

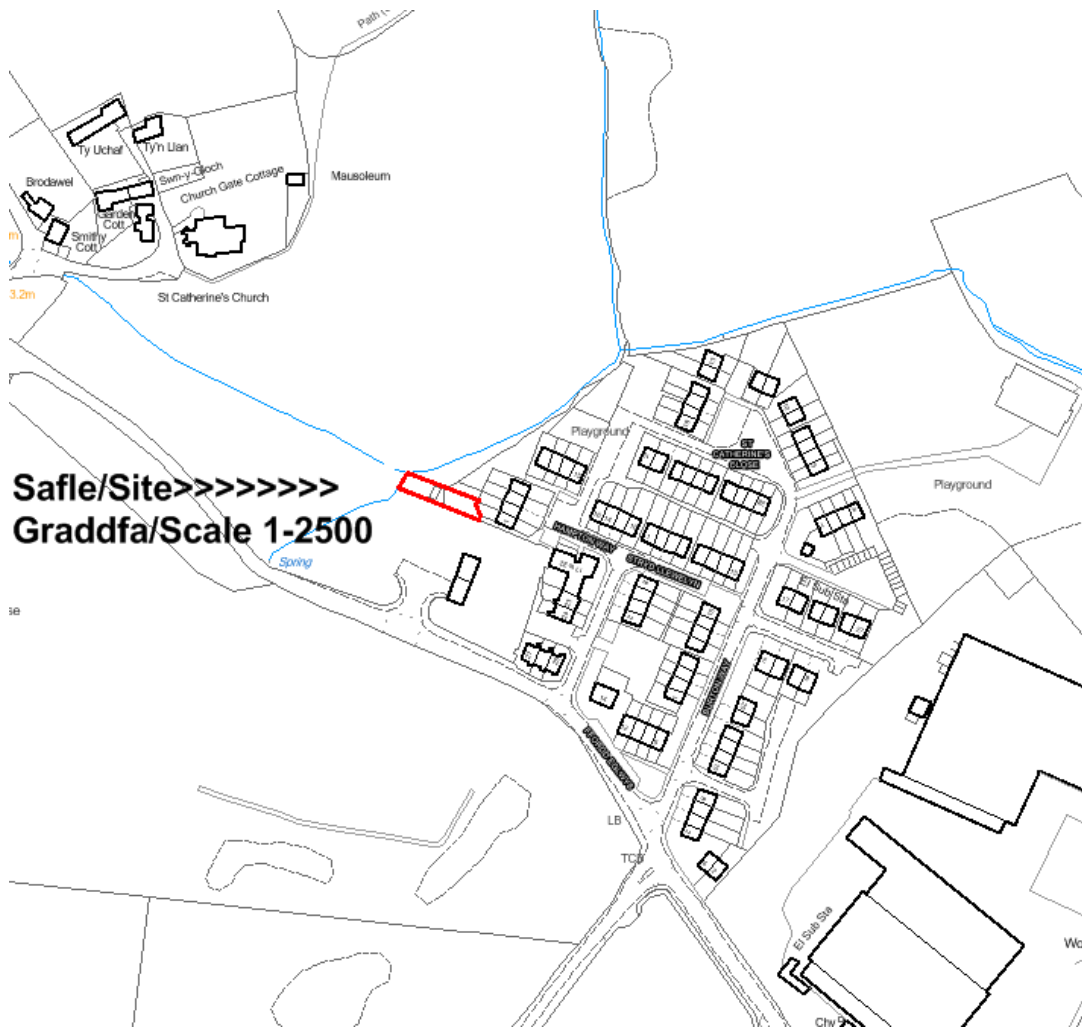
Rhif y Cais: **12C463/ENF** Application Number

Ymgeisydd Applicant

Mr David Williams

Cais ôl-weithredol i gadw stabl/storfa gardd ynghyd ag estyniad i'r cwrtil yn / Retrospective application for the retention of a stable/garden store together with extension to curtilage at

1 Hampton Way, Llanfaes, Beaumaris



Planning Committee: 06/01/2016

Report of Head of Planning Service (JBR)

Recommendation:

Permit.

