

Application Number: 23/0526/COU

Date Received: 26.02.2024

Applicant: Ms K Johnson

Description and Location of Development: Change the use of land from agricultural use to a private dog walking area, erect 2 No. timber shelters, and convert existing stables to form a new office - Land At Long Barn Argoed Uchaf Farm Sunnyview Argoed Blackwood

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site relates to 2 field parcels adjacent to Long Barn, Argoed Uchaf Farm, Argoed.

Site description: The site consists of two agricultural fields, adjacent to, and within the ownership of, Long Barn. The land is in a rural location situated to the west of Argoed village and to the north of the closest settlement of Blackwood. The site is split across two field parcels, along with the associated access and parking facilities to serve the two fields. The larger field parcel covers an area of 2.67 hectares and the smaller covers an area of 0.24 hectares. The fields are currently within an agricultural use and as such the fields are grassed, with the topography of the site largely unaltered, sloping upwards in a westerly direction. The site is crossed by a Public Right of Way (ARGO/FP125/1), which forms a separation line between the larger and smaller field.

Development: The proposed development is to change the use of the two fields from agriculture, to a dog walking facility. The proposal also includes the siting of two timber shelters, the conversion of an existing stable building and the erection of boundary fencing. The fields would not be physically altered to accommodate the dog walking use, they would remain as existing. The fields would be enclosed by an outer 2 metre high fence and by an inner 1 metre high fence. The fences would be a pvc coated wire, supported by wooden posts. Two timber shelters would be placed within the fields to provide shelter for dog owners. The existing stable building at the site would be converted to form an office, waiting area, toilet and store room. Access to the site would be off an unclassified road and then via private shared access through the complex of dwellings at Argoed Uchaf Farm. A parking and turning area would be located adjacent to the smaller field and stable building.

The site would operate on a booking system, where sessions last 45 minutes, for a single person and up to five dogs. The customer would book either of the two fields and have sole use of the field. Dog waste bins would be provided at the site, along with biodegradable bags for customers to use. Session times would be staggered to avoid vehicle conflicts between customers. The converted stable would act as an office for

customers to check in before using the fields. Operating hours have been suggested as being 8:30 to 16:30 during winter months and 08:00 to 20:00 during summer months. The operating hours would be less on a Saturday, starting an hour later at 09:00, finishing at the same time depending on winter or summer time. Sunday hours would be shorter again, starting at 10:00 and ending Saturday 17:00.

Dimensions: The field dimensions would remain as existing. The fences to be erected would be an outer fence of a height of 2 metres and an inner fence of 1 metre. Gates would be installed with heights to match the respective fences. The existing stable building dimensions would remain as existing. Two field shelters are proposed, each shelter would measure 3 metres in width, 2.1 metres in depth and 2.5 metres in height at the front, dropping to 2.1 metres at the rear.

Materials: The proposed fences would be pvc coated wire, supported by timber posts. The proposed gates would be timber. The proposed field shelters would be timber framed and clad in timber planks and a corrugated metal roof. The stable building would remain as existing, however windows and doors would be inserted into the existing openings.

Ancillary development, e.g. parking: The proposed parking is located on an area of existing hardstanding, formed of compacted chippings. The parking area would be increased in size slightly and reinforced with additional chippings where necessary.

PLANNING HISTORY 2010 TO PRESENT None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site is located outside of settlement limits.

Policies: SP1 (Development Strategy - Development in the Heads of the Valleys Regeneration Area), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification) and CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) and advice contained within the Local Planning Authority's adopted Supplementary Planning LDP 6: Building Better Places to Live and LDP 10: Buildings in the Countryside.

NATIONAL POLICY Future Wales: The National Plan 2040 (February 2021), (Planning Policy Wales Edition 12 (February 2024) and Technical Advice Notes; 5: Nature Conservation and Planning (September 2009), 6: Planning for Sustainable Communities (July 2010) and 12: Design (March 2016).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is located within an area of low risk, informative advice will be provided and any issues would be dealt with as part of the building regulations approval process.

