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**Application Ref: NP/13/0440**

<b>Application Type</b>	Full
<b>Grid Ref:</b>	SN00793490
<b>Applicant</b>	Mr James
<b>Agent</b>	Mr I Johnston, Harries Design & Management
<b>Proposal</b>	Regularisation alteration and extension of unauthorised pigsty, cattle store and hay barn and erection of new tractor store. Regularisation and redefinition of landscaping bund and definition of ancillary agricultural storage areas. (Part retrospective)
<b>Site Location</b>	Llethyr, Pontfaen, Fishguard, Pembrokeshire, SA65 9SB
<b>Case Officer</b>	Vicki Hirst

**Summary**

The current application follows discussions with the Authority and seeks to resolve both unauthorised development on this agricultural holding in the Gwaun Valley and for further development on the holding.

The application seeks to regularise the unauthorised cattle store and hay barn and alter and extend the unauthorised pigsties built on the site and seeks permission for a new tractor store. The application also includes the regularisation and redefinition of the landscaping bund and defines an area for agricultural and manure storage.

The key issues in considering this application are the principle of development, design, the impact of the development on the National Park landscape, amenity, drainage and other matters arising.

It is considered that this application to regularise the existing farm buildings on the site, alter and extend the pigsties and to build a new tractor shed is acceptable. It is considered that the application represents an appropriate design, scale and form which, if implemented, will have a minimal impact on the visual amenities of the area and is therefore recommended for approval.

**Consultee Response**

**Cwm Gwaun Community Council:** Supporting - Fully support this application on the grounds of sustainability of the farm. The animals need shelter in the winter and a dry place to store the food and equipment.

**Agricultural Advisor:** Considers that the current stocking levels are within current guidelines for the land available. There is a reasonable need for livestock housing for winter months and calving/lambing periods. It is considered that support can be given for livestock housing but there is no comment made on siting and design as there are no set standards by which to judge them.

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**Tree and Landscape Officer:** No objection

**Natural Resources Wales:** No objection

**Public Response**

The application was advertised by site notice and individual notification. One letter has been received and raises the following main issues:

- Concern that the application suggests that agreement in principle has reached and therefore questions whether representations will receive fair and full consideration
- The scale of development is too large for the holding
- The amendments to the bund will not overcome the critical comment of the Inspector at appeal in considering this element of the proposals.
- The site is not isolated as suggested
- Queries whether such an extensive storage area is required particularly when other areas, including next door to the residential property are used for storage
- Concern at the failure of the applicant to respect legislative requirements and ignored National Parks expectations. Any approval will undermine the authority for which it is accountable.
- It is anticipated that any decision should be made by the committee

**Policies considered**

Please note that these policies can be viewed on the Policies page Pembrokehire Coast National Park website - <http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 07 - Countryside

LDP Policy 08 - Special Qualities

LDP Policy 15 - Conservation of the Pembrokehire Coast National Park

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

PPW5 Chapter 04 - Planning for Sustainability

PPW5 Chapter 05 - Conserving and Improving Natural Heritage and the Coast

SPG03 - Loss of Hotels and Guesthouses

SPG06 - Landscape

SPG08 - Affordable Housing

TAN 06 - Planning for Sustainable Rural Communities

TAN 12 - Design

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## **Officer's Appraisal**

### **Background**

Planning permission was granted in 2003 for the erection of an agricultural building at this site for animal housing and for the storage of agricultural machinery (NP/03/301).

Two enforcement notices were served on the land on 5<sup>th</sup> July 2005 in relation to various structures including two caravans (one being used for residential purposes), a container unit, horsebox, a galvanized steel shed, a kennel, and pens for the housing of livestock. This was complied with at the time, albeit there have been some further breaches.

An application (NP/06/352) was submitted in 2006 for various agricultural related developments; namely an extension to an existing shed, the replacement of existing unauthorized pens for the housing of livestock with new ones, the erection of a new livestock building and collecting yard and the provision of underground slurry tanks. This application was reported to the Development Management committee on 18<sup>th</sup> July 2007 where it was recommended for refusal on the grounds that there was no agricultural justification for the proposals (following advice being sought from the Authority's Agricultural Adviser) and the development would be detrimental to the special landscape character of the National Park and was contrary to policies in the development plan that seek to protect the special qualities of the National Park from inappropriate and insensitive development. Members resolved to carry out a site visit and subsequently refused planning permission at the meeting on 17<sup>th</sup> September 2007 for the above reasons).

A further application (NP/08/434) was submitted in 2008 for the enlargement of the hay barn permitted in 2003, a new cattle shed and collecting yard, the erection of pigsties and the formation of hedge banks and provision of slurry tanks. However, during the processing of the application it was found that the development had been commenced in a different form to that proposed. Extensive correspondence followed seeking to obtain accurate plans and resolve matters and officers requested various details to be submitted. This was not done. The application was subsequently refused in 2011 on the grounds that the application provided insufficient and inaccurate information to enable the Authority to properly assess and determine the application. In addition the application had failed to provide planning obligations under Section 106 of the Town and Country Planning Act 1990 in respect of outside storage and to ensure that no part of the land was severed from the buildings or vice versa.

An appeal against that decision was dismissed in December 2012 on the grounds that insufficient and accurate information had been provided. However it was considered that the form, scale and design of the hay barn and cattle shed as indicated on the submitted plans would not be harmful to the visual qualities of the surrounding rural landscape, and that the proposed pigsties as indicated on the plans were acceptable. However it was

considered that the pigsties as built were out of keeping with the visual qualities of the surrounding area and that the banking was visually harsh and unyielding in the landscape. On that basis it was concluded that the pigsties and banking, as built, would cause unacceptable harm to the rural landscape. It was also concluded that a Section 106 agreement was unnecessary and that the storage requirements could be dealt with under a condition. (NP/08/434).

An enforcement notice was served on 10<sup>th</sup> February 2012 which referred to the following matters:

- the erection of an extension on the south west elevation of an existing hay barn,
- the erection of an extension on the north east elevation of an existing hay barn
- the erection of a cattle shed
- the erection of a building for use as pigsties
- the carrying out of excavation works which have altered the contours of the land to accommodate the above structures and the formation of an earth bund

The period for compliance with the notice expired on 16<sup>th</sup> September 2012 and to date the requirements of the notice have not been met.

### **Current Application**

The current application follows further discussions between the applicant and the Authority and seeks to resolve both the unauthorised development remaining on the site and for further development on the holding.

The application seeks to alter and extend the existing unauthorised pigsties, and regularise the as built cattle store and hay barn and seeks permission for a new tractor store. The application also includes the redefinition of the landscaping bund and defines areas for agricultural and manure storage.

