

**Application Number:** 22/0370/COU

**Date Received:** 29.04.2022

**Applicant:** Mr F Cardelli

**Description and Location of Development:** Change the use from stone barn to a 3 bed dwelling with car parking - Gwaun Gledyr Isaf Farm Old Nantgarw Road Groeswen Cardiff CF15 7UN

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

Location: The application site is located in a complex of farm buildings, Gwaun Gledyr Isaf Farm, situated 100m to the north of the Penrhos roundabout at the western edge of the Caerphilly.

Site description: This application seeks consent for the conversion of an agricultural building (barn) into a single dwelling. The group of 'farm buildings' sits within an area of agricultural land, but it is no longer a working farm. The barn lies to the south-east of the former farmhouse. The barn is single storey and is currently disused.

Development: Proposal to convert a redundant agricultural building, to one dwelling, with three bedrooms (two en-suites) and bathroom at first floor level. An entrance area, w/c, living room and kitchen/diner are proposed on the ground floor level. The application was accompanied by a Design and Access statement, a structural survey and a bat survey report.

Dimensions: The building would have approximately dimensions of 16.8m by 7m (excluding porch canopy) with a height to ridge of 6.8m (this would represent a raising of the existing ridge height by approximately 0.5m).

Materials: The existing building is a long rectangular stone building with a corrugated metal sheet roof. It has timber barn doors. The proposed external finishes would be: the retention of the natural stone walls, except for the gable wall that needs to be replaced - in blockwork and render; a slate roof to match the farmhouse; and timber joinery (doors and windows) and porch canopy.

Ancillary development, e.g. parking: 3 Parking spaces.

PLANNING HISTORY 2010 TO PRESENT 12/0646/RET - Retain alterations to extension previously approved by way of planning permission 5/5/84/0240 to include the replacement of the stables with living room accommodation - Granted 29.10.2012.

18/1057/NCC - Vary condition 01 (Commencement of Development) of planning consent 13/0162/COU (Convert stone barn to a three bedroom dwelling) to extend the time period for a further 5 years - Refused 19.03.2020.

22/0147/COU - Change the use of a stone barn into a three bed dwelling with car parking - Refused 08.04.2022.

## POLICY

Policies Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Local Development Plan: Outside settlement limits and within the Mynydd Eglwysilan Special Landscape Area (SLA).

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints), CW20 - locational constraints - Conversion, extension and replacement of buildings in the countryside, and NH1.3 (Mynydd Eglwysilan - Special Landscape Area), MN2 (Coal Safeguarding Area), CW23 Mineral Site Buffer Zones - Sandstone).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the

proposal meets the objectives of good design including the relationship between the site and its surroundings.

National Planning Guidance contained in Technical Advice Note 12 - Design.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site falls partially within a high risk area however the Coal Authority have advised that the development is exempt.

### CONSULTATION

Glamorgan-Gwent Archaeological Trust - No objections.

Ecologist - The survey identified a small number of Common Pipistrelle bats using the building for nonbreeding summer use with the potential for bat use in the winter.

In addition, evidence of the use of the building by roosting Barn Owl was also discovered.

Therefore we make recommendations for bats and barn owls, and for biodiversity enhancement.

Transportation Engineering Manager - CCBC - No objection subject to planning condition on parking.

Environmental Health Manager - No adverse comments.

Senior Engineer (Drainage) - Raise no objection, recommend planning condition for drainage details.

Council For The Protection Of Rural Wales – No comments received.

Landscape Architect - CCBC - As the existing barn is closely associated with the existing farmhouse and does not seek to extend the existing barn it is considered that the proposed development, from a landscape and visual perspective, subject to conditions, that the proposed conversion would be appropriate and would not undermine the overall qualities of the locally important landscape, its rural character or views associated.

Strategic & Development Plans - Raise objection but does not recommend refusal in respect of Policy CW20 in terms of alterations required and marking of the building for other uses. Seeing as policy requirements have not changed since the 2013 and 2018 applications were assessed, it is for the development-management officer to weigh the policy objection against all other material considerations.

The Coal Authority - Development falls within the exemptions list.

Rhondda Cynon Taf Council – No comments received.

### ADVERTISEMENT

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

Response: None.

Summary of observations: None.

