

## PETITION

COMMITTEE DATE:

APPLICATION No. **19/01752/MNR** APPLICATION DATE: 17/06/2019

ED: **PENTYRCH**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Spragg  
LOCATION: TY NEWYDD, HEOL GOCH, PENTYRCH, CARDIFF, CF15  
9NA

PROPOSAL: ERECTION OF STABLE BLOCK INCORPORATING TACK  
ROOM AND WASH ROOM TO SUPPORT ADJOINING  
PADDOCK / DONKEY SANCTUARY

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**RECOMMENDATION:** That planning permission be **REFUSED** for the following reasons :

1. The application site lies outside defined settlement boundaries, where it is intended that new development be strictly controlled, and the proposed development by virtue of its scale, design, location and proposed use is inappropriate in this location as it is not required for the purposes of agriculture or forestry, or any other rural enterprise, contrary to policies KP3(B) and EN1 of the Cardiff Local Development Plan 2006 – 2026.
2. The proposal would prejudice the open nature of the land and would cause unacceptable harm to the Garth Hill and Pentyrch Ridges Special Landscape Area and would fail to fulfil and of the criteria for justification of development within a green wedge that are set out in paragraphs 3.71 to 3.74 of Planning Policy Wales contrary to Policies KP3(B) and EN1 of the Cardiff Local Development Plan 2006 – 2026.

### 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The description of the development is listed above. The scale, design and position of the development is illustrated on the submitted drawings.
- 1.2 The proposal is to build a substantial stable building measuring approximately 20m x 7m. The base is shown to be approximately 8.5m x 22.5m. The height of the proposed stables including the base is approximately 3.5m to the eaves and 5.5m in total. No indication has been given for the need for any associated yard / hardstanding area.

### 2. **DESCRIPTION OF SITE**

- 2.1 The application site forms part of a larger 3 hectare holding which runs alongside Heol Goch. The site for the proposed stables is located in a parcel

of land at the junction of Main Road and Heol Goch Gwaelod y Garth with two residential properties Ty Newydd and Cwmllydrew and a wooded area and Nant Cwmllydrew bounding the site. The application site is a parcel of land that has recently been cleared prior to the submission of the application.

2.2 The applicant has submitted a Design and Access Statement to support the application.

### 3. **SITE HISTORY**

Application No : 06/01799/W  
Proposal : UPGRADE EXISTING VEHICULAR ACCESS ON MAIN ROAD, GWAELOD Y GARTH  
Application Type: HSE  
Decision : PER  
Decision Date : 19/10/2006

Application No : 19/00227/MNR  
Proposal : A CONCRETE SLAB WILL BE SUPPLIED TO SUPPORT A STEEL FRAMED AGRICULTURAL BUILDING SITED ON AGRICULTURAL LAND ADJACENT TO TYNEWYDD FARM HOUSE. SOAK AWAY DRAINAGE WILL BE IMPLEMENTED FOR RAINWATER ON PRIVATE LAND  
Application Type: CLD  
Decision : WDN  
Decision Date : 11/03/2019

Application No : 19/01431/MNR  
Proposal : STEEL FRAMED AGRICULTURAL BARN TO SUPPORT THE STORAGE AND SECURITY OF TOOLS AND MACHINERY USED TO MAINTAIN THE FARM AND LIVERY  
Application Type: FUL  
Decision : REF  
Decision Date : 16/07/2019

### 4. **POLICY FRAMEWORK**

#### **National Planning Policy**

Planning Policy Wales (10<sup>th</sup> Edition) 2018  
Technical Advice Note 6: Planning for Sustainable Rural Communities  
Technical Advice Note 12: Design

Cardiff Local Development Plan 2006 – 2026

Policies of particular relevance include:

Policy KP3(A) : Green Wedge

Policy KP3(B): Settlement Boundaries  
Policy KP5: Good Quality and Sustainable Design  
Policy EN1: Countryside Protection  
Policy EN3: Landscape Protection  
Policy M7 : Limestone Protection Area

## 5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Cardiff Tree Officer** - no adverse observations raised

5.2 **Cardiff Ecology Officer**

Assuming the footprint of the proposed development is limited to the red line boundary provided with this application, the site appears to be of low nature conservation value, as it has apparently been cleared and then left to re-grow as bramble and tall ruderal herbs, which is not a rare habitat in Cardiff. Therefore the small scale of the proposal combined with the low conservation concern of the immediate habitat does not in my view give justification to require a full ecological impact assessment to inform determination. However there are a number of potential impacts upon nature conservation interest which should be addressed.

