## Planning History

App Ref	Description	Decision	Date
None			

## Principal Planning Constraints

Phosphorous Welsh River SACs  
Public bridleway (031/19/1)  
Public footpath (031/23/1)

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Policy
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable		National Policy



	Rural Community	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN24	Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
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
T1	Travel, Traffic and Transport Infrastructure	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

### **Other Legislative Considerations**

Crime and Disorder Act 1998  
 Equality Act 2010  
 Planning (Wales) Act 2015 (Welsh language)  
 Wellbeing of Future Generations (Wales) Act 2015  
 Marine and Coastal Access Act 2009

## **Officer Appraisal**

### Site Location and Description of Development

The application site is within the Community Council area of Duhonw and is located within the open countryside as defined by the Powys Local Development Plan (LDP (adopted 2018)). The site is located on land adjacent to Hengwm Fawr Farm. To the north of the application site is a Public Footpath (031/23/1) and agricultural land and to the south is agricultural land. To the east of the site is further agricultural land and Hengwm Fawr Farm and to the west is agricultural land.

Retrospective consent is sought for the erection of 5no. stable buildings and the creation of yard and menage. The total area of the application site is approximately 0.15ha. The menage measures approximately 35 metres in length and 16 metres in width. The menage is finished with a wood chip covering with a hardcore base beneath. The boundaries surrounding the menage have been finished post and rail fencing and post and stock proof fencing with a top rail.

Building A which is a stable building measures approximately 3.63 metres in length and 3.65 metres in width, with a floor space of approximately 13.25 square metres.

Building B which consists of two stables and a tack room measures approximately 9.60 metres in length and 3.63 metres in width, with a floor space of approximately 34.85 square metres.

Building C which is a storage building measures approximately 3.65 metres in length and 2.4 metres in width, with a floor space of approximately 8.98 square metres.

Building D which is a stable and storage shed measures approximately 7.25 metres in length and 3.65 metres in width, with a floor space of approximately 26.4 square metres.

Building E which consists of two stables measures approximately 7.16 metres in length and 3.65 metres in width, with a floor space of approximately 26.1 square metres. The maximum height of all the buildings is approximately 3.2 metres to ridge.

All the stable buildings have been finished with timber cladding for the walls and black corrugated tin sheeting for the roofs.

### Principle of Development

Local Development Plan Policies DM4 and DM13 sets out the general requirements applied to all developments such as this proposal. The main planning consideration relating to this type of proposal is whether the proposal would cause any unacceptable adverse effects on the Powys landscape. Other planning considerations to take into account are design and building materials.

Retrospective consent is sought for the erection of 5no. stable buildings and the creation of yard and menage (retrospective). The total area of the application site is approximately 0.15ha. The menage measures approximately 35 metres in length and 16 metres in width.

In light of the above it is therefore considered that the principle of development fundamentally complies with the relevant planning policy subject to the following:

### Design and External Appearance

With respect to design specific reference is made to LDP policies DM4 and DM13. DM13 indicates that development proposals will be required to demonstrate good quality design that complements and/or enhances the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. DM4 requires that development proposals must not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

The menage measures approximately 35 metres in length and 16 metres in width. The menage is finished with a wood chip covering with a hardcore base beneath. The boundaries surrounding the menage have been finished post and rail fencing and post and stock proof fencing with a top rail. The horse menage is considered to be of a suitable design and is located within a suitable location. As such it is considered to be of an acceptable design in this setting.

The 5no. stable buildings have been sympathetically designed to reflect typical equine buildings and are considered to be of an appropriate scale and height for the location. The materials are considered to be typical of equine buildings and will help assimilate the buildings into the landscape.

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

### Landscape Impact

In considering the impact of a development on the landscape regard must be paid to LDP policy DM4 that states proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its topography; development pattern and features; historical and ecological qualities; open views; and tranquillity. The Landscape Supplementary Planning Guidance (SPG) states that all schemes should be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the Powys landscape.

