

**APPLICANT:** Miss Martha Thomas Westmoor Farm, Slatter Lane, Llysworney, CF71 7NQ

**AGENT:** Miss Martha Thomas Westmoor Farm, Slatter Lane, Llysworney, CF71 7NQ

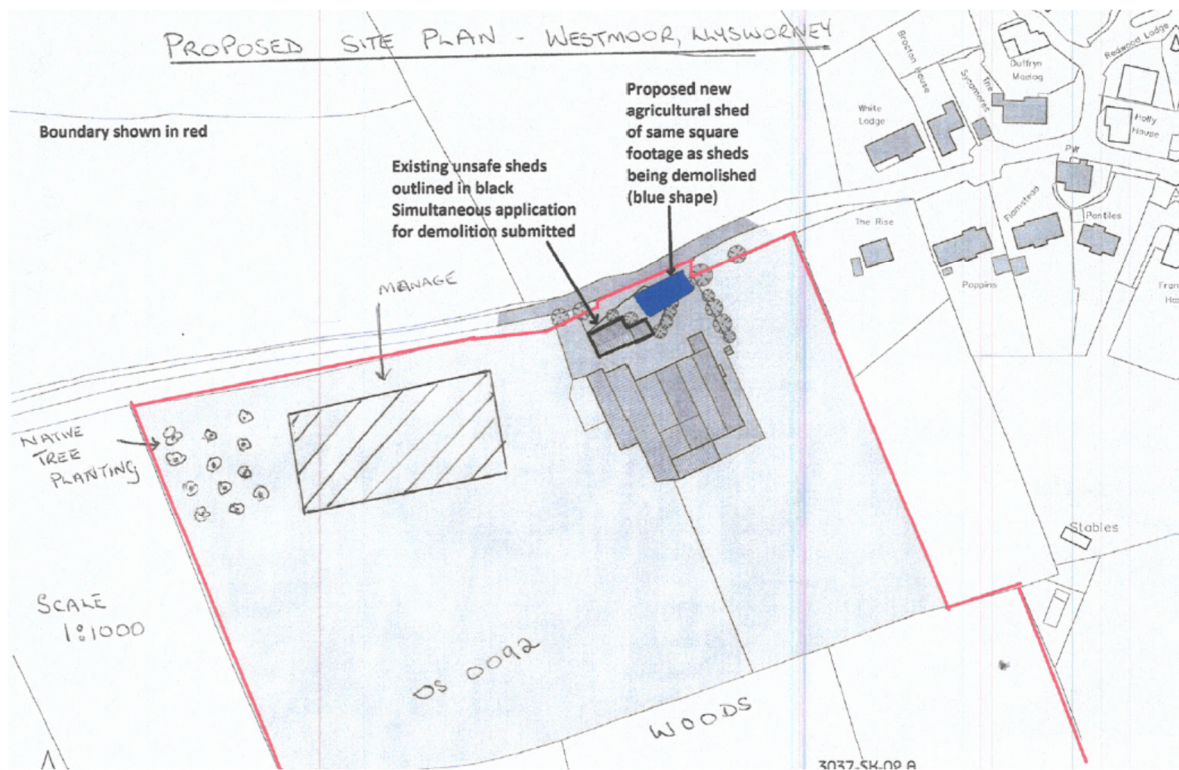
**Westmoor Farm, Slatter Lane, Llysworney**

Block sheds to replace existing unsafe buildings for mixed agricultural/equine unit - breeding and producing horses/breeding and keeping sheep and making hay

**SITE AND CONTEXT**

The application site lies some 48m to the west of the identified Llysworney settlement boundary, within the open countryside as defined by the Vale of Glamorgan Local Development Plan 2011 – 2026. The site lies within a category 2 mineral safeguarding area for Limestone as defined by the development plan.

Westmoor farm is an agricultural smallholding of approximately 30 acres.



**DESCRIPTION OF DEVELOPMENT**

This is a Prior Notification application for the erection of an agricultural shed of approximately 130m<sup>2</sup> in a concreted location approximately 15m from the existing access for storing hay and farm machinery. The shed will measure a length of 19m, an eaves height of 4m and a ridge height of 6m. Its external walls will be cream painted breezeblock, with a tin roof. It will feature an open fronted access for machinery as per the current design.

**PLANNING HISTORY**

2015/00631/FUL, Address: Land at Westmoor Farm, Llysworney, Proposal: Construction of new manege adjacent to existing stable, Decision: Approved

### CONSULTATIONS

None.

### REPRESENTATIONS

None.

### REPORT

#### Planning Policies and Guidance

The applicant has applied under the procedures set out in Part 6 of the Town and Country Planning (General Permitted Development) Order 1995. Accordingly, consideration should only be given to whether the prior approval of the Local Planning Authority is required for the siting and means of construction of the private way.

#### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

#### Issues

The prior notification is made under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, to seek determination as to whether prior approval of the Local Planning Authority is required for the siting, design and appearance.