Firstly, the proposed site is close to the Nant Cwmllydrew Site of Importance for Nature Conservation (SINC), which is designated for its stream and bankside habitats. I have noted the comments made by NRW and by our colleagues in Flood Risk Management in relation to this watercourse, and in my view if the measures they have proposed are implemented, then there should be no harm to the stream habitats. However, on a precautionary basis we should attach our usual SINC condition if any consent is granted.

Secondly, if the habitat develops further into scrub, then nesting birds may be present, so we should attach our nesting bird condition:-

Thirdly, the site is likely to support widespread reptile species, particularly Slow-worms and Grass Snakes. For such a small site the normal process of survey, followed by fencing the site and trapping and translocating any reptiles, would be unreasonable. Instead, sensitive clearance methods should be used to encourage the reptiles to disperse to retained habitats nearby, together with perhaps some habitat management measures. Therefore if consent were granted we should ask as a planning condition that a brief reptile mitigation strategy should be produced to avoid harm to reptiles, which receive partial protection under the Wildlife and Countryside Act.

Finally, we are under a duty to seek biodiversity enhancement in the exercise of our functions, so if the application were granted consent I would ask for a recommendation that one bat box and one bird box be incorporated into the new build.

5.3 **Operational Manager Waste** : Current site plans make no reference to the storage of waste and recycling. If the intention is to build the stables for the

owners own use i.e. not charge livery to occupants then the general waste created by the stables would be included in the normal domestic allocation which is currently used at Ty Newydd and the present waste bags/bin allocation would need to be used.

However, if the intention is to rent the stables as a business then a commercial waste contract would need to be set up in order to dispose of the general waste/recycling generated by the business.

#### 5.4 **Operational Manager Transport** : No objections raised.

A number of objectors are concerned that access to the proposed building is opposite the bus stop on Main Road; however, as the applicant points out ingress/egress will be from Heol Goch and this would not impact upon the bus stop, therefore an objection on these grounds would be unsustainable.

There is no increase in off street parking and as the applicant points out, this site will not be open to the general public and if villagers wish to visit the site then they will have to make advance arrangements and travel by foot. Therefore there will not be an adverse effect of traffic movements to this site.

#### 5.5 **Operational Manager Drainage/Flood Risk**

The applicant has provided insufficient or conflicting detail relating to either flood risk or surface water drainage proposals. Consequently it is difficult to assess the potential impact of the proposed development in respect of flood risk management matters. We would expect as a minimum a drainage strategy advising how they propose to dispose of the surface water from the site, I note that in the application form they wish to dispose of their surface water via soakaway however have not submitted any infiltration testing in accordance with BRE365.

***The culvert inlet of which the Nant Cwmllydrew flows through on the boundary of the site is one of Cardiff Councils critical inlets. As the Local Lead Flood Authority the Flood and Coastal Risk Management Team has grave concerns over the flood risk to surrounding properties and infrastructure posed by the inlet.***

### 6. **EXTERNAL CONSULTEE RESPONSES**

#### 6.1 **Glamorgan Gwent Archaeological Trust**

Confirm that the proposal will require archaeological mitigation.

Information in the Historic Environment Record, curated by this Trust, shows that St. Peter's Mission Church was sited within the proposed application area, as depicted on the Third Edition Ordnance Survey map (dated 1920). The church however is not shown on the Fourth Edition Ordnance Survey map (dated 1943). A review of the historic mapping also shows features associated with the Pentyrch Ironworks and its associated minerals extraction and

transport system. It is therefore possible that archaeological remains may exist within the proposed application area.

The above application is for the erection of a stable block incorporating tack room and wash room to support adjoining paddock/donkey sanctuary. It is our opinion that whilst it is unlikely, due to previous disturbance, that archaeological features would be of significance to prevent any development, it is still possible for remains to be encountered. Consequently, the impact of the proposed development upon the archaeological resource will require mitigation.

## 6.2 Natural Resources Wales

Have no objection to the proposed development as submitted and refer to the following advice.

