

PLANNING & DEVELOPMENT COMMITTEE

05 October 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0727/10 (GH)
APPLICANT: Mr Pettit
DEVELOPMENT: Change of use of the area from a mixture of both garden and agriculture to all equine use. Propose a change in ground level and material to provide free drainage to a horse training enclosure as shown on plans.
LOCATION: PANTGLAS FARM, CAE PANTGLAS, YNYSMAERDY, PONT-Y-CLUN, PONTYCLUN, CF72 8GX
DATE REGISTERED: 03/08/2023
ELECTORAL DIVISION: Llantrisant and Talbot Green

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The manège and associated development is and would be located on land outside the settlement boundary but within the curtilage of an existing residential planning unit.

It is considered that the scale, siting and appearance of the proposal would not result in an intrusive development that would be either detrimental to the quality of the setting or cause unacceptable harm to the amenity of third parties.

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 an enclosed horse training area, or manège, and associated works, at Pantglas Farm, Cae Pantglas, Ynysmaerdy.

It is proposed that the manège would be set out on land to the north-western side of the dwelling, which currently comprises part of the garden of the dwellinghouse and part of a paddock, both of which are within the same planning unit.

The manège would have a width of 22m and a depth of 50m and would be enclosed by a post and rail fence. Due to the fall in land levels, the development would require

some cut and fill, which would result in battered back areas around parts of its periphery.

The plans also include detailed drawings of how surface water would be managed and disposed of and indicate that a gravel-surfaced parking yard would be provided for access to the south-eastern end of the manège.

In addition to these works, the Applicant was asked to supply a site layout plan (drawing ref A3.04) to include the 11m wide horse walker within the scope of the application and for clarity, to show the position of the previously approved stables and a 6m x 4.8m muck heap. This was received prior to consultation being carried out.

SITE APPRAISAL

The site of this application measures approximately 0.5 hectares and relates to land to the north-west of the Applicant's dwelling and landholding known as Pantglas Farm, Coedely.

The site consists of an irregular-shaped piece of agricultural land which is enclosed by a fence, hedgerow, or a combination of both. However, the vegetation alongside south-eastern and south-western boundaries is much thicker and includes multiple groupings of large, mature trees. There is a general fall in levels towards the south-west.

All of the land in question is located outside the settlement boundary and therefore in the open countryside. It does not form part of the allocated employment site on the former Coedely Colliery.

The north-western boundary of the site is aligned with the A4119 Ely Valley Road and there are a handful of dwellings located to the south-east, all of which share the same access, via a private lane, from the public highway.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

22/1428/10: Change in ground level to provide free drainage to horse training enclosure. Decision: 30/06/2023, Withdrawn by Applicant

21/1608/15: Variation of Condition - 3 stable materials of planning permission 21/1166/10. Decision: TBC

21/1166/10: Construction of stables & yard (4 stables and tack room) for personal livery. Decision: 25/10/2021, Grant

21/5011/41: Pre app. Decision: 14/04/2021, Raise No Objection

- 18/1348/10:** Change of use from agricultural field to residential garden and retention of associated outbuildings. Proposed retaining walls and filling in of hardstand area to be a level grassed garden area (Amended plan received and change in description). Decision: 30/04/2019, Grant
- 16/0123/10:** Erect steel portal framed building (13.71m x 7.62m) for agricultural purposes/domestic/smallholding (resubmission 15/1399/10). Decision: 28/11/2016, Refuse
- 15/1399/10:** Erect a steel portal framed Agricultural Building. Decision: 22/12/2015, Refuse

PUBLICITY

The application has been advertised by direct notification to two neighbouring properties and notices were displayed on site.

