

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING COMMITTEE**

**AR 08 CHWEFROR 2018  
ON 08 FEBRUARY 2018**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal  
Dwyrain/  
Area East*



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>08 FEBRUARY 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA EAST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>E/35139</b>	<b>Agricultural hardstanding, with access track and alterations to existing vehicular access (retrospective) at land part of field enclosure east of Penrhiwgoch, Maesybont, Llanelli, SA14 7TB</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>E/35139</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	AGRICULTURAL HARDSTANDING, WITH ACCESS TRACK AND ALTERATIONS TO EXISTING VEHICULAR ACCESS (Retrospective) AT LAND PART OF FIELD ENCLOSURE EAST OF PENRHIWGOCH, MAESYBONT, LLANELLI, SA14 7TB

<b>Applicant(s)</b>	MR AND MRS E & A ISAAC, FRONDEG, PENRHIWGOCH, MAESYBONT, LLANELLI, SA14 7TB
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
<b>Case Officer</b>	Ceri Davies
<b>Ward</b>	Llanfihangel Aberbythych
<b>Date of validation</b>	20/02/2017

## CONSULTATIONS

**Head of Transport** – Has no objections.

**Llanfihangel Aberbythych Community Council** - Has indicated to the Authority that it would be objecting to this application but to date, no formal objection has been received to date.

**Local Member** - County Councillor Cefin Campbell has verbally advised that he is supportive of this application on the basis that it will make a positive contribution to the rural economy.

**Natural Resources Wales** - Has no adverse comments

**Neighbours/Public** – The application was advertised by means of Site Notice; two letters of representation have been received to date, raising the following concerns:-

- Highway safety/mud on the road
- Impact on visual amenity/commercial appearance
- Destruction of wetland/pond
- EIA requirement
- Loss of views
- Works undertaken without planning permission

## **RELEVANT PLANNING HISTORY**

The following previous application has been received on the application site:-

P6/17929/90	Agricultural access from county highway Full planning permission	10 January 1991
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## **APPRAISAL**

**This application has been submitted as a result of an ongoing investigation undertaken by the authority's Enforcement Section.**

## **THE SITE**

The application site comprises of a newly created agricultural hardstanding and associated access track, 400 metres east of the small hamlet of Penrhiwgoch; the said hamlet lies approximately 1 mile north of the village of Maesybont. The site fronts onto the C2221 Classified Road which links Penrhiwgoch and Golden Grove. The site forms part of a small field enclosure which appears, from the authority's photographic records, to have been used historically as an informal storage area; the enclosure does not appear to have been used for grazing.

The historic maps also indicate a pond on the site, which will be considered as part of this appraisal as it is a subject raised by third parties; again from the authority's photographic records the said pond no longer exists.

The application site does not form part of an established farmstead but does form part of a small holding equating to approximately 22 acres of pastureland recently acquired by the applicant; the applicant resides in the nearby hamlet of Penrhiwgoch. From a closer site inspection, it is evident that the hardstanding is being used for the storage of silage/bales as well as agricultural implements and machinery

## **THE PROPOSAL**

As already highlighted, the application has been submitted following an ongoing investigation by the Authority's Enforcement Section into unauthorised activities currently taking place at this location. The application is therefore retrospective in nature as the hardstanding has been formed; the access track has already been constructed and the entrance onto the C2221 county road has been extensively modified. In essence, full planning permission is sought for the retention of the agricultural hardstanding and associated access track.

The agricultural questionnaire accompanying the application indicates the land being used predominantly for grazing/cropping with the intention to introduce 90-100 ewes onto the holding.

## **PLANNING POLICY**

Whilst there is no policy context of direct relevance to a proposal of this nature, due to its rural location, the application falls to be considered against the General Development policies for the open countryside as contained in the Carmarthenshire Local Development

Plan. For the purposes of this application reference will be made to Policy GP1 of the LDP and also Policies TR3 and SP14 of the LDP.