The submitted plans propose two lean-to extensions to the existing hay barn, one to the north east side and one to the south west side. These would be constructed of blockwork and metal cladding walls and a box profile metal roof to match the existing. The hay barn would be linked to a new tractor store to the south east of the hay barn constructed of green box profile sheeting. An existing storage container would remain between the hay barn and tractor store.

The cattle shed which is sought to be regularised has been constructed to the south east of the existing barn providing a collecting yard between the two buildings with the provision of new pigsties to the north west of this yard. The cattle shed measures 13.5 metres by 10.7 metres with a height of five metres, and is constructed with blockwork and timber clad walls with a box profile metal roof to match the existing building. The front collecting yard is not yet fully constructed. The proposed pigsties (to replace those existing unauthorised) will be constructed against the existing hedge bank and be

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constructed of blockwork and vertical timber cladding with a corrugated iron roof. The building would have a gabled roof with a maximum height of 3.5 metres.

The works to alter the existing unauthorised bunding would provide additional earthwork to the top of the existing bund to provide a more "natural" looking hedge bank. Protective fencing would be provided to the base and field side to avoid encroachment and new native planting would be provided on the top.

The application was accompanied by a Design and Access Statement and Planting schedule.

The application is on the agenda at the Head of Development Management's discretion due to the history of the site.

### **Officers Appraisal**

The key issues in considering this application are:

- *The principle of development*
- *Design*
- *The Impact of the development on the National Park landscape*
- *Amenity*
- *Drainage*
- *Other Matters Arising*

#### *The Principle of Development:*

The site is situated in open countryside where adopted development plan and national policies state that development will not be allowed unless, amongst other things, there is an agricultural justification for development. As set out in the consultations section above, the Authority's Agricultural Adviser supports the proposals and considers that the applicant's enterprise justifies the development proposed.

As such the principle of additional agricultural development on this site can be supported.

#### *Design:*

The application seeks permission for agricultural buildings that are modern in design and use a combination of blockwork, timber cladding and metal sheeting for external materials. The buildings are relatively modest in size and height and their design is reflective of numerous farm buildings within the National Park. On balance it is considered that the development as proposed if implemented in full is of an appropriate design and scale to the holding and the surrounding landscape and is in line with the conclusions on the design approach given at the previous appeal. The submissions address the unfortunate mix of materials and ad hoc developments that are currently unauthorised on site.

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The works that have been carried out on the site have resulted in substantial changes to the ground profiles which has involved a large amount of unauthorised excavation to the land and the unauthorised depositing of the resulting spoil to form banking on the field to the north east of the site of the buildings.

At the time of the consideration of the previous application it was not considered that the spoil deposit forming the existing banking was acceptable; a view supported at appeal. This application seeks to address those issues and this is discussed further below.

Notwithstanding the impacts on the landscape resulting from the earth deposits, the excavation work has resulted in the development being lower in the landscape than would otherwise have occurred. Therefore, in terms of the finished floor and ridge levels of the building it is considered that this is acceptable in design terms.

Subject to a condition requiring the re-profiling of unauthorised banking within strict time limits and a planting scheme to be carried out in the next planting season, and maintained for a period of time there is no objection to the design, scale and form of the buildings proposed in this application.

*The Impact of the development on the National Park landscape:*

Llethyr Farm is situated on the northern slopes of the Gwaun Valley and the site is clearly visible from surrounding viewpoints being on a high level. In the absence of any agricultural justification for buildings on this site, the development would represent an unwarranted intrusion in the landscape. However, in this instance there is an established agricultural development on the site (by virtue of the permission given in 2003) and there is an essential need for further development for agricultural purposes. In these circumstances a balance needs to be struck between the need for the development and its impact in the landscape. The latter therefore needs to be minimized as far as possible. The submitted drawings, involve the cutting into the slope of the land to lower the height of the buildings and provide new hedge banks from the excavated material and retain those existing. As discussed above, the lowering of the buildings in the landscape has assisted in minimising their visual impacts, but has had the unfortunate result of providing an artificial and stark earth bank to the detriment of the area. The Inspector at the previous appeal found that this element was unacceptable in its current form.

It is considered that the re-profiling of the bank to provide a more traditional (albeit high) hedgebank will assist in softening the impact of the existing unauthorised earth bank. The re-profiling of the deposited material in the field to form a more traditionally shaped hedge bank will be a benefit. On balance, with the re-profiling of the existing bank and the proposed native planting which will mitigate impacts over time, the overall development will have a minimal impact in the wider landscape and give a more natural appearance.

The application also includes three areas for the storage of machinery and dung. One for both machinery and manure is situated in the south east corner of the site and behind the existing hedge. It is considered that this location is the most suitable for reducing the visual impact of machinery and agricultural paraphernalia in the landscape and is also best located for serving the functional needs of the holding. This can therefore be supported, again subject to a condition requiring only this area to be used for storage and not elsewhere on the land holding.

However a second area is identified for machinery storage to the north of the hay barn on elevated and rising land above the earth bund. It is considered that this area is highly visible from the surroundings and is not a suitable location for machinery storage.

Similarly a further area is identified in the south east corner, but outside the application site line, and whilst this may be acceptable in principle, it is not clearly identified as an area for storage.

It is also considered that, although beyond the red line boundary of the application site, it would be expedient to impose a condition restricting any storage (outside of any buildings) on the whole of the applicant's holding to the storage area for both machinery and manure in the south east corner of the site, behind the existing hedge, notwithstanding the submitted plans. Specific power to impose a condition regulating use of land under the control of the applicant (whether or not it is land in respect of which the application is made), so far as appears to be expedient for the purposes of or in connection with the development authorised by the permission is given by section 72(1)(a) of the Town and Country Planning Act 1990. In this case a condition is expedient for amenity reasons in respect of the whole of the holding, where a significant amount of storage is taking place, and to remove the two unsuitable storage areas that are proposed, as set out above.

Subject to a condition requiring the re-profiling of unauthorised banking within strict time limits and planting scheme to be carried out in the next planting season, and maintained for a period of time and a condition restricting storage (outside of any buildings) on the whole of the applicant's holding to the storage area for both machinery and manure in the south east corner of the site, behind the existing hedge, notwithstanding the submitted plans there is no objection to the impact on the National Park landscape.

*Amenity:*

As set out above, it is your officer's view that the proposed development is acceptable in visual amenity terms, provided that the existing unauthorised banking is re-profiled, planting takes place and the existing unauthorised pigsties are removed and replaced with those proposed.