Letters of objection, from four individuals at two households, have been received raising various matters which can be summarised as follows:

- The volume of traffic using the shared private drive, which serves two other dwellings, has noticeably increased by visitors and other persons presumably employed at the livery stables.
- The stable has been constructed but the drainage for this has not been implemented. The current application does not deal with the discharges still coming from the stables.
- The stables appear to be being used for business use, not personal use as a condition of the permission requires – the lorry based horse box is an indication of this and the horse walker is not of a domestic scale.
- The planning application does not seek planning permission for the horse walker or muck heap.
- There is an extremely unpleasant odour from this muck store.
- The parking for the existing outbuilding is also set within the application site on land in front of the existing stables. The outbuilding was granted planning permission as a double garage and family room over but is currently being advertised on Airbnb and this commercial traffic adds to the volume of traffic.
- The increase in use over that normally generated by three private houses is evidenced by the volume of waste having to be removed from the private treatment plant, which now has to be emptied four times a year instead of the previous two.
- The site is not part of a farm and has not been so for over 20 years.
- The application plans suggest 250 tonnes of topsoil will need to be removed from the site and 600 tonnes of subsoil and filter media imported. The shared private drive is not suitable for that.

- The Applicant has stopped the refuse collection vehicles from using the shared private drive to access the entrance to my house.
- It would appear that the surface water from the manège would overflow at the north-west end but the application doesn't indicate where it would go – it may flow down the cutting and onto the private shared drive.

CONSULTATION

Highways and Transportation

No objection, subject to conditions including restricting the development to a non-commercial use.

Flood Risk Management

Notes that the applicant will be required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB). It is also identified that an unnamed ordinary watercourse conveys in a southwest direction along the northern periphery of the proposed site area and continues to flow in a southeast direction adjacent to the west site boundary before conveying south towards the River Ely.

Although a standard condition is recommended relating to the discharge of surface water, it is considered that this matter will be satisfactorily addressed by the separate SuDS approval.

Public Health and Protection

Pollution and Public Health have no comments regarding this proposal.

Dwr Cymru Welsh Water

No objection. The position of a trunk/distribution watermain, which passes under the highway alignment to the south-west, is noted.

Countryside – Ecologist

No objection.

The Coal Authority

The development falls within the defined Development Low Risk Area and there is no requirement for a Coal Mining Risk Assessment to be submitted.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. 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.

The application site lies within open countryside.

Policy CS2 - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

Policy AW2 - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

Policy AW5 – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

Policy AW8 - Seeks to protect and enhance the natural environment from inappropriate development.

Policy AW10 - Development proposals must overcome any harm to public health, the environment or local amenity as a result of pollution, land instability, flooding, noise and any other identifiable environmental risks.

Policy SSA13 - The settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the

countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Nature Conservation

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), WG's current position on planning policy at regional and national level.

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.

However, it is considered that the scale and nature of the proposal are of minimal relevance to the regional policies set out within the NDF, so there are no observations or concerns about compliance in that regard.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;

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:

Principle of the proposed development

The application seeks permission, partly in retrospect, for the construction of a manège and associated equine development within land forming part of the wider planning unit known as Pantglas Farm.

The planning unit relating to this application comprises the Applicant's dwelling, the garden associated with that dwelling, and a paddock on its north-western side.

Firstly, the description of development identifies a combination of agricultural, garden and equine uses. For the purposes of land use planning the reference to equine is a descriptive one and at Pantglas Farm the land within the planning unit will either be garden/amenity space associated with the dwelling or unallocated land for which an agricultural use does not require permission.

In this regard, whether land falls to be regarded as part of the domestic curtilage of a dwelling is a matter of fact and degree and it will not, as in this case, necessarily be co-extensive with the planning unit or the boundary of land within the same ownership or occupation.

Nonetheless, as the planning history sets out, the previous owner of the property received planning permission, ref. 18/1348/10, to extend the garden into the paddock area and retain outbuildings. This garden extension is no longer required and the submitted details outline the extent of the land – the 'red line boundary' - which is to be used for the keeping of horses.