### Site Drainage

The wastewater from stables could have potential to carry contamination, as can the run-off from damping down of hay. The applicant must make sure that these are not channelled into surface water drains or any watercourses. The applicant is advised to following the guidance within Guidance for Pollution Prevention Note 24: Stables, Kennels and Catteries

### Construction

The construction work must be carried out in a manner that will minimise the risk of pollution. Construction at this site has the potential to lead to suspended solids entering nearby watercourses. No cement derived material can be discharged into any watercourse. If water comes into contact with wet concrete it must be treated as contaminated and not allowed to drain into any watercourse. Should any pollution or discolouration become apparent, work must stop and working practises be reviewed in consultation with us. The applicant is advised to follow the guidance within Guidance for Pollution Prevention Note 5: Works and maintenance in or near water.

## 6.3 Pentyrch Community Council (PCC)

PCC objects to this application. It is a further application for this site, this time for a stable block. PCC asks that the two be considered together since, together, this appears to be wholesale development of the site and should be treated as such.

As with the previous application (19/01431/MNR), this site is outside the Gwaelod y Garth Settlement Boundary, inside the Green Wedge and inside a Special Landscape Area and should therefore comply with TAN 6: Planning for Sustainable Rural Communities (2010).

Relevant points within TAN 6 and their impact on this application are:

- The proposal for keeping horses/donkey sanctuary is not an 'agricultural use'.

- There is no evidence provided of an existing, nor a proposed, agricultural business.
- No information is provided about any business proposal.
- The proposal will not provide nor support any local community support services.

In summary we see no evidence of 'need' for this proposal, which is required under the provisions of TAN 6. The application gives inadequate explanation of how the donkey sanctuary will run, whether as a business or not, and the number of vehicle trips it will generate daily. The application refers to an 'adjoining paddock' but its location is not clear.

The clearance of land on this site has every appearance of engineering ground works and was done by a large bulldozer-type machine. PCC would like assurance that the foundations of Heol Goch have not been compromised.

PCC requests a site visit so that Planning Officers and Committee Members can see the extent of the engineering works land clearance. PCC continues to be shocked that tree and hedgerow removal during the bird nesting season was allowable. The Wildlife and Countryside Act 1981 permits very few exceptions during the nesting season. PCC will ask Natural Resources Wales to investigate.

## 7. **REPRESENTATIONS**

### 7.1 Objections have been received from the occupiers of:

Llys yr Awel, Georgetown, Gwaelod y Garth  
 5 Nant y Garth, Gwaelod y Garth  
 6 Nant y Garth, Gwaelod y Garth  
 Lorien Cottage, 6 Georgetown, Gwaelod y Garth  
 Primrose Cottage, Georgetown, Gwaelod y Garth  
 3 Garth Villas, Main Road, Gwaelod y Garth  
 32 Heol y Nant, Gwaelod y Garth  
 59 Heol Berry, Gwaelod y Garth  
 Tiwsfan, Main Road, Gwaelod y Garth  
 Ty'n y Coed, Georgetown, Gwaelod y Garth  
 Wood Cottage, Georgetown, Gwaelod y Garth

A number of concerns raised relate to the previously determined application 19/01431/MNR and are therefore not repeated again here.

Issues raised are summarised as follows:

- Consider residents have not been properly notified or updated
- Site is within the Green Wedge and Special Landscape Area
- Consider that a donkey sanctuary should be in the heart of the countryside and not within approx. 50m of residential properties due to issues with noise and smell
- Ty Newydd is not a farm and has never been used as a farm.

- Application 19/01431/MNR and 19/01752/MNR should have been considered together
- Scale of the proposed stables is excessive
- Question whether an ecological survey has been undertaken
- Concern that ground movements were undertaken during nesting season
- Could attract a considerable amount of flies and other insects.
- Nant Cwmllydrew is a sinc, concern re the stream and potential for pollution and flooding
- Question what will happen with foul waste
- The land was not derelict it did have large mature trees but were illegally cleared
- A large earth moving machine working for several days was excessive. Consider there to be evidence of significant earth movements
- Concern re increase in traffic
- Consider a donkey sanctuary would attract a lot of visitors this together with the proposed 2 full time equivalent employees concern where they will park
- Glamorgan Gwent Archaeological Trust stated that a qualified archaeologist should have a watching brief for any future land movement
- It is the main entrance to the village
- Concern that this is an environmentally sensitive area
- Lack of information on proposals for Ty Newydd
- There are many residences that actually adjoin the site or directly face it
- Question whether this would pave the way for more development in the green wedge/ concerned of the possible future residential development, as change of use
- Location is dangerous entry/exit points already hazardous
- Question whether the site can accommodate the number of donkeys/a donkey sanctuary
- Site should be returned to its original condition
- Concern that access is close to the bus stop which could be dangerous

7.2 A petition against the proposal has been signed with 57 signatures and submitted.

Issues raised in the petition:

- Consider that residents have not been informed about planning that will have an impact on the village.
- Petitioners express their concern for the applications at Ty Newydd and request that Cardiff Council discuss both applications as one in full planning committee that a representative can speak.

