

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

**Application Number:** 18/0667/FUL

**Grid Ref:** E: 323844  
N: 266394

**Community Council:** Whitton Community

**Valid Date:** 15.10.2018

**Applicant:** Ms E Hammel

**Location:** The Slangs, Cascob, Presteigne, Powys, LD8 2NT

**Proposal:** Erection of a livestock barn and formation of a new vehicular access road

**Application Type:** Full Application

### The reason for Committee determination

### Consultee Responses

#### Consultee

#### Received

Community Council

2nd Nov 2018

Whitton Community Council has asked our County Cllr Hywel Lewis to call this planning application in due to the previous history regarding applications on this site and the fact that there is an Enforcement Notice pending.

Looking at the paperwork submitted to accompany this application we would have expected more detailed surveyor's drawings to show how this building is going to be sited on such a sloping field and where the spoil is to go.

With reference to the proposed new access we comment as follows:

We cannot find any evidence of a previous but now disused access point as stated in P.28 under Access in the planning statement. One of our Councillors has lived in this area for 80 years and he can't remember there ever being access at the proposed point indicated in the application.

PCC-Building Control

No comments were received at the time of writing this report.

Wales & West Utilities - Plant Protection  
Team

5th Nov 2018

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Ward Councillor

26th Oct 2018

Cyfeirnod y Cais / Application Ref: 18/0667/FUL Cyf. Grid / Grid Ref: E: 323844 N: 266394  
ar gyfer / for Erection of a livestock barn and formation of a new vehicular access road yn/at  
The Slangs, Cascob, Presteigne, Powys LD8 2NT

I request that the above planning application be called in for committee decision due to the history of the site and also for having been asked by Whitton Community Council.

I would also like to offer the following observations, I note the site is extremely sloping and the drawings submitted do not show how the building can be accommodated on such a sloping site, I would have expected proper surveyors drawings and report to accompany the application. In the planning statement reference is made to evidence of a previous but now disused access, having visited the site I can find no such evidence.

PCC-(M) Highways

1st Nov 2018

Whilst the Highway Authority is not opposed to the creation of an access at this location, the details submitted for the access are substandard and do not confirm that a safe means of access is proposed. We are unable to support the access at an approximate 45-degree

angle and no visibility splays have been detailed on the drawing. In addition, the gate setback is too close to the highway for an agricultural access and it is unknown what the gradient of the access is? Therefore, we are unable to support the development as proposed. However, if the applicant were to submit amended drawings showing an access designed in accordance with current standards then we would be prepared to re-consider our recommendation.

Recs: It is recommended that the application be refused.

Reasons for refusal.

The proposed access, as detailed on drawing EHAMMEL18- BLOCK revision A, has not been designed in accordance with current standards. In addition, no visibility splays have been detailed on the drawing and therefore use of the access as proposed would be detrimental to highway safety conditions.

Welsh Water

23rd Oct 2018

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they 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 we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC-Environmental Health

26th Oct 2018

Environmental Protection have no adverse comments to make

Recommendation - no objections to the building as illustrated on the submitted plans subject to conditions in respect of earthworks/landscaping.

Background to Recommendation

Designations

Scheduled Ancient Monuments

RD146 Twiscob Moated Site

Listed Buildings

Church of St Michael Grade II\* Cadw ID 9079 included on the statutory list on 24 October 1951

Rectory House Cadw ID 8794 included on the statutory list on 24 October 1951

Telephone call box Cadw Id 9087 included on that statutory list on 16 March 1992

The Schoolhouse Cadw ID 9080 included on that statutory list on 16 March 1992

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I note the Scheduled Ancient Monument RD146 Twiscob Moated Site however as Cadw are the consultee in respect of the setting of Scheduled Ancient Monuments I shall defer consideration of the setting of RD146 if within the required distance for consultation to them and my comments are in respect of the setting of listed buildings only.

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond

its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values." Section 1.26 of TAN 24 advises that "It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings"

I am aware of the previous planning application for which I raised concerns P2018/0173, and I note that there was an agricultural notification AGRI/2018/0019 which addressed the setting of this building on the listed grade II\* church.

