

<b>Application No</b>	<b>W/37328</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RETROSPECTIVE PLANNING APPLICATION FOR AN AGRICULTURAL MACHINERY SALES AREA INCLUDING ASSOCIATED GROUND WORKS, STORAGE SHED AND LANDSCAPING AT LAND AT, TAN Y BRYN, NANTGAREDIG, CARMARTHEN, SA32 7LH

<b>Applicant(s)</b>	MR M GOULBOURNE, TAN Y BRYN, NANTGAREDIG, CARMARTHEN, SA32 7LH
<b>Agent</b>	JCR PLANNING LTD - MR JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Llanddarog
<b>Date of validation</b>	01/06/2018

## CONSULTATIONS

**Head of Transport** – Has raised concerns/questions over elements of the proposal and requested clarification:-

- Visibility from the site access is obstructed to the west side (2.4m x 10m) by the roadside boundary hedgerow which appears to be under the control of applicant (land edged in blue). A visibility splay of 2.4m x 59m is required to be created by the removal/lowering or setting back of initial 5-8m of hedgerow.
- More detail is required regarding the parking and turning facilities serving the visitors/customers. The applicant confirmed on site that this would occur fronting and to the side of the dwelling known as Tan Y Bryn, which is outside of the red line site boundary. This detail is also not specified on the layout plan.
- It is not clear from the proposed site plan where the larger vehicles/HGV's visiting the site to deliver/pick-up agricultural equipment, machinery and vehicles turn adequately within the site. The space between the proposed storage shed and the red steel container is annotated 'access & circulation' and does not appear sufficient to accommodate the turning manoeuvres of the larger vehicles and trailers.

- Reference to the CSS Wales' Parking Standards 2008 – Retail Warehousing and Garages, Car Sales Premises, Zone 2-5 for guidance on the required car parking provision required to serve this development.
- The Design and Access Statement states on page 7 that - "The business in question operates by an appointment only basis, meaning that customers are only able to visit the site to view the items that are for sale subject to prior notification to the applicant. The business does not involve or include attending to customers on a 'passing trade' basis." Clarification of how this would be controlled was requested.

**Head of Public Protection** – Has not raised any objection to the proposal.

**Land Drainage Section** – Has not responded to date.

**Llanarthne Community Council** – Has not commented to date.

**Local Member** – County Councillor A Davies has stated that she supports the application and if officers wish to decline the application that it be presented to the Planning Committee. Reference is made to the applicant having built his business in an "organic manner" over the last 12 years and that it provides an "invaluable service" to the local community.

**Natural Resources Wales** – Has raised no objection to the proposal.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and in the local press with no responses having been received as a result.

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received on the application site:-

D4/22726	Construction of a bungalow and garage Reserved Matters granted	05 November 1992
D4/18252	Siting of an agricultural dwelling Outline planning permission	05 December 1989

## **APPRAISAL**

**This application has been submitted following an investigation/action undertaken by the Authority's planning enforcement officers.**

## **THE SITE**

The application consist site consists land associated with a dwelling known as Tan y Bryn. The dwelling is a bungalow constructed in the 1990's which is subject to an agricultural occupancy condition. The condition restricts occupancy to those solely or mainly employed in agriculture on the holding relating to the adjacent land for the property known as Pen y Glogue. The site is located in the open countryside outside of any development limits as delineated by the Carmarthenshire Local Development Plan. The site is also located in the Towy Valley Special Landscape Area. The site is accessed off the western flank of the B4310 some 80-90m south of the junction with the B4300. The site is 1.4km to the east of Capel Dewi and 0.7km south of Nantgaredig. The application relates to the land associated

with the dwelling which is at a higher level from the access and continues to rise to the north and west (rear) of the property and comprises approximately 0.4ha of land. There is vegetation to parts of the roadside boundary however parts of the site remain visible from public views and the site is at a higher level than the road. The character of the area is of sporadic dwellings and farmsteads.

## **THE PROPOSAL**

The application seeks retrospective planning permission for an agricultural machinery sales area including associated ground works, storage shed and landscaping. The excavation works have already been undertaken and the proposed building partly constructed. A series of level/terrace areas have been created as the land rises to the north of the property which are used for open storage.