The site is also situated adjacent to a residential property in separate ownership. The development that has taken place is some distance from this

property, within an adjacent field. It is clear that the existing unauthorised pigsties and banking on site cause unacceptable harm to the rural landscape. However, on balance, the works indicated on the plans including the extension of the pig sties, the profiling of the bank and the planting mitigate any amenity impact, subject to a condition requiring the re-profiling of unauthorised banking within strict time limits and planting scheme to be carried out in the next planting season, and maintained for a period of time and a condition restricting storage (outside of any buildings) on the whole of the applicant's holding to the storage area for both machinery and manure in the south east corner of the site, behind the existing hedge, notwithstanding the submitted plans it is not considered that the proposed development would cause adverse harm to the residential amenities of this property sufficient to justify a refusal.

*Drainage:*

Natural Resources Wales has raised no objection to this application but comments that the runoff from the manure store should be collected so as not to flow into the nearby watercourse and that existing slurry storage should be sufficient to accommodate the increased waste arising from this application and that clean water drainage systems should not be contaminated. These matters are controlled under other legislation and as such an advisory note is recommended to be attached to any consent.

*Other Matters Arising:*

It was considered in determining previous applications for this site that the proposals necessitated the entering into of a Section 106 agreement in respect of controlling storage and not severing the land from the buildings. However, in reaching a decision on appeal, the Inspector found the requirement for a Section 106 agreement to be unnecessary in respect of future severance, and those matters relating to storage could be as effectively controlled under condition. As such, it would be unreasonable to impose a requirement for a Section 106 agreement following this decision, provided appropriate conditions relating to storage are imposed, as set out above.

The main issues raised by the objector are addressed in the body of this report. However, issues with regard to the history of the applicant in failing to meet the requirements of the Authority, including an enforcement notice are also raised. This concern is noted; however the purpose of this application is to enable the applicant to replace the existing unauthorised development with a more appropriate form of development.. Should the applicant not meet the requirements of any conditions imposed in this application, enforcement action can be instigated by way of a Breach of Condition Notice against which there is no right of appeal. Should the applicant fail to remove the unauthorised pig sties and replace them with those approved by this permission, there is an extant enforcement notice that has not been complied with. The Authority could seek to prosecute the applicant for failing to comply with the enforcement notice at any time. Such action would not be able to be taken once the pig sties are brought into accordance with any permission



granted pursuant to this application and the threat of prosecution will be an incentive to the applicant to progress this element of the works.

### **Conclusions**

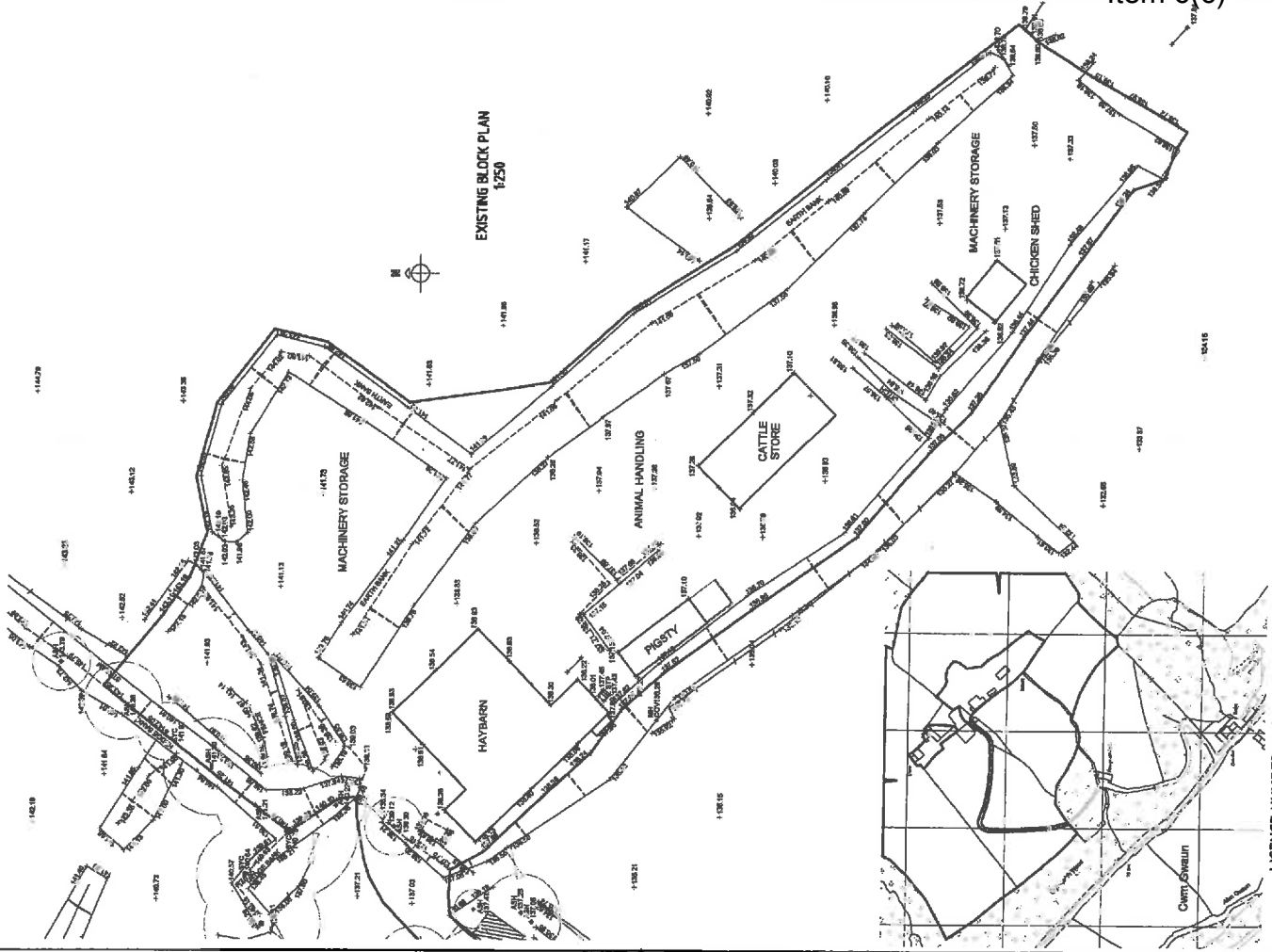
In conclusion, it is considered that this application to regularise the existing farm buildings and extend the pigsties and banking at this site is acceptable and subject to conditions it is considered that the application represents an appropriate design, scale and form which will have a minimal impact on the visual amenities of the area and the National Park landscape.

### **Recommendation**

That the application be approved subject to conditions relating to a strict time limit for completing the re-profiling of the embankment, carrying out planting in the next planting season and maintaining the planting thereafter for a period of time, compliance with the plans and requiring all storage on the holding (outside of any buildings) to be confined to the area identified in this report as suitable. The general requirement to impose a time limit for commencement of development would not be applied as the development has already been commenced.