In addition to the aforementioned policies, national guidance in the form of TAN6 (Planning for Sustainable Rural Communities) July 2010 advises that, *“The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve.”*

### **THIRD PARTY REPRESENTATIONS**

Two letters of representation have been received to date, raising the following concerns:-

- Highway safety/mud on the road
- Impact on visual amenity/commercial appearance
- Destruction of wetland/pond
- EIA requirement
- Loss of views
- Works undertaken without planning permission

### **CONCLUSION**

Members are advised that the main objector considers the development requires an Environmental Impact Assessment (EIA); the proposal has been screened by the authority under the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. The EIA Regulations state that all types of development within Schedule 1 require EIA. The hardstanding, subject of this application does not fall within Schedule 1 of the Regulations.

The development does fall within Schedule 2 and the authority has assessed if the development meets the relevant criteria in column 2 of Schedule 2. The relevant extract from the table in Schedule 2 is set out and highlights the thresholds and criteria for ‘Agriculture and aquaculture’ development such as the hardstanding proposal. The proposal comes under “Projects for the use of uncultivated land or semi-natural areas for intensive purposes” as defined in Column 1 as it is deemed a permanent agricultural hardstanding on semi improved grassland. It would appear that the proposed development falls within Schedule 2 of the 2016 Regulations (part 1A) and as such only requires an EIA ‘If it is a development, with a site area of more than 0.5 Hectares.’ The area of development subject of this application is 0.3 hectares, hence does not exceed the 0.5 hectare threshold in this instance as such, no assessment needs to be undertaken as to the likely significant environmental effects. Members are advised therefore that based on the Council’s Screening Opinion, an Environmental Impact Assessment (EIA) is not required in this instance.

The main concern expressed by objectors is based upon the impact of the development on the ecology of the site with specific reference made to the removal of the wetland at the site and the loss of the pond which the objector highlights is the source of the Afon Gwynon.

In terms of the ecology concerns, Members are advised that the land forming part of the application site is not sited within the Towy Valley Special Landscape Area (SLA), as suggested by a third party, neither does it fall within a Special Area of Conservation (SAC) or a SSSI.

The Authority's Planning Ecologist has advised that having reviewed the data maps available to her, it indicates the application site as standing water and semi improved species rich grassland; however, the Planning Ecologist also advises on examining the authority's photographic records as well as Google street map and Google Earth records, the presence of standing water is not clear and it is likely that the pond that previously existed on site has been filled in for some time. The latest data map does not record standing water, but does still record the grassland present surrounding the old pond feature as semi improved species rich neutral grassland; the authority's aerial photographic records do show the site as likely comprising semi natural grassland habitats.

In view of the ecology concerns, members attention is drawn to Policy SP14 of the LDP which states that development should reflect the need to protect, and wherever possible enhance the County's natural environment; and all development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of the Local Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas.

Policy EQ4 of the LDP also states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, will not be permitted, except where it can be demonstrated that:

- a) The impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements;
- b) There are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

The Authority's Planning Ecologist acknowledges that as the application is retrospective in nature, no survey of the grassland to determine its ecological quality can now be undertaken; Members are advised that this would have likely been requested to inform the application had it not been retrospective.

On the basis of the information now available, the Authority's Planning Ecologist advised that the applicant should provide a compensation strategy, prepared by a competent ecologist, to provide an area of species rich grassland/lowland meadow and also include an element of enhancement to meet the LDP Policy requirements detailed in the aforementioned policies.

For that purpose an Ecology Compensation Scheme has been prepared by Llecology on behalf of the applicant; the said scheme has been reviewed by the Authority's Planning Ecologist. The Authority is satisfied with the level of assessment made and the proposed compensation measures outlined in Section 4 of the report; it is therefore considered that the recommendations of the report meet the LDP policy objectives in Policies SP14, EQ4 and EQ5. Members are advised that a condition will be included to ensure that the compensation recommendations outlined in the Ecology Compensation Scheme by Llecology are implemented in full. NRW have not provided any observations.

In terms of the concerns raised over visual amenity with the objectors citing “*the unsightly large scale commercial changes to the site being out of context with nature of the area;*” the authority accepts that the appearance of the site has been altered, however the open storage of silage/bales is now an accepted common practise in the open countryside. The authority contends that the storage of bales and agricultural implements/machinery is not tantamount to a large scale commercial change as suggested. Whilst the formation of a hardstanding is deemed development which the applicant ought to have required prior approval, Members will be fully aware that the actual use of the land for the storage of bales and implements is something that does not require any form of prior approval. The presence of established mature hedgerows acts as a natural screen, hence the hardstanding is considered to be an acceptable low-key form of development at this location.