In order to benefit from permitted development, the proposal must be '*reasonably necessary for the purposes of agriculture*' as defined by Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995, and meet relevant criteria. It is not necessary to 'test' whether the development is 'permitted development' for the purposes of this assessment, the LPA may only consider matters of siting, design and appearance of the proposal subject of this notification.

However, in assessing such applications, and prior to the consideration of the specific criteria set out under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, it is prudent to first evaluate whether the agricultural land benefits from permitted development rights (Part 6).

Thus, in order for permitted development rights to apply, the following five tests

need to be considered:

- there has to be agricultural use subsisting at the time the building or works are constructed;
- any agricultural use has to be operated as a trade or business;
- any agricultural use has to fall within the ambit of sec.336;
- any agricultural building to be constructed using PD rights has to be reasonably necessary for the purposes of agriculture;
- and buildings or works have to be designed for agricultural purposes’.

In sec.336 of the 1990 Act, it is stated that agriculture *“includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of farming of the land), the use of land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be constructed accordingly”*.

Firstly, it is required to be considered whether the existing and proposed use of the replacement shed would be classed as ‘agriculture’, and comply with section 336 of the 1990 act as seen above. The existing shed is currently used to store hay, animal feed and agricultural machinery, and is of an agricultural design and appearance. Whilst there is a separate shed and arena which serve equine use, it is considered given the information provided by the applicant relating to the proposed use of the shed, as well as its appearance, it would suffice for the purposes of section 336 of the 1990 Act and is considered to be for agricultural purposes.

The area of agricultural land is stated as being a small holding of approximately 30 acres, which is the equivalent to 12.1 hectares. The site consists of open grazing land as well as some woodland within the ownership of the applicant. Currently hay and machinery are stored in an existing shed which is described as ‘unsafe’. Given the siting of the existing agricultural shed, as well as its current use, it is evident that there is an agricultural use subsisting at this time and therefore the LDP are satisfied that for the purposes of the act (as above) that the building would be utilised for the purposes of agriculture. Furthermore, from the details submitted, the building would be designed to replicate the agricultural character of the existing building which is being used in connection with the agriculture on the site.

Having satisfied the tests of section 336 of the 1990 Act, it is then important to assess the proposed development against the criteria of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 for the development on units of 5ha or more.

#### A.1 Development not permitted

Development is not permitted by Class A if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area; **condition met**

- (b) it would consist of, or include, the erection, extension or alteration of a dwelling; **condition met- proposal is for agricultural unit**
- (c) it would involve the provision of a building, structure or works not designed for agricultural purposes; **condition met – proposal for agricultural unit**
- (d) the ground area which would be covered by—
- (ii) any building erected or extended or altered by virtue of Class A, would exceed 465 square metres, calculated as described in paragraph D.2 below; **condition met – 130m<sup>2</sup>**
- (e) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres; **condition met- over 3km from aerodrome**
- (f) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres; **condition met- ridge height would be 6m**
- (g) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road; - **Condition met – shed would be sited over 25m from classified or trunk road.**
- (h) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building; **condition met – the applicant has confirmed that the building would be used to storage of machinery and farming materials.**
- (i) it would involve excavations or engineering operations on or over article 1(6) land which are connected with fish farming; **condition met – no article 1(6) land or fish farming**
- (j) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— **condition met.**
- (i) would be used for storing fuel not produced on land within the unit or waste not produced by that boiler or system; or - **condition met**
- (ii) is or would be within 400 metres of the curtilage of a protected building. - **condition met.**

However, The position of the proposed shed would appear to be in the location of the established access to the farm, adjacent to the road and protected trees (under TPO No.02 of 1972 which covers mixed hardwoods to the north of the existing shed adjacent to the adopted highway).

Given its proximity to the nearby highway, protected trees and the access to the site as indicated on the proposed site plan, it is considered that the proposed siting would likely be highly prominent, unacceptably impact upon trees and also result in access issues to the site. For all of these reasons, it is therefore considered that details of siting and appearance should be agreed with the Council prior to commencement, with a particular emphasis on appropriate siting due to the potential impact on the visual amenities of the area, access and safeguarding protected trees at the site.

Therefore it is considered that the building does have the potential to have a significant visual impact and that details should be submitted showing a revised siting, floor plan and elevations to consider such impact.

### REASON FOR RECOMMENDATION

Having regard to the guidance in Technical Advice Note 6, it is considered that the proposal has the potential to have a significant visual impact on its surroundings and therefore prior approval is required for the siting, design and external appearance of the building.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

### RECOMMENDATION

#### REQUIRES THE PRIOR APPROVAL of the Local Planning Authority.

1. The proposal **REQUIRES THE PRIOR APPROVAL OF THE LOCAL PLANNING AUTHORITY** for the siting, design and external appearance of the development. No development will be permitted until such approval has been granted. The details required are the siting, elevations, and a floor plan of the building.

### NOTE:

- 1. In order to benefit from the prior notification/prior approval procedure set out within Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the proposed development needs to fully comply with the description of development permitted by and the limitations and conditions set out in this Part. This includes the siting and design of the proposed development. If the proposed development does not comply with the description of development permitted by and the limitations and conditions set out in Part 6, a full planning application will be required for the development.**

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**