LANDMAP lists the visual and sensory value of the site as high and describes the area as “*enclosed landscape centred on Dunhonn Valley and isolated areas of upland (e.g. Moelfre) at 440m AOD, running down to 140m AOD. The area is a varied pastoral, well-managed landscape with substantial hedgerows and deciduous woodland cover, the latter often associated with steep slopes and watercourses. The mosaic is enhanced by the settlement pattern of scattered farmsteads and hamlet Llandewir cwm with its attractive church. The area is tranquil with only one minor through B-road. Long views are possible at various points on the valley sides and hill tops both down the valley and to surrounding upland and the Wye and Irfon in the distance.*”

It is classified as being of being of high visual and sensory value. Other evaluations are:

Geological Landscape - Moderate

Landscape Habitats - Moderate - Largely improved agricultural landscape with field boundaries and watercourses with a network of broadleaved woodlands forming the focus for biodiversity.

Historic Landscape - High

Cultural Landscape - Moderate

The high visual and sensory value is noted together with the other classifications. The proposed site is located within the open countryside and is located on agricultural land and will be screened by the existing trees and hedgerows. The development is not deemed to have an unacceptable impact on Powys’s landscape as it is sited in an appropriate location and is sensitively designed helping to assimilate the proposed development into the local surroundings. The scale of the development is not overbearing, and it is located at a distance and position which will not adversely impact the nearest neighbouring dwelling. The application site is well screened by existing trees and hedgerows which will reduce any possible visual impact. Therefore, it is not considered that the development will adversely affect the character of the landscape as defined by LANDMAP. Given the existing landscaping screening in the forms of trees and hedgerows it is not considered necessary to attached a condition regarding a landscaping.

In light of this, it is considered that the proposed development complies with policy DM4.

### Residential Amenity

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design SPG and LDP policy DM13. For developments of this nature considerations of impact on neighbour amenities should include odour, flies, dust and noise.

The application site is located in a relatively isolated situation with the nearest neighbouring residential property being Hengwm-Fawr which is located approximately 98 metres away. The development is not considered to have a detrimental impact in terms of overlooking or loss of privacy and light. Therefore, it is not considered that the

development will have an adverse impact on the amenities of neighbouring properties.

PCC Environmental Protection has been consulted on the development and raised no objection to the proposal. In terms of light pollution, there is no reference to any external lighting being provided in connection with the scheme, therefore it is not anticipated that light pollution will be a concern for this development.

A condition will be attached to any consent granted regarding an external lighting design scheme.

It is therefore considered that the proposal complies with the provisions of Powys Local Development Plan (2018) Policy DM13 and Powys Residential Design Guide SPG (2020).

### Highways Safety

Policy T1 and DM13 consider implications of developments on highway safety. DM13 specifies that proposals should demonstrate that the development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon. Furthermore, development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Powys County Council's Highway Authority's initial comments to the proposed development raised an objection given the highway network is not appropriate to serve additional new development, which is not linked to an existing property/holding. The Highway Authority noted that the immediate highway network and access arrangements are not suitable to accommodate a development of this nature and the additional vehicular movements that it would likely generate, particularly those involving larger towing vehicles. No mitigation is proposed and as pointed out above, there is extremely little opportunity to provide such.

The Highway Authority noted the proposal would clearly increase the risks associated with the safe and efficient operation of the network, which would be considered detrimental to the safety and convenience of all highway users.

PCC Highway Authority provided a highway update report which supersedes the findings and recommendations contained within the previous highway objections. The highway update follows the receipt of additional planning advice provided by the Local Planning Authority which concludes that the keeping and grazing of horses on agricultural land, is in fact lawful, and that it does not require a change of planning use. As such, the Highway Authority noted the vehicular movements being undertaken to

and from the site at present, are legitimate and are therefore a material planning consideration in this instance.

As was acknowledged within the Inspector's Report as part of planning appeal APP/T6850/A/19/3239758 a parcel of land could lawfully be used for grazing horses regardless of whether the development is approved or not.

In acknowledgement of the above, the Highway Authority accepted that the traffic frequency exercise contained within the submitted Transport Statement (TS), is relevant in this instance. That particular exercise, contained on Page 4 of the TS, provides reasonably robust detail to demonstrate that the site, with permanent facilities, would likely result in reduced levels of vehicular movements compared to the current arrangement.

The Transport Statement submitted confirms vehicular movements associated with the horse husbandry and going to competitions and shows would remain the same before and after the development is undertaken. The main reduction in movements would be due to not requiring to transport the horses to be exercised away from site, the menage allows the horses to be exercised on site.