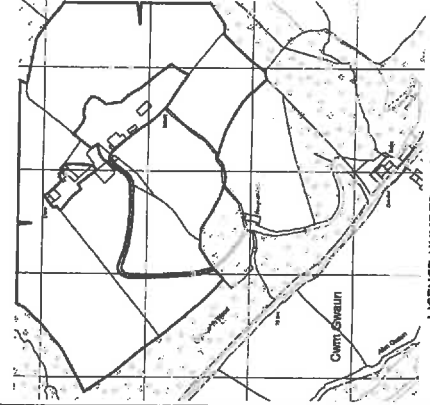
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EXISTING BLOCK PLAN  
SCALE 1:250



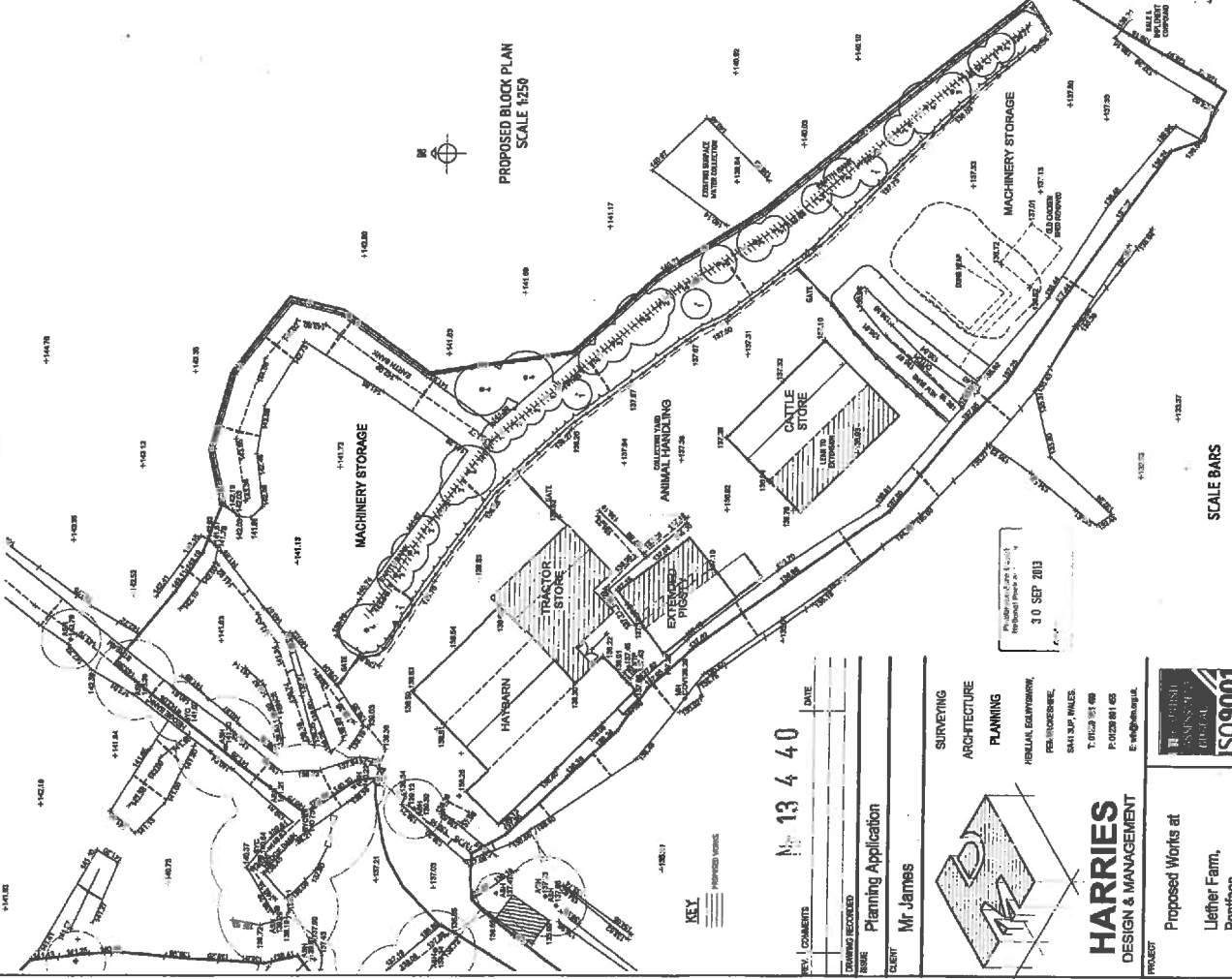
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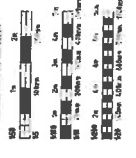
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PROPOSED BLOCK PLAN  
SCALE 1:250



PROPOSED

SCALE BARS  
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13 4 40

KEY  
PROPOSED WORKS

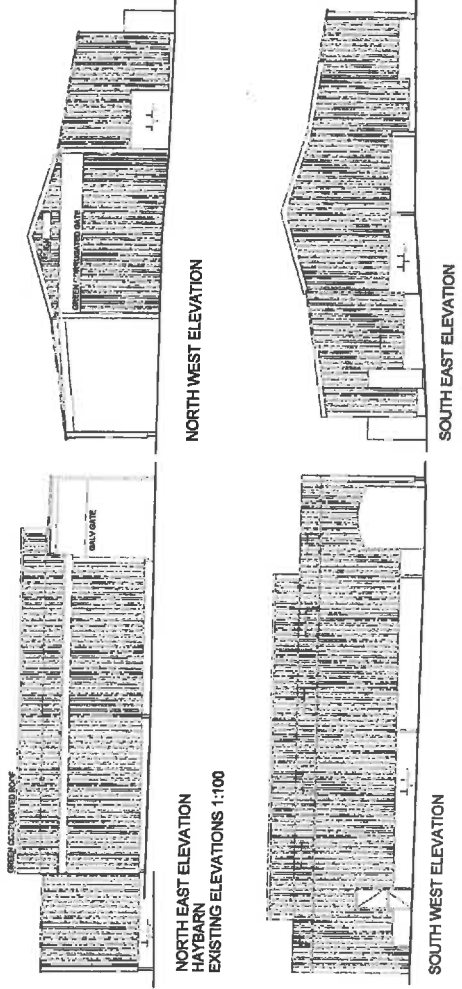
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CLIENT	Mr James
PROJECT	Proposed Works at Lleifer Farm, Pontfaen, Cwm Gwaelin
DRAWING TITLE	BLOCK & LOCATION PLAN
DRAWING No.	1349
DATE	17/02/2013
CHECKED BY	
DATE	05

