

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1070/10 (KL)
APPLICANT: Mr Summerill
DEVELOPMENT: Renovation and restoration of farm house (amended red line boundary and updated Structural Report rec. 01/04/22)
LOCATION: CYNLAS FARM, RHIGOS ROAD, RHIGOS, ABERDARE.
DATE REGISTERED: 01/04/2022
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: Refuse

REASONS: It is considered that the residential use of the original structure has been abandoned and that the works required to restore the original structure would constitute substantial major reconstruction. As such, the proposal would be tantamount to a new dwelling in the countryside and the proposal would not comply with Policies AW1, AW2, AW9 or NSA12.

REASON APPLICATION REPORTED TO COMMITTEE

- A request was received from Councillor Karen Morgan for the matter to come to Committee to consider the principle of the development in that it involves the restoration of an existing farmhouse outside of the settlement boundary.

APPLICATION DETAILS

Full planning permission is sought for the renovation and restoration of an existing farmhouse at Cynlas Farm, Rhigos Road, Aberdare. The resulting dwelling would be used for residential purposes.

The current structure is currently in a poor state of repair. The roof of the property and large sections of the first-floor elevations have completely collapsed and the proposed works would therefore include the re-construction of large parts of the external walls and the installation of a new roof. The resulting dwelling would be virtually identical in

scale and design to the original building at the site with a small extension to the side of the rear projection to allow for an almost square footprint at ground floor.

The resulting building would measure 9.4 metres in width by 10.6 metres in depth at ground floor with the first-floor rear aspect being set in from the eastern side elevation by 4 metres. It would incorporate a pitched roof design which would measure 8.3 metres in height to the ridge and 6.1 metres in height to the eaves. A flat roof, which would measure 3.3 metres in height would be incorporated above the exposed ground floor section.

The window and door layouts would largely be the same as the original structure with the exception of a large feature window in the side elevation of the first floor and roof lights within the roof.

Accommodation within the resulting dwelling would consist of three bedrooms (all with en-suite bathrooms and one with a walk-in wardrobe) at ground floor, an open-plan kitchen/living area and W.C at first floor and an unspecified room at second floor (within the roof space).

Details submitted with the application indicate that the external walls would comprise of brick to match the existing dwelling whilst the roof would be clad in slate.

Access to the dwelling would be via the existing driveway off Rhigos Road which would adjoin a new driveway from the gated entrance to the dwelling. Parking and a turning area would be located to the north (front) of the property.

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

- Planning Statement;
- Bat Survey Report;
- Structural Report;
- Coal Mining Risk Assessment.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is located off a shared private driveway off Rhigos Road. It is currently occupied by a dilapidated structure which is understood to have previously been a farmhouse with associated grazing land surrounding it. The original footprint and form of the farmhouse still exists however, the roof and large parts of the first floor elevations have collapsed.

The site is situated in a countryside location with access off an unmade track to the west. Two residential properties are located approximately 145m to the north of the site, adjacent to Rhigos Road (and accessed off the unmade track serving the

application site). A number of industrial and commercial properties are located within the wider area.

PLANNING HISTORY

20/5002	Cynlas Farm, Rhigos Road, Hirwaun	Renovation and restoration of former dwelling	Objections Raised 04/02/20
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PUBLICITY

The application has been advertised by means of direct neighbour notification, site notices and a press notice. Further consultation was undertaken (direct neighbour notification and site and press notices) upon the submission of an amended site location plan (amendment to red line boundary) and additional structural reports/plans. No letters of objection or representation have been received following either consultation exercise.

CONSULTATION

Coal Authority: No objection.

Countryside, Ecology and Landscape: No objection. Condition recommended.

Flood Risk Management: No objection. Condition and advisory notes recommended.

Geotechnical Engineer: Concern is raised should the building be demolished and rebuilt.

Glamorgan Gwent Archaeological Trust: No objection or condition recommended.

Highways and Transportation: No objection or condition recommended.

Public Health and Protection: No objection. Conditions recommended.

Structural Engineer: No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is location outside of the defined settlement boundary and is not allocated for any specific purpose. It is located within a High Coal Risk Area as well

as a Coal Resource Safeguarding Area. The following policies are considered to be relevant in the determination of this application:

Core Policies:

Policy CS 1 (Development in the North): emphasis is on building strong, sustainable communities which will be achieved by promoting residential development in locations which will support and reinforce the roles of Principal Towns and Key Settlements and by ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land.