The applicant has responded to the objections raised and are summarised as follows:

- Proposal is to house 2 donkeys – not a tourist attraction/not open to the public and not run as a business
- Access to the stables from Ty Newydd. If there was a volunteer parking would be at Ty Newydd. If residents wished to visit this would be prior arrangement and access on foot via the pedestrian gate on Main Road

- Applicant states that Ty Newydd is a smallholding of approximately 10 hectares. Originally there was a number of outbuildings including multiple garages and a barn which was subsequently converted into Cwmllywdrew
- Consider that the site has been derelict for a number of years. St Peters Mission Church occupied the site approximately until the 1940s. Consider that there was never a woodland it was just overgrown derelict land;
- With regard to ground movement the applicant states that works carried out in May 2015 prior to the submission of the application were to clear the regrowth on the land since it was last cleared in 2005
- There is no public right of way
- Consider the house to be a permanent residence
- Stables to be constructed of timber
- Archaeological Surveys not required

## 8. **ANALYSIS**

- 8.1 The application site lies outside the settlement boundary, within the Green Wedge and the Garth Hill and Pentyrch Ridge Special Landscape Area as defined on the Proposals Map of the adopted Cardiff Local Development Plan.
- 8.2 It is considered that the main considerations in the assessment of this application are whether the proposal for a stables can be justified in this location and the impact of the proposal on the character and appearance of the area and in particular on the green wedge.
- 8.3 Consideration has been given to local and national policies as referenced above, in particular KP3(A) which seeks to protect the Green Wedge from inappropriate development which would prejudice the open nature of the land. Specific guidance on the consideration of planning applications within the Green Wedge is set out in PPW paragraphs 3.69 – 3.74.
- 8.4 Paragraph 3.69 of PPW states that ‘When considering applications for planning permission in Green Belts or Wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purpose of the Green Belt or Green Wedge designation.
- 8.5 Paragraph 3.70 (PPW) states that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or Green Wedge.
- 8.6 Paragraph 3.71 sets out the purposes whereby new buildings in the Green Wedge would not be considered inappropriate.
- 8.7 The construction of new buildings in a Green Belt or Green Wedge is inappropriate unless it is for the following purposes:
- justified rural enterprise needs;
  - essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or

Green Wedge and which do not conflict with the purpose of including land within it;

- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

8.8 Paragraph 3.74 – Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or Green Wedge and do not conflict with the purposes of the designation.

8.9 Policy KP3 (B) and Policy EN1 seek to ensure that development in the countryside outside the defined settlement boundaries will not normally be permitted unless it is justified for agricultural or forestry purposes or other rural enterprises. Proposals should demonstrate that the use is appropriate in the countryside, respects the landscape character and quality and biodiversity of the site and surrounding area and where it is appropriate in scale and design.

8.10 Policy EN3 aims to ensure that features of the landscape that contribute to its character, value, distinctiveness, sense of place and quality, are protected from inappropriate development. Particular priority is given to Special Landscape Areas (SLAs).

8.11 In terms of impact on the landscape proposals should demonstrate that no unacceptable harm is caused to the character and quality of the landscape and setting of the city. Paragraph 5.85 of the LDP sets out the criteria on which unacceptable harm to the landscape value of an area is assessed and these criteria are listed below:-

- The impact of the proposed development on key features of the landscape in terms of physical character, vegetation, habitats, land use and settlement patterns, visual character, historical character and cultural associations;
- The need for the proposed development in relation to its impact
- Availability of alternative locations; and
- The ability to provide appropriate mitigation measures.

8.12 There will be a presumption against urban expansion or other development within SLAs that would cause unacceptable harm to the character and quality of the SLA.

8.13 Paragraph 5.86 of the LDP states that where possible, development will be expected to maintain and strengthen positive attributes of the landscape and seek to mitigate or remove, rather than compound negative influence.

