

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2015/0530</b>	<b><u>DATE:</u> 03/07/2015</b>
<b>PROPOSAL:</b>	Demolition of existing building, and construction of field store.
<b>LOCATION:</b>	73 Pen Yr Alltwen, Alltwen Pontardawe SA8 3EA
<b>APPLICANT:</b>	Mr David Evans
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Alltwen

### **Background**

This application is reported to committee at the request of the ward member, Councillor David Lewis, on grounds that the proposal is unauthorised development in the countryside; that the use of the building is likely to be linked to the commercial / non-agricultural activities; and that the area forms part of an open access area under the Countryside and Rights of Way (CRoW) Act.

### **Planning History**

The site has the following relevant planning history

P1999/1072	Dormer extension and garage	Approved	10/02/2000
P2001/0114	Extension	Approved	20/02/2001

### **Publicity and Responses if applicable:**

Cilybebyll Community Council – No objection

2 Neighbouring properties and a site notice was displayed on site. In response, one letter of objection has been received from the neighbouring property, objecting on grounds which are summarised as follows: -

- An access created over agricultural land
- Use of the land and building for commercial reasons as a builders yard and parking of vehicles
- Existing building is an unauthorised construction

- Queries the need for the building as applicant has a garage
- The building will overlook the neighbouring properties
- Visual amenity of a building and specifically the design and the materials of this building
- The previous actions of the Planning Department would seem to preclude the development

### **Description of Site and its Surroundings:**

The land in which the proposed building is to be located is a field in the applicants ownership which is to the rear of 73 Penyralltwen, Alltwen, accessed via a farm styled gate at the top of the driveway to the residential dwelling. There is an existing agricultural style outbuilding sited in the location that this replacement field store is to be constructed.

The residential dwelling is sited inside of the settlement boundary but the land to the rear, on which the building is proposed to be sited, lies outside of the settlement boundary as defined in the Neath Port Talbot Adopted Unitary Development Plan.

Contrary to the statement within the submitted Design and Access Statement, the use of the land is not accepted to be residential.

### **Brief description of proposal:**

This application is for the demolition of the existing building and its replacement by a new field store, which is to be constructed in the same location and on the existing concrete slab as the existing outbuilding present at the site.

The field store will replace an existing timber structure with a block building which will be rendered and painted in a light brown colour. The front elevation (facing the dwelling) will be clad in timber cladding. The roof will be constructed of corrugated steel sheets and the fenestration will be white uPvc.

The building would measure 7.6 metres in width, 3.5 metres in depth and will have a mono-pitched roof with a maximum height of 3.2 metres. There will be no fenestration on three elevations apart from the front elevation which will have a single door and a further double door.

The supporting information states that the building will be used as a field store for the storage of field materials and tools. This application does not relate to the change of use of the field.

## **Material Considerations**

The main issues to be considered in the determination of this application concern the principle of development on the application site, and the impact upon residential amenity, visual amenity and highway safety.

## **Policy Context:**

The adopted Development Plan is the Neath Port Talbot Unitary Development Plan, within which the following Policies are of relevance:

GC1 New buildings/structures and changes of use  
ENV1 Development in the Countryside  
ENV17 Design

## **Principle of Proposed Development**

The application proposes the construction of a 'field store' in a location and of a similar size to an existing building which historically appears to have been used in connection with the maintenance of the field (albeit a larger area than that now enclosed).

Although submissions have been made which call into the question the use of the existing building for non-agricultural purposes, previous enforcement investigations have concluded that there is no such breach of planning control. In any respect, given its location in the countryside, outside of the defined settlement limit, and in relative close proximity to (and with an access through) residential properties, such a commercial use would be wholly unacceptable. Accordingly, should the impacts be considered acceptable, a condition will be imposed on the permission to restrict the use of the store for the stated 'field store' purposes only, and for no commercial or residential use.

Subject to the imposition of the above condition, the replacement of such a building for the purposes stated is considered to be acceptable in principle in accordance with Policies ENV1 and GC1, provided there are no unacceptable impacts on matters including the landscape.

These are considered below.

### **Visual Amenity:**

Although proposed to be constructed in blocks, the roof is to be corrugated steel sheets and the frontage has been amended to be timber cladding in order that the building does not have an unacceptably residential appearance. Subject to the development being undertaken in accordance with these materials, and retained as such thereafter, in terms of visual amenity the proposed field store will be of a style and of finishes typical of a field store. The area has a rural aspect and it is considered that the field store will be in character with buildings of this nature.