I would not disagree with the conclusion of AGRI/2018/0019 in the site of the proposed barn is sufficient distance from the listed church so not to affect its setting.

However, I also note that the plans as submitted indicate a barn on a flat site, however the site is not flat and the plans indicate that some of the site will be cut as depicted on the line indicating original slop and some of the site will be filled and indicated by the statement level floor built up using materials removed from excavations at rear of barn. However, the block plan does not indicate any earthworks which I would have expected for such a degree of cut and fill. As such the comments in respect of the setting of the church are in respect of the building only and not in respect of any earthworks that may or may not be required to accommodate the barn. If approved I would suggest that consideration be given to a condition requiring the submission of details in respect of the earthworks as part of the hard and soft landscaping scheme to be considered.

However, I note that the barn is for the storage of hay and straw, the storage of agricultural machinery, a covered area to work with stock during inclement weather and housing for 2 work horses during inclement weather and emergency housing for goats during extreme weather.

Whilst not objecting to a barn for those purposes per se, the size of the barn in relation to the holding is acknowledged and it is noted that no reference has been made to the other buildings on site, I assume that the barn will not provide the same function as the polytunnels, but will the stables and other buildings erected adjacent to the church be removed should this application be approved? this is not made clear in the application.

I am aware that there is currently an enforcement case on the site in respect of buildings and structures erected without permission, however the application should have indicted if

this proposed building seeks to address the agricultural building needs of the site and the other buildings will be removed if this is approved, or if this building is in addition to the other buildings.

I had previously objected to the previous application P2018/0173 and I would have concerns if this new building was in addition to the other buildings on site, however I accept that this may be resolved at the enforcement appeal.

I would have no objections to the building as illustrated on the submitted plans, with the caveat regarding the condition in respect of earthworks and landscaping, however for the avoidance of doubt I would maintain my objections to the buildings as erected which whilst not part of this application it is not clear if the proposed building is a replacement or an additional building.

C P A T

6th Nov 2018

Thank you for the consultation on this application.

There is one recorded archaeological site within the development area which is PRN 2198 Twiscob Enclosure. This has been suggested as a possible settlement enclosure or even possible fort site, but given the steep slope of the ground this identification is mistaken and we consider the banks to be part of a former field system. The earlier field banks can be clearly seen on the 2 metre NRW LiDAR data and interconnect with banks further up and down the slope.

The barn footprint crosses a short section of bank related to this earlier field system and excavation for the foundations here should therefore be carried out with an observing archaeologist as part of a watching brief. This will allow us to record the structure of the bank and potentially date it.

Accordingly, we would recommend that an archaeologist is contracted to be present throughout the duration of initial site preparation and ground reduction works in order that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with the guidance set out in Welsh Government TAN 24: The Historic Environment (May 2017) Planning Policy Wales (Chapter 6, Edn.9 Nov 2016).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI).

A suitable condition to facilitate the contracted watching brief is provided below along with a guidance note for the applicant on how to commission archaeological works.

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted in accordance with an approved written scheme of investigation. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. Two weeks prior notice of the commencement of the watching brief should be supplied to the Development Control Archaeologist on behalf of the LPA. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

I have attached a brief for the watching brief together with an advisory list of contractors who may wish to tender for the work. Please forward these to the applicant of the applications gains consent so that they are fully informed of the requirements.

PCC-Ecologist

19th Nov 2018

Thank you for consulting me with regards to planning application 18/0667/FUL which concerns an application for the erection of a livestock barn and formation of new vehicular access road at The Slangs, Cascob, Presteigne.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 31 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; pipistrelle, noctule and myotis and starling.



No statutory or non-statutory designated sites were identified within 500m of the proposed development.

The proposed development is located on an existing agricultural field surrounded by hedgerows and is likely to impact areas of semi-improved grassland which is a habitat considered to be of relatively low ecological value.

