

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	AGRI/2018/0004	Grid Ref:	296594.28 249181.27
Community Council:	Llangamarch	Valid Date:	Officer: 11/01/2018 Rhys Evans
Applicant:	Mr A.J. Davies, Dolmenyn Farm, Garth, Llangammarch Wells, Powys, LD4 4BL		
Location:	Dolmenyn, Garth, Llangammarch Wells, Powys, LD4 4BL		
Proposal:	AGRI: Erection of an agricultural storage building		
Application Type:	Application for prior Notification of Agricultural or Forestry development		

The reason for Committee determination

The applicant is related to an Officer of the Council and in line with the Planning Protocol needs to be determined by Committee.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010). The application site is surrounded by agricultural buildings and also agricultural land to the south. The residential property known as Dolmenyn is located to the north west.

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 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 is not permitted development and as such would require full planning permission.

This prior notification is sought for the erection of an extension to an agricultural building to store agricultural machinery for the farming business at Dolmenyn that will measure approximately 9.14 metres in length by 6.09 metres in width, 3 metres to the eaves and 4 metres to the ridge. This will provide approximately 56.12 square metres of additional floor space. The building will use concrete walls and a zinc roof coloured blue in keeping with the neighbouring agricultural buildings.

Planning History

AG/07/0216: Agricultural Notification for erection of general agricultural purpose building – Permitted development.

Principal Planning Constraints

Open countryside

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 (Edition 9, November 2016)

Local Policies

Unitary Development Plan (March 2010)

GP 1 – Development Control
GP 3 – Design and Energy Conservation
ENV 2 – Safeguarding the Landscape
EC 9 – Agricultural Development

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.

Principle of Development

Schedule 2 Part 6 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. This proposal falls under the permitted development rights of the agricultural holding and this prior notification notice informs the Local Planning Authority of the applicant's intentions.

The principle of development of an extension to an agricultural building for agricultural purposes at Dolmenyn is supported by UDP Policy EC9 – Agricultural development. The proposal is not deemed to have an unacceptable impact upon the landscape as it will be finished in materials that are closely matched to the host agricultural building and the agricultural industry in general with concrete walls and a zinc roof coloured blue.

The design of the proposal is suitable for the purpose it is to be used for and the scale and height of the building is not overbearing on the nearest neighbouring dwellings. Materials to be used in the construction of the building are typical and practical for farming operations and complement existing agricultural buildings in the near vicinity.

With regards to the Town and Country Planning (General Permitted Development) Order 1995 the proposed agricultural shed covers a total floor space area less than 465 square metres and is not within close distance of an aerodrome and it is not within 25 metres of the metalled part of a trunk road or classified road. The extension will also be used for farm machinery and storage and will not be used to house livestock.

For the above reasons it is considered that the proposed development will not have an adverse impact on the character and appearance of the area by reason of its siting or appearance.

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

The proposed extension falls under permitted development rights as defined in the Town and Country Planning (General Permitted Development) Order 1995 – Schedule 2, Part 6 Agricultural Buildings and Operations. The extension will adjoin an existing agricultural building located in a farm yard and will use materials similar to the host building. As such it is considered that prior approval is not required.

Condition

1. The extension to the building must be carried out in accordance with the notification submitted to Powys County Council within five years of XX/XX/XXXX.

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