



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 NOVEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0671/10 (KL)  
**APPLICANT:** R Dash  
**DEVELOPMENT:** Proposed barn. (Coal Mining Risk Assessment rec. 08/09/2020)  
**LOCATION:** LAND NORTH OF MOSS PLACE, ABER-NANT, ABERDARE, CF44 0YU  
**DATE REGISTERED:** 08/09/2020  
**ELECTORAL DIVISION:** Aberdare East

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**RECOMMENDATION:** Approve

#### **REASONS:**

The application site is located outside of the defined settlement boundary where the construction of a barn to be used in association with an existing equestrian use is considered to be acceptable.

The proposed barn is considered to be acceptable in terms of its siting within the site and in terms of its scale and design and it is not considered that it would have an adverse impact upon the character and appearance of the site or the surrounding area or upon the amenity and privacy of surrounding residential properties. Furthermore, the Council's Highways and Transportation section have not raised any objection to the proposal in terms of the impact it would have on highway safety in the vicinity of the site.

As such, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Three or more letters of objection have been received;

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a barn on a parcel of land at the north of Moss Place, Abernant.

The barn would be constructed towards the most southern part of the plot with the proposed access being from an existing entry point at the south-eastern corner, between no. 1 and 'The Firs', Moss Place. The barn would measure 9.4 metres in width by 15.6 metres in depth with a pitched roof design that would measure 5.5 metres in height to the ridge and 4.6 metres in height to the eaves. The barn would be constructed from a steel portal frame which would be finished with colour coated steel cladding and roofing sheets. It would incorporate large steel doors within the front (eastern) elevation and a single pedestrian access door within side (northern) elevation.

The applicant has indicated that the barn would be used for hay storage and as a daytime shelter for the horses and ponies that are currently kept at the site. The horses, which graze on the remainder of the land, are usually moved to the existing stables at the site at the end of each day. The applicant has confirmed that the barn would be for private use only and it is not intended to rent out any part of the land or barn to other parties.

In addition to the standard application forms and plans, the application is accompanied by the following supporting documents:

- Coal Mining Risk Assessment (Rec. 08/09/2020)

## **SITE APPRAISAL**

The application site relates to a large parcel of land that is located within the open countryside to the west of Abernant. Due to its position on a valley hillside, the site is undulating with ground levels falling from north to south. Its boundaries are defined by established trees and hedgerows which screen the site from the highway network serving the site.

The site is currently used by the applicant for the keeping of horses and it is understood that the site has been used for these purposes for a number of years. It is currently occupied by a small number of timber stables which are located towards the south-eastern corner, near to the entrance to the site. It is also noted that a small, domestic-style shed and a touring caravan are located to the side and rear of the stables respectively. The remainder of the site is a field upon which the applicant's horses graze during the day. At the time of the officer's site visit, a total of 5 no. horses were visible at the site as well as a small number of chickens.

As detailed above, the site is located in open countryside, however there are a number of residential properties that are located in proximity to the site with properties being located at the entrance to the site in Moss Place, to the south-west of the site in Moss Row and to the east of the site in Little Row.

A Site of Important Nature Conservation runs along the northern boundary of the site whilst a Public Right of Way (ABD/40/1) runs along the southern boundary.

## **PLANNING HISTORY**

No planning history on record relating to this site (last 10 years).

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification to properties immediately adjacent to the site and its access, as well as through the erection of a number of site notices in the vicinity. A press notice was also placed in a local newspaper. A total of 4 letters of objections have been received in relation to the proposal. The objections are summarised as follows:

### Highways

- Concern regarding volume of traffic to the private country lane which is maintained at our expense;
- Heavy vehicles have already caused damage and frequently pass our home;
- The road is deemed private as no one accepts responsibility;

### Visual amenity

- The development would significantly add to the eyesore of many out-houses, stables, sheds, and caravans presently in situ on the site.
- The view from our garden is not a nice one and the thought of this conurbation being expanded upon causes us much anxiety;
- The site is becoming a farm in all but name which seems to be an ulterior motive;

### Location

- The location is wholly unsuitable;

### Drainage

- Gardens have been significantly affected by the field drainage – water springs are now present where there were none;
- The proposed barn would add to the run off of water, into a drainage system that is on my land;
- The water drainage ditch is far greater than the pipe system will permit;
- The development would add to the flooding risk to other dwellings;

## **CONSULTATION**

The following consultation responses have been received:

**Coal Authority:** No objection subject to conditions relating to a scheme of intrusive site investigations and a statement from a competent person confirming that the site is or has been made safe and stable for the development.