8.14 Policy EN3 includes giving particular priority to protecting the Special Landscape Areas from inappropriate development which have been designated to protect the overall landscape of the County, due to their visual, sensory, geological, cultural, and historical and habitat landscapes as set out in

paragraphs 5.90 – 5.92 of the LDP. Unacceptable harm is assessed in relation to:

- The impact of the proposed development on key features of the landscape in terms of physical character, vegetation and habitats, land use and settlement patterns, visual character, historical character and cultural associations;
- The need for the proposed development in relation to its impact;
- The availability of alternative locations; and
- The ability to provide appropriate mitigation measures.

8.15 Paragraph 5.72 of the adopted LDP states, *Planning permission is normally required for the use of land for the keeping of horses and for equestrian activities, unless they are kept as “livestock” or the land is used for “grazing”. The keeping of horses in Cardiff is widespread, so that land use for the grazing, recreation and associated development such as stabling, ménages, fencing, lighting and car parking is already having a considerable impact on the character of the countryside. Whilst it is accepted that these horse-related uses can only be accommodated in the countryside, not all locations within the countryside are necessarily appropriate. The overall impact of such proposals will be assessed against the criteria set out in national policy*”.

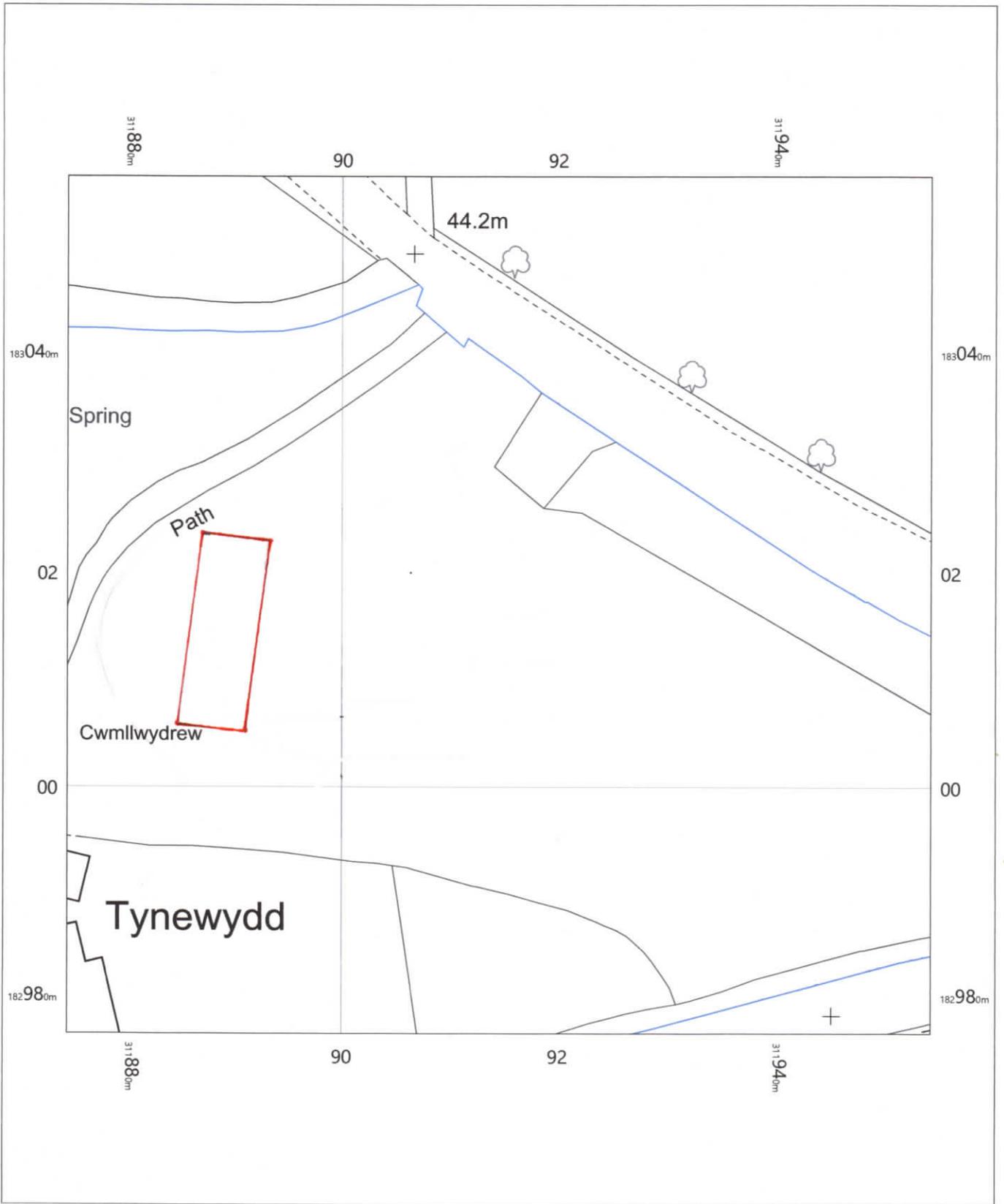
8.16 Para 5.75 of the LDP states, *“Any new development in the countryside should be designed and located to minimise their impact, usually within existing clusters of buildings or farm complexes and/or close to infrastructure and public transport. The use of outdoor space associated with development including hard and soft landscaping, means of access, car parking and the treatment of boundaries can all have significant detrimental impacts on the character and quality of the countryside and will therefore be strictly controlled”*.

