

Application Ref: NP/20/0507/PNA

Case Officer	Kate Attrill	
Applicant	Mr J Tiller	
Agent		
Proposal	Polytunnel & Solar Panels	
Site Location	Land at Penrallt, Velindre, Crymych, Pembrokeshire, SA41 3XW	
Grid Ref	08763995	
Date Valid	03-Nov-2020	Target Date

The application is referred to the Development Management Committee for determination as the officers recommendation differs from that of the Community Council and the Chair has requested the application be referred through the extended delegation powers.

Officer's Appraisal

This is an application for Prior Notification of a polytunnel & solar panels. Prior Notifications fall under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) - 'the GPDO' – which provides a general planning permission (known as 'permitted development rights') for certain types of minor development.

Under Part 6 works permitted constitute:

The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- (a) works for the erection, extension or alteration of a building; or
 - (b) any excavation or engineering operations,
- which are reasonably necessary for the purposes of agriculture within that unit. Permitted development rights are not available for farm or forestry dwellings, or for livestock units sited near residential and similar buildings.

The process requires that the Local Planning Authority are given 28 days initially to determine whether Prior Approval is either:

- Not required as there no concerns over siting or appearance – development can proceed
- Prior Approval is required and further details must be submitted
- Prior Approval is Refused on the basis of siting or appearance

Under the specific criteria set out in section A.1 and section A.2 Conditions of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, "Development is permitted by Class A subject to the following conditions - the developer shall, 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***".

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The Local Planning Authority should consider whether the works are permitted development under Part 6 of the GPDO as advised in paragraph A2 of Annex 2 of TAN 6.

A notification application only needs to be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site. No elevational or floor plans are required at this stage of the process.

In considering the development under Part 6 the Authority have decided to Prior Approve the development, given the proximity of Nevern Castle to the landholding, to further consider the siting of the proposal. This then extends the standard process by a further 28 days, a total of 56 days, and which can then be extended at the agreement of the applicant.

Key Issues

The application raises the following planning matters:

- Does the site benefit from Agricultural Permitted Development Rights?
- Is the siting appropriate and the visual impact acceptable?
- What conditions should be applied if Prior Approval is granted?

Does the site benefit from Agricultural Permitted Development Rights?

Prior to the consideration of the specific criteria set out under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, it is necessary to first evaluate whether the agricultural land benefits from permitted development rights, under Part 6.

In sec.336 of the Town and Country Planning Act 1990, it is stated that agriculture includes “horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of farming of the land), the use of land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be constructed accordingly”.

It is evident from the information submitted that the fields and forestry are being managed for the purposes of a business, albeit that there are no buildings or farmhouse associated with the land.

A building will not qualify under Part 6 (Class A) if the agricultural activity has not yet started or is being conducted purely or mainly as a hobby. Paragraph D.1 in Part 6 of the GPDO clearly states that, for the purposes of Part 6, “agricultural land” means land which, before development permitted by this part is carried out, is land in use for agriculture for the purpose of a trade or business (i.e. there must be an existing agricultural use and this must be a business, not a hobby). So a building cannot be erected as permitted development under Part 6 where the agricultural enterprise has not yet started, and it cannot be erected if the agricultural activity amounts to no more than ‘hobby farming’.

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Having queried with the applicant whether this is a business or a hobby, the applicant has confirmed it is his sole business and income having purchased the land a year ago.

Based on the information provided the Authority can be satisfied that the use of the land is within the ambit of section 336.

Having satisfied that the development falls within the definition of agriculture within section 336 of the 1990 Act it is then important to assess the proposed development against the criteria of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted development) Order 1995 for the development on units of 5 ha or more. These are addressed below:

- Works are not proposed on separate land less than 1ha
- The works do not consist of the erection, extension, or alteration of a dwelling
- The proposal is designed for agricultural purposes
- The floor area of the proposal would not exceed 465 square metres
- The proposed building is not within 3km of an aerodrome, exceeding 12m in height
- The building is not within 25m of a metalled road
- The proposal is not within 400m of a protected building
- The building is not connected to excavations, engineering or fish farming

The proposal meets the above-mentioned criteria and the building and solar panels proposed can be justified as being reasonably necessary for the purposes of agriculture at the holding.