CONSULTATION

Argoed Community Council - No comments received.

Transportation Engineering Manager - CCBC - No objection, subject to conditions.

Environmental Health Manager - No objection, subject to conditions.

Senior Engineer (Drainage) - No objection.

Senior Arboricultural Officer (Trees) - No objection in principle. Concerns raised in relation to the parking area and its impact on adjacent trees.

Rights Of Way Officer - No objection, however concerns raised.

Landscape Architect - CCBC - No objection, subject to conditions.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letters and by the erection of a site notice.

Response: Two letters of representation were received, both in support of the application.

Summary of observations: The support comments can be summarised into the following points:

1. No problem with the dog walking business, it's a great idea.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, the proposal is unlikely to have a significant impact on biodiversity. However, Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements will be sought as part of this development.

Is this development Community Infrastructure Levy liable? No, as the floor space created is below 100 square metres.

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The main considerations in the determination of this application are whether justification exists for the creation of a dog walking business outside settlement limits together with its impact in terms of design, residential amenity and highway safety.

Policy SP5 relates to settlement boundaries. The purpose of this policy is to promote resource efficient settlements, indicating where growth will be permitted through the delineation of settlement boundaries. By defining settlement boundaries, the areas outside of the boundary are recognised for the purposes of planning policy as countryside where new development will be strictly controlled. In that regard criterion D of Policy SP5 seeks to prevent inappropriate development in the countryside and should also be applied in conjunction with Policy CW15 whereby the policy sets out general locational constraints for new development. The site is not within any identified settlement within the settlement hierarchy of the Local Development Plan (LDP), and therefore lies outside of settlement limits.

In line with the requirements of National and Local Planning Policy, development in the countryside should be located within and adjoining those settlements that have appropriate physical form and capacity for growth. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, however new buildings in the open countryside away from existing settlements or areas allocated for development in the Local Development Plan must continue to be strictly controlled.

The proposal is not for affordable housing and is not considered to be infill development. The proposal seeks consent for the change of use of two fields from agriculture, to a dog walking business. Along with the siting of timber shelters and conversion of a stable building to form an office.

Policy CW15 sets out general locational constraints for new development and the types of uses that would be acceptable outside of settlement boundaries. Criterion (C) of Policy CW15 limits consideration of development outside settlement boundaries to five defined circumstances. Four of these do not apply in this instance, however, criterion C (iii) permits recreation, leisure and tourism proposals that are suitable in a countryside location. It is noted that the application site is located within the Heads of the Valleys Regeneration Area. Policy SP1 (Development in the Heads of the Valleys Regeneration Area) acknowledges that development within this area should seek to promote the area as a tourist, employment and residential area, and provide appropriate forms of growth in response to the role and function of settlements. As such the principle of a tourism proposal in this location would accord with Policy CW15 and criterion A and B of Policy SP1.

Policy CW19 outlines constraints relating to rural development and diversification, it states the following:

Rural Development and Diversification schemes will be permitted where:

A. They are consistent in scale and compatible with their rural location, including the retention and enhancement of existing natural heritage features.

B. That where buildings are required to deliver the scheme, existing buildings are reused where possible, or the new buildings relate to an existing group of buildings.

C. They will be complementary to, and not prejudice, the operation of the existing business.

The proposed development can be considered a rural development as well as being a form of diversification. It should be noted that the proposed development results in only two new structures at the site, these being small timber shelters. The proposed use allows the existing natural features to remain as existing, with the proposal including enhancement to the existing natural features through the planting of wildflowers, herbs and strengthening the existing boundary hedgerows. The site contains a stable building, which is proposed to be converted to form an office building associated with the proposed use. The external appearance would remain largely as existing, with the exception of windows and doors inserted into the existing openings. Given the above points, the proposed development is considered to be of a scale and use compatible with the rural location and also retains and enhances natural features at the site. The proposal also reuses an existing building at the site. Given the above, the proposed development is considered to comply with Policy CW19.