8.17 The application site is within the Garth Hill and Ridges Special Landscape Area (SLA) which is an area characterised by a distinctive ‘ridge and valleys’ landscape which contrasts with the steep uplands of Garth Hill to the north and the more gently undulating lowland landscape to the south. This area forms part of the backdrop of encircling hills to the north of Cardiff and is therefore an important component of the wider landscape setting of the city. The sparse pattern of settlement and remote secluded character are considered to be positive characteristics of this area. The degradation of settlement fringe land, fly-tipping and horticulture is included as negative attributes of this area.

8.18 As set out above the construction of new buildings in the Green Wedge is inappropriate development unless one of the listed exceptions applies. It is considered that the proposal does not meet the exceptions set out in PPW. It is therefore considered that the stable building due to its scale and positioning would prejudice the openness of the Green Wedge and conflict with the purposes of including land within it which is to strategically manage the future built up form of Cardiff and to protect the distinctive, prominent and well know green backdrop to the city which forms the strategically important setting to the city.

- 8.19 Although stabling is usually accommodated within the countryside and often considered to be an appropriate use it is considered that in this case there is no justification for the proposed stables in this location to outweigh harm to the character and quality of the countryside and the Green Wedge. It would represent a substantial new building in the Green Wedge which would be visible from the road. Assessed against the guidance above it is considered that the scale and location of the stables proposed would have an unacceptable impact on the SLA and the character of the countryside in this location.
- 8.20 In conclusion, the proposal for stables is considered to be contrary to local and national planning policies which seek to protect the landscape and the countryside outside settlement boundaries, particularly within the designated Green Wedge, from inappropriate development and it is therefore recommended that planning permission be refused.

# Ty Newydd, Heol Goch, CF15 9NA



Ty Newydd  
Heol Goch,  
Pentyrch,  
Cardiff,  
CF15 9NA

OS MasterMap 1250/2500/10000 scale  
Friday, June 14, 2019, ID: MPMBW-00806998  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)