As such the development proposed benefits from permitted development rights under Part 6, Schedule 2 of the Town and Country Planning (General Permitted development) Order 1995.

Is the siting appropriate and the visual impact acceptable?

Paragraph A7 of Annexe A to Technical Advice Note 6: Planning for Sustainable Rural Communities 2010 states that "When details are submitted for approval under the terms of the GPDO, the objective should be to consider the effect of the development upon the landscape in terms of visual amenity, as well as the desirability of preserving ancient monuments and their settings, archaeological sites, listed buildings and their settings, and sites of recognised nature conservation value" (2)(i).

Policies Considered:

Planning Policy Wales

TAN12 (Design)

TAN 24 (The Historic Environment)

Pembrokeshire Coast National Park Policies:

Pembrokeshire Coast National Park Authority

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Policy 08 – Special Qualities

Policy 09 – Light Pollution

Policy 14 – Conservation of the Pembrokeshire Coast National Park

Policy 29 – Sustainable Design

The site of the polytunnels and solar panels lies within Landscape Character Area 25, but the western edge of the land holding lies within LCA26.

The visual and sensory characteristics are described as being: 'gently rolling predominantly farmland landscape with fields enclosed by hedgebanks that, together with the scattered farmsteads, small woodland blocks and quarries contribute to the overall mosaic pattern'. One of the aspects of management guidance identified refers to the need to 'protect the integrity of historic features and archaeological sites, with particular reference to their visual setting.

Having consulted with CADW as to the potential for visual impact on the Scheduled Ancient Monument and undertaken a site visit, it is considered that both the siting and the visual impact are acceptable under the criteria set under Part 6, Schedule 2 of the Town and Country Planning (General Permitted development) Order 1995.

Since the initial receipt, the siting proposed by the applicant has altered to follow the path of the western boundary of the field, re-orienting the polytunnels so as to follow the contour of the hedges, and this siting is considered to not harm the special characteristics of the National Park.

The polytunnels will be partially screened from surrounding landscape by the surrounding woodland and are not of an unusual height for such a structure.

The conditions of GPDO 1995 Part 6 A.2 (2) (i) are considered to have been satisfactorily met by the proposal which has now set a firm location for both the polytunnels and the solar panels.

The Community Council have voiced concerns over the likelihood of additional roads and tracks being constructed as a result of this proposal, but the applicant has clarified that this is not the intention (and this has been copied to the CC), and this application for Prior Approval does not authorise any such works which would require further consent.

Consultee Response

Nevern Community Council: Objecting for the following reasons:-

17/12/2020 Nevern Community Council reasonably feel that there is not enough information about said planning. Are there 2 sites being considered? There would have to be access to the sites which would spoil the landscape of this area. The land itself is wetland and would not adhere to any development therefore, Nevern Community Council object to this planning application.

31/12/2020- The original application is for one polytunnel 48 metres in length with a height of 3.7 meters and solar panels, with maybe 2 locations for the polytunnel.

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The revised map suggests two polytunnels will be erected, so what exactly is the planned installation and what are the solar panels going to be used for, as they are positioned so far from the polytunnels, this is therefore unacceptable.

The surrounding woodland to the North and mature hedge line to the west do not mitigate the potential visual impact from any direction because of the height and length of one or two poly tunnels.

The revised map with red and blue marked up - what does this represent as there is no coding.

There is no information regarding time to be spent on the collection of seed, propagating seedlings, nurturing saplings etc. What personnel will be needed to accomplish this thus leading to necessary toiletries, shelter etc?

Where will the hard standing for vehicles, trailers and other necessary machinery be sited?

The application is too random, and to develop a bare green field site with considerable impact on the character of the surrounding landscape especially in an important historical village such as Nevern is not suitable.

CADW: No Objection

Two supporting letters have also been received from adjoining landowners who are supportive of the proposed scheme.

The Community Council were responded to by the applicant after their initial objection, and a revised plan was then sent which re-sited the polytunnels and proposed splitting into 2 smaller polytunnels and with a changed siting and orientation.