#### Hedgerow Replacement Plan

Drawing number EHAMMEL18 -BLOCK rev A makes reference to a hedgerow around the proposed new access which is to be set back to allow for the required visibility splay. The drawing also makes reference to new planting to compensate for the loss of the hedgerow around the proposed new access. It is indicated that the new hedgerow planting will take place between November and March and any failed plantings will be replaced during the following planting season. It is therefore recommended that adherence to the identified hedgerow replacement plan is secured through an appropriately worded planning condition.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the building. If external lighting is proposed, then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions:

The hedgerow replacement plan identified in drawing EHAMMEL18 -BLOCK rev A shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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. The development shall be carried out in accordance with the approved details.

Reason: 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 9,

November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

In addition, I consider it would be appropriate to include the following informative;

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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.

Natural Resources Wales (North) DPAS

12th Nov 2018

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Natural Resources Wales (North) DPAS

4th Dec 2018

We have no additional comments to make on this proposal. We are supportive of your ecologist's recommendations.

PCC-Environmental Health

7th Dec 2018

Environmental Protection have no comment to make

PCC-(M) Highways

17th Dec 2018

The amended drawings represent a significant improvement over that which was submitted initially with the application. We therefore recommend that the following conditions be attached to any consent that may be issued which includes the gate setback being extended to 10 metres from the edge of the highway.

1. Any vehicular entrance gates installed within the application site shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
2. The gradient of the access shall be constructed so as not to exceed 1 in 10 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

3. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

5. The first 10 metres of the private drive, as shown on the approved Block Plan Drawing EHAMMEL 18-BLOCK rev. B shall be metalled and surfaced in bituminous macadam or concrete to the written satisfaction of the local planning authority, prior to any other works being commenced on the development site and retained as such for as long as the development remains in existence.

6. No storm water drainage from the site shall be allowed to discharge onto the county highway.

7. Upon formation of the visibility splays as detailed in condition 4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

Welsh Water

3rd Dec 2018

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

We can confirm we have no objections to this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Thank you for your letter of 3 January 2019 inviting our comments on the information submitted for the above planning application.

#### Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument listed in our assessment of the application below.

#### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

#### Assessment

The application area is located some 725m northeast and at a higher level than scheduled monument RD146 Twiscob Moated Site.

The monument comprises the remains of a circular platform surrounded by a moat, probably of medieval date. The site is located in the bottom of a moderately steep sided stream valley, immediately to the west of the Cascob Brook. It is surrounded on all sides by higher ground. The earthwork is formed by a shallow ditch cut across the eastern end of a spur formed by the action of two streams, the second of which flows across the north of the site where it joins with the aforementioned Cascob Brook. The area around the site is wooded with some evidence of coppicing. When constructed the site would have benefitted from long views northeast and south east along the valley, although these would have been confined by the steep valley sides and to the immediate area surrounding it, with the view of the ford to the north being of most significance.

Theoretically the proposed barn will be located in the identified important view along the valley to the northeast. However, this view is currently blocked by existing woodland. If this woodland was removed views of the proposed barn would still be partly blocked by the break in slope of the valley side and be screened by existing vegetation. Consequently, in

our opinion, currently the proposed barn will have no impact on the setting of scheduled monument RD146 but if the woodland blocking views between the scheduled monument and the barn was removed the impact on the setting of the monument would be no more than slight and not significant.

## **Representations**

A site notice has been displayed for the period of 21 days, following the display of a site notice 22 representations of objection have been received.

The reasons for objection are as follows;

- The objections refer to the Enforcement action which has been ongoing near the site, little weight is given to these concerns due to these relating to other structures which are located away from this site.
- History of the site
- The scale of the barn is too big in relation to the size of the enterprise
- The site is too close to Twiscob Farm
- Steepness of the land, extensive ground works would be required
- No detail of how and to where the spoil from excavations will be removed to
- The highway cannot cope with the additional traffic
- The highway is too narrow, steep and poorly maintained
- The drains are never cleared and overflow which causes rivulets along the poor tarmac
- The road freezes in the winter
- The road will not cope with the additional traffic movements which are required during construction.
- Disruption to neighbouring properties
- The existing passing places are not maintained and often full of debris
- The existing access to the site should be blocked up should permission be granted for a new access
- Additional passing bays should be conditioned should the application be approved
- The application states that the access will utilise an old access area, this is not true
- The site should be limited to agricultural use only
- Its impact on listed buildings and heritage assets

