

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1896/AGR

Grid Ref: E: 316426
N: 319032

Community Council: Llanfyllin Community

Valid Date: 23/11/2020

Applicant: Miss Lisa Barlow

Location: Green Hall, Llanfyllin, SY22 5LG.

Proposal: Agricultural notification for a proposed new bridge which replaces daily river crossings, to reduce pollution.

Application Type: Agricultural Notification

Reason for Committee determination

The land the subject of the application is within the ownership of an Elected Member, County Councillor Peter Lewis.

Site Location and Description

This prior notification is for the erection of an open span steel cattle bridge measuring approximately 12 metres by 3 metres and running parallel to the existing private access road to Green Hall and at the same height, approximately 1.5 metres in height with the existing.

Green Hall is located approximately 1.5km to the east of the development boundary of Llanfyllin. The bridge would be located approximately 145 metres to the south east of Green Hall dwellinghouse where the private road crosses the Afon Cain. The bridge is to be used solely for cattle, not for public or vehicular access and would be set on concrete pads.

Planning History

None noted at the site itself.

Legislation and Planning Policy

The Town and Country Planning (General Permitted Development) Order 1995

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2012

Principal Planning Constraints

C2 Floodzone

Officer Appraisal

Class A of Part 6 (Agricultural Buildings and Operations) of The Town and Country Planning (General Permitted Development) Order 1995 permits on units of 5 hectares or more:

- (a) works for the erection, extension or alteration of a building; or*
- (b) any excavation or engineering operations,*

which are reasonably necessary for the purposes of agriculture within that unit (subject to other criteria and conditions set out within the legislation).

It is noted that for the purposes of Class A, a bridge is an engineering operation as referred to in (b) above. In terms of whether the proposed bridge is reasonably necessary for the purposes of agriculture and therefore whether Part 6 rights apply, the notification states that the bridge is necessary for moving cattle between grazing and milking and that it would replace daily river crossings, reducing pollution. This purpose is therefore considered reasonably necessary for agriculture in association with the holding and as such it is concluded that Part 6 rights apply.

The submission states that the agricultural unit is over 5 hectares in size and the parcel of land where the bridge will be located is 1 hectare or more. The area the bridge would cover would not be more than 465 square metres and the bridge is considered to have been designed for agricultural purposes. The bridge would not be over 12 metres in height and would not be within close distance of an aerodrome and it would not be within 25 metres of the metalled part of a trunk road or classified road.

Whilst the bridge would appear to be located within 400 metres of a protected building (residential dwelling) it would not be used to accommodate livestock, other than cattle walking over the bridge. On this basis, the proposed bridge 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.

The other consideration is the effect of the development upon the landscape in terms of visual amenity, as well as the desirability of preserving scheduled monuments and their settings, archaeological sites, listed buildings and their settings, and sites of recognised nature conservation value. There are no known historical assets or nature interests in the immediate locality which the bridge would impact upon, although it is noted that Green Hall dwelling house and barn and cart shed range are grade II listed buildings.

Taking into account the size and height of the proposed bridge together with the distance from the identified listed buildings, it is considered that there would be no harm upon the setting of the identified listed buildings from the construction of the proposed bridge. Overall, given that the bridge would be located adjacent to the existing road bridge but would not be higher than it then the proposed design, appearance and siting are acceptable.

On the basis of the submitted details and the relevant legislation, the proposed bridge is considered to be permitted development.

Recommendation

It is recommended that confirmation is issued that prior approval of the proposed bridge will not be required from Powys County Council.

Note

Please note that undertaking certain types of work on or near a watercourse, may need separate consent before you start. If it is a Main River you will need to apply to Natural Resources Wales or for Works affecting an Ordinary Watercourse may need consent from Powys County Council or Powysland Internal Drainage Board.

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