

| Code No. and Date Received | Name and Address of Applicant                           | Description and Location of Proposed Development  |
|----------------------------|---|---|
| 18/0324/RET<br>14.05.2018  | Mr M Meredith<br>1 Forest Road<br>Treharris<br>CF45 5HG | Change the use of ground to equine use, retain two containers for storage of equine equipment and renovate derelict building to be used by the horses<br>Land At Grid Ref 310215<br>195221<br>Pontypridd Road<br>Nelson |

**APPLICATION TYPE:** Retain Development Already Carried Out

#### SITE AND DEVELOPMENT

Location: The application site is located at Pontypridd Road, approximately 250 metres west of the settlement of Nelson. Access is from the A472 road connecting Nelson and Abercynon.

Site description: The site is outside settlement boundaries and is set within an agricultural landscape of open fields with boundaries marked by hedgerow. It was previously used as a waste water treatment works and there is still evidence of that use on site, although the use itself ceased many years ago.

Development: The application seeks to allow the retention of the use of the site for the keeping of horses , including the siting of two container units and to renovate a derelict building.

Dimensions: The site area extends to three hectares. The containers measure 2.8m x 25m x 6.1m. The renovated building will measure 3m x 9m x 4.5m to the ridge.

Materials: The application states that the materials used will include shiplap cladding and steel roofing material.

Ancillary development, e.g. parking: Not applicable.

#### PLANNING HISTORY 2005 TO PRESENT

None.

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## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is not allocated for any use in the Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010. It is outside settlement limits and within the Mynydd Eglwysilian SLA.

Policies: The following policies in the adopted LDP are relevant to the determination of this application: CW15 settlement limits, SP6 Place Making, CW2 Amenity, CW3 Highways design and CW4 Natural Heritage Protection.

NATIONAL POLICY The application has been considered in the context of national policy in Planning Policy Wales November 2016.

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No. The development does not fall within the development types and thresholds set out in schedule 2 of the EIA regulations.

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within the coalfield but no new built development is proposed. An advisory note will be sent with any permission granted, if appropriate.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to the imposition of a condition relating to the storage of feed and disposal of waste.

Natural Resources Wales - NRW has no objection in principle but offers advice to the applicant in respect of flood risk.

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Landscape Architect - The site is within the Mynydd Eglwysilian Special Landscape Area. The siting of containers would conflict with the aim of policy NH1.3 to restrict urban spread into the countryside and soften the urban edge.

The renovation of the existing building for stabling would be preferable to the containers. A condition requiring additional tree planting should be imposed on any consent granted.

Senior Engineer (Land Drainage) - A detailed drainage strategy should be provided, incorporating sustainable drainage principles.

CADW - Cadw has no comments to make on the proposed development.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a notice posted at the site entrance and press notice published on 25 May 2018.

Response: No representations have been received.

Summary of observations: Not applicable.

### 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?

The proposed development is unlikely to have a significant effect on crime and disorder in the local area.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No. Any built development does not exceed the 100 square metres exemption limit.

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## ANALYSIS

Policies: The main considerations in this case are as follows.

The principle of the development (CW15)

Outside settlement boundaries policy CW15 seeks to restrict new development to that required to be located in the countryside, for example development connected with agriculture, recreation and public utilities. While the use of the site as a sewage treatment works ceased many years ago the foundations of the tanks, steps and a building remain on the site. The proposed use involves grazing of horses, which is considered to be appropriate in a countryside location; the renovation of an existing building, which would improve its appearance; and the siting of container units, which are temporary structures. Therefore, the proposed development does not conflict with the aims of policy CW15.

The effect on the amenity of neighbouring land. (CW2)

The site is surrounded by agricultural land and the proposed use would not have an adverse effect on the amenity of neighbouring land, consistent with policy CW2.

The effect on the Mynydd Eglwysilian Special Landscape Area (CW4, NH1.3)

The council's landscape architect raises concerns about the effect of the proposed containers on the SLA. Policy CW 4 states that development proposals will be permitted within SLAs where they conserve or enhance the distinctive or characteristic features of the designation. The containers are sited at the lower level of the site in front of a retaining bank. In addition, the site is well-screened by mature trees and hedgerow along the boundaries. In view of this and the small-scale nature of the built development, the proposal would not harm the characteristic features of the SLA. A temporary condition is recommended to allow the situation to be reviewed after 10 years.

The design and appearance of the proposed structures. (SP6)

While the renovation of an existing building will improve its appearance, if carried out sympathetically, the siting of container units has the potential to have an adverse effect on the surrounding area. However, the appearance of the structures can be improved by external wood cladding, required by condition, to make the appearance less industrial. Subject to this, the proposal would not conflict with the aims of policy SP6 to encourage a high standard of design

Any effect on highway safety (CW3)

The council's transportation engineer has raised safety concerns regarding the intensification of the use of the existing narrow access into the site with poor visibility for vehicles emerging onto the A472. Improving visibility would be difficult given that the applicant does not control any adjoining land and it would involve the removal of hedgerow.

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However, although the sewage treatment use of the site was abandoned some time ago, the existing access to the site remains lawful. The grazing of horses on the land would not require planning permission and would attract vehicle trips to the site in connection with their welfare. The provision of the shelter and the stables would not intensify that use to such an extent that it would be unacceptable from a planning point of view. However, a condition is required to ensure that the site is only used for the keeping of the applicant's horses with no livery or lessons.

Comments from Consultees: The comments from consultees are set out above and discussed in the Analysis section of this report. The application is reported to planning committee at the request of the local ward member.

Comments from public: No representations were received.

Other material considerations:

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.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be carried out only in accordance with the plans, drawings and other submitted details received on 10 April 2018 and 14 May 2018  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) This consent shall extend only to the keeping of horses for private use and shall not extend to any livery, teaching or other business use associated with the keeping of horses at the site.  
REASON: To define the extent of this consent in the interests of highway safety.
- 03) Within three months of the date of this permission a scheme for the storage of foodstuffs, and the storage and disposal of waste and manure shall be implemented in accordance with details that have been agreed in writing with the Local Planning Authority.  
REASON: To prevent pollution.

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- 04) Within three months of the date of this permission a scheme of land and surface water drainage within the site shall be submitted to and approved by the Local Planning Authority and thereafter the scheme shall be implemented in perpetuity. REASON: To ensure that the development is served by an appropriate means of drainage.
- 05) The containers hereby approved shall be removed on or before 31 December 2028. REASON: In order that the Local Planning Authority can review the permission taking into account the limited life of the containers.
- 06) Full details of the proposed works to renovate the existing building on the site, including a detailed specification of the proposed materials to be used, shall be submitted to and approved by the Local Planning Authority within three months of the date of this permission. REASON: In the interests of the amenity of the surrounding area.
- 07) Both the proposed storage containers shall be finished with external wood cladding, the details and specification of which shall be submitted to and approved by the Local Planning Authority within three months of the date of this permission, and the units shall thereafter be maintained in accordance with the agreed details. REASON: To safeguard the amenity of the local area and the Mynydd Eglwysilian Special Landscape Area.

Advisory Note(s)

Please find attached the comments of Natural Resources Wales that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP6, CW15, CW2, CW3, CW4.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

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