**Flood Risk Management:** No objection subject to condition requiring full drainage details to be submitted for approval. Advisory note relating to Sustainable Drainage Approval also recommended.

**Highways and Transportation:** No objection subject to conditions restricting the use of the barn to private use only and restricting HGVs during construction works to 09:30am – 16:30pm weekdays and 09:30am -13:00pm Saturdays (no deliveries on Sundays and Bank Holidays).

**Public Health and Protection:** No objection subject to conditions relating to hours of construction, noise, dust and waste. \* These recommended conditions are considered to be better dealt with by other Environmental Health legislation and it is therefore not considered necessary to include these in planning conditions.

**Welsh Water:** No objection subject to condition relating to surface water drainage and advisory notes regarding connections to public sewer, locations of public sewers and water supply.

## **POLICY CONTEXT**

The application site is located outside the defined settlement boundary and within an area that has been identified as a Coal Resources Safeguarding Area. It is not subject to any other constraint, nor is it allocated for any specific purpose. The following policies are considered to be relevant to this proposal:

### **Rhondda Cynon Taf Local Development Plan**

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy AW14** - states that mineral resources shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction.

## **Supplementary Planning Guidance**

Design and Placemaking  
Access Circulation and Parking

## **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

Planning permission is sought for the construction of a barn on a parcel of land to the rear of Moss Place, Abernant. The key considerations in determining the application is the principle of the siting a barn in this location and the impact that it would have on the character and appearance of the site and surrounding area and upon the amenity and privacy of surrounding residential properties. The potential impact of the proposal upon highway safety is a further consideration.

## **Principle of the proposed development**

The application site is located outside the defined settlement boundary in an area of open countryside where development is usually restricted. However, such locations are considered to be appropriate for equestrian uses and the principle of constructing a barn to be used in associated with this use is therefore considered to be acceptable, subject to an assessment of the criteria set out below.

## **Impact on the character and appearance of the area**

It is noted that a number of objections have been received from local residents in relation to the proposal which raise concern with regards to the visual impact of the existing site and the proposed development. As noted elsewhere in this report, the site is currently occupied by a small number of removable timber stables (arranged in two small blocks), a small, domestic-style shed (to the side of one stable block) and a touring caravan (to the rear of one stable block, within the informal parking area). Whilst it is accepted that an accumulation of such structures can have a detrimental impact upon the visual amenity of the area, it is not considered that the additional barn structure would have an unacceptable impact in this regard. However, the temporary structures are located within the application site and owned by the applicant and should Members be minded to approve the application, a condition could be added to the consent for the removal of the shed and touring caravan.

In terms of the proposed barn, it would be situated towards the southern end of the site which is set at the lowest end of the slope. Whilst the barn is considered to be a fairly large structure, its scale and design is dictated primarily by its purpose and function and, given that it would be sited within an exceptionally large parcel of land, it is not considered that it would appear overly large or appear inappropriate within its setting. Furthermore, it would be relatively well screened from the surrounding area by existing trees and hedgerows that form the boundaries of the site and with appropriate materials proposed, it is not considered that it would have an adverse impact upon the character and appearance of the site or the surrounding area.

It is noted that the proposal is likely to be visible to users of the Public Right of Way that runs along the southern boundary of the site however, it would not be uncommon to see barn structures within such a countryside setting and it is therefore not considered that the proposal would have an adverse impact in this regard.