The application states that the business has been run in its current form since 2012 although a smaller scale operation has been at the site since 1998. The business relates to buying and selling of agricultural machinery and the applicant is the sole employee. It is stated that there is no maintenance or servicing at the site. If this is required it is said that the machinery is taken to a nearby local business. It is indicated that approximately 10-15 items are sold a month. This is either by customers picking up the items on an appointment basis or them being delivered to their homes. The application indicates that the majority of the items sold are to those within 5 miles of the site. It is stated that as the business has grown the application has “had to adapt the property to accommodate” the additional demand.

The site is split in to three main areas. There is an access and circulation area to the front of the bungalow, external storage and the proposed internal storage to be provided by the now partly constructed building. It is stated that excavations took place since 2014 and the application is also to retain these. It is said that the business does not involve “passing trade” and that the opening hours are between 9.00am-5.30pm Monday to Friday and “up to one customer a day being accommodated on each weekend”.

The storage building is said to be for smaller items of equipment. This would be clad in metal profile sheeting with one open elevation. It would have a mono-pitch roof and cover an area of approximately 10 m x 10 m.

Screening is proposed along the bank between the upper and lower areas and also above the higher level.

The supporting information refers in particular to policies GP1 and EMP2 of the LDP. It acknowledges that there is no planning permission or certificate of lawfulness for the business. The supporting information feels that there is support from EMP2 stating that “EMP2 sets out that support will generally be offered to new employment proposal providing they are within, adjacent or directly related to the Development Limits of a defined settlement. In the case of the application proposal, as detailed in Section 2 of this Statement, the application site is closely related to the settlement of Nantgaredig, being located only a short distance south of it”.

Reference is then made to the applicant considered relocating the business in 2012 to Nantgaredig however there were no sites available at that time. It is stated that a recent search also shows no site available in Nantgaredig. The agent also feels that the scale of the operation is appropriate. They also comment that the scale of the business will not

increase. They feel that the proposed landscaping prevents any visual impact issues and that the use is comparable with the neighbouring uses.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is located outside the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy GP1 Sustainability and High Quality Design.

This states that development proposals will be permitted where they accord with a number of criteria including the following, it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing, utilises materials appropriate to the area within which it is located; it retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.

Policy TR3 Highways in Developments - Design Considerations.

This policy states that the design and layout of all development proposals will, where appropriate, be required to include:

- a. An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;
- b. Suitable provision for access by public transport;
- c. Appropriate parking and where applicable, servicing space in accordance with required standards;
- d. Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;
- e. Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;
- f. Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles. This relates to a number of factors including by distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements; promoting, where appropriate, the efficient use of land including previously developed sites; integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations; respecting, reflecting and, wherever possible, enhancing local character and distinctiveness; creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice; promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling; utilising sustainable construction methods where feasible; improving social and economic wellbeing; and protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.

Policy SP2 Climate Change states that development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported. In particular proposals will be supported where they: adhere to the waste hierarchy and in particular the minimisation of waste; promote the efficient consumption of resources (including water); reflect sustainable transport principles and minimise the need to travel, particularly by private motor car; avoid, or where appropriate, minimise the risk of flooding including the incorporation of measures such as SUDS and flood resilient design; promote the energy hierarchy by reducing energy demand, promoting energy efficiency and increasing the supply of renewable energy; and incorporate appropriate climate responsive design solutions including orientation, layout, density and low carbon solutions (including design and construction methods) and utilise sustainable construction methods where feasible.

Policy SP3 Sustainable Distribution – Settlement Framework states that the provision for growth and development will be at sustainable locations in accordance with the Settlement Framework identified in the LDP.