Area Wide Policies:

Policy AW 1 (Supply of New Housing): outlines how the housing land requirement will be met, including the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

Policy AW 2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW 5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW 6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW 8 (Protection and Enhancement of the Natural Environment): states that development proposals will be supported where there would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks, the quality of natural resources such as air, water and soil, and the natural drainage of surface water.

Policy AW 9 (Buildings in the Countryside): states that alteration, renovation or conversion of existing buildings outside the defined settlement boundaries for residential uses will be supported where the existing building is structurally sound or is capable of being made so without substantial major external alteration or reconstruction.

Policy AW 10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy AW 14 (Safeguarding of Minerals): states that resources of coal will be safeguarded from development.

Northern Strategy Area Policies:

Policy NSA12 – permits development within and adjoining the defined settlement boundaries.

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is not consistent with the key principles and requirements for placemaking set out in PPW; and is not 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 policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;

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:

Principle of the proposed development

The application relates to the restoration and renovation of an existing farmhouse on land which is situated in the open countryside and outside of the defined settlement boundary. Details submitted with the application indicate that the property was compulsory purchased by the Coal Authority in the mid 20th Century and that it has therefore not been occupied or used as a dwelling for a number of decades. This is clear from its current condition and appearance. The roof of the property has completely collapsed with no roof members present and there are also no first-floor timber members to form the first-floor structure. Large amounts of brickwork from the external alterations have also collapsed into the internal zone of the dwelling and many of the remaining walls have visible cracks and vegetation penetration.

The first consideration in the determination of this application is whether the residential use of the site has been abandoned. There is a considerable amount of Case Law on abandonment, including the case of the Trustees of the Castell-y-Mynach Estate v Secretary of State for Wales (1984). This case indicates that there are four factors relevant to a determination of whether an existing use has been abandoned. These can be summarised as follows:

- 1) The physical condition of the building.
- 2) The length of time that the main building has not been used for residential purposes.
- 3) The use of the building for any other purposes.
- 4) The owner's intentions.

As indicated above, the property is clearly in a poor state of repair with no roof and large sections of external walls missing at first floor level. The building is therefore not weather-proof and has evidently not been lived in or used for residential (or any other) purposes for at least 50 years. The structure does not appear to have been maintained nor made secure to future proof it for use as a dwelling and, it is therefore considered

that the residential use of the former farmhouse has been abandoned. As such, the proposal would be considered as a new dwelling in the countryside, which is not supported by planning policy at local or national level, unless exceptional circumstances exist.

Whilst Policy AW 9 (Buildings in the Countryside) of the Rhondda Cynon Taf Local Development Plan would support the renovation of existing buildings which are located outside of the defined settlement boundaries, this would be subject to the existing building being structurally sound or capable of being made so without substantial major external alteration or reconstruction. The supporting text to the policy states that where buildings are so derelict that substantial or complete rebuilding is required, this will be treated as a new development in the countryside.

The application is supported by Structural Reports which indicate that the property initially appears to be a structure in a very poor state however, upon closer inspection, the remaining masonry panels are in relatively decent condition which is likely aided by the remaining render on their external face, protecting the mortar from erosion. The Structural Report concludes that no cracking in the walls was noted to be caused by structural subsidence of the foundations, rather by lack of maintenance and heavy vegetation penetrating the mortar and brick, and that the structure could be repaired without being demolished. Plans have also been submitted to indicate how the repair works would be undertaken.

The Structural Report and plans have been assessed by the Council's Structural Engineer who largely accepts their findings and recommendations however, there is some scepticism with the proposal in that the cost and work required to restore the existing structure would be far greater than demolishing and re-building it. Whilst these concerns are noted, this application is solely for the restoration of the existing structure and it would not enable the demolition or re-building of the dwelling. Indeed, a condition would be necessary to ensure that the works are carried out in accordance with the recommendations of the Structural Report and the plans submitted. Should the existing structure collapse or be completely demolished at any point during the works, then a new planning application would be required.

Notwithstanding the above, the plans demonstrate that the works required to restore the existing structure would constitute substantial major reconstruction which, again, would be tantamount to a new dwelling in the countryside and the proposal would therefore not comply with Policy AW9 of the Rhondda Cynon Taf Local Development Plan.