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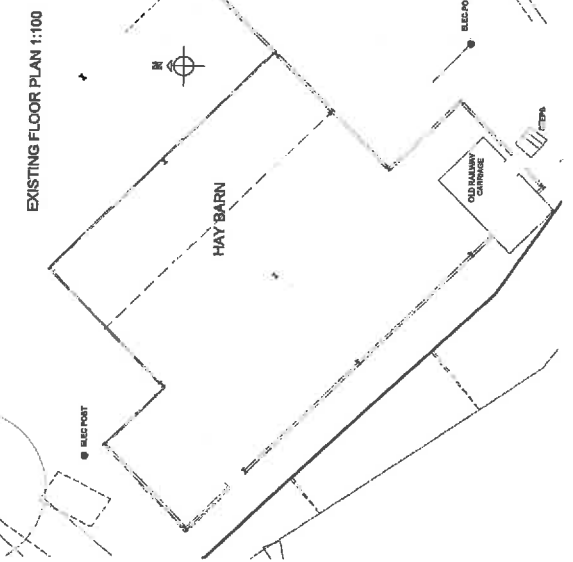
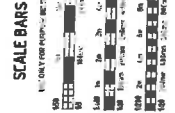


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NORTH WEST ELEVATION

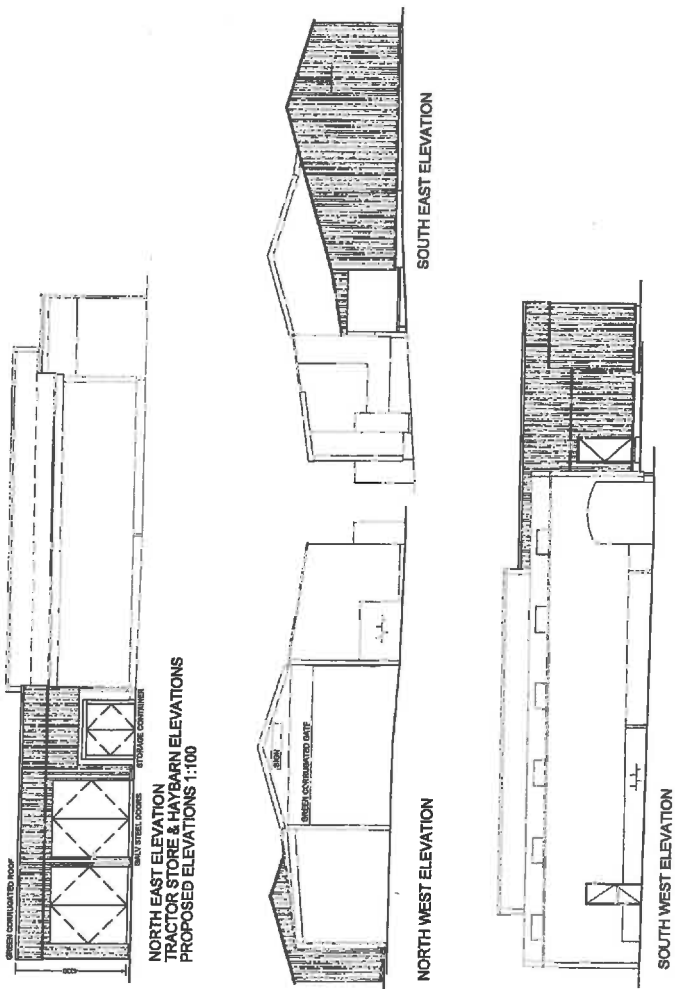
SOUTH WEST ELEVATION

SOUTH EAST ELEVATION



EXISTING FLOOR PLAN 1:100

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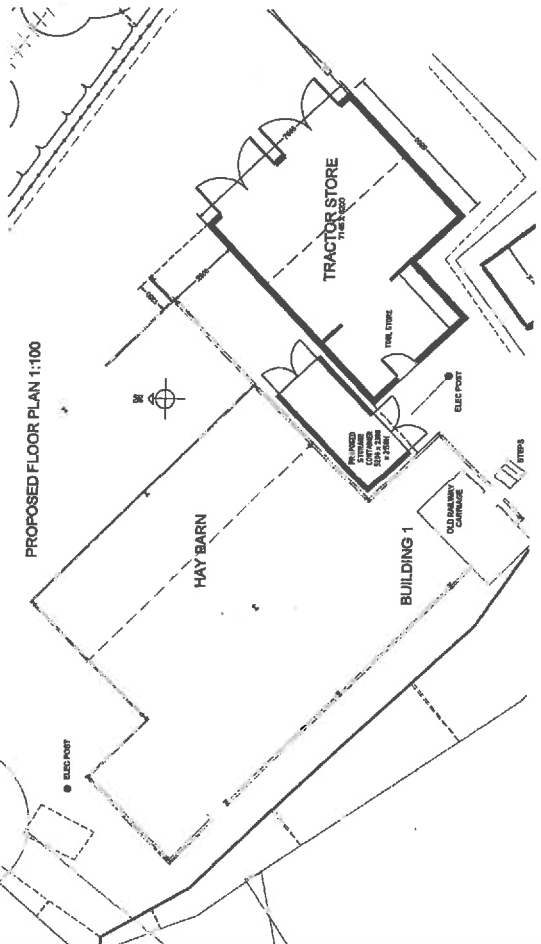