The applicant's response is set out below:

There is no need for any additional access. We have three existing access points to the land. The first and most direct is a shared right of access along the private lane which leads to LLwyngoras farm, this leads directly to the field. Jessica and Jamie Seaton who live at Llwyngoras are fully aware of our plans and are extremely supportive. The second and third access points lead onto the land from the B4582.

The land is not classed as wetland and is in excellent order to allow access and will adhere excellently to the proposal. The land is currently accessed on a regular basis using farm machinery and vehicles, this has been the case for many years to manage and work the land. The proposal will not create any additional need to access the land with farm machinery or vehicles outside of what already takes place on a regular basis.

The proposed location is clearly marked on the plan which has been previously provided.

Constraints

Recreation Character Areas

Affordable Housing Submarkets

Landscape Character Area

SAM: Nevern Castle

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Officer's Appraisal

Description of Proposal

The application proposes two polytunnels for agro-forestry which measure 25 metres in length, 7.32 metres across and 2.99 metres in height and which are sited along a western boundary with the fields oriented in a north-south direction and built using the least ground intrusive type of foundation, a combination of reclaimed railway sleepers and postcrete

An (unspecified) number of solar panels are also proposed to power a bore-hole to ensure there is adequate water for the agro-forestry, estimated to be a 10-12kW system. The site plan submitted shows the solar panels will be ground mounted and cover a maximum area measuring 7 metres by 10.

The reason for the uncertainty on the number of panels is due to their being required to power the pump for the borehole, which has not yet been dug, and so its depth will dictate the amount of power required, and therefore the number of solar panels. The panels are to be mounted on a low-level ground mounted framework and the cabinet for the pump will be located within the polytunnel.

No internal or external lighting is proposed to the polytunnels.

The land holding was identified as falling within 500 metres of a scheduled ancient monument, and CADW have been consulted as a statutory consultee and the applicant was informed that Prior Approval is required for the proposal due to its siting and appearance.

A further re-sited location plan for the polytunnels (now shown as being split into 2 and oriented along the western boundary of the field in a north-south orientation) was submitted on the 15th December and this was forwarded to Nevern Community Council for their information.

On initial receipt of the Prior Notification application, no details of the precise siting for the solar panels or their number had been specified, but further information was submitted to validate the application on the 3rd November 2020 with regard to the number of panels likely to be required with their justification and where the polytunnel would be situated.

A site visit was carried out on the 18th December and CADW were sent a copy of the updated plans.

The applicants have a total of 26 acres, 9 acres of which is forestry and have stated that they are actively engaged in agricultural activity on the land having previously had sheep grazing on the land which may return but are looking to diversify their farming practices / forestry practices into agroforestry practices.

The applicant's supporting statement goes on to say that such practices are recognised within the farming industry as being the most sustainable and ecologically friendly way of working the land and that this demonstrates that there is an existing agricultural need in line with the business and environmental demands.

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The applicants have clarified that this is not a relocated or new business but a diversification in farming practices of an existing one, that is cannot be seen from the Nevern Castle site due to the topography of the land and surrounding dense forestry and the low level of the building, and that the polytunnels have been positioned to the most inconspicuous location on the site.

Conclusion

The Planning Authority has already formed a view that whilst the development may benefit from permitted development rights under the GPDO 1995 Part 6 A.1 (a)-(i), prior approval **is** required.