## **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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AGRI/2017/0089	AGRI: Erection of an agricultural building for storing of hay, straw & machinery	Refused	13th Dec 2017
P/2018/0173	Full: Erection of an agricultural barn for storage of fodder, implement and housing of 2 no.work horses	Application Withdrawn	9th Apr 2018
AGRI/2018/0019	AGRI: Erection of an agricultural building together with access to the site	Refused	30th Apr 2018
18/0119/APP	Allegation on Enforcement Notice - Without planning permission, the change of use of the land from agricultural use to permanent residential use	Pending Consideration	

### Principal Planning Constraints

None

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026

DM1	Planning Obligations	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

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Appraisal**

#### Site Location and Description

The application site is located within the Community Council area for Whitton. The proposed site 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 Local Development Plan (2018).

The site is located off the U1087 unclassified highway and located approximately 0.6 Kilometres to the west of Cascob. The existing land is currently agricultural, used for the purposes of grazing. The site is bound by the county highway to the north and agricultural land to the east, south and west.

This application seeks consent for the construction of an agricultural building and access. The proposed building will measure approximately 36.6 metres in length and



approximately 13.5 metres in width. The building will reach a maximum height of approximately 5.3 metres.

### Principle of Development

TAN 6 relates to planning for sustainable rural communities and includes agricultural and forestry development as well as rural diversification. TAN 6 states that the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings should be considered.

TAN 6 highlights the scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However, it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.

Local development Plan Policies DM4 and DM13 sets out the general requirements applied to all agricultural 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 Powys landscape. Other planning considerations to take into account are design and building materials.

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

### Design & Siting

With respect to design specific reference is made to LDP policies DM4 and DM13. This 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. Development proposals must not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

Consent is sought in full for the construction of an agricultural building and formation of a new access. The proposed building will measure approximately 36.6 metres in length and approximately 13.5 metres in width. The building will reach a maximum height of approximately 5.3 metres. The building will be constructed from juniper green box profile steel sheeting for the walls and roof. The new access will be constructed from bitmac.

Reference is made to LDP policy DM4 – Landscape. Having assessed the proposed site under LANDMAP, it was evident that the visual and sensory evaluation of the site was classified as Moderate. The area is defined as being within “*Two extensive areas, either side of Lugg Valley, across to Teme Valley in east of county. More hilly & steep*”

*than areas to south and west. Rolling hills & valleys with strong pastoral field patterns, wooded watercourses and scattered trees & small woodlands with scattered farms”.*

It is noted that concerns have been raised over the siting of the proposed building being located on steep land. Further information was submitted which indicates that the proposed building will be set into the original slope and that the excavated material will then be utilised to build up an area of land to the front of the building, approximately 1.8 metres in height. It is considered given the location of the proposed building being located away from the county highway to the north of the application site and the traditional agricultural design of the proposed building that any landscape and visual impact would be minimal.

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

### Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The Local Highways Authority has been consulted regarding the proposed development and had raised concerns with regards to the proposed access and recommended refusal.

Further Highway plans and information has since been submitted. The Highways Authority were consulted on the additional information and have stated that the amended drawings represent a significant improvement over that which was submitted initially with the application. The highways authority therefore recommends conditions be attached to any consent that may be issued.

In light of the above, and whilst noting the concerns raised it is considered that the proposed development subject to appropriately worded conditions could be managed to an acceptable level and therefore fundamentally complying with relevant planning policy.

### Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The Ecologist has been consulted on the proposed development and has raised no concerns in relation to the proposed development. The PCC Ecologist has requested the inclusion of conditions to secure the implementation of the hedgerow replacement plan and an external lighting design scheme.