Policy CW2 sets out the criteria relating to amenity. In terms of the relationships between the proposed use and existing dwelling, the occupiers of Long Barn would be the owners and operators of the proposed dog walking business. In that respect, it is not considered that any potential amenity concerns would be unacceptable as it is likely that the occupiers would be running and managing the business during opening hours. However, given the proximity to Long Barn, if the business was separated from the occupiers of Long Barn, it would likely result in an unacceptable impact on the future occupiers. In that respect, a condition will be added to the decision to tie the business to

Long Barn, so that the dog walking business can only be operated by the occupier of Long Barn.

Turning the assessment to neighbouring properties, the closest property is Ysgubor Maenderw, located to the north west of the site. The application site shares a boundary with land associated with Ysgubor Maenderw, however the application site does not share a boundary with the curtilage associated with the dwelling. Consultation with the Environmental Health department raised no objection in terms of noise generated by dogs using the site, nor the operating hours suggested by the applicant. At the closest point, the application site is 35 metres from Ysgubor Maenderw, and at its further point, over 150 metres from the dwelling. Given the extent of land available to the dogs and distance from the dwelling, it is not considered that the proposed development would have an adverse impact on the amenity spaces of Ysgubor Maenderw. The other dwellings within the complex of houses are further from the application site and as such, the impact on those dwellings is also considered to be acceptable.

The proposed development is also not considered to be an overdevelopment of the site and is compatible with surrounding land uses. Given the above, the proposed development is considered to be compliant with Policy CW2.

Policy CW3 considers highway safety implications. Further to consultation with the Transportation Engineering Manager, no objection was raised subject to conditions tying the business to the occupiers of Long Barn, the implementation of a booking system for customers and a condition to ensure the parking area is laid out and completed prior the beneficial use of the proposal. Given this, there are no concerns in terms of highway safety and the proposal complies with Policy CW3.

Policy CW6 states that Development proposals on sites containing trees, woodlands and hedgerows, or which are bordered by one or more such trees or hedgerows, will only be permitted provided that:

- B. Root systems will be retained and adequately protected for the duration of all development activity on site.
- C. Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site.

The proposed development is not considered to impact any existing trees or vegetation. Concerns were raised by the Council's Arboricultural Officer relating to trees adjacent to the proposed parking area. The trees in question are located outside of the application site and outside of the applicant's ownership. The trees are set a reasonable distance from the parking area and are growing from a lower level than the parking area. As such, on balance it is not considered that the proposed parking area would detrimentally impact the trees adjacent.

With regard to the wider site, the proposed development does not remove any existing trees, hedgerow or vegetation. The proposal includes a scheme to strengthen the

existing hedgerow and plant additional vegetation in the form of a wildflower meadow and herbs. Given the above, the proposed development is considered to comply with Policy CW6.

In conclusion, the change of use of the site, to create a dog walking area is considered to be acceptable. The principle of the development is considered to be acceptable for the countryside location and the visual impact of the use and ancillary structures is considered to be minimal. The use is also not considered to result in an unacceptable impact on neighbouring dwellings and highway safety. The proposal therefore complies with policies SP6, CW2, CW3, CW6 and CW19 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010. The application is therefore recommended for approval.

Comments from Consultees: An objection was received from the Council's Arboricultural Officer. Their objections have been covered in the above report. Concerns were also raised by the Council's Rights of Way Officer, however the outstanding concerns can be dealt with through the Highways Act and as such, these matters will not be duplicated through the planning process.

Comments from public: None to address.

