



## DELEGATED DECISION

### Powys County Council Constitution Schedule 13 Responsibility for Functions

**Application Number:** 22/0314/FUL

**Grid Ref:** E: 320611  
N: 303717

**Community Council:** Welshpool Community

**Valid Date:** 28.02.2022

**Case Officer:** Gwyn Humphreys

**Applicant:** Mr & Mrs Evans

**Location:** Land at Court Farm, Court Farm, Belan School Lane, Llwynderw, Welshpool, Powys

**Proposal:** Erection of a rural enterprise dwelling and associated works

**Application Type:** Full Application

### Consultee Responses

#### Consultee

#### Received

#### Welshpool Town Council

No comments received at the time of writing this report.

#### PCC-Building Control

No comments received at the time of writing this report.

#### Environmental Protection

21st Mar 2022

Concerning planning application 22/0314/FUL, the following advice is provided on behalf of Environmental Protection:

1. Under section 2 'The Application Site' of the Roger Parry & Partners 'Planning Statement' (ref: DAS-GD), dated January 2022, it is stated: *"The proposed dwelling is situated within the rural countryside and is sited on the edge of the farm, to ensure it is close enough to be in hearing and walking distance of the farm buildings, but not within the farmyard to ensure it does not implicate the current business, and also have regard to the potential future use as a local needs."*

The proposed dwelling is located within 25m of the existing farm, which it is intended to support. However, if in the future, potentially, the dwelling is used for local needs, Environmental Protection would have concerns regarding the potential impact of noise and odour, from the existing farm, affecting the amenity of the local needs dwelling. Therefore, noise and odour assessments would be required, in support of the application for planning permission, to confirm that there would be no conflict of use and there would be no unreasonable impact on the amenity of the local needs dwelling.

As advised under chapter 6 'Distinctive and Natural Places' of the Welsh Government document 'Planning Policy Wales' (2021): the planning system must protect amenity and should maximise its contribution to achieving the well-being goals (of the 'Well-being and Future Generations Act'), in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution. Noise and odour assessments should be completed in accordance with current guidance e.g. BS4142:2014+A1:2019 'Methods for Rating and Assessing Industrial and Commercial Sound' and the IAQM 'Guidance on the Assessment of Odour for Planning' (2018).

Alternatively, to avoid any potential nuisance or impact on amenity (e.g. associated with noise and/or odour), If the proposed dwelling were to be tied to the adjoining farm and agricultural use, Environmental Protection would have no requirement for the submission of any noise and odour assessments, in support of the application for planning permission.

2. Concerning foul sewage, section 3 'Environmental Sustainability' of the Roger Parry & Partners 'Planning Statement' (ref: DAS-GD), dated January 2022, confirms that a new proposed foul drainage route connection will be connected to the mains. On this basis, Environmental Protection would have no requirements in respect of foul drainage.

*Additional comments received 31<sup>st</sup> March 2022;*

The following amended information has been submitted in support of planning application 22/0314/FUL:

- Roger Parry & Partners drawing: 'Proposed Block Plan' (ref: 75159/22/03 Rev A) Jan 2022.
- 'Drainage Field Siting and Percolation Test Calculation Form' 24th March 2022.

Based on the submitted information, the following advice is provided on behalf of Environmental Protection:

1. The amended proposal involves the installation of a non-mains foul drainage system, which differs from the original proposal to connect the foul drainage, from the proposed dwelling, to mains sewer. However, the Powys County Council Land Drainage email dated 11 March 2022, in respect of planning application 22/0314/FUL, stated: *"It is noted that foul drainage would be connected to the mains network. However, it is understood that there are no public sewers in the vicinity of the site."*

Based on the above, it is requested that it be confirmed with the planning applicant that I may visit the application site to undertake an inspection of the percolation test pits and location of the proposed drainage field, please.

*Additional comments received 1<sup>st</sup> April 2022;*

The following amended information has been submitted in support of planning application 22/0314/FUL:

- Roger Parry & Partners drawing: 'Proposed Block Plan' (ref: 75159/22/03 Rev A) Jan 2022.
- 'Drainage Field Siting and Percolation Test Calculation Form' 24th March 2022.

In addition to the above, a site visit was undertaken on the 1st April 2022. Based on the submitted information and observations made during the site visit, the following advice is provided on behalf of Environmental Protection:

1. Environmental Protection would have no requirements in respect of the proposed non-mains foul drainage system, subject to the following:
  - The appropriate exemption being registered with or environmental permit being

obtained from Natural Resources Wales (NRW). Welsh Government advise that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with NRW. More information, including a step by step guide to registering, can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>.

Prior to determination of the application, Environmental Protection recommend Development Control verify that NRW will allow the proposed non-mains foul drainage system.

- The siting, design, construction, installation, maintenance and marking of the non-mains foul drainage system complying with Approved Document H 2010 (Wales) of the Building Regulations, under consultation with Powys County Council, Building Control. As advised in Approved Document H 2010 (Wales) of the Building Regulations, the owner is legally responsible to ensure that any non-mains foul drainage system does not cause pollution, a health hazard or a nuisance.
2. Subject to the proposed rural enterprise dwelling being tied to that adjoining farm and agricultural use, Environmental Protection would have no requirement for the submission of any noise and odour assessments in support of the application for planning permission.

Natural Resources Wales (Mid Wales)

22nd Mar 2022

DPAS

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 Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <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.

Hafren Dyfrdwy

8th Mar 2022

With Reference to the above planning application the company's observations regarding sewerage are as follows.

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC-(N) Highways

3rd Mar 2022

Thank you for consulting the Highway Authority on this planning application at land at Court Farm, Belan School Lane, Llwynderw, Welshpool, Powys, SY21 8SF. The proposal seeks erection of a rural enterprise dwelling and associated works.