As such, the proposed barn is considered to be acceptable in terms of the impact it would have on the character and appearance of the site and the surrounding area and the application would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

## **Impact on residential amenity and privacy**

The site is located in an area of open countryside however, it is noted that there are a number of residential properties located in the vicinity. The proposed barn would be sited towards the southern end of the site and the closest properties are therefore considered to be those in Moss Row to the south-west and those in Moss Place at the entrance to the site to the south-east.

Whilst located in the vicinity of the above-mentioned properties, a separation distance of approximately 70-80 metres would be maintained which would ensure that the barn would have no overbearing or overshadowing impact that would be detrimental to the amenity of those properties. Furthermore, due to the nature of proposed development, it is not likely to give rise to any unacceptable levels of overlooking.

It is noted that the development has the potential to present a nuisance in terms of disturbance and odour generally associated with the keeping of horses. However, the barn would not result in any additional horses being kept at the site and, given the location of the existing stables (approximately 50 metres away from the nearest neighbouring property), it is not considered that this impact would be any greater than that already experienced.

As such, the proposed barn is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

## **Access and highway safety**

The proposal has been assessed by the Council's Highways and Transportation Section with a view to determining the potential impact of the proposal on highway safety in the vicinity of the site. The response received raises no objection to the proposal, subject to two conditions being added to any grant of planning permission. The comments received are summarised as follows:

The proposed access leading to the application site is sub-standard in terms of carriageway width and with no segregated pedestrian footway facilities, no adequate visibility and sub-standard horizontal and vertical alignment, there is concern that the proposal will create additional hazards to the detriment of the safety of all highway users. However, taking into account that horses are already stabled at the site and that the proposal is for a barn relating to the existing equestrian use, which could potentially reduce the number of trips following its construction, the proposal is considered to be acceptable.

Whilst the concerns raised by local residents in this regard are noted, the proposal is considered to be acceptable in terms of the impact it would have on highway safety

and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other Issues:**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

### **Drainage**

It is noted that a number of concerns have been raised by local residents in relation to drainage issues at the site. The proposal has been assessed by the Council's Flood Risk Management team in this regard and the comments received are summarised as follows:

The applicant has not provided any surface water drainage details and it is therefore difficult to assess the potential impact of the proposal in respect of flood risk. It is, however, noted that a High Surface Water flood risk runs adjacent to the north-eastern point of the boundary with surface water running along the track. A Medium Surface Water flood risk also runs just within the boundary fronting no. 2 Moss Place. It is therefore recommended that a condition to secure full drainage details is attached to any grant of planning consent.

### **Other issues raised by objectors**

The objections received in relation to the proposal all point out that that access roads leading to the site are privately owned and are maintained at the expense of the residents. Whilst this is appreciated, the maintenance of the road is a private matter and not a material planning consideration.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

### **Conclusion**

It is acknowledged that the application site lies outside of the defined settlement boundary in an area considered to be open countryside. However, given that the site has clearly been used for the keeping of horses for an extended period of time and that the proposed barn would be used in association with that use, the principle of the proposal is considered to be acceptable in planning policy terms.



Having taken account of all of the issues outline above, it is considered that the proposal represents a development that is compatible with the wider countryside setting and surrounding residential area. Furthermore, the proposed barn is considered to be acceptable in terms of its siting, scale and design and it is not considered that it would have an adverse impact upon the character and appearance of the surrounding area, the amenity and privacy of surrounding residential properties or upon highway safety. The application is therefore recommended for approval, subject to the conditions specified below.

**RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. 2736B: Proposed Equestrian Barn

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The Barn, hereby approved, shall be used for private equestrian purposes only and for no other purpose, including any commercial equestrian use or conversion to residential use.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. HGV's used during construction shall be restricted to 09:30am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until:

- a. A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development hereby approved.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development can be carried out without significant risk to health and/or local amenity in terms of land stability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the occupation of the development, or it being brought into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development can be carried out without significant risk to health and/or local amenity in terms of land stability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Drainage including full drainage details have been approved in writing by the Planning Authority.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

8. The domestic shed and touring caravan shall be removed from the site upon the first beneficial use of the barn hereby approved.

Reason: In the interests of the visual amenity of the surrounding area, in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.