Other material considerations: Recent updates to Planning Policy Wales, to edition 12 (Feb 2024), requires the submission of Green Infrastructure Assessments and Statements, along with strengthening the protection of SSSI's, net benefits for biodiversity and increased emphasis on tree protection and tree planting. Chapter 6 explains that green infrastructure assessments and statements should be proportionate to the proposal. In this instance, the application results in the majority of the site remaining as existing. No specific reference to the provisions of the updated Chapter 6 has been included in the submission. However, given the scope of the application, it is not considered necessary or proportionate to request a Green Infrastructure Statement.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) was amended to take account of Future Wales and under PPW Edition 11, which was also published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and the updated PPW Edition 12, published February 2024 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's

report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 12.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Dwg No. Site Location Plan received on 11.09.2023;
Dwg No. PL05 REV D - Proposed Layout of Both Fields received on 12.12.2023;
Dwg No. PL06 REV E - Proposed Partial Site Plan received on 12.12.2023;
Dwg No. PL07 REV D - Proposed Access and Reception received on 12.12.2023;
Dwg No. PL08 - Proposed Ground Floor Plan received on 04.08.2023;
Dwg No. PL09 - Proposed Elevation Plan received on 04.08.2023;
Dwg No. PL10 REV B - Field Entrances and Boundary Treatments received on 12.12.2023;
Dwg No. PL11 - Visibility Splays received on 12.12.2023;
Document Named: Ecology Report received 27.11.2023; and
Document Named: Design, Access and Planning Statement REV B received on 26.12.2024.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The dog walking business hereby permitted shall be operated only by the occupiers of Long Barn, Argoed Uchaf Farm, Sunnyview, Argoed (the dwelling shown and named within the red line on the approved Site Location Plan).
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the commencement of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) Prior to the commencement of the development hereby approved, the timber structures and gates hereby approved shall be stained or painted a matt charcoal black or dark green.

REASON: In the interests of the visual amenity of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Prior to the commencement of the development hereby approved, a scheme for the storage, collection and disposal of commercial waste shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the beneficial use of the development.

REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) Prior to the commencement of the development hereby approved, a scheme for the storage, collection and disposal of dog faeces shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the beneficial use of the development.

REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 08) The dog walking business hereby permitted shall be by appointment only, and shall not exceed 2 customers at any one time.

REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) The use hereby permitted shall not be open to customers outside the following times:

April to September inclusive: 08:00 hours to 20:00 hours Monday to Friday, 09:00 hours to 20:00 hours Saturday and 10:00 hours to 17:00 hours Sunday and Bank Holidays.

October to March inclusive: 08:00 hours to 16:30 hours Monday to Friday, 09:00 hours to 16:30 hours Saturday and 10:00 hours to 16:00 hours Sunday and Bank Holidays.

REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) Prior to the development commencing, a lighting scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, and a plan indicating expected illuminance levels both on and off site. The lighting shall thereafter be installed and maintained in accordance with the agreed scheme and no additional lighting shall be installed without the approval of the Local Planning Authority.
REASON: In the interests of nature conservation in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Prior to the beneficial use of the development hereby approved, a plan showing details of the provision of bat roosts shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development is brought into beneficially use.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 12) Prior to the beneficial use of the development hereby approved, a plan showing details of the provision of bird boxes shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development is brought into beneficially use.
REASON: To provide additional habitats for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

Advisory Note(s)

The proposed development directly affects the Public Right of Way, and the applicant is made aware of the existence of ARGO/FP125/1, and the need to maintain public access and safety at all times.

The applicant is reminded that it is an OFFENCE to obstruct a Public Right of Way. There is one public right of way affected by the proposal. The planning permission does not authorise the stopping up or diversion of the Public Right of Way. The Public Right of Way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990, provided that the Order is made before the development is carried out, but this process is independent of the planning process and as such the applicant is advised to contact the Rights of Way Officer. If the Public Right of Way is obstructed before the Order is made, the order cannot proceed until the obstruction is removed.

Should the applicant require further information regarding their responsibilities to the Public Right of Way, they are requested to contact the Rights of Way Officer.

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.