On this basis it is considered that the proposal by virtue of its siting and design will not have an unacceptable impact on the visual amenities of the area or its rural character.

### **Residential Amenity:**

In terms of residential amenity, the nearest residential property is approximately 50 metres away from the field store. In view of the degree of separation between the proposal and this building it is not considered that the proposal will have an adverse impact on residential amenity.

In terms of noise, the use of the building will be restricted by condition as a field store, and it is considered that it will not result in an unacceptable impact upon noise over and above that which already exists already.

### **Highway Safety (Access, Parking and Traffic flows):**

There will be no new access to the proposal the existing vehicular access will be via the existing drive at 73 Penyralltwen. It is therefore considered that the proposal raises no unacceptable detrimental issues with regard to highway or pedestrian safety.

### **Other Matters**

The application site boundary incorporates the whole of the land between the rear wall of the residential garage and the rear of the field store. The field is accessed via an existing gate from no. 73 Pen Yr Allt.

Concern has been expressed with the applicants agent, however, that the pre-existing boundary treatment separating the authorised garden of no. 73 from the field to the rear has been removed at some point in the last few years. As a consequence, there is concern that there may be subsequent claims made that the land to the rear (on which this building is to be sited) has a residential use. As stated above this is not accepted, and there is evidence to indicate that the boundary between the areas remained in place in 2010.

The justification for this new development relates to the use of the land in question as a 'field' (as opposed to garden / residential use), and the use for residential purposes would be wholly inappropriate given its location outside of the approved settlement boundary. Accordingly, it is considered necessary and appropriate to impose a condition on this application requiring the reinstatement of the boundary between the dwelling and the field prior to use of the building hereby approved commencing, to the field (and the use of the building) will remain separate to the residential curtilage.

### **Others (including objections)**

The matters raised by Councillor D Lewis have largely been addressed in the above report. In response to concerns that the area is part of an open access area under the CRoW Act, it is noted that this land does not form part of a Countryside Right of Way, however the CRoW Act does not restrict development of land simply because it has become access land.

In response to the matters raised in the letter of objection, which have not been addressed earlier, the following comments are made:

**- An access created over agricultural land** – There is to be no new access formed.

**- Use of the building for commercial reasons as a builders yard and parking of vehicles** – A condition will be imposed on the consent stating that the building shall not be used for commercial reasons. Parking of vehicles relates to the use of the land and will be the subject of enforcement investigation

- **Existing building is an unauthorised construction** – Given the length of time in situ, the existing building is deemed to be a lawful structure.

- **Queries the need for the building as applicant has a garage** – the applicant has indicated that this building will be used as a field store for machinery to maintain the land etc. which is considered acceptable for the reasons above

- **The previous actions of the Planning Department would seem to preclude the development** – The above report considers the acceptability of the proposed development, and there is no preclusion to the approval subject to the conditions identified below.

### **Conclusion:**

The proposed development would not have a detrimental impact upon the amenities of any neighbouring residents or upon the character or appearance of the surrounding rural area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development is in accordance with Policies GC1, ENV1, and ENV17 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

### **RECOMMENDATION: Approval with Conditions**

#### **CONDITIONS**

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The proposed field store shall be constructed in materials as stated on the submitted plan A02 prior to first beneficial use, and shall thereafter be retained in accordance with the approved details.

Reason

In the interest of visual amenity of the area.

(3) The building hereby approved shall be used solely as a field store for the storage of field materials and tools in conjunction with the maintenance of the adjacent land, and shall not be used at any time for any commercial or residential purposes.

#### Reason

Since the building is only justified for the defined purposes, and its use for commercial or residential purposes would amount to unacceptable development in the countryside.

(4) Prior to first beneficial use of the field store hereby approved, a boundary wall or fence shall be constructed along the rear boundary of the residential curtilage of no. 73 Pen Yr Alltwen (i.e. between the northwest corner of the existing detached garage and the western boundary of the curtilage) in order to separate the rear garden from the field in which the proposal is to be sited. The rear boundary shall thereafter be retained in perpetuity.

#### Reason

Since the building hereby approved is only justified for the specified purposes as a field store, and in the interest of clarity as to the residential curtilage of 73 Pen Yr Alltwen.

### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed development would not have a detrimental impact upon the amenities of any neighbouring residents or upon the character or appearance of the surrounding rural area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development is in accordance with Policies GC1, ENV1, and ENV17 of the Neath Port Talbot Unitary Development Plan.