Access to the site would be gained via the A483(T)/U2447 junction with direct access into the site from U2447.

We note that U2447 is narrow single lane highway with no formal passing spaces along its length up to the application site. Consequently, vehicles meeting along this stretch of highway are routinely forced to reverse significant distances in order to pass due to the lack of adequate passing bays. We note that the applicant did not offer any mitigation in this respect.

Perceived speeds in this area are 25mph, therefore the requisite visibility splays should be 34m in each direction.

Therefore, should the planning authority be minded to support the proposals, it is recommended that the following highway condition be attached.

1. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
2. 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 34 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) 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.

3. Upon formation of the visibility splays as detailed 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.
4. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5m from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
5. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than one car per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence
6. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
7. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 5.5 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.
8. No surface water drainage from the site shall be allowed to discharge onto the county highway.
9. Prior to any works being commenced on the development site the applicant shall construct one (1) passing bay along the U2447 county highway in easterly direction

(between the site entrance and the junction with A483(T)/U2447.

10. The passing bay referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

#### Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works, Powys County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG

0845 6027035

*Additional comments received 28<sup>th</sup> March 2022;*

Whilst the Highway Authority would not object to the principle of the private drive (at Arosfa) being used as a passing place, the agent would be required to indicate on the plan that there is sufficient width available for passing traffic within existing highway extents (the area of a passing place) in accordance with the provisions of MfS/MfS2.

PCC-Ecologist

17th Mar 2022

Recommendation: No objection - subject to planning conditions and/or planning obligations

Policy background:

- Planning Policy Wales, Edition 11, 2021
- Technical Advice Note (TAN) 5
- Powys Local Development Plan 2011 - 2026:
  - DM2 – The Natural Environment
  - DM4 – Landscape
  - DM7 – Dark Skies and External Lighting
  - DM14 - Air Quality Management
  - Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Environment (Wales) Act 2016

Statutory sites within 500m:

- Montgomery Canal Site of Special Scientific Interest (SSSI) - approximately 245m from development
- Montgomery Canal Special Area of Conservation (SAC) - approximately 245m from development



Non-statutory sites within 500m:

- One or more Ancient Woodland (AW) sites are located within 500m of the development

Records of protected and/or priority species identified within 500m? Yes

Comments:

No ecological information has been submitted with the application; the following comments are based on review of the proposed plans and aerial images, as well as records of protected and priority species and designated sites within 500m of the proposed development.

The proposed development appears to be located within an area of improved agricultural grassland, which is of relatively low ecological value. A short section of roadside hedgerow will be lost to facilitate access. The additional proposed native species hedgerow around the boundary of the site will provide compensation; there will be no loss of priority habitat. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme to include proposed species mixes, planting and aftercare schedules.

It is, therefore, recommended that submission of a Landscaping Plan is secured through an appropriately worded planning condition.

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

It is, therefore, recommended that adherence to wildlife sensitive lighting measures is secured through an appropriately worded planning condition.

Taking into account the nature, scale and location of the proposed development and the lack of potential impact pathways from the proposed development site to the designated site, it is considered unlikely that the proposed development would result in any adverse impacts on the Montgomery Canal SAC and/or its associated features.

Biodiversity enhancement:

It is considered that creation of a native species hedgerow will provide additional habitat enhancement and is welcome.

Subject to inclusion of the conditions below, would the development result in a significant

negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions is recommended

1. Notwithstanding the details submitted, prior to 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 position. The approved scheme shall be implemented in full and maintained thereafter.
2. 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, including bats and otter, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informatives:

The following advice for the applicant is also considered appropriate.

*'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:*

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

### PCC-(N) Land Drainage

11th Mar 2022

Comment: PCC Land Drainage note that the south-eastern extent of the site is located within Flood Zone 2 on the NRW 'Flood Map for Planning- Surface Water and Small Watercourses' map.

Recommendation: No buildings, structures, fences (other than post and rail fencing as proposed), planting or changing of contours shall take place within this extent without prior permission of the LPA.

Reason: To ensure that the proposed development does not compromise the function of the land drainage system and that any proposals are fully compliant with regulations and are of robust design.

Comment: The site is located within the Powysland Internal Drainage District (PIDD). Advice should be sought from Natural Resources Wales (NRW) who administer the PIDD on any flood risk within the internal drainage district.

Comment: It is noted that foul drainage would be connected to the mains network. However, it is understood that there are no public sewers in the vicinity of the site.

Comment: It is noted that a soakaway is proposed. The SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk).

For further information on the requirements of SAB and where relevant application

forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

WG - Highways Directorate

11th Apr 2022

I refer to your consultation of 28/02/2022 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following condition:

- 1) The applicant is required to submit a Construction Traffic Management Plan (CTMP) to confirm how the movement of construction traffic will be managed along Belan School Lane and onto the A483 for the duration of the works.

The above condition is included to maintain the safety and free flow of trunk road traffic.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@gov.wales](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales).

Cadw - SAM

15th Mar 2022

Thank you for your letter of 1 March inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

## MG283 Llwynderw Round Barrow

The application area is located some 73m southwest of the boundary of scheduled monument MG283 Llwynderw Round Barrow. This comprises the well-preserved remains of a Bronze Age earthen built round barrow, located on a gravel terrace in a low-lying position overlooking the Severn Valley. The barrow measures 25m in diameter and 1.5m high.

Bronze Age funerary and ritual monument are thought to have been located so that they had views to and from neighbouring funerary monument, prominent natural features and associated settlement sites. In this case, no other funerary sites are known in the immediate area and no settlement sites have, so far, been located; whilst the courses of the local watercourses have been significantly altered by the construction of the Montgomery Canal. As such, it can only be surmised that any significant views to and from the barrow, when it was constructed, were to the east over the Severn Valley in an arc from northeast to southwest

The proposed development consists of the erection of a detached bungalow and garage. It is not located in the identified significant view from the barrow and views of it from the barrow will be blocked or screened by the existing bungalow of Arosfa and roadside hedges. As such whilst there may be a very slight visual change in the view from the barrow this will not have any effect on the way that it is experienced, understood and appreciated. Consequently, the proposed development will have no impact on the setting of scheduled monument MG283.