1:500 scale print at A4, Centre: 311915 E, 183017 N

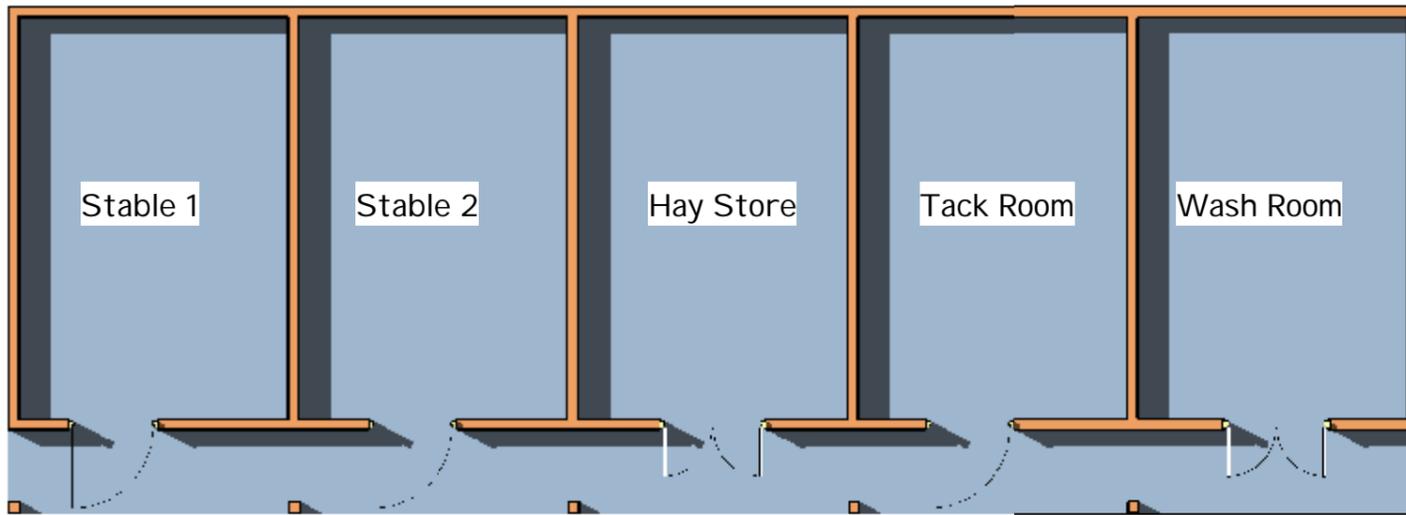
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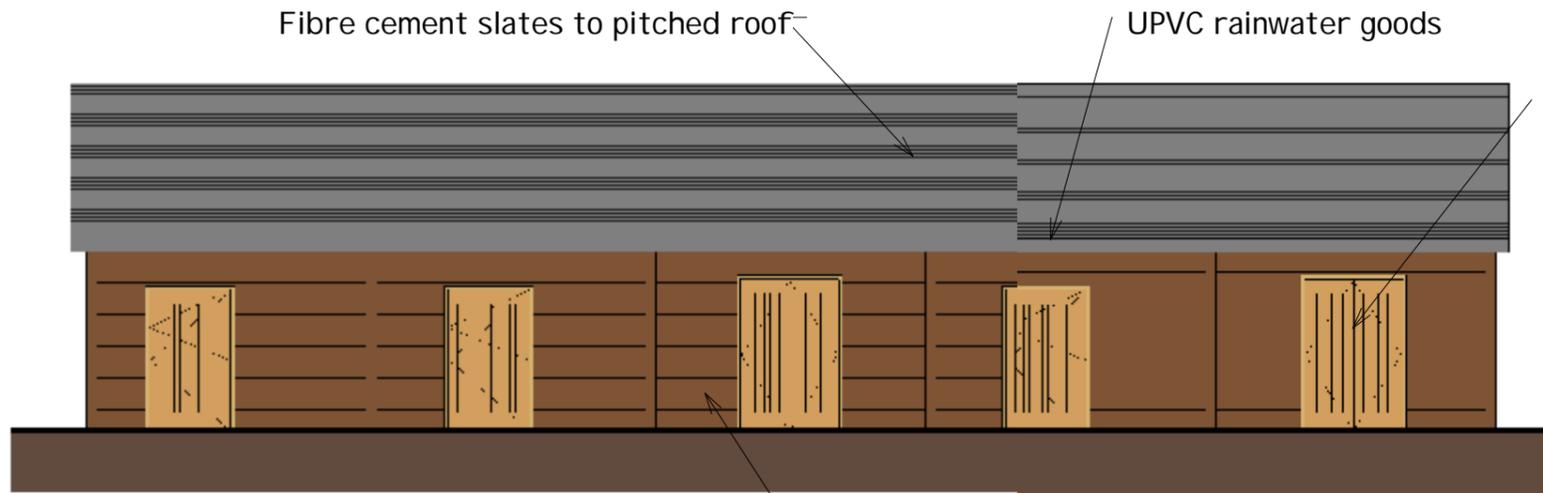


1 **3. Ground Floor**  
1 : 100



2 {3D}

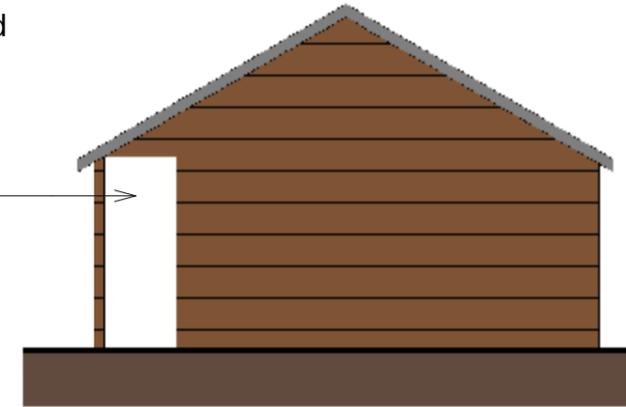
Project	Proposed Detached Stables @ Former 'St Peters Mission Church' Site Tynewydd, Gwaelod Y Garth, Cardiff	Scale	1:100	Date	14/06/2019
		Drawing No.	A100	File No.	19/0000