The submitted details indicate, therefore, that the area of the planning unit that is not within the red line boundary is to remain as garden/amenity land associated with the dwelling.

Secondly, the keeping of horses for leisure purposes, including at residential properties or unallocated/agricultural land within the countryside, is not one that requires planning consent. However, it is reasonable to ensure that any related facilities, such as stabling and exercise areas, are located where they would be compatible with neighbouring land uses.

Consequently, subject to the material matters considered below, there would be no objection to the principle of the development.

Impact on the character and appearance of the area

The manège would not constitute a development of great mass, and any structures for this part of the scheme would relate only to the post and rail fence necessary for enclosing the training area.

Although the training area would cause the land to have a more formalised appearance, compared with maintained grassland or grazed paddock, the site is close to the valley floor and bounded by the Ely Valley Link Road to the one long side and is well-screened by trees on the other, so the visual impact would only be a very localised one.

The horse walker is evident on entry to the site, being located on left hand side of the private drive and is a utilitarian structure rather than an attractive one. Were the application property part of a housing estate development or a more formally laid out suburban residential street scene, it is likely that the horse walker would appear incongruous and detrimental to the appearance of the property.

Nevertheless, the context of the site is the key consideration and whilst it is acknowledged that there are two neighbouring properties to the south-west, the horse-related development is on the opposite side of Pantglas where there are no further neighbouring properties for some distance.

Furthermore, this group of properties is located in open countryside where field shelters, feeders and structures associated with the keeping of animals is more likely to be found.

Therefore, the proposed development is considered to be acceptable in terms of its overall visual appearance and would not be considered to detract from the character or appearance of the site or surrounding area.

Impact on neighbouring occupiers

The proposed development would be not considered to have a significant amenity impact upon the surrounding neighbouring properties for the following reasons:

The muck heap is located on the opposite site of the horse walker to the objectors' dwellings. It comprises a 29m² hardstanding which has been part-enclosed by low-level block walling on three sides to contain the waste placed within it prior to it being picked up.

Planning permission is not required to locate a muck heap within a paddock, whether or not it creates smells offensive to others. It might therefore be arguable whether or

not the minor scale and siting of its enclosure would require the benefit of planning permission.

In any event, the muck heap is largely screened from views from the south-east by the horse walker. Neither structure is in a direct line of sight from neighbouring properties and/or is close enough to a degree which could be considered to have a direct impact – the minimum distance being between 40-53m from the nearest edge of the walker and the elevations of the neighbouring houses.

Likewise, the manège would be out of sight from the neighbouring properties and whilst it is appreciated that its use might generate some noise, it would not be expected to be any greater than if the horse were being exercised in the paddock.

In light of the foregoing and in terms of the impact of the development on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

Ecology

The Council's Ecologist has noted that the proposed development appears to affect areas of hardstanding and/or improved grassland, without the need for any tree or hedgerow removal.

Furthermore, it is not proposed to erect lights, as confirmed by the Applicant, so the Ecologist has advised that the ecological impacts of the development would be minimal without the need for any specific mitigation.

Nonetheless, Future Wales and PPW11 require developments to demonstrate a biodiversity net gain so condition 3 has been recommended below. The Ecologist suggests that this could be satisfied through the provision of one or two bird nest boxes, preferably for swallows. Lastly, as a safeguard, condition 5, to prevent the erection of lighting, is also recommended below.

Access and highway safety

The Council's Highways and Transportation Section has provided the following guidance:

Access

Access to the property is via a private shared lane from Mynydd Garthmaelwg Road, the latter having a carriageway width of 5.8m at the point of its junction with the lane, and lacks segregated footways.

The private shared lane has a carriageway width of 4m which widens to 6m and provides sufficient turning space at its termination to allow vehicles to access and egress the site in a forward gear, which is considered acceptable.

The proposed development is not envisaged to restrict manoeuvrability internally and no alterations are proposed to the existing access arrangement. Therefore, the development would be considered acceptable.