CPAT

28th Feb 2022

Having checked the information held within the Historic Environment Record I can confirm that there are no impacts to any recorded archaeology for Powys Planning Application 22/0314/FUL at Court Farm Court Farm, Belan School Lane, Llwynderw.

## Public Responses

Following the display of a site notice on 02/03/2022, no public representations have been received at the time of writing this report.

## Planning History

App Ref	Description	Decision	Date
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21/1529/OUT	Erection of a rural enterprise dwelling and associated works to include creation of new access and installation of package treatment plant	Refused	28th Oct 2021
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The above application was refused for the following reasons:

1. *“Based on the information submitted as part of this planning application, it is considered that the new access proposed fails to demonstrate that a safe access and egress can be achieved to and from the application site, contrary to policies Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 18: Transport (2007), and LDP Policies DM13 (Part 10) and T1.*
2. *Insufficient information has been submitted as part of this planning application to demonstrate there would be no adverse impact upon the integrity or water quality of the Montgomery Canal SAC and SSSI as a result of the proposed development. The development is therefore contrary to Planning Policy Wales (Edition 11, 2021), Technical Advice Note 5: Nature, Conservation and Planning, LDP Policies DM2 and SP7, Supplementary Planning Guidance: Biodiversity and Geodiversity (Adopted October 2018) and Welsh Government Circular 008/2018 - Planning requirements in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018).”*

### Principal Planning Constraints

- Open Countryside
- Grade II Listed Building [CADW Ref: 7740] – within approx. 70 metres
- Llwynderw Round Barrow SAM – within approx. 90 metres
- Flood Map for Planning Zone 2 [Surface Water]
- Montgomery Canal SAC – within approx. 260 metres
- Montgomery Canal SSSI – within approx. 260 metres
- Cat. 1 Sand & Gravel Minerals Safeguarding Area
- Cat. 2 Sand & Gravel Minerals Safeguarding Area
- Mid Wales Airport – within approx. 1km

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February		National Policy

	2021)	
NATPLA	Future Wales - The National Plan 2040	National Development Plan 2021
TAN2	Planning and Affordable Housing	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Communities	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026

DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste within Developments	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H7	Householder Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG	Local Development Plan 2011-2026



SPGRES	Residential Design SPG	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG	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

Marine and Coastal Access Act 2009

Planning (Listed Buildings and Conservation Areas) Act 1990

### **Officer Appraisal**

#### Site Location & Description of Development

The application site is located within the Town Council area of Welshpool, and is situated within the open countryside as defined by the adopted Powys Local Development Plan (2011-2026). The site relates to an area of agricultural land forming part of Court Farm, which lies adjacent to the U2447 adopted public highway. The site is surrounded by the public highway to the north, further areas of agricultural land to the south and east, and by the existing agricultural complex of buildings and yards to the west.

This application seeks full planning permission for the construction of a new rural enterprise dwelling and detached garage, and all associated works, including the creation of a new vehicular access into the site off the U2447 County Highway, and the installation of a septic tank and drainage field.

The proposed dwelling would be single-storey, and would measure approximately 17.3 metres in width and 13 metres in depth. It would have a gabled roof, with an eaves height of approximately 3.4 metres and a ridge height of approximately 5.6 metres above ground-level. The internal floor area would measure approximately 145 sq. metres. The dwelling would be finished externally with a mixture of facing stonework and render, although no details of the roof's material, nor materials for fenestration and

doors, have been submitted.

The proposed detached garage would measure approximately 6 metres in width and 6 metres in depth; having an internal floor area of approximately 30 sq. metres. It would also have a gabled roof, with an eaves height of approximately 2.7 metres and a ridge height of approximately 4.4 metres above ground-levels. The external materials and finishes for the garage have not been confirmed.

The proposed new residential curtilage would measure approximately 670 sq. metres in area (0.067 hectares). The plot would be enclosed by a new post-and-rail fence, with a native species hedgerow.

### Principle of Development

Policy SP6 of the adopted Powys Local Development Plan (2011-2026) states that residential development proposals in the open countryside will only be acceptable where they comply with the requirements of Planning Policy Wales and Technical Advice Note (TAN) 6 (Planning for Sustainable Rural Communities). TAN 6 states that one of the few circumstances where residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work.

Applications for planning permission for new rural enterprise dwellings should be carefully assessed to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence. The proposal must satisfy both a functional test, to prove that the enterprise requires a worker to be readily available at most times, and a financial test, to prove that the enterprise is economically viable. The Local Planning Authority must also be satisfied that there is no other existing building suitable for conversion on the enterprise, or an existing dwelling within the locality that could meet any identified functional need.

The application has been submitted on the basis that this shall be the second dwelling at the already established Court Farm, in order for the current business partners to employ an additional worker to reside close to the farm to assist in the running of the rural enterprise at Court Farm.

Technical Advice Note 6 contains the following advice relating to the provision of second dwellings on established farms:

*“4.5.1 The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be fully satisfied. The two exceptions to the policy are:*

- *Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business; or,*
- *There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business.*

*4.5.2 In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out above and in paragraph 4.4.1 c - e are met. These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after this TAN comes into force and not to subsequent dwellings.*

*4.5.3 It must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. In addition, where all the criteria specified above are met the planning authority should ensure that the new dwelling is tied to the holding by way of a legal agreement.”*

In addition to the above policy guidance, any application would also need to comply with TAN 6, Paragraph 4.4.1 (c-e);

*“4.4.1 New permanent dwellings should only be allowed to support established rural enterprises providing (c-e):*

- c) the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).*
- d) the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; (See paragraphs 4.11.1 - 4.11.2),and*
- e) other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2)”.*

The first key determinant in deciding if a proposal falls within the scope of the rural enterprise dwelling policy is whether an enterprise is directly related to the management

of rural land-related businesses, or has a character such that it can only be located in the open countryside, or has very particular reasons for a location in the open countryside rather than in an existing settlement.

