

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

**Application Number:** 19/0992/AGR  
**Grid Ref:** E: 317874  
N: 329184  
**Community Council:** Llansilin Community  
**Valid Date:** 20.06.2019

**Applicant:** Mr Bryn Davies

**Location:** Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW

**Proposal:** Agricultural Notification for the erection of an extension

**Application Type:** Agricultural Notification

### The reason for Committee determination

The applicant is a Councillor of Powys County Council.

### Planning History

App Ref	Description	Decision	Date
P/2012/0564	Erection of an agricultural building (retrospective)	Consent	27th Jul 2012

### Principal Planning Constraints

None

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy

Town and Country Planning (General Permitted Development) Order 1995 Part 6 (GPDO)

### 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 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 Local Development Plan (2018). The application site is bound by agricultural land to the north, to the east is an agricultural building, an access track is located to the south west of the site with a woodland beyond.

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.

This prior notification is sought for the erection of a livestock building.

### Principle of Development

Permitted development rights are granted for a range of agricultural buildings and operations. Rights to erect, extend or alter such buildings, and for excavations and engineering operations, are available to agricultural units of at least 5 hectares under Class A of the GPDO.

This prior notification is for the erection of a livestock building. The proposed measurements are 20 metres in length, 10.4 metres in width, 3 metres to eaves, and 5 metres to ridge. The building is to have concrete block walls with the remainder clad in timber with a steel sheet roof, dark green in colour. The total floor space is approximately 208 sq.m. The submission states that the parcel of land where the building will be located is 1 or more hectare.

The proposed development is permitted development subject to the criteria contained within the table below. If the answer to any of the questions in the checklist below is **yes**, the works are not permitted development and an application will need to be submitted.

Would the development be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area (2.741 acres)?	No
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Would the ground area covered by the works exceed 465 sq meters	No
Is any part of the building over 12m in height	No
Are any parts of the development within 25 metres of the metalled part of a trunk or classified road?	No
Is the building within 3km of the perimeter of an aerodrome and over 3metres in height?	No
Are the building, structure or works not designed for agricultural purposes	No
Would the building, structure or excavation used for the accommodation of livestock, of storage of slurry or sewage sludge be within 400m of the curtilage of a protected building? (A protected building means a permanent building occupied by people excludes farm dwellings, but could include village hall, church etc). N.B. emergency housing, seasonal lambing may be acceptable	No
Would the building be within 90 metres of another building, structure, works, plant, machinery, ponds, tanks constructed in the last 2 years, and would the combined ground area covered by the works exceed 465sq m	No
Would the works involve the exporting of minerals from the holding or importing of waste material into the holding (other than for Class A works)?	No
Would the works involve excavation or engineering operations on or over article 1(6) land (national Park) which are connected with fish farming?	No
Have any part of the works started?	No

Provided all the GPDO requirements are met, the principle of whether the development should be permitted is not for consideration. Only in cases where the authority considers that a specific proposal is likely to have a significant impact on its surroundings would it be necessary for the authority to require the formal submission of details for approval. In this instance, there are no known historical assets or nature interests in the immediate locality which the building would impact upon and it is not considered that the proposal would have a significant impact on the character of the area due to the existing natural screening of the site.

On this basis, it is considered that the proposed building benefits from the permitted development rights afforded by Part 6 Schedule 2 of the General Permitted Development Order 1995 for Agricultural Buildings and Operations Class A and does not require planning permission.

## **RECOMMENDATION**

Officers consider that the proposed development constitutes as permitted development and therefore prior approval or full planning permission are not required. The recommendation is therefore one of approval.