In light of the above, and subject to the conditions in the Ecological response, it is considered that the development fundamentally complies with relevant planning policy.

### Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

It is noted that the application site is located approximately 525 metres from the Church of St Michael which is a grade II\* listed building, approximately 590 metres from the School house which is Grade II listed building, approximately 595 metres from the Rectory Grade II listed building and approximately 580 metres from the telephone box which is also Grade II listed.

The Built Heritage officer has been consulted and notes the previous history to the application site. The proposed agricultural building has now been located approximately 525 metres from St Michael Church and the Built Heritage officer has confirmed that they would in light of the distances have no objection to the setting of the listed buildings. Whilst she did have concern over the level of detail initially submitted with the application subject to appropriately worded conditions she confirmed that she would have no objection to this proposed development.

In addition to the listed buildings it is noted that the application site is approximately 690 metres from Scheduled Ancient Monument RD146 (Twiscob Moated Site).

CADW have been consulted and have raised no objection to the proposal. They confirmed that whilst theoretically the proposed barn would be located in the identified important view along the valley to the northeast, this view is currently blocked by existing woodland. The officer noted that if this woodland was removed views of the proposed barn would still be partly blocked by the break in slope of the valley side and be screened by existing vegetation.

CADW therefore consider that the proposed barn will have no impact on the setting of scheduled monument RD146 but if the woodland blocking views between the scheduled

monument and the barn was removed the impact on the setting of the monument would be no more than slight and not significant.

CPAT have been consulted and confirmed that the application site is located within a recorded archaeological site within the development area known as PRN 2198 Twiscob Enclosure of which the banks could have formed a former field system. The officer notes that the barn footprint crosses a short section of bank related to this earlier field system and therefore recommends that works are carried out with an observing archaeologist as part of a watching brief. This will then allow CPAT to record the structure of the bank and potentially date it.

In light of the above, and subject to the recommended conditions it is considered that the development fundamentally complies with relevant planning policy.

### Public Representations

It is noted that a number of objections have been received at the time of writing this report. Whilst the comments raised have been noted it is considered that the proposed development fundamentally complies with relevant planning policy as raised above.

In relation to the enforcement action that is currently ongoing in relation to the residential use of the land this is a separate matter to this application and therefore no consideration will be given to this element under this planning application.

## **RECOMMENDATION**

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of approval.

### **Conditions**

1 The development shall begin not later than five years from the date of this decision

2 The development shall be carried out in accordance with the following approved plans and documents; The Site Location Plan, EH18-BARNACCESS rev A, EHAMMEL18-BLOCK rev C, EH18-BARN-02 rev A, EH18-BARN-03, EH18-BARN-04, EH18-BARN-05, EH18-BARN-06 rev A.

3 Any vehicular entrance gates installed within the application site shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

4 The gradient of the access shall be constructed so as not to exceed 1 in 10 for the first 10 metres measured from edge of the adjoining carriageway along the centre

line of the access and shall be retained at this gradient for as long as the development remains in existence.

5 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

6 No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7 The first 10 metres of the private drive, as shown on the approved Block Plan Drawing EHAMEL 18-BLOCK rev. B shall be metalled and surfaced in bituminous macadam or concrete to the written satisfaction of the local planning authority, prior to any other works being commenced on the development site and retained as such for as long as the development remains in existence.

8 No storm water drainage from the site shall be allowed to discharge onto the county highway.

9 Upon formation of the visibility splays as detailed in condition 4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

10 The hedgerow replacement plan identified in drawing EHAMEL18 -BLOCK rev A shall be adhered to and implemented in full and maintained thereafter.

11 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. The development shall be carried out in accordance with the approved details.

12 Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

13 The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted in accordance with an approved written scheme of investigation. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. Two weeks prior notice of the commencement of the watching brief should be supplied to the Development Control Archaeologist on behalf of

the LPA. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

## 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 the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
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- 8 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 9 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 10 To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 11 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
- 12 To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 13 To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

## Informative

- 1 Wales & West Utilities - Plant Protection Team

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

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