The application has been accompanied by a Rural Enterprise Appraisal, which details that the enterprise at Court Farm is an established farming and rural enterprise business which farms 213 acres of owner-occupied land, with an additional 123 acres of land on a long-term farm business tenancy. The enterprise involves the farming of 167 dairy cows, 117 dairy heifers, 84 beef cattle and one bull.

As aforementioned, the application proposes the construction of a second dwelling on the holding in order for the current business partners to employ an additional worker to reside close to the farm to assist in the running of the rural enterprise. In accordance with the provisions of TAN 6, as outlined above, it is accepted that the enterprise has a character that it can only be located in open countryside due to the location of the business and can therefore be considered as falling within the definition of a rural enterprise as set-out within TAN 6. It is also noted that based upon the information contained within the submitted Rural Enterprise Appraisal, there is an existing functional need for an additional 0.5 or more of a full-time worker, which will be addressed further below.

In light of the above, the principle of development can be further considered subject to a review of the criteria contained within Part 4.4.1 (c-e) of TAN 6.

#### Other Dwelling Test

Section 4.11 of TAN 6 states that evidence must be provided to demonstrate that there are no other dwellings or buildings suitable for conversion, which are available to fulfil the need of the enterprise.

The submitted Rural Enterprise Appraisal identifies that whilst there are some limited farm buildings under the ownership of the business which are capable of being converted, these are currently fully utilised in the functionality of the farm business and are therefore unavailable for conversion on this occasion.

In terms of other existing residential properties for sale within the application site's vicinity, it is noted that a recent online search has revealed that there are no affordable dwellings currently for sale within close proximity to the holding.

In light of the evidence submitted, and the above observations, it is considered that the proposed development meets the other dwelling test as set out within TAN 6.

#### Functional Test/Time Test

The second determinant is whether it is essential to the proper functioning of an enterprise for a worker to be housed in close association with it. Four specific

circumstances are identified within Section 4.3 of TAN 6 relating to the provision of new rural enterprise dwellings. These are as follows:

- To meet the needs of established rural enterprises (including farms) where there is a functional need and requirement for a full-time worker together with a prospect of long-term business financially stable;
- To enable the transfer of control of farm enterprises to the next generation (second or further dwelling on a farm only);
- To meet the needs of additional workers on established farms where there is a functional need, and a requirement for an additional 0.5 or more of a full-time worker earning at least 50% of a farmworkers salary (second or further dwelling on a farm only); and
- To meet the needs of new rural enterprises where there is a functional need and a requirement for a full-time worker.

Taking into account the amount of information provided with the application, it is considered that there is a functional requirement for an additional dwelling on the holding. The supporting information demonstrates that the total number of man-days required for the enterprise is equivalent to 4.8 full time workers, which is in excess of the 1.5 workers required by TAN 6. Given the scale of the enterprise it has been demonstrated that there is a need for 24 hours presence at the site, particularly during calving season, where immediate care is often required. The application has demonstrated there is an essential need to have skilled workers residing at the enterprise to provide constant supervision to livestock at all hours. The location of the proposed dwelling is also considered suitable to meet the clearly established functional need of the enterprise, and provide a quick response in emergency situations. A second dwelling at this location is considered to allow the business to meet its clearly established functional need.

In light of the evidence submitted, and the above observations, it is considered that the proposed development meets the functional/time test as set out within TAN 6.

#### Financial Test & Management of the Enterprise

TAN 6 states that the enterprise concerned shall have been established for at least 3 years, profitable for at least one of them, and is financially sound with clear prospects of remaining so into the future (usually for up to at least 5 years).

Financial information has been submitted which shows accounts for the financial years 2018, 2019 and 2020 and 2021; with the enterprise clearly being well established and older than 3 years' old. The accounts submitted for the last four years do show fluctuating net profit levels for the enterprise; however, in each year the profits are healthy, and this would suggest the business is financially stable to accommodate an additional dwelling and meet the financial test. The submitted accounts do not show wages being deducted as is required within TAN 6, but instead show how the profit is shared between the partners. Despite this, based on the scale profit margins, if a part-

time standard agricultural workers' wage was deducted from the accounts, this would still demonstrate a healthy profit for the past four financial years. It is therefore considered the business is financially stable to sustain the build costs of an additional dwelling at the holding, and the financial test as set-out within TAN 6 is considered to be fulfilled.

### Scale

Section 4.10 of TAN 6 confirms that the size and scale of the proposed dwelling should be related to the ability of the enterprise to fund and maintain the dwelling. The size of the dwelling should reflect the needs of the enterprise but with the extension of potential occupancy in the future to those eligible for affordable housing and regard should be paid to this consideration.

The Authority's adopted Affordable Housing SPG restricts the floor space of proposed affordable homes to a maximum of 115 sq. metres in order to ensure they are affordable in nature and remain so in perpetuity. In addition, the restriction on the plot size to 1000 square metres (in rural settlements) is encouraged to assist in limiting the value of the eventual dwelling, and for the same reason, the scale of outbuildings is limited to 15 sq. metres.