NORTH EAST ELEVATION  
TRACTOR STORE & HAY BARN ELEVATIONS  
PROPOSED ELEVATIONS 1:100

NORTH WEST ELEVATION

SOUTH WEST ELEVATION

SOUTH EAST ELEVATION



PROPOSED FLOOR PLAN 1:100

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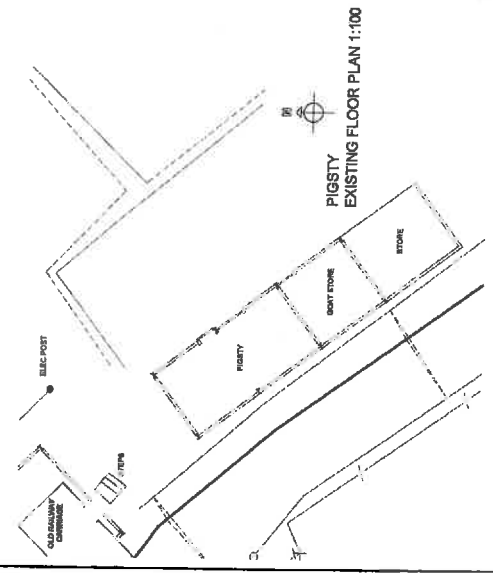
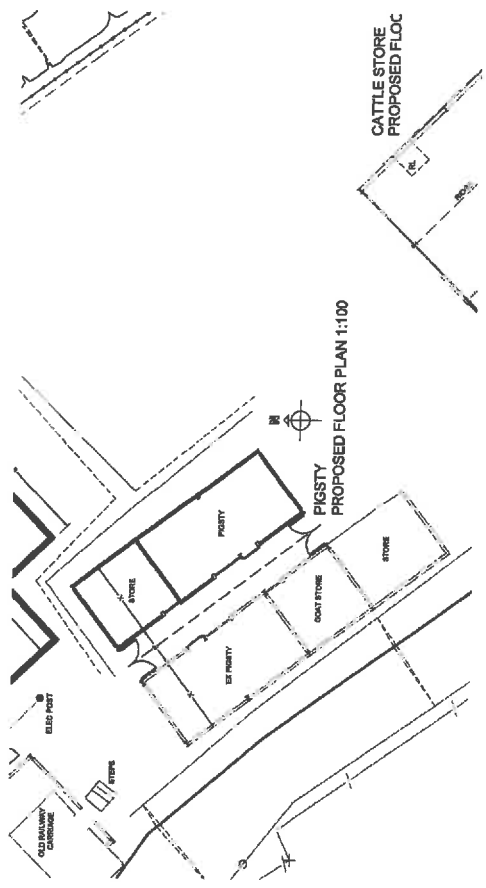
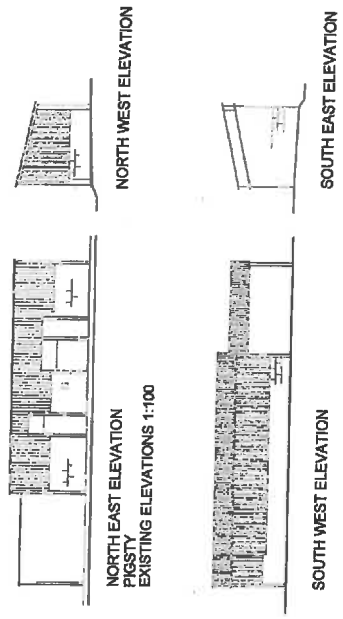
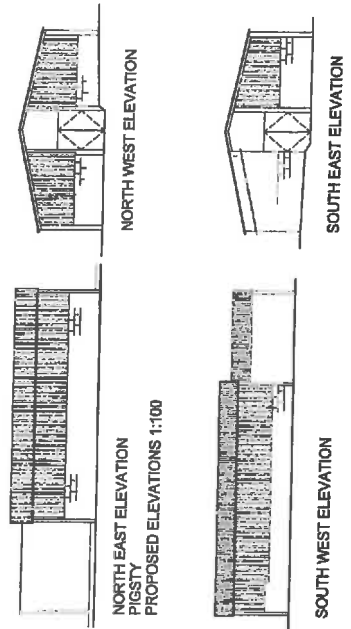
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NO 13 4 40

REV / COMMENTS	DATE
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SIZE	Planning Application
CLIENT	Mr James
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<p>PROJECT</p> <p>HAY &amp; TRACTOR STORE</p>	
<p>DRAWING TITLE</p> <p>HAY &amp; TRACTOR STORE</p>	
SCALE	DATE 17/08/2013
JOB No. 1349	DRAWING No. 07

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REV. COMMENTS DATE

DRAWING RECORDED

TITLE **Planning Application**

CLIENT **Mr James**

PROJECT **Proposed Works at  
Leifer Farm,  
Pontfaisn,  
Cwm Gwraln**

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ISO 9001  
CERTIFICATION No. 0146041