Whilst the hardstanding is not directly linked to a farmstead, it is acknowledged that the applicant resides less than ¼ mile away in Penrhiwgoch and from the information conveyed in the agricultural questionnaire, the land forms part of a 22 acre small holding, hence the justification for the storage facility is accepted. The objectors have raised questions as to the applicant’s intentions for the site, citing concerns that the applicant is attempting to establish a farm holding at this location, however this is not deemed a sustainable material objection. Loss of views is also not deemed a sustainable material objection.

The concern raised in relation to the state of the road is noted, however in the absence of a hard surface track, in all likelihood, there would be significantly more mud on the adjacent highway as a result of farm vehicles entering/exiting the field enclosures. The surfacing of the track serves to ensure less mud is carried onto the adjacent highway. It is accepted that during its construction there would likely to have been additional vehicular movements and general disturbance which would in all probability have resulted in poor road conditions, this would have been a temporary measure. In terms of highway safety, it is acknowledged that the applicant has widened an existing field entrance, however the Head of Transport has not offered any objection to the application; highway safety is not deemed an issue in this instance.

It is acknowledged also that this application is retrospective in nature as highlighted by one of the objectors; however this in itself is not a sufficient ground for refusal. On the basis that this application is retrospective, it has allowed the authority to gauge and assess the impact the formation of the hardstanding and track has had at this location. From the wider area, the track and hardstanding is not readily visible; the track follows an existing and established hedgerow whilst the storage compound area consists of tree-lined and mature hedgerow boundaries hence the visual impact of the track is minimal and as such does not represent an inappropriate and visual intrusion in the open countryside. It is accepted that owing to the topography of the area the site is visible as you travel along the C2221 county road in a westerly direction.

In conclusion and having regard to all planning policies and material considerations, there is no denying that the hardstanding as constructed has a degree of visual impact on the immediate area and also an impact on the wider area. However, on balance, the visual impact is deemed minimal, hence it is considered to have no significant adverse impact upon the surrounding landscape, the amenities of occupiers to such an extent as to warrant refusal. The Authority is satisfied that adequate ecological compensation has been derived to mitigate/offset any adverse impacts on the ecological assets of the area. The development does not conflict with relevant local plan policy and in the absence of any

sustainable material objections to this proposal the application is put forward with a favourable recommendation.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 20<sup>th</sup> February 2017.
- 2 The permission hereby granted relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any following conditions:
  - Location Plan (Ref:GENPL/03A) – 1:2500 scale received on 6 October 2016;
  - Location & Block Plan – 1:2500 & 1:500 scale received on 16 September 2016.
- 3 The hardstanding hereby approved shall only be used for the purposes of agriculture as defined under Section 336 of the Town & Country Planning Act 1990.
- 4 Within three months of approval a detailed ecological compensation, habitat management and monitoring plan identifying all necessary habitat creation and ongoing management measures for the lifetime of the development, delivering the outline compensatory measures listed within the Ecology Compensation Scheme by Llecology, must be submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved.

### **REASONS**

- 1+2 Required to be imposed pursuant to Section 91 of the Town and Country Act 1990 and in the interests of visual amenity and highway safety. (Policy GP1 of the LDP)
- 3 To prevent any separate use of the buildings. (Policy GP1 of the LDP)
- 4 To ensure the ecology compensation recommendations are implemented in full. (Policy SP14 of the LDP)

### **REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- It is considered that the proposed development complies with Policy TR3 of the LDP in that the access would improve highway safety at this locality; furthermore it will ensure that the existing development is served by an appropriate access.

- It is considered that the proposed development complies with Policy SP14 of the LDP in that the development will not have an adverse effect on the surrounding open countryside or any designated areas of protection.
- It is considered that the proposed development complies with Policy GP1 of the LDP in that the justification for the hardstanding track is accepted as there is clear evidence that farming operations are taking place at this location and there would appear to be a genuine attempt by the applicant to establish a small holding at this location.

#### **NOTE(S)**

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.