

## Dirprwyedig / Delegated

<b>Rhif y Cais / Application Reference</b>	A220319
<b>Derbyniwyd / Received</b>	27-05-2022
<b>Y Bwriad / Proposal</b>	Erection of an agricultural building
<b>Lleoliad Safle / Site Location</b>	Tyddyn Du, Cribyn, Lampeter, SA48 7QW
<b>Math o Gais / Application Type</b>	Prior Approval (Agri/Forest/Dem)
<b>Ymgeisydd / Applicant</b>	Mr and Mrs J Lloyd-Lewis, Tyddyn Du, Cribyn, Lampeter, Ceredigion, SA48 7QW
<b>Asiant / Agent</b>	Gwennan Davies, Hafan Y Coed Maes Hyfryd, Lampeter, Ceredigion, SA48 8AN

## Y SAFLE A HANES PERTHNASOL / THE SITE AND RELEVANT PLANNING HISTORY

The application site refers to a field located to the rear of the bungalow known as Pant-faenog which forms part of the farming enterprise at Tyddyn Du, which is located to the north-east of the hamlet of Troed y Rhiw. The main farmyard is located at Tyddyn Du, and includes a farmhouse. It is located approximately 0.5 miles to the north to Pant-faenog. Both the bungalow and the farmyard front onto the County Road which leads to Mydroilyn.

The application states that the farm enterprise has 102 hectares of land.

The field where the building is proposed to be located has no planning history. However the following planning history is considered to be relevant:

Planning history at the main farmyard at Tyddyn Du:

- A070437 - Erection of an agricultural building for cubicle shed & handling area. Approved subject to conditions 22-05-2007
- A070265 - Erection of new milking parlour & covered collection yard. Approved subject to conditions 22-05-2007
- A030080DT - (Prior Approval) Erection of an agricultural building. Permission required 12-02-2003
- A030470 - Agricultural effluent tank. Approved subject to conditions 04-06-2003

Planning history for land adjacent to the application:

- A180764 - Change of use of an agricultural field into a glamping field for 6 units, along with conversion of the existing redundant dairy building into a holiday unit. Approved subject to conditions 29-11-2018 - Pontfaen, Troedyrhiw

## MANYLION Y DATBLYGIAD / DETAILS OF DEVELOPMENT

The application has been submitted under Part 6 of the GPDO 1990 which states that the erection, extension or alteration of a building on agricultural land comprised in an agricultural unit of 5 hectares or more is permitted development, subject to meeting the limitations and conditions set out. The Order requires the developer to submit an application seeking the LPA's prior approval for the siting, design and external appearance of the proposed building.

The application is for the erection of a new agricultural building that will be located within a field to the rear of the bungalow of Pant-faenog. The building will measure a length of 18 metres, width of 5 metres, 4 metres to heavens and 5 metres to ridge. The building will have cement and corrugated sheeting walls of a green colour, and corrugated sheets for the roof, which will also be green in colour.

The application states that the building will be used for storage of machinery and agricultural equipment, in conjunction with the farming enterprise at Tyddyn Du and the bungalow at Pant-faenog.

## POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL / RELEVANT PLANNING POLICIES AND GUIDANCE

**National Planning Policy:**

- Planning Policy Wales (edition 11, February 2021)
- Nature Conservation and Planning (2009)

- Planning for Sustainable Rural Communities (2010)

### **Local Planning Policy:**

Mae'r polisïau canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn: / These Local Development Plan policies are applicable in the determination of this application:

- DM06 High Quality Design and Placemaking
- DM17 General Landscape

## **YSTYRIAETHAU PERTHNASOL ERAILL / OTHER MATERIAL CONSIDERATIONS**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **EQUALITY ACT 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## **YMATEBION YMGYNGHORI / CONSULTATION RESPONSES**

Not applicable

## **CASGLIAD / CONCLUSION**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise".

The Town and Country Planning (General Permitted Development) Order 1995, Part 6 permits the erection of a building for agricultural purposes on land which forms part of an agricultural unit of 5 ha or more without the need for planning permission, subject to limitations / conditions. If the development benefits from permitted development under Part 6, the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building.

In order to benefit from permitted development rights the proposal must comply with the following (in summary)

1. The agricultural unit has more than 5 ha of land
2. It must be reasonably necessary for the purpose of agriculture

3. If carried out on a separate parcel of land, the land must be more than 1 ha in area
4. Does not involve any alteration to a dwelling
5. Must be designed for agricultural purposes
6. The ground area cannot exceed 465 sq.m
7. The proposed building must be more than 25 metres from a trunk or classified road
8. If within 3 km of an aerodrome, the height of the building cannot exceed 3m otherwise it cannot exceed 12m
9. If used to accommodate livestock or storage of slurry or sewage sludge, cannot be within 400 m of the curtilage of a protected building
10. Cannot involve excavations or engineering operations on or over article 1 (6) land which are connected with fish farming.

The application states that the building will be used in conjunction with the farming enterprise of Tyddyn Du and Pantfaenog which comprises 102 ha of land. Tyddyn Du is currently for sale and the sales particular does not include the part of the field where the building is proposed to be sited nor the bungalow of Pantfaenog. Therefore clarification was sought as to whether the site forms part of the same agricultural unit as Tyddyn Du. The agent has clarified in an email, dated 21-06-2022, that Tyddyn Du and Pantfaenog are one enterprise and whilst Tyddyn Du is for sale, the applicants still own and still farm both Tyddyn Du and Pantfaenog and the surrounding land, which form one agricultural unit. In view of this, it is satisfied that the agricultural holding extends to 5ha or more and thus meets with criteria 1 above.

The building is proposed to be located within a field to the rear of Pantfaenog, away from the main farmyard. The field is more than 1 ha and therefore satisfies criteria 3 above.

The proposal also satisfies criteria 4 - 10 above.

However concerns are raised with regards to criteria 2 above, which requires such proposals to be reasonably necessary for the purpose of agriculture within that unit. Further information has been received on the need for the building, which is set out in the email dated 21-06-2022 from the agent. This states that:

The building is required to store the agricultural equipment owned and used by the applicants on their farm. It will also be used for shelter for animals during severe weather and for animal husbandry purposes. The shed is located in this position for future reasons, if Tyddyn Du is sold, then the shed would be readily available for Pantfaenog. It would then be used to store the valuable agricultural machinery which the applicants own and have accumulated over the years and will remain to use for agricultural purposes. The email states, that as facts remain at the time of the application, the proposal meets the requirements of Part 6, Class A.

The following agricultural equipment are owned by the applicants and will be stored in the shed:

- Tractor
- Hedgecutter
- Horsebox
- Mower
- Rake
- Fertilizer
- Attachments

Based on the information provided, it is considered that the primary need for the building is for future reasons, in the instances that Tyddyn Du is sold, so that the shed would be available for Pantfaenog and that the applicants would be able to store their agriculture machinery within the shed. In view of this, the proposed building is not considered reasonably necessary for the purpose of agriculture for the current agricultural unit of Tyddyn Du and Pantfaenog. As a result, the development is not considered to satisfy the requirements of Part 6 and does not benefit from permitted development rights. Consequently planning permission is required.

As planning permission is required, the proposal cannot progress under the prior approval procedure and therefore there is no requirement to assess the proposal in terms of siting, design and external appearance.

## **ARGYMHELLIAD / RECOMMENDATION:**

Planning permission required.