Reason for Reporting to Committee:

The application was first presented to the Planning and Orders Committee on the 2nd December 2015 at the request of Councillor Lewis Davies.

At the meeting Members resolved to visit the site.

The site visit took place on the 16th December 2015 and Members will now be familiar with the site.

1. Proposal and Site

The application is for retrospective permission for the erection of a stable/garden store and extension to the curtilage.

The application site comprises a piece of land located to the rear of 1 Hampton Way, Llanfaes.

2. Key Issue(s)

The key issues are whether or not the development and use of land is acceptable in terms of the impact upon the amenities of nearby residential occupiers, the visual impact upon the locality and designated Area of Outstanding Natural Beauty and whether the development accords with development plan policies.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 30– Landscape

Policy 42 – Design

Gwynedd Structure Plan

Policy D1 – Environment

Policy D4 – Location, Siting and Design

Policy D29 - Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN2 – Areas of Outstanding Natural Beauty

4. Response to Consultation and Publicity

Councillor Lewis Davies – Request that the application be referred to the Planning Committee for

determination

Councillor Carwyn Jones – No response at time of writing report.

Councillor Alwyn Rowlands – No response at time of writing report.

Drainage – Comments.

Community Council – Objection, refusal recommended.

Welsh Water – No response at time of writing report.

Environmental Health – No observations.

Response to Publicity

One letter of support received, a copy of the letter is provided in the letters pack.

5. Relevant Planning History

None.

6. Main Planning Considerations

The application is submitted following an enforcement investigation, for retrospective planning permission for the erection of a stable/garden store together with an extension to the domestic curtilage.

The land forms part of vacant ground to the rear and side of numbers 1, 3, 5, 7 & 9 Hampton Way, the land immediately to the rear of number 1 Hampton Way, upon which the stable/garden store is erected was purchased by the applicant from the Council in 1999, the remainder of the land remains in Council ownership and is rented to the applicant.

If the land was purchased in 1999 with the intention to use it as an extension to the domestic curtilage of number 1 Hampton Way and it has been used as such since that time, then its use would now be deemed lawful in planning terms.

The use of the land as an extension to the domestic curtilage of the adjoining dwelling is an acceptable and logical use and this application, in part, merely seeks to regularise the use which has and is being made of the land.

In addition consent is also sought to retain the stable/garden store erected on the land which, according to information provided with the application, was constructed between March and July 2014.

The building was erected as a stable for their horse but also for the storage of various items of domestic and garden equipment. The horse is kept in the small paddock to the rear of the building and only occupies the stable during adverse weather conditions.

The siting, design and scale of the building is considered to be acceptable and it is not considered that the building or its use has a detrimental impact upon the character and appearance of the area or upon the amenities of nearby residential occupiers.

The Community Council has objected to the application and recommended that it be refused on the grounds that the keeping of large livestock in a residential area should not be encouraged and that the granting of retrospective approval would set a dangerous precedent which weakens planning controls.

In response to the concerns of the Community Council.

When it comes to animals, planning law has no regard to the nature of the creature, but only to its function. In the case of horses, Planning law knows only six horses:

- i. The working horse;
- ii. The racehorse
- iii. The recreational horse
- iv. The grazing horse
- v. The residentially incidental horse
- vi. Horsemeat.

In this particular instance, it is considered that the horse falls under the “residentially incidental” category.

Under Section 55(2)(d) of the Town and Country Planning Act 1990 the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwelling house is permitted development, this includes its use for the keeping of livestock for the personal enjoyment of the occupants of the dwellinghouse.

Consequently the keeping of a horse within the residential curtilage of a dwellinghouse is permitted under the provisions of the Act.

The Community Council have also objected and recommended that the application be refused on the grounds that the application is made retrospectively.

The fact that the application is made retrospectively is irrelevant in its determination. It is not a criminal offence to carry out development without first obtaining any necessary planning permission. There are provisions within the Planning Act to allow for planning permission to be applied for retrospectively.