The proposed plot size on this occasion measures approximately 670 sq. metres (0.067 hectares) in area, and is therefore deemed to be acceptable based upon the above criteria. In terms of the scale of the dwelling, TAN 6 advises that the financial test is necessary to assess the size of the dwelling which the enterprise can afford to build and maintain. It is also noted that TAN 6 recommends that the occupancy of rural enterprise dwellings should be extended to those eligible for affordable housing, if no suitable rural worker can be found in the future. In this instance, permission is sought for the erection of a dwelling with an internal floor area of approximately 145 sq. metres. It is therefore acknowledged that the proposed dwelling house would be of a larger scale than that permitted by the Affordable Housing SPG, however, on this occasion, based upon the profit levels indicated within the submitted financial accounts, it is not considered appropriate to restrict the scale of the floor area of the dwelling given the profit levels of the enterprise at Court Farm. Indeed, in accordance with Paragraph 4.10.2 of TAN 6, it is considered the enterprise could sustain the build costs of the dwelling, and the costs of its ongoing maintenance. As a result, in-line with policy guidance, there is no reason for the Local Planning Authority to restrict the size of the dwelling to a maximum of 115 sq. metres internally on this occasion.

It is also noted that a detached garage is proposed, which would have an internal floor area of approximately 30 sq. metres. As aforementioned, the Authority's adopted Affordable Housing SPG restricts the internal floor area of outbuildings to 15 sq. metres, and thus the proposed garage would be of a larger scale than permitted for an affordable dwelling. Notwithstanding this, as above, based upon the profit levels indicated within the submitted financial accounts, it is not considered appropriate to restrict the scale of the floor area of the garage given the profit levels of the enterprise

at Court Farm. Indeed, in accordance with Paragraph 4.10.2 of TAN 6, it is considered the enterprise could sustain the build costs of the garage, and the costs of its ongoing maintenance. As a result, in-line with policy guidance, there is no reason for the Local Planning Authority to restrict the size of the detached garage to a maximum of 15 sq. metres internally on this occasion.

However, in-line with Paragraph 4.10.3 of TAN 6, permitted development rights will be removed from the whole property, including its residential curtilage, to ensure that the dwelling is not extended or altered without the prior permission of the Local Planning Authority, given that any alterations could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use given the income which the enterprise can sustain.

Taking into account the financial information submitted in support of the application, it will be appropriate to apply an occupancy condition and in addition, permitted development rights will be removed so as to ensure that the property is not extended or altered in a way that increases the value beyond an affordable level.

#### Design, Scale & Landscape Impact

With respect to design, specific reference is made to Policy DM13 of the Powys Local Development Plan (2011-2026). This policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. It states that, in terms of design, proposals will only be permitted where the following criteria are satisfied;

1. *“Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.*
2. *The development contributes towards the preservation of local distinctiveness and sense of place.”*

Further design-specific guidance is set-out within the adopted Residential Design SPG and TAN 12.

In terms of the potential impact upon the surrounding landscape, regard must be paid to LDP Policy DM4 (Landscape) which states that proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

Consideration has been given to LDP Policy DM4 (Landscape). A visual and sensory evaluation of the site using LANDMAP classifies the area of land as being of moderate value.

The application site is located adjacent to the U2447 County Highway, and as such, the proposed dwelling would be clearly visible from this public vantage point, to the front of the site. Notwithstanding this, the application site is located within close proximity to the existing complex of large-scale agricultural buildings at Court Farm, and thus, would be read against the backdrop of this existing built development from within the surrounding landscape. Furthermore, it is also noted that the proposed dwelling is a bungalow, and would therefore have a limited height, which would further help to lessen its prominence within the surrounding rural landscape.

In terms of soft landscaping, it is noted that a new perimeter hedgerow is proposed around the site, which is welcomed, and would help to assimilate the development into its setting. However, given that no details with regard to planting species, schedules, methods, nor aftercare measures have been submitted, a suitably worded condition will be attached to any grant of consent to secure the submission of these details. Subject to such a condition being attached to any permission issued, it is considered the proposed development would not result in any detrimental landscape visual impact on this occasion.

As aforementioned, the proposed dwelling house would be a bungalow, which in this instance is considered to be appropriate noting the development relates to the provision of a rural enterprise dwelling, which have traditionally been bungalows, and the fact that an existing neighbouring bungalow lies opposite the site, at Arosfa. Indeed, noting the scale and nature of the dwelling at Arosfa, it is considered the proposed bungalow would be in-keeping with the character of the site's immediate vicinity. The proposed dwelling employs a relatively simplistic design, with a gabled roof, which noting the site's rural location is deemed to be the best option. It would be finished externally with facing stonework and render, although no other details with regard to the exterior finish have been submitted as part of the application. Whilst these materials are considered to be acceptable in-principle, a condition will be attached to any grant of consent to require the submission of further details of all external materials to the Local Planning Authority for approval.

The proposed detached garage would be located to the front/side of the dwelling house, however, this layout is considered to be relatively commonplace for developments of this nature, and noting its single-storey height and overall scale, it is considered this would be acceptable. It too would utilise a basic design, which is considered to be in-keeping with the character of the proposed dwelling house. As above, further details of the garage's external appearance will be secured by way of a condition attached to any permission granted.

In light of the above, and subject to the inclusion of suitably worded conditions, the proposal is considered to be acceptable in this regard, and compliant with planning policy.

#### Impact upon Neighbouring Amenity & Privacy



In considering the impact upon privacy levels and amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the adopted Residential Design SPG and LDP Policy DM13 (Criterion 11).

The neighbouring dwelling at Arosfa is located approximately 32 metres to the north-east of the application site, on the opposite side of the public highway. As such, it is considered there is no potential for any overbearing, overshadowing or overlooking impacts to arise from the development of a new dwelling house on the site.

In terms of other impacts such as noise and odour pollution, the Authority's Environmental Protection Team have commented upon the application, advising that subject to the proposed rural enterprise dwelling being tied to the adjoining Court Farm and an agricultural use, there would be no requirement for the submission of any noise and odour assessments in support of the application. The proposed development does relate to the provision of a rural enterprise dwelling, and therefore the dwelling will be tied to the existing farm and dwelling at Court Farm by way of condition.