In light of this information, the Highway Authority considers that an objection on highway grounds could not be sustained in this instance and the Highway Authority's previous objection, is therefore withdrawn, and no highway improvements are sought.

A condition restricting the use of the development to the sole use of the applicant will be attached to any consent granted.

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

### Natural Environment

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected sites. In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys LPA should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature and under Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity so any submission should incorporate enhancement proposals.

The application site is located within an existing agricultural field which is considered to be of low ecological potential. Nevertheless, consideration must be given to any external lighting to minimise impacts to nocturnal wildlife commuting or foraging in the local area. No lighting is proposed as part of the proposal but it is recommended that submission of an External Lighting Design Scheme is secured through an appropriately

worded planning condition before any lighting can be installed.

Under Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity. Biodiversity enhancement proposals have been submitted with the application including 3no. bird boxes and 1 no. bat tube. The proposed enhancements are considered sufficient in comparison with the proposed development and therefore a condition will be attached to any consent granted ensuring the implementation of the biodiversity enhancements.

It is therefore considered that subject to the inclusion of appropriately worded conditions, this application is acceptable in relation to ecology and in particular, LDP policy DM2.

### River Wye Catchment Area

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

The following types of development are unlikely to increase phosphate inputs:

- Any development that does not increase the volume or concentration of wastewater.

NRW have been consulted and noted the additional information provided and acknowledged that there will be no increase of livestock as result of this proposal and that no dirty water will be produced due to the use of bedding at the stables which will be dealt with as dry manure. NRW advise that any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. NRW noted if manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment.

NRW are satisfied that the development is not likely to have a significant effect on the River Wye SAC.

Therefore, the proposed development is considered to be in accordance with policy.

### Public Footpath

It is acknowledged that access to the site is gained via bridleway (031/19/1) which then connects to the County Highway. Public footpath (031/23/1) runs along the northern boundary of the site which joins further public footpaths to the east. PCC Countryside Services has been consulted on the development and raised no objection to the development. An informative note will be attached to any consent granted to ensure the applicant is aware that the footpath is at no time obstructed during the development process nor any materials be placed or stored on the line of any public right of way.

In light of the above and subject to the recommended informative note it is therefore considered that the proposed development complies with relevant planning policy.

### Loss of Agricultural Land

Paragraph 3.58 of Planning Policy Wales (Edition 11, 2021) relates to the quality of agricultural land, and states that:

*“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.”*

Paragraph 3.59 of PPW (Ed. 11) further states that;

*“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”*

The development is sited on an area of agricultural land. The Welsh Government's Predictive Agricultural Land Classification Map indicates that the area of the application site is graded as 3b, which relates to *“moderate quality agricultural land”*. In light of this, it is noted the development would not result in the loss of the best and most versatile agricultural land, and the proposal is therefore compliant with planning policy in this regard.

### Conclusion

In light of the above, it is considered that the proposal would not result in an unacceptable impact upon any neighbouring properties and is therefore considered to



be acceptable and in accordance with relevant planning policies. The recommendation is therefore one of conditional consent.

## **RECOMMENDATION – Conditional Consent**

### **Conditions**

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from the date of consent.
2. The development shall be carried out in accordance with the following approved plans and documents: Ki 5768 1A, Planning, Design and Access Statement dated November 2021, Transport Statement dated February 2022, Ki 5768 4 Drainage Plan, Ki 5768 5
3. The development shall be used to accommodate the landowner's horses only and shall not be used for any commercial riding, breeding, training or other equestrian enterprise.
4. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12<sup>th</sup> September 2018). The development shall be carried out in accordance with the approved details.
5. The biodiversity enhancements as detailed within Planning, Design and Access Statement dated November 2021 shall be implemented as approved within 6 months of the date of this permission and maintained thereafter for as long as the development remains in existence.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to safeguard residential amenity and highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018).
4. To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section

## 6 of the Environment (Wales) Act

5. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act

### **Informative Notes**

#### Countryside Services

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.

#### Welsh Water

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

#### NRW

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. If you have any queries on the above, please do not hesitate to contact us