Policy EMP2 New Employment Proposals states that proposals for employment developments which are within, adjacent or directly related to the Development Limits of all defined settlements (Policy SP3) will be permitted provided that:

- a. A sequential search has been undertaken identifying that there is no allocation or existing employment site available that can reasonably accommodate the use, followed by there being no suitable land or building (for conversion or re-use) available within the Development Limits, then adjacent to limits, and finally on a site directly related to a recognised settlement;
- b. The development proposals are of an appropriate scale and form, and are not detrimental to the respective character and appearance of the townscape/ landscape;
- c. The development proposals are of an appropriate scale and form compatible with its location and with neighbouring uses.

## Special Landscape Area Policy

In terms of National Policy and Guidance Technical Advice Note (TAN) 23: Economic Development (2014), Technical Advice Note 6 (Planning for Sustainable Rural Communities) and Planning Policy Wales Chapter 7 (Economic Development) and Chapter 4 (Planning for Sustainability) are particularly relevant.

### **THIRD PARTY REPRESENTATIONS**

There have been no third party representations received other than the request from the Local Member for the application to be presented to the Planning Committee. The Councillor stated that the reason for requesting the application go before the Planning Committee as the applicant has built his business in an “organic manner” over the last 12 years and that it provides an “invaluable service” to the local community.

The site is located outside of development limits of any settlement as defined in the Local Development Plan. Policy EMP2 is a key policy consideration as this relates to employment proposals outside of allocated employment sites. This relates to proposals which are “within, adjacent or directly related to development limits”. Therefore it needs to be considered if the site is “directly related” to development limits as the site is not within or adjacent to development limits of any settlement. No definition is given of “directly related”. The nearest settlement to the site is approximately 0.4 miles away from the site. The site is therefore some distance from the nearest settlement. The proposal is not put forward as a farm diversification scheme and therefore is assessed as a new business in the open countryside. The site is visibility separate from any settlement and would not be considered as directly related to Nantgaredig or any other settlement. It is therefore considered to be an unsustainable location.

If the site was considered to be directly related to a settlement, the remainder of the policy would need to be considered. A sequential search is the first criteria. The application refers to a search in 2012 and recently for sites within Nantgaredig however no evidence of such a search or its results have been provided. It is also noted that the search appears to only relate to sites in Nantgaredig. The policy does not state that the search should only relate to the nearest settlement. It asks for a search of existing employment sites, allocations, followed by suitable land or buildings within development limits, then adjacent to them and finally those directly related to settlements. It is not considered that sufficient evidence has been provided to show an appropriate search for alternative locations has been made.

The proposal being of appropriate scale and form to the character of the area is the next consideration. While the premises currently has agricultural machinery located on it, it is primarily an open storage area. Land has been excavated to create plateaus within the site on what was previously a grassed field. It is not considered that an open storage area of this nature and scale would be appropriate to the character of the area. The site is at a higher level than the road to the front of the site and is visible from the road and public views. The site is located in a Special Landscape Area and whilst there is landscaping proposed the fact that the development may be screened does not remove the concerns over the appearance and impact of the excavated storage area. The proposal also includes a new building which has been partly constructed on site already. It is stated that the building is required for smaller items however no further details are provided. The building covers approximately 10 m x 10 m. This along with the increasing size of the yard over time show the expanding nature of the site. The building is at a higher land level than the dwelling and

appears a separate isolated building in the countryside. Little justification has been provided for the proposed building and as with the open storage is considered harmful to the character of the area.

The business relates to agricultural machinery however there is no clear need for the business to be located in the countryside. The nature and use of the site is one that could be provided in allocated employment sites where there could be linked trips and therefore be more sustainable. The application refers to sales being to those within a 5 miles radius however this is something that cannot be controlled in the future and customers could be based in any location. A list of customers and suppliers is provided however this is simply a list of names rather than any business records and as stated above could alter. The application states that passing trade will use the site however again there is no control for how this would be managed. The workings of the business could change, as could the operator and owner in the future and therefore the nature of the business could also change. The business appears to have grown incrementally and now covers approximately 0.4ha of land. The business is not considered to be suitable at this location.