In light of the above, it is considered the development as proposed is acceptable in this regard, and compliant with planning policy.

#### Highway Safety & Parking Provision

Criterion 10 of LDP Policy DM13 states that development proposals should meet all highway access requirements (for transport users) and parking standards. This is reinforced by Policy T1 (Travel, Traffic and Transport Infrastructure) of the Powys LDP, which refers to the transport network implications of development, and the importance of highway safety in all development proposals.

The development would be accessed via a new vehicular access created directly off the U2447 (Belan School Lane). On-site, the dwelling would be served by a detached garage and exterior parking and turning areas.

The Local Highway Authority has been consulted on the proposed development, and has noted that the U2447 is narrow single lane highway with no formal passing spaces along its length from the junction with the A483 Trunk Road up to the application site. Consequently, it is noted that vehicles meeting along this stretch of highway are routinely forced to reverse significant distances in order to pass due to the lack of adequate passing bays. The Highways Officer notes that no mitigation in this respect has been submitted as part of the application. Notwithstanding this, several conditions have been recommended to be attached to any grant of consent, in relation to parking, visibility, surfacing, the access gradient, surface water drainage and the creation of a passing bay along the U2447 public highway.

Correspondence received from the Applicant's appointed Agent during the course of the application argues that there is no requirement for the provision of a passing bay as part

of the development, given the application site's proximity to the A483 Trunk Road, the width of the highway, and the presence of an existing 'informal' passing place at the entrance to the neighbouring property at Arosfa. However, the Highways Officer has confirmed that whilst there would be no objection to the existing informal passing place being used as a formal passing place, the Agent would need to demonstrate on an amended plan that there is sufficient width at the location of the passing place for traffic to pass within the existing highway extent, in accordance with the requirements of Manual for Streets and Manual for Streets 2. No such amended plans have been forthcoming, and therefore it is considered the conditions as recommended by the Local Highway Authority are reasonable and necessary to ensure the development does not detrimentally impact upon the local highway network.

Given the proximity of the application site to the A483 Trunk Road, the Welsh Government Highways Directorate has also been consulted on the application. Comments received confirm the Welsh Government directs that any consent granted is subject to a condition requiring the submission of a Construction Traffic Management Plan (CTMP) to the Local Planning Authority. The recommended condition is deemed to be reasonable in its terms, and not overly onerous given the scale and nature of the development proposal. It will therefore be attached to any planning permission issued.

In light of the above, and subject to the inclusion of the recommended conditions, it is considered the development proposal would be acceptable in this regard, and compliant with relevant planning policy and guidance.

### Ecology & Biodiversity

In terms of biodiversity, specific reference is made to LDP Policy DM2 which seeks to protect, positively manage and enhance biodiversity and geodiversity interests, and safeguard protected important sites. This is supported by TAN 5 (Nature Conservation and Planning) and Planning Policy Wales (Edition 11).

The Montgomery Canal Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) is located approximately 260 metres west of the application site, whilst there are also several areas of ancient woodland located within a 1km radius of the site; with the closest of these lying approximately 410 metres to the north-west. The Authority's Planning Ecologist has been consulted on the proposed development, and has noted that taking into account the nature, scale and location of the proposed development and the lack of potential impact pathways from the proposed development site to the designated site, it is considered unlikely that the proposed development would result in any adverse impacts on the Montgomery Canal SAC and/or its associated features. Similarly, it is also considered that given the distance to the areas of ancient woodland identified, and the presence of intervening built development, the ancient woodland would remain unaffected on this occasion.

The application site relates to an area of improved agricultural grassland, which is deemed to be of relatively low ecological value in the opinion of the Planning Ecologist.

As such, the submission of a Preliminary Ecological Appraisal was not deemed to be necessary on this occasion, and the likelihood of any priority or protected species being adversely impacted by the development is considered to be low.

Whilst it is acknowledged that a small length of existing mature hedgerow would be required to be removed to facilitate the provision of the new vehicular access, the Planning Ecologist considers that the planting of a new perimeter hedgerow around the plot would be adequate compensation on this occasion. As aforementioned, further details of the proposed soft landscaping works will be secured by way of condition.

However, it is noted that a condition will be attached to any grant of consent to require the creation of a passing bay along the adjacent public highway. It is considered the likelihood of a hedgerow being impacted by this work would be high, and therefore a condition will also be attached to any permission granted to secure the submission of a hedgerow translocation plan or hedgerow replacement planting plan to the Local Planning Authority.

No details of external lighting have accompanied the application, and noting the nature of the proposal, it is therefore deemed necessary to attach a suitably worded condition to any grant of consent to secure the submission of a detailed external lighting scheme to the Local Planning Authority prior to the installation of any such lighting on-site. Subject to such a condition being attached to any permission granted, it is considered the development would not have any adverse effect upon nocturnal wildlife, nor upon the night-time landscape within the site's vicinity.

With regard to biodiversity enhancement, it is considered that the provision of additional soft landscaping, which will be secured by way of a condition, would represent an opportunity for biodiversity net-gain to be achieved. As such, it is not considered to be reasonable or necessary for any additional enhancement measures to be secured by way of a condition in this instance.

In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered the development is acceptable in this regard, and would be compliant with the relevant planning policy, guidance and legislation.

### Drainage

The application, as amended, proposes the installation of a septic tank and drainage field to serve the proposed dwelling house. Upon re-consultation, the Authority's Environmental Protection Team have confirmed they would have no requirements in respect of the proposed non-mains foul drainage system, subject to a permit/exemption being registered with NRW and the system being designed and installed in accordance with Approved Document H of the Building Regulations. A suitably worded informative note will therefore be attached to any permission granted to ensure the developer is aware of this requirement. As a consequence, it is considered the proposed dwelling house would be served by an adequate means of foul drainage.