DRAWING TITLE **PIGSTY**

SCALE **1:100**

DATE **17.09.2015**

DRAWN BY **PH**

CHECKED BY **PH**

DRAWING No. **1349**

REV. **08**

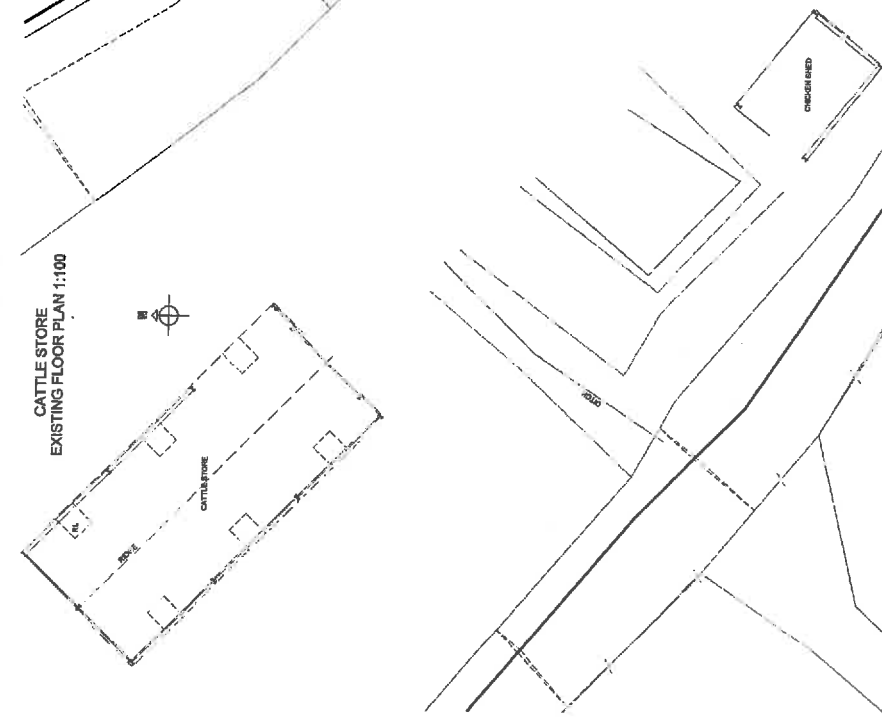
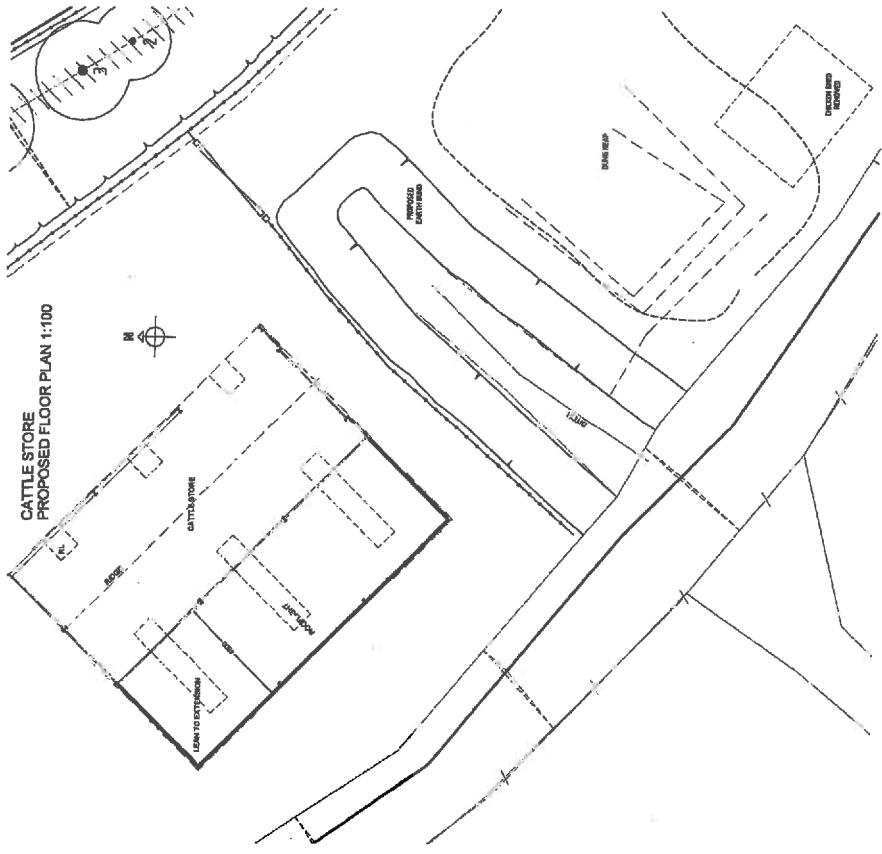
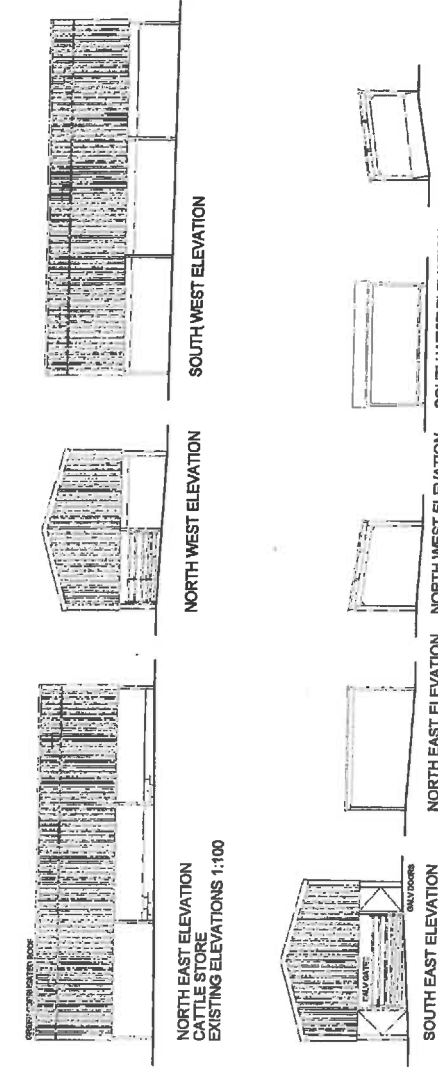
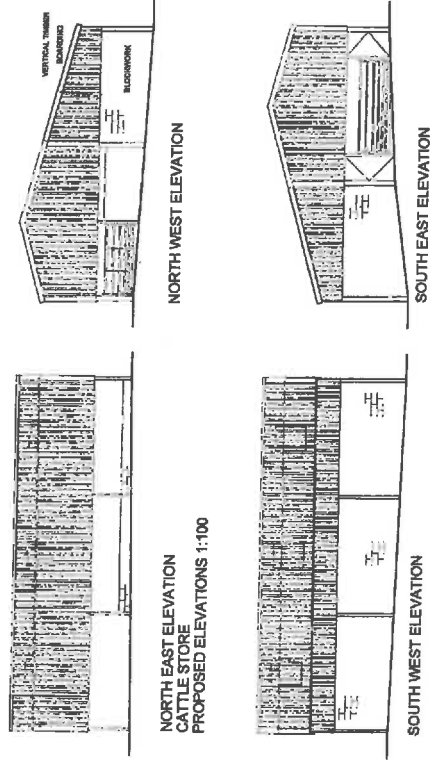
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EXISTING

Item 6(c)

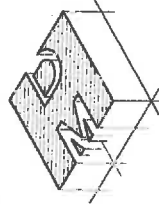
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ORIGINAL DRAWING A1



REV. COMMENTS  
 DATE  
 13 4 40

ISSUED FOR  
 ISSUE  
 Planning Application  
 CLIENT  
 Mr James



**HARRIES**  
 DESIGN & MANAGEMENT

PROJECT  
 Proposed Works at  
 Lether Farm,  
 Pontifren,  
 Cwm Gwraln

DRAWING TITLE  
**CATTLE STORE & CHICKEN SHED**

SCALE  
 1:100

DATE  
 17.02.2010

NO. OF SHEETS  
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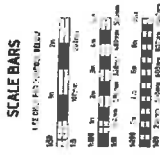
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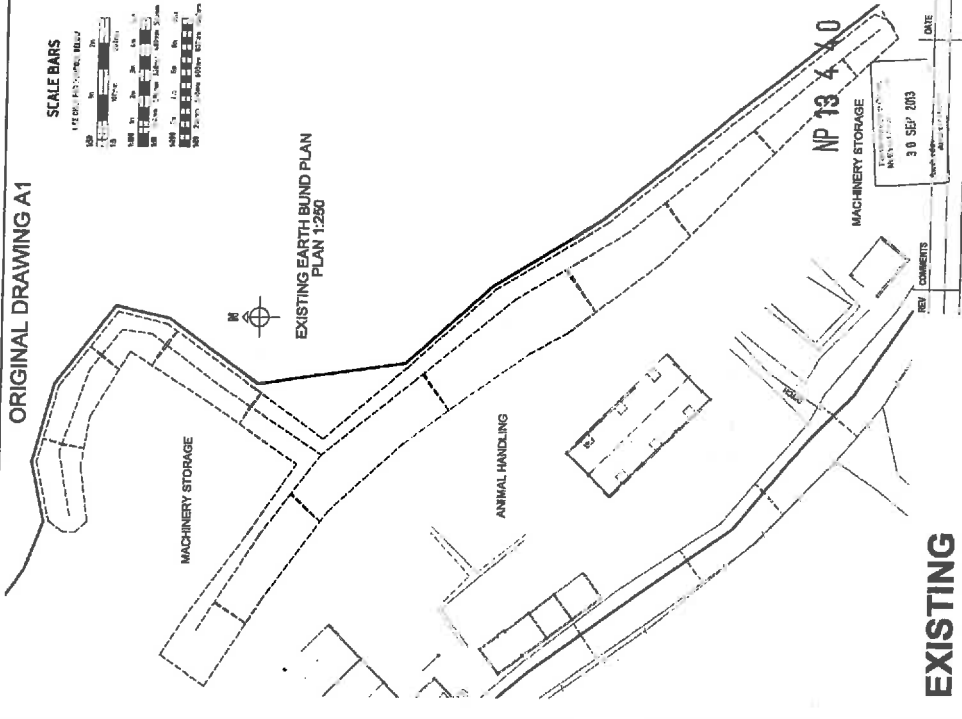
PROPOSED