Taking into account that the development would constitute new development in the countryside, the development would not be supported by national planning policy or Policies AW1, AW2 or NSA12 of the Rhondda Cynon Taf Local Development Plan. Policy AW2 of the Rhondda Cynon Taf Development Plan primarily seeks to ensure that developments are located within sustainable locations which the policy defines as sites 1) within the defined settlement boundary, 2) that would not unacceptably conflict

with surrounding uses, 3) that have good access to key services and facilities, and 4) that have good accessibility by a range of sustainable transport options. In the case of this proposal, whilst the residential use of the site would not necessarily conflict with surrounding uses, the application site is located some distance from the nearest settlement boundary and some distance away from the nearest key services and facilities, which are located in the small village of Rhigos (approximately 1km to the west) or the key settlement of Hirwaun (approximately 2.5km to the east). Whilst it is noted that there are bus stops in the vicinity of the site on Rhigos Road, the services provided are limited to hourly buses which start at around 6.15 and stop at around 7pm. Given the distances of the nearest services and facilities, the secluded nature of Rhigos Road and the limited bus services serving the immediate area, it is considered that the development will be heavily reliant upon the private motor car as the primary mode of transport. As such, the proposal would not comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan. The need for developments to be situated within or adjacent to the defined settlement boundary, is further stipulated in Policies AW1 and NSA12.

In light of the above, it is considered that the residential use of the original structure has been abandoned and this, together with the fact that the works required to restore the original structure would constitute substantial major reconstruction, would result in the proposal being tantamount to a new dwelling in the countryside, which is not supported by national or local planning policy. As such, the principle of the proposal is not considered to be acceptable in this case.

Character and Appearance

The overall scale and visual appearance of the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the area. It would be limited in terms of its footprint and height and would be finished with appropriate materials that would ensure that it would be in-keeping with other properties in the wider area. The proposal would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan in this regard.

Residential Amenity and Privacy

The application site is located approximately 145m away from the nearest neighbouring residential property and the resulting dwelling would therefore not result in any overbearing, overbearing or overshadowing impact. As such, the proposal is considered to be acceptable in terms of its impact upon the amenity and privacy of surrounding residential properties and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section and no objection has been raised, nor has any condition been recommended.

The comments received indicate that there is some concern that the development would be heavily reliant on the private motor vehicles as a primary mode of travel however, taking into account that an existing structure is to be renovated and that it is located a short distance from a bus stop and employment options, on balance, the proposal is considered to be acceptable.

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.

Land Drainage

The Council's Flood Risk Management team have assessed the proposal and it is noted that the development would comprise of a construction area of approximately 1000 square metres (the redevelopment of the structure and implementation of a hardcore parking and turning area). As such, a separate application for Sustainable Drainage Approval will be required under Schedule 3 of the Flood and Water Management Act 2010.

It is also noted that no objections were received from Dwr Cymru Welsh Water, however, it is advised that the applicant seeks advice from Natural Resources Wales and/or Building Control in relation to the proposal utilising an alternative to mains drainage.

Coal Mining and Land Stability

The application site lies within a High Coal Risk Area and the application is supported by a Coal Mining Risk Assessment (CMRA) (Dated 07 October 2021) which has been assessed by the Coal Authority.

The comments received from the Coal Authority note that the CMRA confirms that whilst there are coal (and ironstone) workings that may have been worked at shallow depths beneath the site, this proposal would not involve any ground works. As such, no objection is raised to the proposal.

Ecology

The application is accompanied by a Bat Survey Report (dated June 2021) which has been assessed by the Council's Ecologist. The findings of the report indicate that the structure is not being used as a bat roost and that the building offers a low level of potential for bats to be present. No objection is raised to the proposal however, it is recommended that a condition be added to ensure that the recommendations set out in the Bat Survey Report are implemented.

Contaminated Land

The Council's Public Health and Protection team note that the site was formerly occupied by Cynlas Refuse Tip and that the site is located within 250m of a landfill site. It is therefore considered that there is potential for contamination to exist on site. A number of conditions have therefore been recommended for a scheme of contamination to be submitted and agreed by the Local Planning Authority prior to commencement of development. Whilst these conditions are noted, the development involves the restoration of an existing structure and details submitted with the application indicate that no ground works would be required. As such, these conditions would not be necessary in this instance.

Further advice is given in relation to noise, dust, waste and lighting which are noted.

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 application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

It is considered that the residential use of the original structure has been abandoned and that the works required to restore the original structure would constitute substantial major reconstruction. As such, the proposal would be tantamount to a new dwelling in the countryside and the proposal would not comply with Policies AW1, AW2, AW9 or NSA12.

RECOMMENDATION: Refuse

1. It is considered that the residential use of the original structure has been abandoned and that the works required to restore the original structure would constitute substantial major reconstruction. As such, the proposal would be tantamount to a new dwelling in the countryside and the proposal would not comply with Policies AW1, AW2, AW9 or NSA12.