With regard to surface water drainage, given that the development relates to the construction of a new dwelling and the 'construction area' would be in excess of 100 sq. metres, the development will require separate SAB approval prior to the commencement of works on-site. A suitably worded informative note will be attached to any permission issued in this regard.

In light of the above, and subject to the inclusion of suitably worded informative notes, the proposed development is considered to be acceptable in this regard and compliant with planning policy.

### Scheduled Ancient Monument

Llwynderw Round Barrow Scheduled Ancient Monument (SAM) is located approximately 90 metres north-east of the application site. Therefore, consideration has been given to the requirements of LDP Policy SP7 (Safeguarding of Strategic Resources and Assets).

CADW have been consulted on the proposed development and note that the proposed development consists of the erection of a detached bungalow and garage. The proposals are not located within the identified significant view from the barrow and views of it from the barrow will be blocked or screened by the existing bungalow at Arosfa and roadside hedges. As such, whilst there may be a very slight visual change in the view from the barrow, CADW do not consider this would have any effect on the way that it is experienced, understood and appreciated. Consequently, CADW consider the proposed development will have no impact on the setting of the SAM in this instance.

In light of the above and the comments received from CADW, it is considered the proposed development would be acceptable in this regard and would be compliant with planning policy and guidance.

### Built Heritage

A Grade II Listed Building (CADW ref: 7740) lies approximately 70 metres north of the application site. Consideration has therefore been given to the requirements of LDP Policies SP7 and DM13 (Criterion 3), TAN 24 (The Historic Environment), and the adopted Historic Environment SPG.

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.

Given the distance between the application site and the listed building, intervening built development and foliage, and the low-lying nature of the proposed dwelling house, it is considered that there is no potential for the proposed development to adversely impact the character, setting and appearance of the Grade II Listed Building at Llwynderw Hall. Indeed, the proposed dwelling house is of a character which is in-keeping with the vicinity, and due to its low-lying scale and the presence of existing intervening development and screening, it is considered unlikely there would be any direct views between the two. As a consequence, it is considered the proposed development would not harm the character, setting or appearance of the listed building on this occasion.

In light of the above, the proposal is considered to be acceptable in this regard, and compliant with the relevant planning policy, guidance and legislation as outlined.

#### Surface Water Flooding

A small section of the application site lies within Zone 2 of the Flood Map for Planning in terms of surface water flooding. The area of the site in question is not proposed to be developed, and thus no concerns exist in relation to the threats of flooding to the future occupiers of the dwelling house.

The Authority's Land Drainage Team have been consulted on the application, and have advised that any future development within the area of Zone 2 should be prohibited. Given that a condition will be attached to any grant of consent to remove permitted development rights from the plot, it is considered this recommendation will be adhered to. As aforementioned, the proposal will also require separate SAB approval prior to the commencement of development.

In light of the above, the development is considered to be acceptable in this regard and compliant with planning policy.

#### Loss of Agricultural Land

Paragraph 3.58 of Planning Policy Wales (Edition 11, 2021) relates to the quality of agricultural land, and states that:

*"Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future."*

Paragraph 3.59 of PPW (Ed. 11) further states that;

*“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”*

The Welsh Government’s Predictive Agricultural Land Classification Map indicates that the site of the proposed dwelling is classified as ‘Grade 3a’ land. Land classified as ‘Grade 3a’ is *‘good to moderate quality agricultural land’* and in-line with PPW (Ed. 11) should be conserved as a finite resource for the future. However, on this occasion, it is acknowledged that the proposal relates to the provision of a rural enterprise dwelling, which is required to sustain the future of Court Farm. As such, it is considered the development is justified for agricultural purposes, and therefore, the minor loss of Grade 3a land is deemed to be justified on this occasion.

In light of the above, the proposed development is considered to be acceptable in this regard.

#### Minerals Safeguarding

The application site is located within a Category 1 and 2 Sand and Gravel Minerals Safeguarding Area. As such, consideration must be given to Policy DM8 of the Powys LDP (Minerals Safeguarding). This policy can be read as follows;

*“Non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated by the developer that:*

- 1. The mineral resource is not of potential future value; or*
- 2. The development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction; or*
- 3. The mineral can be extracted satisfactorily prior to the incompatible development taking place; or*
- 4. Extraction would not meet the tests of environmental acceptability or community benefit as set out in National Policy; or*
- 5. There is an over-riding need in the public interest for the development; or*
- 6. The development is householder development and / or of a very minor nature such as extensions to existing dwellings, and associated development within the curtilage of the property.”*

Given that the application site is located within close proximity to existing residential properties (namely at Arosfa and Court Farm itself), it is considered that any extraction of the mineral resources on-site would not meet the tests of environmental acceptability, and would unacceptably impact upon the amenity of neighbouring residential occupiers. Thus, the site is effectively already sterilised in relation to its mineral resources, and the proposed development would be compliant with Criterion 4, above.

### Mid Wales Airport

The application site is located within approximately 1km of Mid Wales Airport.

The proposed development is of a single-storey height would be of a similar scale to the neighbouring residential property at Arosfa. Furthermore, it is noted that no external lighting has been proposed in association with the development. For the above reasons, and noting the distance of approximately 1km between the application site and Mid Wales Airport, it is not considered the proposed development would have any detrimental impact upon the uses and operations at Mid Wales Airport.

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

### Occupancy Restriction

The existing farmhouse known as Court Farm is the original farmhouse that is not subject to an agricultural occupancy restriction. The requirement for an additional dwelling on the farm holding is based upon the functional requirement for an additional rural enterprise worker to be on site at Court Farm at all times. The proposed dwelling will have the updated rural enterprise occupancy restriction (as included within Section 8.12 of the TAN 6 Practice Guidance for Rural Enterprise Dwellings) placed upon it upon any grant of consent.