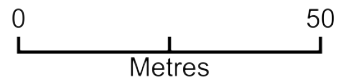
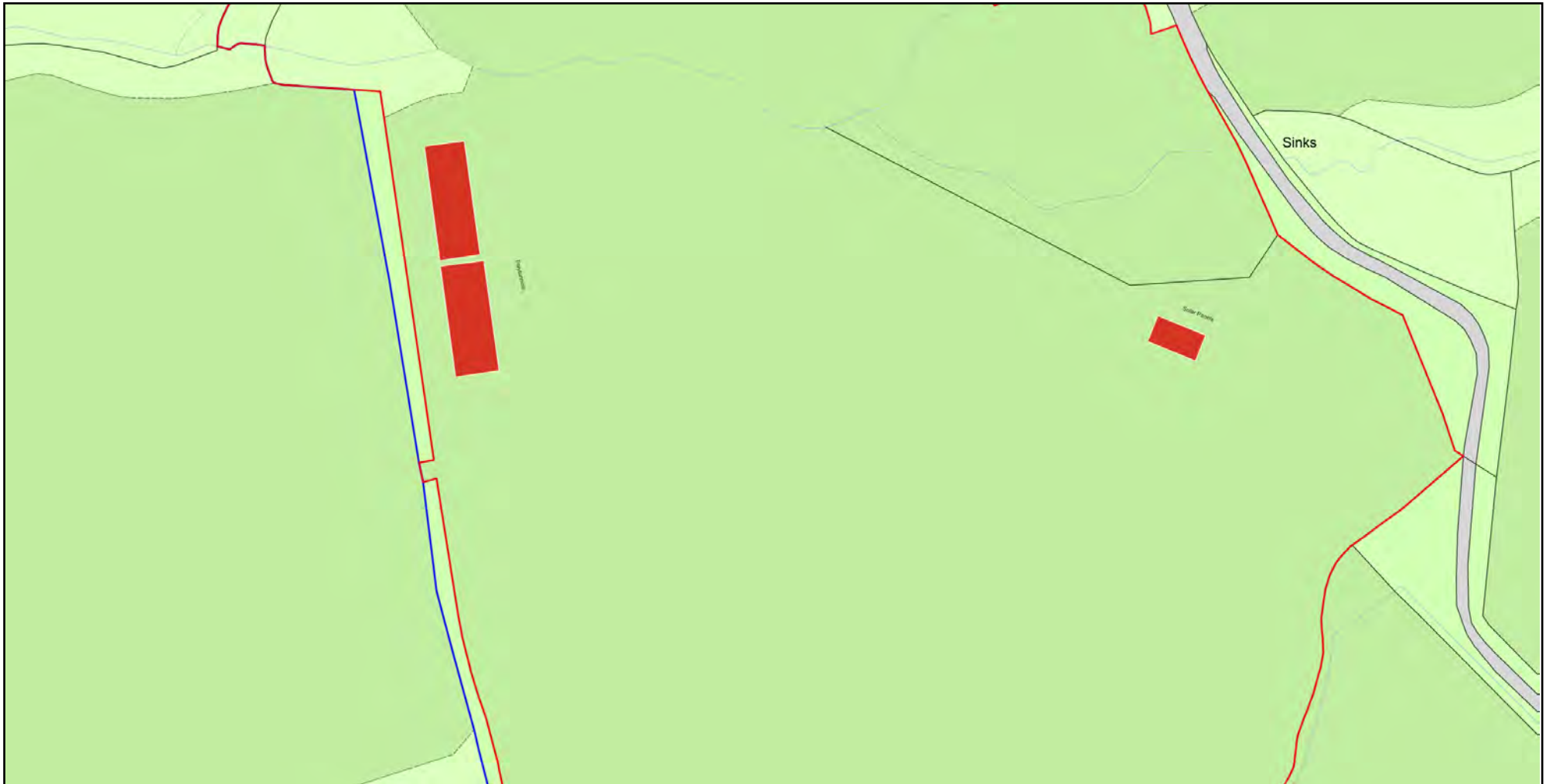
The Development Management Committee must now consider whether to grant Prior Approval and whether the suggested conditions below are appropriate:

Recommendation

Prior Approval is granted for the proposals based on the revised plans received 15th of December 2020 and in accordance with the following conditions:

1. The development shall begin not later than five years from the date of this decision.
Reason: Imposed pursuant to paragraph A.2, (2), (d), (vi), (aa) of Class A, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995.
2. The development shall be carried out in accordance with the following approved plans and documents:
Polytunnels and Solar Panels 1:1250@A4 received 15/12/2020
Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).
3. Prior to the installation of any lighting at the site or in the approved building, details shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In accordance with Policy 9 of the Pembrokeshire Coast National Park Local Development Plan.

Polytunnels and Solar Panels



Plan Produced for: Jonathan Tiller

Date Produced: 14 Dec 2020

Plan Reference Number: TQRQM20349155638626

Scale: 1:1250 @ A4

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