



PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 17/1315/10
(GH)
APPLICANT: Mr Lee Brown
DEVELOPMENT: Retain single stable and hay store/tack room and pigeon loft (Revised and corrected plans received 27/4/18).
LOCATION: LAND TO THE REAR OF 4, LITTLEWOODS,
ABERCYNON, CF45 4NL
DATE REGISTERED: 27/04/2018
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: GRANT

REASONS:

On account of their edge-of-settlement location and screening from the public realm, the scale and appearance of the buildings are not considered to be detrimental to the character and appearance of the area, to a degree that would warrant a recommendation of refusal.

Furthermore and given that use of the land for agricultural purposes would not require planning consent, neither the use of the land or buildings, for the keeping of farm animals or pigeons, are considered to be harmful to residential amenity.

Therefore, the retention of the development would not be considered to conflict with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Elaine George for the application to be determined by Committee in order that Members can fully consider impacts on visual amenity.

APPLICATION DETAILS

Full planning consent is sought to retain a stable, store/tack room and a pigeon loft on land to the rear of no's 3, 4 and 5 Littlewoods, Abercynon.

The three detached structures have been built in close proximity to each other, in the northern corner of a field owned by the applicant. The structures are of timber construction, have roofs of box profile sheeting and consist of the following:

- The stables are 5m wide and 2.6m deep and have a roof with a very shallow pitch to a height of 2.5m. The front elevation contains two doors and windows, and also benefits from an open storage area, fenced with wire, to one side.
- To the right of the stables, the storage room has a width of 4.2m and a depth of 4.8m, with a window to the front and a door and second window to the side. The monopitch roof has a height just in excess of 3m.
- The pigeon loft, which is accessed by a flight of steps leading down from the stables,, has a width of 7.8m a maximum depth of 3.2m and on account of how it is set into the sloping hillside on stilts, reaches a maximum height of 3.2m. To the front a small area of 1m deep decking provides access to two sliding doors and bird hatches.

The application has been accompanied by a design and access statement.

SITE APPRAISAL

The application site is a piece of unallocated land amounting to a surface area of approximately 0.027ha. It is located within the south-western part of Abercynon and adjacent to the settlement boundary.

Of grassed hillside, there is a pronounced south-easterly fall towards the south-east and the site is crossed by two public footpaths. The land previously accommodated a small stable, which according to the applicant's submission, housed a pony, but was demolished owing to its poor condition.

In addition to the structures for which consent is sought, the land has been partitioned and is being used for raising ducks and chickens. The site also contains a number of hen-house style coops which, on account of their mobility, are considered to be chattels and do not require consent.

To the north-east and south-east, the site is in close proximity to the garden boundaries of the residential properties at 3, 4 and 5 Littlewoods and The Old School House. Conversely, the land to the north-west and south-west is more heavily vegetated woodland.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to four neighbouring properties and notices were erected on site.

Correspondence has been received from a resident regarding flood risk from tree clearance, the location of two rights of way, the keeping of animals and the construction of the buildings.

These matters are considered within the body of the report further below.

CONSULTATION

Drainage - no objection.

Public Health and Protection - no objection and conditions are recommended in respect of noise, dust, waste, demolition and hours of operation. However, since the application is retrospective, it is considered that these would be irrelevant.

Highways - no objection and no conditions or note are recommended.

Countryside - Rights of Way Officer - no objection.

Dwr Cymru/Welsh Water - no objection.

Glamorgan Ramblers - concerns were raised in respect of the applicant's statement, which did not recognise the Public Rights of Way which run through the site.

However, since the application seeks retrospective consent and the paths are clearly fenced and passable, the Rambler's comments are not considered to be of concern and the application does not affect their status.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies outside but adjacent to the settlement boundary for Abercynon

Policy AW2 - promotes development in sustainable locations

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - supports development proposals which are not detrimental to public health or the environment

National Guidance

In the determination of planning applications, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application relates to the retention of a stable block, pigeon loft and store on a parcel of land to the south-west of Abercynon.

In this case, the main issue of principle is whether the keeping of pigeons is an acceptable additional use of the land, and whether the development of buildings to house them and to provide storage for the applicants other livestock, is appropriate at this site. Firstly, it has been confirmed by the Council's enforcement team that the building identified as a stable on the applicant's plan, albeit used for keeping pigeons, is lawful and therefore immune from enforcement action.

Secondly, it is relevant to acknowledge the applicant's fallback position in respect of the use of the land. Although the site would have been classed as open countryside, with no allocated use per se, no planning consent is required for its use for agriculture.

This has further relevance in how the issue of neighbour amenity is considered, since agricultural use includes the keeping of livestock, albeit that this includes fowl, sheep, cattle, horses etc, rather than pigeons.

The site is already used for the keeping of fowl and although pigeons are not considered to be an agricultural animal, they would not represent an incompatible land use in this context.

Consequently, there is no objection to the development in principle, subject to consideration further below.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

Notwithstanding that the stable building has become lawful; the site is generally very well screened from wider view, with the exception of those passing through via the public foot paths and from the closest dwellings. The development therefore has little impact on the public realm.

Whilst the uPVC windows installed within the store and pigeon loft are less in keeping, the three buildings and steps are mostly of timber construction, are not excessive in scale compared to the extent of the landholding and are positioned in the corner of the site furthest from other properties.

As such, it is considered that the size and external finish of the buildings do not detract from the character or appearance of the area.

Impact on neighbouring occupiers

As set out above the site is located in an edge of settlement position, and there are a number of residential properties in the vicinity of the site, the closest of which is around 40m to the south-east of the pigeon loft.

The buildings are therefore incapable of causing detriment to amenity from overshadowing and being non-habitable, raise no privacy issues. The key consideration is one of outlook.

In this regard, and whilst it is appreciated that a view towards either woodland or fields is likely to be a more attractive one than a cluster of timber buildings, there is sufficient distance between these buildings and the elevations of the closest properties to suggest that outlook has not been harmed to a level sufficient to merit a refusal of the application

Lastly, it was noted earlier that no planning consent is required to use the land for agricultural purposes, so livestock could be accommodated here without permission; although it is acknowledged that their presence, via noise and smells, may be apparent to residents nearby. However, although not germane to planning, any concerns regarding noise, animal waste and pollution could fall within the jurisdiction of the Council's Public Health officers

Highways and accessibility

Highways officers have noted that the site is accessed from Littlewoods, which a private shared access is serving five dwellings. Littlewoods has no footway provision and is un-metalled for the majority of its length and lacking in positive drainage.

There is some concern that the development would increase vehicular movements along the private shared access. However, taking into account the applicant could have livestock on the site requiring feed with or without stabling, this would not warrant a highway objection.

Other issues

In respect of the other matters raised within correspondence, the site is not subject to a Tree Preservation Order, so in this respect the Council has no control over any clearance of the ground, regardless of whether this causes any surface water or erosion issues that may impact on adjoining land owners. The exception to this is where surface water is directed to discharge onto publicly owned land, such as the highway; otherwise it remains a private, civil issue.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is considered the proposal would not have a significantly detrimental impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5, AW6 and AW10).

RECOMMENDATION: GRANT

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