Paragraph 6 of Technical Advice Note 9: Enforcement of Planning Control states that in considering enforcement action, the decisive issue for the local planning authority should be whether the breach of planning control would unacceptably affect public amenity or the existing use of land and building meriting protection in the public interest. Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity. The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought but is otherwise acceptable.

As stated above, it is considered that the development is acceptable and does not have an unacceptable impact upon the area or upon the amenities of nearby residential occupiers, it is further considered that planning permission would have been granted had an application been submitted prior to the development being undertaken, and consequently it would be regarded as unreasonable to refuse permission simply because the application is made retrospectively, furthermore, if on appeal it is concluded that there is no significant planning objection to the development it could result in an

award of costs being made against the local planning authority.

7. Conclusion

The use of land as an extension to the existing curtilage of 1 Hampton Way together with the retention of the stable/garden store building is considered to be acceptable and accords with relevant development plan policies and it is not considered that the building or the use of land has an unacceptable impact upon the character and appearance of the area or upon the amenities of nearby residential occupiers.

8. Recommendation

Permit

(01) The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the adjoining dwelling.

Reason: To define the scope of this permission.

(02) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 13/08/2015 & 30/09/2015 under planning application reference 12C463/ENF.

Reason: For the avoidance of doubt.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

9. Other Relevant Policies

Planning Policy Wales (Edition 7)

Technical Advice Note 9: Enforcement of Planning Control

Technical Advice Note 12: Design

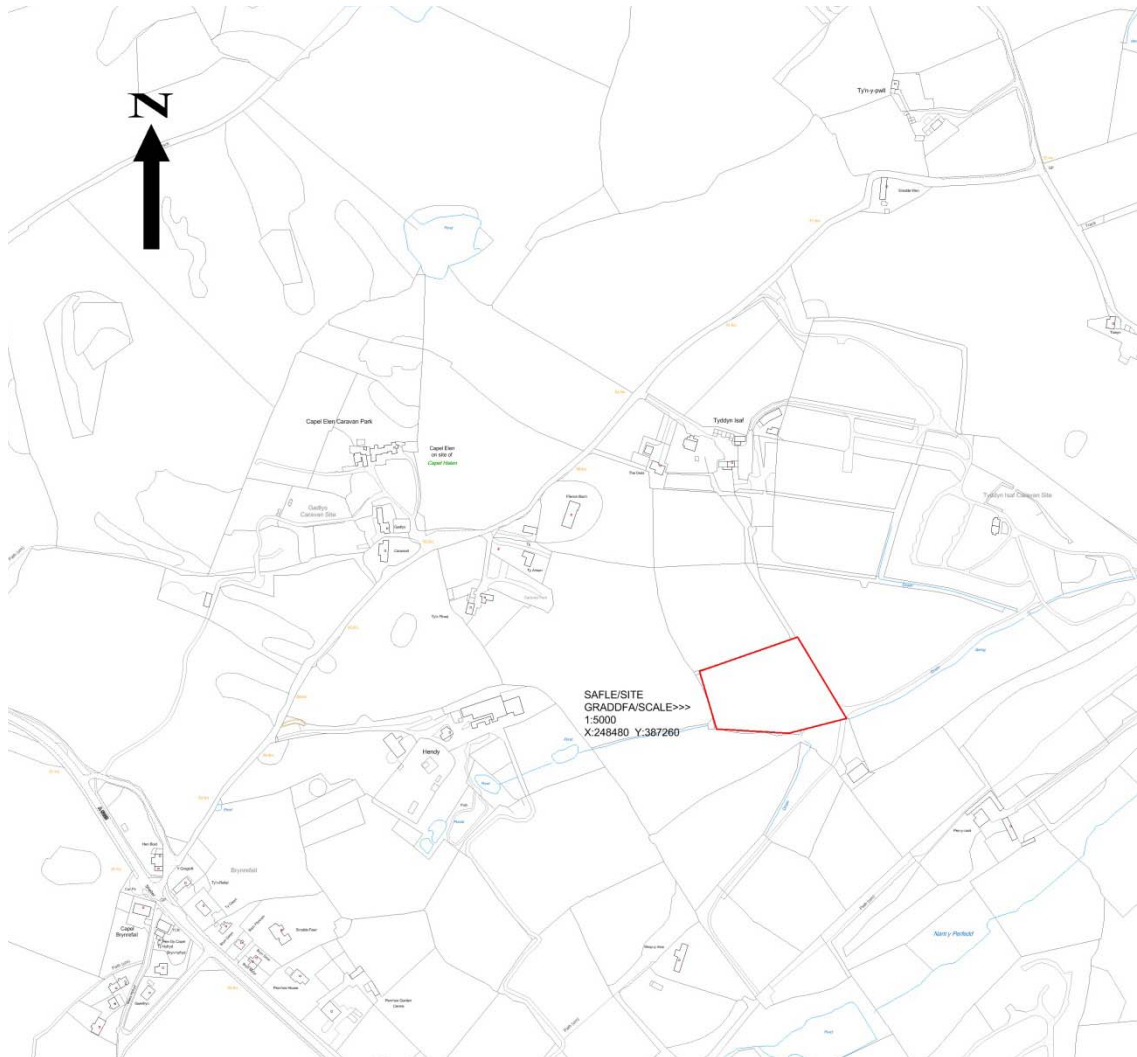
Rhif y Cais: **40C58L/RE** Application Number

