

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	AGRI/2017/0042	Grid Ref:	314833.69 312625.96
Community Council:	Meifod	Valid Date:	Officer: 31/05/2017 Sara Robinson
Applicant:	J W Wilkinson, Dyffryn, Meifod, Powys, SY22 6HL.		
Location:	Land at Dyffryn, Meifod, Powys, SY22 6HL.		
Proposal:	AGRI: Application for prior notification for proposed erection of an agricultural building		
Application Type:	Application for prior Notification of Agricultural or Forestry development		

The reason for Committee determination

The applicant is a County Councillor.

Site Location and Description

The site subject to this notification is located to the south west of Meifod. The proposed agricultural building is located within the existing agricultural holding known as Dyffryn. To the north of the proposed development are existing agricultural buildings and the classified road A495 beyond; to the east, south and west are agricultural fields.

This prior notification is for the erection of an agricultural building. The proposed building is designed for the purposes of the storing of fodder. The proposed building measures a floor space of approximately 371 square metres. The proposed building measures approximately 30.48 metres in length and 12.19 metres in width and reaches a height of approximately 11.9 metres to ridge. The proposed building is to be finished with cement with box profile above for the walls and slate blue fibre cement profile sheets for the roof.

Under class A (2) of part 6 of The Town and Country Planning (General Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the planning authority to determine whether the prior approval of the planning authority will be required for the siting, design and external appearance of the building. In addition, the planning authority is required to determine whether the proposal would not be permitted development and as such would require full planning permission.

Consultee Response

CPAT

I can confirm that there are no archaeological impacts arising from the proposed new track location.

Planning History

M/2007/0946

Principal Planning Constraints

Flood Zone
Nat Flood zone 3
Nat Flood Zone 2

Principal Planning Policies

National Policies

The Town and Country Planning (General Permitted Development) Order 1995 – Schedule 2, Part 6 Agricultural Buildings and Operations.

Planning Policy Wales (9th Edition, 2016)

Local Policies

GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV14- Listed Buildings
EC9 – Agricultural Development
HP4 - Settlement Development Boundaries and Capacities
DC1 - Access by Disabled Persons
SP14 - Development In Flood Risk Areas

TAN 24 – The Historic Environment (2017)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Proposed Development

Schedule 2, Part 6, Class A, of the Town and Country Planning (General Permitted Development) Order 1995 allows works for the erection of an agricultural building for when that proposed building is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more.

The proposed building will be located within the existing agricultural holding to the south of the existing agricultural buildings. The proposed agricultural shed covers a total floor space area less than 465 square metres. It is not within close distance of an aerodrome. The application site is located within the existing agricultural yard where the area of the land is greater than 1 hectare. The proposed shed is located over 100 meters from the classified road, A495. The nearest property to the application site is Hafod which is located approximately 200 meters to the north- west of the application site; however the building will not be used for the purposes of housing livestock or slurry.

Whilst it is noted the scale of the building reaching a height of approximately 11.9 metres, it is considered that this is required necessary for the use of the building to allow a tipper trailer to empty a load of fodder. Given the design of the proposed building (mono-pitched) and location adjoining existing agricultural buildings it is considered that whilst noting the height of the building when viewed within the landscape and in connection with the existing buildings it would not be seen as out of character or dominant. Furthermore the proposed materials of cement walls with box profiling slate blue for the roof are considered to be typical and practical for farming operations and complement the materials used on the existing holding, therefore again reducing the overall visual impact of the building.

It is therefore considered that the proposed building would not have an unacceptable impact on the character and appearance of the surrounding area and has been sensitively designed and located to reduce the overall visual impact of the proposed building.

Listed Buildings

It is noted that opposite the A495 County Highway there is a range of listed buildings. Policy ENV14 seeks to ensure that proposals that unacceptably adversely affect a listed building or its setting will be refused.

Following a site visit it is considered that given the location of the proposed building located to the rear of existing modern agricultural buildings on the opposite side of the A495 county highway some 160 metres distance from the listed buildings, that the proposed building would not be seen as having any unacceptable adverse impact on the setting of the listed buildings.

Other legislative considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

It is recommended that the proposed works shall be allowed to go ahead subject to the following:

1. The works hereby approved shall be carried out within two years from the date of this decision.

Informative Notes

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.