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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/11/19

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.12.2019

## Appeal Decision

Site visit made on 19/11/19

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 04.12.2019

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**Appeal Ref: APP/T6850/A/19/3235811**

**Site address: The Slangs, Cascob, Presteigne LD8 2NT**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995.
  - The appeal is made by Ms E Hammel against the decision of Powys County Council.
  - The application Ref 19/0427/AGR, dated 7 March 2019, was refused by notice dated 23 May 2019.
  - The development proposed is the erection of an agricultural barn.
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## Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) for the erection of an agricultural barn at The Slangs, Cascob, Presteigne LD8 2NT in accordance with the terms of the application, Ref 19/0427/AGR, dated 7 March 2019, subject to the conditions set out in the GPDO at paragraph A.2(2)(d)(vi)(aa) and A.2(2)(d)(vi)(bb) and:

- 1) 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. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

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: trust@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: The agricultural barn is located 725 metres northeast of Scheduled Ancient Monument RD146 'Twiscob Moated Site' and one of the former field banks associated with it. Therefore, an archaeological watching brief is required to secure

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

### **Application for costs**

2. An application for costs was made by Ms E Hammel against Powys County Council. This application is the subject of a separate Decision.

### **Procedural Matters**

3. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and building resilient communities.

### **Planning Background**

4. The GPDO grants planning permission for certain classes of development without any requirement for an application to be made under Part III of the Town and Country Planning Act 1990.
5. Schedule 2, Part 6, Class A of the GPDO enables, as permitted development, works for the erection, extension or alteration of an agricultural building; or any excavation or engineering operations for when that proposed is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more<sup>1</sup>. In this case the agricultural unit is approximately 10.5 hectares.
6. The GPDO procedures require that before starting work, the developer applies to the local planning authority for a determination as to whether prior approval of the authority will be required to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be. The Council confirmed that prior approval would be required on the 4 April 2019.
7. In operating these provisions, local planning authorities will have due regard to the operational needs of agricultural businesses and the need to avoid imposing any unnecessary or excessively costly requirements. However, they will also need to consider the effect of the development on the landscape in terms of visual amenity and the desirability of preserving ancient monuments and their settings, known archaeological sites, listed buildings and their settings, and sites of recognised nature conservation value.
8. Following an assessment of the application the Council stated on its decision notice, dated 23 May 2019, that "*Due to the scale and location of the proposed development, it is considered that the proposed development would have an unacceptable adverse landscape and visual impact on the surrounding area*". The application was accordingly refused and is now the subject of this appeal.

### **Main Issue**

9. Given the above, the main issue in this case is whether the details provided under the Prior Approval procedure, in terms of siting, design and external appearance, are acceptable.

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<sup>1</sup> Subject to certain caveats.

## Reasons

10. As set out above, the Council refused the application based on its concerns relating to the scale and location of the proposed building. Nevertheless, I consider it would be helpful to look at each of the specific matters which are the subject of prior approval.

### Siting

11. The surrounding landscape is characteristically rural: rolling hills, a traditional agricultural field pattern, and wooded stretches of land tracking alongside watercourses. The appeal site is situated on a hillside, where a bench has been constructed to create a level area for the erection of a polytunnel, where eventually the proposed agricultural building would be located. The site is largely obscured from view on account of the paucity of surrounding public vantage points and the screening afforded by existing hedgerows and trees.
12. Whilst the principle of the development proposed has been established via the GPDO, the Council has referred to Powys Local Development Plan policy DM4. My determination of this appeal is not statutorily required to be made in accordance with the development plan, however it is helpful in the context of the issues to be considered. Briefly summarised, Policy DM4 requires new development not to have an unacceptable adverse impact on the valued characteristics and qualities of the Powys landscape.
13. As I saw on my site visit the landscape is an attractive one of undulating, enclosed fields, scattered farmsteads, with a tranquil settled quality. This is reinforced by the LANDMAP assessment provided by the Council.
14. In this regard, the building would be largely obscured from public view and would be sited close to boundary planting such that it would not appear unduly obtrusive. Visibility from public vantage points would inevitably be partial and fleeting. Where such views would exist, the building proposed would be seen as an agricultural building, with a generally utilitarian design, which would not look out of place in this rural setting. I acknowledge that views of the appeal site can be sought from properties and the right(s) of way on the opposite valley side. Nevertheless, these are at some distance, where the views would be set against the backdrop of the hedgerows and trees and the proposed barn design would break up its overall mass. Further, I accept that the building would be seen as a free-standing feature within this landscape, however, this is not uncommon and being located on a surface 'cut in' to the hillside would reduce its prominence.
15. For these reasons, I am satisfied that the proposed building would not have an unacceptably adverse effect on the valued characteristics and qualities of the Powys landscape hereabouts.

### Design and external appearance

16. The building would be of metal frame construction, clad in juniper green box profile sheet steel, and juniper green fibre cement roof, with integrated Glass Reinforced Plastic (GRP) skylights. The south elevation would have 4 open fronted bays and a steel-clad door would be located on the western elevation. Accordingly, the building would have an agricultural appearance and thus its function would be clearly apparent.
17. The juniper green colour of the proposed materials would be consistent with the hues of the surrounding natural environment. The use of a fibre cement roof will also

facilitate the growth of lichen and mosses, which will help the roof to take on a weathered appearance further assimilating it into the local landscape.

18. It is clear from the information submitted with the application that the building would be appropriately sited, in the location best suited to its intended use. Its simple form and design reflect that of farm buildings seen locally, and together with the use of appropriate materials would ensure that its external appearance would be wholly in keeping with its functional and visual context as a working building on an agricultural unit.
19. Therefore, I conclude that the details provided are acceptable and prior approval should be granted.

*Other matters*

20. The application area is located some 725 metres 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. Whilst Cadw have raised no objection to the proposal, 'Clwyd-Powys Archaeological Trust' suggest that, given the sensitivity of the local area, a condition should be imposed to require an archaeological watching brief. From the evidence before me I accept that such a condition is required, particularly as further groundworks could be required to accommodate the proposed barn.
21. I acknowledge the comments made by local residents regarding the status of the agricultural unit and the planning history of the site. Nevertheless, such matters are not for me to consider under the GPDO legislation.

*Conditions*

22. The planning permission granted for the building under Article 3 and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 is subject to the conditions set out at paragraph A.2(2)(d)(vi)(aa) and A.2(2)(d)(vi)(bb). These require that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application; and that the development must be carried out within a period of 5 years from the date on which the local planning authority were given the information required to be submitted with the application, namely the 7 March 2019.

**Conclusions**

23. For the reasons given above, and taking into account all other matters raised, the appeal should be allowed and prior approval is therefore granted.

*Joanne Burston*

**INSPECTOR**