Ymgeisydd Applicant

Mr Arthur Mount

Cais llawn ar gyfer gosod rhesi ffotovoltaidd 100Kw ar dir yn / Full application for the siting of 100Kw ground mounted photovoltaic array on land at

Tyddyn Isaf Caravan Park, Dulas



Planning Committee: 06/01/2016

Report of Head of Planning Service (MTD)

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been called in by Councillor D Hughes

1. Proposal and Site

It is proposed to construct a solar panel array which will comprise 4 rows of panels each 100m in length. The panels will be approx. 1.7m in height and a width of 1.5m

The site is located several enclosures away from the existing Tyddyn Isaf caravan park reception area which is to the north. There is a public footpath to the south which connects Traeth Lligwy with the A5025.

At its meeting held on the 2nd December, 2015 the Members resolved to undertake a site visit prior to determining the application. The site was visited on the 16th December, 2015 and the Members will now be familiar with the site and its setting.

2. Key Issue(s)

Policy compliance
Will there be harm to residential amenity?
AONB/ visual amenity context

3. Main Policies

Gwynedd Structure Plan

Policy C7 Renewable Energy
Policy D1 Protection of the Environment
Policy D4 Siting and Design
Policy D29 Design

Ynys Mon Local Plan

1 General policy
30 AONB
42 Design
45 Renewable energy

Ynys Mon Unitary Development Plan (Stopped)

Part one Policy 8b Energy Developments
GP1 Development Control Guidance
GP2 Design
EN2 AONB
EP 18 Renewable Energy

**TAN 8 Planning for Renewable Energy
TAN 12 Design**

4. Response to Consultation and Publicity

Local Member D Hughes has written objecting and has referred the application to the Planning Committee.

Ecological Officer comments/no objection

Environmental Health No objection

Drainage Comments

NRW No objection

In the letters received points raised include;

Would set a precedent

Seen for many miles

Visually Obtrusive

Will be seen from objectors lounge with unimpaired views for 7 months of the year

Would not be able to enjoy their property

Will be seen from footpaths

Damage local amenity in a sensitive area

Land has had benefits of grants and should not be used for this

Contrary to AONB management plan

Some people have not been informed of this

Appeals on site prevent this

Concerns over construction traffic

Should not use lane

There will be noise and disturbance and the track will be damaged

Will be contrary to policies in Development Plan

The site is not within the caravan park it is agricultural

They already have a 50kw array

The land is used for grazing

There are untrue/inaccurate comments in DAS

Would produce more electricity than they need.

Cllr D Hughes comments

This agricultural land which has received grants

This is an AONB

Will be visible from all areas around especially the beach

It does not form part of the caravan site.