The original farmhouse is included within the application's red line boundary (as amended) on plan number 75159/22/01 (received on 19/04/2022) and therefore it is considered that the occupancy of the original farmhouse can also be restricted via condition. A Section 106 Agreement is not required on this occasion as the occupancy can be restricted via conditions as part of any planning permission granted. A condition to secure the original farm dwelling under an agricultural occupancy restriction will therefore be placed upon any grant of consent.

### **Decision – Conditional Consent**

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

### **Conditions**

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

2. The development shall be carried out strictly in accordance with the following approved plans and documents:
  - Application Form [Dated: 23/02/2022]
  - 75159/22/01 – Site Location Plan [Received: 19/04/2022]
  - 75159/22/02 – Existing Block Plan
  - 75159/22/03 REV A – Proposed Block Plan
  - 75159/22/04 – Proposed Floor Plans & Elevations
  - 75159/22/05 – Proposed Garage Plans & Elevations
  - Planning Statement Version 1.3 [By: Roger Parry & Partners LLP; Dated: December 2021]
  - Rural Enterprise Business Appraisal Version 1.3 [By: Roger Parry & Partners LLP; Dated: January 2021]
  - Email from Agent – TAN 6 Additional Information [Received: 31/03/2022]
3. The occupancy of the existing and proposed dwellings on the holding at Court Farm, as outlined in red on plan no: 75159/22/01 [Site Location Plan; Received: 19/04/2022] shall be restricted to:
  - (a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers;
  - (b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order with or without modification) no development under Schedule 2, Part 1, Classes A to E other than that hereby granted consent shall be carried out within the application site as outlined in red on plan no: 75159/22/01 [Site Location Plan; Received: 19/04/2022] without the prior written consent of the Local Planning Authority.
5. No development shall commence until a detailed soft landscaping scheme has been 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. The approved scheme shall be implemented in the first planting and seeding season following the first beneficial occupation of the dwelling or the completion of the development (whichever is the sooner), and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become



seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year defects period.

6. No external lighting shall be installed within the application site as outlined in red on plan no: 75159/22/01 [Site Location Plan; Received: 19/04/2022] unless a detailed external lighting design scheme has first 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 in accordance with the recommendations outlined within the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the details once approved.
7. No development shall commence until a detailed Hedgerow Translocation Plan or Hedgerow Replacement Planting Plan, to incorporate the area of the passing bay referred to within Conditions 18 and 19, has been submitted to and approved in writing by the Local Planning Authority. The submitted 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 of any new plants. The approved scheme shall be implemented in the first planting and seeding season following the creation of the passing bay, and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year defects period.
8. Prior to the commencement of development, further details [full trade descriptions] and/or samples of the materials to be used in the construction of all external surfaces of the dwelling and garage hereby approved, including the external elevations and roof, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in strict accordance with the approved details.
9. No development shall be commenced until a detailed Construction Traffic Management Plan (CTMP) to confirm how the movement of construction traffic will be managed along Belan School Lane and onto the A483 for the duration of the works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and adhered-to in full throughout the course of the approved development.
10. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from

obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

11. 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 34 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) 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.
12. Upon formation of the visibility splays as detailed within Condition 11, 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.
13. Before any other development is commenced, the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5m from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
14. Prior to the first beneficial occupation of the dwelling hereby approved, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
15. Prior to the first beneficial occupation of the dwelling hereby approved, the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
16. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 5.5 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.

17. No surface water drainage from the site shall be allowed to discharge onto the county highway.
18. Prior to any works being commenced on the development site, the developer shall construct one passing bay along the U2447 county highway in an easterly direction (between the site entrance and the junction with A483(T)/U2447. The location of the passing bay is to be agreed in writing by the Local Planning Authority prior to its construction.
19. The passing bay shall be constructed to adoptable standard prior to the first beneficial occupation of the dwelling hereby approved.
20. The garage hereby approved shall be used solely for purposes incidental to the enjoyment of the approved dwelling on-site, and shall not be used for any other purpose whatsoever, including any independent or commercial use.

## Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt as to the proposed development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.
3. In the interests of controlling development in the open countryside and to accord with Technical Advice Note 6 (Planning for Sustainable Rural Communities) and Policy SP6 of the adopted Powys Local Development Plan (2011-2026).
4. In order to control further development which has the potential to impact upon the affordability of the dwellings in accordance with the Authority's adopted Affordable Housing SPG and TAN 6, and to minimise the impact of the development upon the landscape in accordance with Planning Policy Wales (Edition 11, 2021), Technical Advice Note 6 and Policy DM4 of the Powys Local Development Plan (2011-2026).
5. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the site, in accordance with the requirements of Policy DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021) and TAN 12 (Design).
9. To maintain the safety and free flow of trunk road traffic, in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
17. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
18. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
19. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.

20. In order to ensure the garage remains ancillary to the dwelling house on-site, in accordance with Policy H7 of the adopted Powys Local Development Plan (2011-2026).

## **Informative Notes**

### PCC Ecology

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:

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

### PCC Highways

**NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;**

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - (a) The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway

Authority.

- (b) The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
  3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
  4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
  5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>.

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk).

Street Works, Powys County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG

0845 6027035

### PCC Land Drainage

As the proposal relates to the construction of a new dwelling house, and the 'construction area' is greater than 100m<sup>2</sup>, the proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk).

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records

accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

### Foul Drainage

All septic tanks and small sewage treatment plant discharges in Wales need to be registered with Natural Resources Wales. More information, including a step-by-step guide to registering can be found at the following link:

<https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/register-your-septic-tank-or-small-sewage-treatment-plant/?lang=en>.

Signed.....  
Senior Planning Officer

Date:

Signed.....  
Authorising Officer

Date: