

## **PLANNING & DEVELOPMENT COMMITTEE**

**23 November 2023**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0007/10 (JE)  
**APPLICANT:** Mr P Edmunds  
**DEVELOPMENT:** Repair and rebuild of farmhouse. (Coal Mining Risk Assessment and Structural Report received 20/09/23)  
**LOCATION:** GARTH HALL FARM, ROAD TO GARTH HALL FARM, COED-ELY, TONYREFAIL, PORTH, CF39 8HJ  
**DATE REGISTERED:** 03/08/2023  
**ELECTORAL DIVISION:** Tonyrefail East

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#### **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING**

**REASONS:** By virtue of its location the proposal represents unjustified residential development outside of settlement limits and is unacceptable in principle. In addition, in the absence of adequate pedestrian connectivity that relates to adjacent residential development, the proposed development would be contrary to national advice and policy on transport in terms of sustainable development that would encourage the greater use of private car. Furthermore, in the absence of Ecological Reports, insufficient information has been submitted to demonstrate that the risks and consequences associated with impacts upon ecology at the site can be adequately managed.

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

1. The proposal is not covered by determination powers delegated to the Service Director Prosperity and Development.

#### **APPLICATION DETAILS**

Full planning permission is sought for the repair and rebuild of a farmhouse at Garth Hall Farm, Coedely, Tonyrefail.

The proposal would see full repair and reconstruction of the existing structure on site which currently only consists of the external walls of the farmhouse, the rest was lost to fire damage in 2004. The proposal would also see the construction of a two storey side extension to the western side of the property and the reconfiguring of the existing

fenestration through the creation of new openings and modifying and removal of existing openings.

The proposal would provide living accommodation over two floors with the following layout proposed:

#### Ground Floor

- Entrance hallway
- Wash down room
- Store
- Utility room
- 2no. W.C.
- Snug
- Gym
- Larder
- Kitchen/living/dining area

#### First Floor

- 4no. Bedrooms
- 1no. Bathroom
- Farm office

The application is supported by:

- Coal Mining Risk Assessment
- Structural Report

### **SITE APPRAISAL**

The application site relates to an area of land which forms part of the larger holding known as Garth Hall Farm. The site historically accommodated a detached farmhouse which was lost to fire in 2004. At the time of the Office's site visit the external walls and a small area of roof are the only remaining features of the dwelling with the structure and surrounding area reclaimed by nature and covered in vegetation. Access to the site is gained from a single width lane with an existing access point to the west of the dwelling which is also used to access the adjacent land. The site occupies an elevated valley side position and is bounded by farmland to the south, east and west and the access lane to the north.

The surrounding area consists of open hillside and farmland. There are several structures including a barn and a container to the east of the site which are located within the wider holding of farm. The closest neighbouring property is 'The Chestnuts' which is located 67 metres to the north.

### **PLANNING HISTORY**

The most recent planning applications on record associated with the application site are:

**21/1490/09:** GARTH HALL FARM, ROAD TO GARTH HALL FARM, COEDEL, TONYREFAIL, CF39 8HJ.

Certificate of lawful development for existing use/operation or activity. To refurbish the fire damaged farmhouse.

Decision: 22/12/2021, Refused.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

58no. letters of support have been received from both local residents and members of the public further afield following consultation. The comments raised have been summarised below:

- Farm has been within family ownership for generations and was occupied prior to the fire in 2004.
- Living accommodation on site would provide accommodation, facilities for visitors and would enhance and develop the applicant's business at the site.
- Would assist in providing high quality of care to farm animals as the applicant would be on site 24/7 to provide care and management that would improve the health and wellbeing of the alpacas and sheep.
- Farm currently provides educational opportunities to visitors of the applicant's alpaca business.
- Support operation and future expansion of business that serves the local community and beyond.
- Proposal would only see the reinstatement of a previous dwelling.
- The farm provides a truly unique experience found nowhere else in RCT.
- Existing Alpaca business contributes to the local economy through attracting visitors to the area.
- Access to the farm is challenging in winter which creates difficulties in feeding animals which would be addressed by living on the farm.
- Additional people in the area might also help prevent fly tipping which occurs locally and improve security.
- Garth Hall Farm helps those with additional needs, providing a one on one tailored package. There have been many people with learning difficulties which the applicant is more than capable of dealing with, being a retired special needs teacher.
- Other properties within the County Borough have been granted permission to rebuilt following fire damage.
- Living on site will enable the applicant and her children the opportunity to offer more flexible appointment times and support to those who choose to walk with the alpacas.

- There is plenty of parking on site for the builders and for farm vehicles. I cannot foresee the building causing any adverse impact on the area as a whole.
- The applicant's business contributes further into the community as she encourages and supports veterinary/agricultural students to gain experience, particularly hands on experience.
- Many of the volunteers on the farm struggle with mental health issues, the tranquil setting and regular contact with animals provide a sanctuary for them, this would deepen with the addition of a home.
- Restoring the house will mean that a derelict building becomes safe and useful.

## **CONSULTATION**

**Transportation Section:** Objection Raised.

**Countryside (Ecology):** Objection raised due to lack of information to fully consider the impact of the development upon biodiversity and protected species.

**Public Health and Protection:** No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

**Dwr Cymru/Welsh Water:** No objection although condition recommended in relation to surface water drainage.

## **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 a replacement is in the process of being produced. 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 4<sup>th</sup> 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 4<sup>th</sup> 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 24<sup>th</sup> 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 outside of the settlement boundary for Coedely and is located within a Sandstone Safeguarding Area and the Mynydd Y Glyn & Nant Muchudd Basin Special Landscape Area.

**Policy CS2 – Development in the South** – sets out the strategy for the Southern Strategy Area (SSA).

**Policy AW2**– The policy stipulates that development proposals will only be permitted in sustainable locations, these include sites that are well related to existing water, sewerage, waste, electrical, gas and telecommunications infrastructure; and where proposals relate to existing buildings in the countryside, accord with Policy AW9.

**Policy AW4** – Details the criteria for planning obligations, including the Community Infrastructure Levy (CIL).

**Policy AW5** – The policy is concerned with the amenity and accessibility criteria of new development. The policy states that development proposals will only be supported where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area; where appropriate existing site features of built and natural environment value would be retained; and the development would have safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestion.

**Policy AW6** – The policy relates to design and placemaking and outlines that proposals will be acceptable where they are of a high standard of design, which reinforces attractive qualities and local distinctiveness; they are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing; the design protects and enhances the landscape and biodiversity; and the design promotes good water management, including rain water storage, sustainable urban drainage, porous paving etc.

**Policy AW8** – The policy states that Rhondda Cynon Taf's distinctive natural heritage and environment will be preserved and enhanced by protecting it from inappropriate development.

**Policy AW9** – The policy states that in the case of alteration, renovation or conversion of existing buildings outside the defined settlement boundaries for residential, employment, community or tourism uses, development proposals will be supported where the existing building is structurally sound or capable of being made so without substantial major external alteration or reconstruction.

**Policy AW10** – The policy does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy AW14** - The policy details that the site is located within a Sandstone Resources Region. In order to protect such resources, the policy states that they shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction.

**Policy SSA13** - Permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

**Policy SSA23.6** - The policy details that the site is located within the Mynydd y Glyn & Nant Muchudd Basin Special Landscape Area (SSA23.6). In order to protect the visual qualities of each SLA, development proposals within these areas will be required to conform to the highest possible design standards. In the SSA, SLAs have been identified to protect the distinctive upland/valley landscape of the area. Particular consideration has been given to the protection of the unspoilt valley slopes and ridges which form a visual backdrop to the settlements of the area.

#### Supplementary Planning Guidance

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

#### 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) 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 all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is not considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW or FW2040; or the Well-being of Future Generations (Wales) Act's sustainable development.

Other national policy guidance considered:

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 development site is located outside of the defined settlement boundary where residential development is strictly controlled in the Local Development Plan.

It is noted there is a derelict, former dwelling on the site which the applicant has advised was subject to arson in 2004 and has not repaired/rebuilt since. In the following period the building has remained unoccupied and it is considered that in its current state is uninhabitable and would therefore be considered abandoned. This view is also supported by the recent application for a Lawful Development Certificate which was refused on the basis that the property is deemed to have been abandoned and the use as a dwelling no longer being lawful due to the period of non-use.

It is noted that Policy AW9 allows for conversions of buildings in the countryside to residential use, subject to certain criteria. However, this policy relates to buildings that are not currently or were not previously used for residential purposes, i.e. barn / garage conversions, etc. As such Policy AW9 does not apply to this proposal. It is also noted that if Policy AW9 were to apply then the criteria for acceptable conversions requires the building to be structurally sound or capable of conversion without the need for significant works or alteration. In this case, due to the significant renovation / rebuilding works required, the proposal would fail the requirements of the Policy. This view is supported by the Council's Structural Engineer who commented that significant works would be required to bring the structure back into use as a residential property and although it is possible to carry out the works whilst maintaining the overall existing structure, due to the number of new openings, it would be impractical, especially to the south and east elevations.

Members are also advised that this application does not seek consent for an agricultural worker's dwelling which can be approved in countryside locations, subject to relevant justification. It has been submitted as a new standalone residential dwelling in the countryside. The applicant has been advised that an agricultural workers dwelling could potentially be considered acceptable in this location, subject to full justification in accordance with the required tests set out within Planning Policy Wales Technical Advice Note 6: Planning for Sustainable Rural Communities, but the applicant has advised that they wish for the application to proceed in its current form.