Item 6(c)

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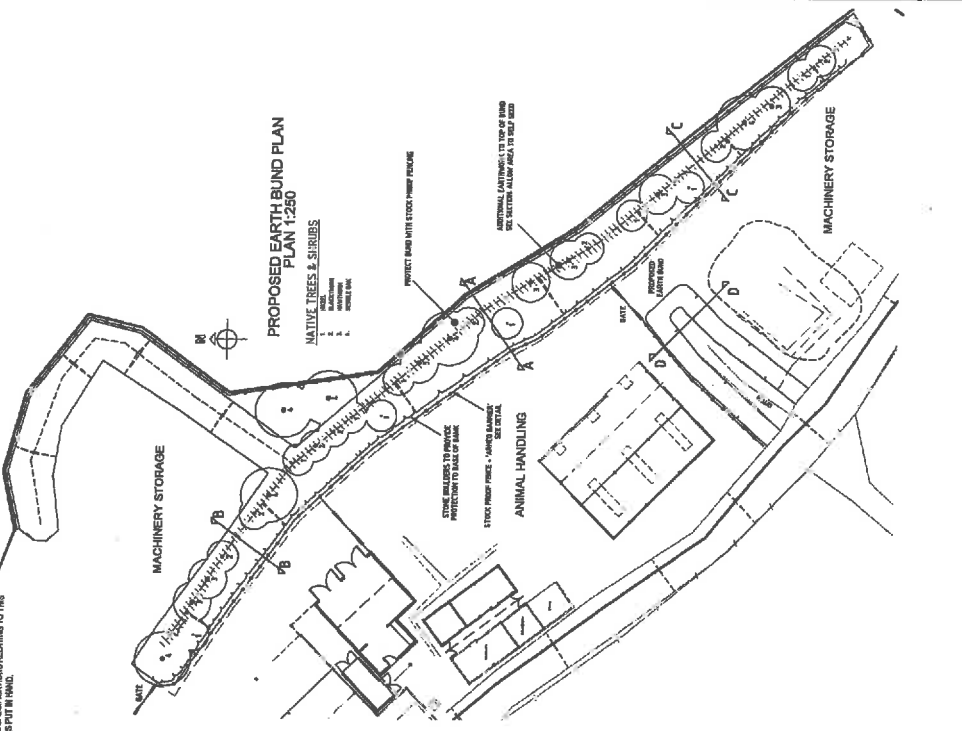


EXISTING EARTH BUND PLAN  
PLAN 1:250

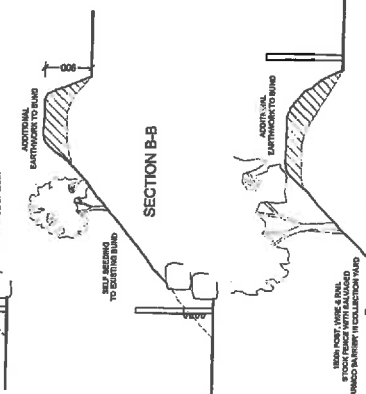


EXISTING

PROPOSED EARTH BUND PLAN  
PLAN 1:250

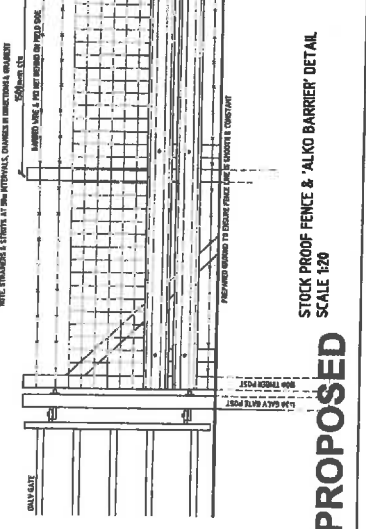


SECTION A-A  
SECTIONS THRU EXISTING BUND 1:50



SECTION C-C

SECTION D-D THRU EXISTING DITCH  
SCALE 1:20



PROPOSED

**HARRIES**  
DESIGN & MANAGEMENT

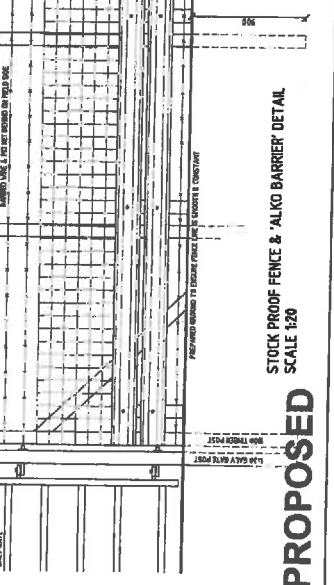
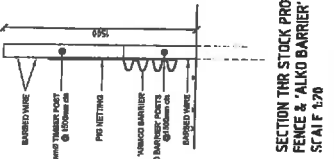
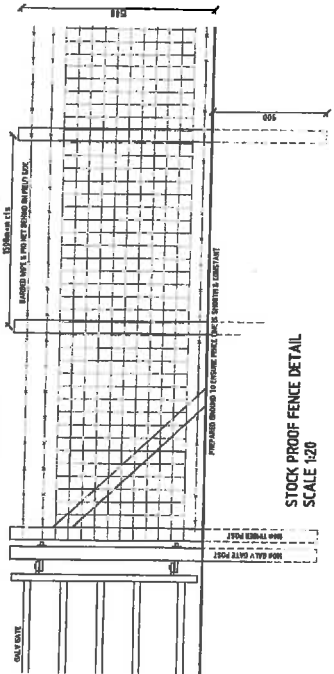
PROJECT: Proposed Works at Leather Farm, Pontfrais, Cwm Gwaun

CLIENT: Mr James

DATE: 30 SEP 2019

NO. 1349

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