5. Relevant Planning History

None on this site however a 50kw array was previously approved and constructed on the caravan site under reference 40C58J/RE

6. Main Planning Considerations

Policy Context

Planning Policy Wales Edition 7 states

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability

12.8.14 Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low carbon energy

Policy C7 of the Gwynedd Structure Plan states: ‘There will be a presumption in favour of renewable energy projects provided that the impacts upon the locality are acceptable to the local planning authority. Where applicable, the proposals should be supported by an environmental assessment.

Policy 45 of the Ynys Mon Local Plan and Policy EP18 of the Stopped Unitary Development Plan states: ‘Renewable energy projects will be permitted where it can be clearly demonstrated that there will not be any unacceptable impact on:

- i. Landscape character
- ii. Sites of international, national or local importance for nature conservation,
- iii. Species which are of nature conservation importance
- iv. The standard of amenity enjoyed by the resident and tourist population and
- v. Essential public services and communications

Policy 8b – Energy Developments of the Stopped Unitary Development Plan states: ‘Applications for the development of renewable and non-renewable energy resources will be permitted where it can be demonstrated that there will be no unacceptable adverse impact upon the environment. Preference will be given to the development of clean and renewable energy sources, but proposals for non-renewable energy projects will be permitted if they encourage the maximum use of energy efficiency within their design.

Amenity

The site is relatively isolated with no residential dwellings in close proximity. The nearest dwelling is in excess of 200m away and there are trees between that and the site. Given this it is not considered that there would be undue harm to that property. Other properties in the locality are also screened or orientated in such a way as to not be harmed by the presence of the array.

The access to the site during construction or maintenance is not considered to be unduly harmful to the amenities of nearby residential occupiers and will be only short term. The impacts can also be controlled by the imposition of a Construction Traffic Management Plan details of which would need to be approved by the LPA.

In respect of loss of agricultural land there area to be used by the panels is not of major significance so as to warrant refusing the application. Furthermore, the matter of any grants received and whether this has an implication on whether the site can be developed or not is a private matter for the applicant to resolve.

In terms of visual amenity it is acknowledged that the site is located within the AONB.

There is no public access to the enclosure; but there are views of the proposed site from the public footpath to the south, particularly at the field access points c. 200 metres distant where much of the proposed array would be visible above boundary screening. While there are opportunities for views from this footpath to the south-east, actual views in the summer months are obstructed by the hedged boundaries of the path. Beyond this stretch of footpath, in the direction of Traeth Lligwy, the woodland block adjacent to the caravan site provides effective screening with no views possible from Traeth Lligwy.

Views are possible of the site from the Scheduled Ancient Monument: Hen Capel, Lligwy some 1.4km to the south east. This is an elevated position from where good views of Traeth Lligwy and the AONB inland are visible. At this point the Tyddyn Isaf site is the most prominent of the sites visible. Several of the Trysglwyn turbines are visible. Not all the proposed array would be visible from here.

Views from the minor road north of the site would be obscured by roadside hedges and views from the public footpath to the north close to Capel Elen are not available.

Whilst there will be some views of the array as outlined on balance and with the benefits of renewable energy in mind as outlined it is considered that the proposed array is acceptable, meeting policy requirements and respecting amenity.

8. Recommendation

Permit

(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

(02) Prior to the commencement of works a construction Traffic Management Plan shall be submitted to the LPA for it written approval. The plan shall be implemented for the course of the construction works and any maintenance of the array.

Reason: In the interests of amenity.

(03) Where the solar PV panels hereby approved have not been used for the generation of energy for a continuous period of 6 months or at the end of the operational life of the panels, whichever is the sooner, the solar PV panels shall be removed from the site and the land reinstated to its former condition or to a condition as may be agreed in writing with the local planning authority, with the said reinstatement completed within 2 months of the cessation of use.

Reason: In the interests of amenity.

(04) The development hereby permitted shall be constructed in accordance with the details including layout as submitted originally with the application and amended location plan received on 27/8/15

Reason: For the avoidance of doubt.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.