Taking the above into account, the proposal would result in a new residential dwelling located within open countryside, outside of the defined settlement boundary and in an unsustainable location, contrary to Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan.

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

Whilst there is concern with regard to the proposed fenestration layout which is considered to take away from the traditional farmhouse aesthetic of the building, the reuse and renovation of the property is likely to have a positive impact upon the external appearance of the site which is currently vacant and in need of general care and repair.

The application currently lacks sufficient information in relation to landscaping and boundary treatments. Nevertheless, it is considered that these matters could be controlled via suitably worded conditions.

As such, it is considered that the proposals will not detract from the character or appearance of the area and the application would be compliant with the relevant requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in visual terms.

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

When considering the relationship with the closest neighbouring properties which are separated by 67 metres to the north, 190 metres to the south and 231 metres to the northeast and the nature of the works proposed, it is not considered the proposal would result in any adverse impact in amenity terms.

## **Highway safety**

The Council's Transportation Section were notified during the consultation period in order to assess the impact of the proposal with regard to highway safety. The following comments were received:

There is concern with regards the sub-standard access leading to the proposed, however, taking into account the limited additional movements generated by 1 dwelling, on balance, this issue would not warrant an objection.

The applicant proposes a 4-bedroom farmhouse which has a parking requirement of 3 spaces in accordance with SPG: Access, Circulation & Parking Requirements with none proposed which raises concern. However there is adequate space within the site to provide suitable off-street parking.

Furthermore, the proposed property is to be served off the existing sub-standard 2.7m wide unnamed road off Ely Valley Road, Coedely. The unnamed road is substandard in terms of width, horizontal and vertical alignment, provision of segregated pedestrian footway facilities, street lighting, adequate highway drainage, structural integrity and substandard vision splays and junction radii at its junction with Ely Valley Road.



Given the aims of local and national planning policies which seek to reduce reliance on the private car and increase walking, cycling and use of public transport, the site's separation from and distance to settlements would not encourage sustainable modes of travel to and from the site. Future occupants would therefore be heavily reliant on the private car for journeys to shops, school, work, medical services, and leisure facilities etc. As such, the proposed development is considered to be in an unsustainable location given that trips to and from the proposed development are likely to be undertaken via a private motor vehicle, contrary to local and national planning policy.

## **Ecology**

Following consultation, the Council's Ecologist has set out that given the proposed works and the current condition of the structure a bat and barn owl survey is required to support the application. In addition, the development would likely involve clearance works of the area surrounding the structure which would also need to be considered within an appropriate ecological assessment that also demonstrates effective biodiversity mitigation and enhancement. In the absence of the above ecological reports insufficient information has been provided to demonstrate that the impacts upon biodiversity and protected species can be managed effectively. As such, the application is contrary to Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

## **Historic Coal Mining**

Following the submission of a Coal Mining Risk Assessment, the Coal Authority considered that the submitted information is sufficient in demonstrating that the application site is safe and stable for the proposed development. As such, the application is considered to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan and is acceptable in this regard.

## **Drainage**

The Council's Flood Risk Management Team and Dwr Cymru Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard to surface water drainage from the proposed development. Nevertheless, as this development would require separate SAB approval it is not considered that such a condition would be reasonable or necessary.

## **Public Health**

The Public Health and Protection Division suggest a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered

the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Issues raised by the supporters**

The points raised within the letters of support with regard the need for the proposal to serve the existing agricultural business, the benefits of living on site and future expansion business are acknowledged. However, as set out above this application seeks permission for a new standalone residential dwelling at the site of an abandoned property where the residential use has ceased. As such, without full justification in the form an agricultural appraisal to support the application to evidence these claims it is not considered that these matters provide sufficient weight to overcome the location of the site outside of the settlement boundary.

### **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. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £27595.50.

### **Conclusion**

The application site is located outside of the defined, fixed, settlement boundary of Coedely within an unsustainable location which lacks adequate pedestrian connectivity to surrounding development. In addition, Insufficient information has been submitted to adequately determine that the impacts associated with ecology can be appropriately managed. Consequently, the proposed development fails to comply with key sustainable development objectives of Policies CS2, AW1, AW2, AW5 and AW8 and SSA13 of the Rhondda Cynon Taff LDP.

### **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING REASONS:**

1. The principle of the development is unacceptable as the proposal represents unjustified residential development outside of settlement limits. Consequently, the proposed development fails to comply with the key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the LDP and those set out in Planning Policy Wales Edition 11 and is therefore unacceptable in principle.

2. In the absence of appropriate supporting ecological information, insufficient information has been submitted to demonstrate that the risks and consequences associated with impact upon ecology at the application site can be adequately managed. As such, the proposal conflicts with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.
  
3. In the absence of adequate pedestrian connectivity that relates to adjacent residential development, the proposed development would be contrary to national advice and policy on transport in terms of sustainable development that would encourage the greater use of private car. As such, the proposal conflicts with Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.