Turning to other matters the site is located away from other dwellings, given its isolated location and therefore it is not considered there are any concerns in terms of impacts on amenity of occupants of other properties in the area. Queries have been raised by the Head of Transport over certain aspects of the proposal and we are awaiting a response from the Agent in regard to these. The ability of the site to accommodate sufficient parking and turning facilities has been questioned and the current access is not considered to be of sufficient standard to accommodate the development. Alterations to the access would require further works to the roadside vegetation. This would have further visual impacts and there is insufficient information in relation to how this would affect the levels of the site and access. Control of the use of the site in terms of "passing trade" was also questioned. While the site is currently in the same ownership as the dwelling this may not be the case in the future. The access to the site and the site itself are in close proximity to the dwelling itself.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is not acceptable.

As such the application is put forward with a recommendation of refusal for the following reasons.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy EMP2 "New Employment Proposals" of the Carmarthenshire Local Development Plan:-

#### **Policy EMP2 New Employment Proposals**

**Proposals for employment developments which are within, adjacent or directly related to the Development Limits of all defined settlements (Policy SP3) will be permitted provided that:**

- a) **A sequential search has been undertaken identifying that there is no allocation or existing employment site available that can reasonably accommodate the use, followed by there being no suitable land or building (for conversion or re-use) available within the Development Limits, then adjacent to limits, and finally on a site directly related to a recognised settlement;**
- b) **The development proposals are of an appropriate scale and form, and are not detrimental to the respective character and appearance of the townscape/ landscape;**
- c) **The development proposals are of an appropriate scale and form compatible with its location and with neighbouring uses.**

In that:-

- (i) The application site is not within, adjacent or considered to be directly related to the developments limits of any defined settlements. The location is in the open countryside and not considered to be in a sustainable location. Insufficient justification has been given as to why the business needs to be located in this location. Insufficient information has been provided in relation to any sequential search for alternative locations.
- (ii) The development is not of an appropriate scale or form and is detrimental to the character and appearance of the landscape. The site is located within a Special Landscape Area and even with the proposed landscaping it is considered that there would be an adverse impact on the character of the area. The development has required extensive excavation and would have primarily external storage which detracts from the rural character of the area. The proposal also includes the completion of a partially constructed building which appears as an isolated building further harming the character and appearance of the area.

- 2 The proposal is contrary to Policy GP1 “Sustainability and High Quality Design” of the Carmarthenshire Local Development Plan:-

### **Policy GP1 Sustainability and High Quality Design**

**Development proposals will be permitted where they accord with the following:**

- a) **It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;**
- b) **It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c) **Utilises materials appropriate to the area within which it is located;**
- d) **It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;**



- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

**Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).**

In that the development fails to conform with or enhances the character and appearance of the site. It also fails to appropriately incorporate existing landscape or take account of site contours and changes in levels. The site is located within a Special Landscape Area and even with the proposed landscaping it is considered that there would be an adverse impact on the character of the area. The development has required extensive excavation and would have primarily external storage which detracts from the rural character of the area. The proposal also includes the completion of a partially constructed building which appears as an isolated building further harming the character and appearance of the area.

- 3 The proposal is contrary to Policy EQ6 "Special Landscape Areas" of the Carmarthenshire Local Development Plan:-

## **Policy EQ6 Special Landscape Areas**

**Special Landscape Areas are designated in the following locations and as identified on the Proposals Map:**

**Tywi Valley  
Carmarthenshire Limestone Ridge  
Teifi Valley  
Drefach Velindre  
Bran Valley (North of Llandovery)  
Mynydd Mallaen  
Llanllwni Mountain  
North Eastern Uplands  
Mynydd y Betws  
Gwendraeth Levels  
Pembrey Mountain  
Swiss Valley  
Talley  
Lwchwr Valley  
Lower Taf Valley  
Cwm Cathan  
Cothi Valley  
Carmarthen Bay and Estuaries**

**Proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of this Plan).**

In that the development fails to enhance or improve the Special Landscape Area. The site is located within a Special Landscape Area and even with the proposed landscaping it is considered that there would be an adverse impact on the character of the area. The development has required extensive excavation and would have primarily external storage which detracts from the rural character of the area. The proposal also includes the completion of a partially constructed building which appears as an isolated building further harming the character and appearance of the area.