**1 Front Elevation**

1 : 100

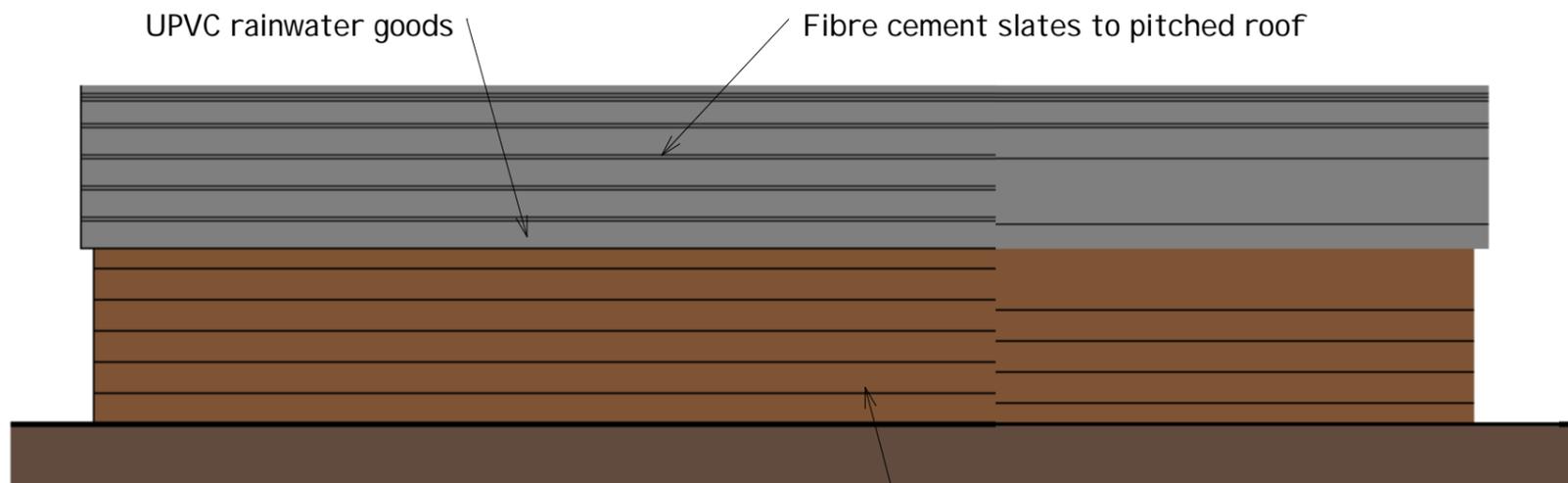
Timber frame construction with timber cladding externally applied



**3 Side Elevation 1**

1 : 100

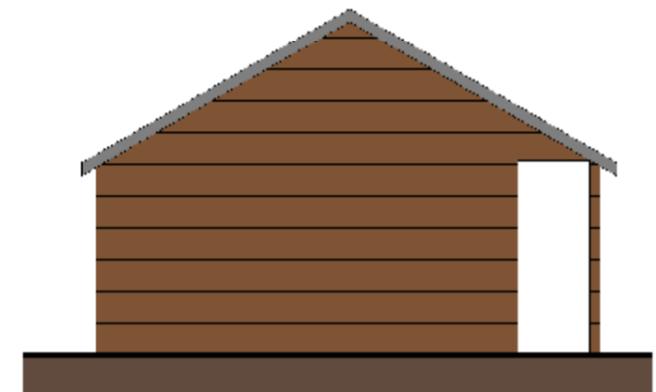
Overhang



**2 Rear Elevation**

1 : 100

Timber frame construction with timber cladding externally applied



**4 Side Elevation 2**

1 : 100

Project  
**Proposed Detached Stables @ Former 'St Peters Mission Church' Site**  
 Tynwydd, Gwaelod Y Garth, Cardiff

Scale  
 1:100

Date  
 14/06/2019

Drawing No.  
 A101

File No.  
 19/0000