The previous planning permission, ref: 21/1166/10 for the stabling of horses was subject to a condition limiting the use to private equestrian purposes. It is assumed that the proposal will be for exercising of the existing horses stabled on site and therefore a similar condition has been suggested accordingly.

The development would be of an ancillary usage to the existing stabled horses and should not result in an increase of vehicular movements to and from the site post construction.

Parking

No additional parking requirement has been identified as a result of the proposed development.

Construction Traffic

The proposed would result in a number of vehicular movements during construction of the manège for the cut and fill operation, removal of top soil and importation of free draining fill. Taking into account the limited additional traffic required to construct the development the impact on the public highway would be minimal and therefore no objection is raised.

It is noted that there are a number of objections from the adjacent residential dwellings with regards the use of the private shared access for HGV vehicles to access / egress the site with increased maintenance liability to the existing residents. The concern is noted although the use of the shared access and maintenance liability is a private matter and therefore no objection is raised in this respect.

Drainage

To prevent water any run-off from the proposed development discharging onto the public highway a condition has been suggested.

Summary

Taking into consideration that the manège will be used in connection with the existing stables, no alterations to the existing access are proposed, with means for vehicles to access and egress the site in a forward gear and that the development is not envisaged to generate any additional vehicular movements to that which already occur after construction, no highway objections are raised.

Other issues

In addition to the above, a number of other matters have been raised by objectors:

Business Use

There is no evidence of business use or persons being employed at the site. The planning permission for the stables is subject to a condition that they are used for non-business purposes. A similar condition is proposed for the manège and horse walker.

Site drainage

The size of the application area means that the Applicant will require separate approval from the Sustainable Drainage Approval Body (SAB) and detailed drainage plans have been provided alongside the application. These plans also include the capture of surface water from the stables and show how it would be managed.

Imported materials

It is likely that imported material will need to be brought to site for the base of the manage and the Objectors' correspondence suggests that the development might require 600 tonnes of subsoil or filter media. This would seem to be a reasonable estimate given that a tonne of gravel and topsoil will provide in the range of 0.6 to 0.67 cubic metres of volume.

As a rough guide, this would generate approximately 30 HGVs with a 20 tonne payload; however, the disruption caused by undertaking development over a relatively short term period would not be a reasonable basis on which to consider refusing consent.

Refuse vehicles

Concerns raised about access relating to waste and recycling are not germane to the application.

Airbnb use

Letting out a house or a room within a house for a short term holiday let does not normally require planning consent, since it would still be considered to share the characteristics of a dwellinghouse. The Welsh Government's amended Use Classes Order of 2022 introduced Classes C5 and C6 (second homes and short term lets), to which there is a permitted change from Class C3, subject to conditions, unless a Local Planning Authority introduces an Article 4 directive to remove such rights, which RCT have not.

Therefore, this matter may not be considered material to the planning application at hand.

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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is considered that the development can be accommodated within the landscape without significant harm to its existing character and visual amenity. In addition, no objections have been raised by statutory consultees with respect to the potential impacts upon either third party amenity, highway safety or ecology.

The application is therefore considered to comply with the relevant Local Development Plan Policies AW5, AW6 and AW10.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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 completed in accordance with the approved drawings and documents:

- 17583_500 rev 03
- 17583_501 rev 02
- Location Plan A3.04

and details and documents received on 5th July 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development of the manège shall commence until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.

4. No development of the manège shall commence until details of facilities for wheel washing to be provided on site during construction have been submitted to and approved in writing by the Local Planning Authority. Wheel washing shall be in operation during the duration of the development period.

Reason: To prevent debris and mud from being deposited onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No external lighting shall be erected or installed on any part of the development hereby approved.

Reason: In the interests of residential and biodiversity amenity in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. The manège and horse walker shall be used for private equestrian purposes only and for no other purpose, including any commercial equestrian use.

Reason: In the interests of the safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.