### 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? Yes.

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(ii) There is no satisfactory alternative.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

(i) Conversion of the building to residential for social/economic reasons, noting previous planning permission accepted this use.

(ii) There is no satisfactory alternative to provide the accommodation and a new building would not be deemed acceptable.

(iii) The submitted bat survey assessed the roost as of low conservation significance and noted that the scale of the impact is thought to be low, given the small numbers of non-breeding bats found of a common and widespread species. It is therefore considered that the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Is this development Community Infrastructure Levy liable? Yes, the site is within the higher viability area where CIL is charged at £40 per square metre.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the principle of the development, impact on neighbour amenity and the visual appearance of the development on the character of the area.

The proposal is for the conversion of a barn located outside of the defined settlement boundary of Caerphilly, within a Special Landscape Area, however it is within 150m of the settlement boundary and is within the grounds of Gwaun Gledyr Isaf Farm. Planning Permission was previously granted under permission 13/0162/COU for conversion of the barn to a three bedroom dwelling but this has since lapsed. It is considered that the principle of the use of the building for residential purposes has been previously assessed through the earlier application and found to be acceptable. It is not considered that there have been any material changes in adopted Planning Policy since that earlier decision.

It is considered that the previous planning permission for the building to be converted to residential use and which was approved under the current Local Development Plan, although lapsed, is material in the consideration of this application. It is noted that an application to extend the life of the permission was submitted in 2018 however this was refused based on the lack of an ecological survey.

The current application has included an ecological survey with the submission and this survey identified a small number of Common Pipistrelle bats using the building for nonbreeding summer use with the potential for bat use in the winter. In addition, evidence of the use of the building by roosting Barn Owl was also discovered. The Council's Ecologist has reviewed the survey and offered no objection to the proposed development, advising that the developer would need to obtain a European Protected Species Licence and recommended ecological enhancement be provided in the form of two barn owl boxes and a replacement bat roost to be incorporated into the building in accordance with the survey recommendations.

The design of the conversion is deemed acceptable according with Policy SP6 (Placemaking) and there would be no unacceptable impacts on neighbour amenity according with Policy CW2 (Amenity). Car parking would be provided and the Highway

Authority have raised no objections and the development would meet the requirements of Policy CW3 (Highways).

Comments from Consultees: The Planning Policy Officer has raised objection but does not recommend refusal. The Policy response considers that aspects of Policy CW20 have not been met, in particular they consider that works to the north gable would comprise of major reconstruction or alteration above what is supported by the Policy. They also raise a second issue with the lack of marketing of the building for a business use. The application has been advertised as a departure from the Local Development Plan. In regard to both of these aspects raised in relation to Policy CW20, compliance with the Policy has to be weighed against the fact that planning permission has been previously granted for conversion of the building to residential use and both of these matters were considered acceptable under the earlier permission. A letter from structural engineers has been submitted indicating the building is in broadly the same state as was in 2013 (and indeed when first inspected by them in 2007). There have been no material changes in the development plan policy since the earlier permission and therefore on balance noting the building works would retain the majority of the building it is considered acceptable.

Comments from public: None.

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.

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) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 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 11.

**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:  
Site Location plan, drawing reference 100;  
Proposed Site plan, drawing reference 101 rev C;  
Proposed Elevations, drawing reference 105, rev B;  
Proposed Ground Floor plan, drawing reference 106, rev A;  
Proposed First Floor plan, drawing reference 107 rev A;  
Strengthening Details, drawing reference 6530/01.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 04) Prior to the beneficial use of the building, 2 No. barn owl boxes shall be erected on or within the building. The boxes shall be designed, sited and installed under the advice of an ecologist and shall be retained in situ for a minimum of 10 years.  
REASON: To provide nesting for birds as a biodiversity conservation and enhancement measure, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 05) A replacement bat roost shall be incorporated in the converted building in accordance with the survey report recommendations and as detailed in the European Protected Species Development Licence.  
REASON: To provide roosting for bats as a biodiversity conservation measure, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 06) The development shall not be brought into beneficial use until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) 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 occupation 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.
- 10) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,

- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall

be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenity of the area.

- 12) Notwithstanding the submitted details, prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected, and a timetable for its implementation. The boundary treatment shall be completed in accordance with the approved details and timetable.

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

#### Advisory Note(s)

Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental

risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).