

## PLANNING COMMITTEE

Minutes of a Hybrid Meeting held on 22<sup>nd</sup> February, 2024.

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

Present: Councillor N.C. Thomas (Chair); Councillor S.D. Perkes (Vice-Chair); Councillors G. Bruce, I. Buckley, C.A. Cave, C.M. Cowpe, P. Drake, A.M. Ernest, W. Gilligan, N.P. Hodges, Dr. I.J. Johnson, I.A.N. Perry, C. Stallard, E. Williams and M.R. Wilson.

Also present: Councillors E. Goodjohn, E.J. Goodjohn, W.A. Hennessy, K. Mahoney and R.R. Thomas.

Name of Speaker	Planning Application No. and Location	Reason for Speaking
M. Wallis	2020/01170/OUT - Land at Upper Cosmeston Farm, Lavernock Road, Penarth	Objector to the application or their representative
B. Davies	2020/01170/OUT - Land at Upper Cosmeston Farm, Lavernock Road, Penarth	The applicant or their representative

Councillor K. Mahoney, as local Ward Member and Councillor R.R. Thomas, as Vale of Glamorgan Councillor, both spoke in regard to Application No. 2020/01170/OUT – Land at Upper Cosmeston Farm, Lavernock Road, Penarth.

### 831 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

### 832 APOLOGIES FOR ABSENCE –

These were received from Councillors C.E.A. Champion and H.M. Payne.

### 833 MINUTES –

**RESOLVED – T H A T** the minutes of the meeting held on 25<sup>th</sup> January, 2024 be approved as a correct record.

## 834 DECLARATIONS OF INTEREST –

<b>Councillor</b>	<b>Agenda Item No.</b>	<b>Nature of Interest</b>
I. Buckley	2020/01170/OUT – Land at Upper Cosmeston Farm, Lavernock Road, Penarth	The Councillor had previously considered the application in previous meetings of Penarth Town Council. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
N.C. Thomas	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
S.D. Perkes	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
I. Buckley	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
G. Bruce	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor indicated that she may have previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
C.A. Cave	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so

		remained in the meeting for the item.
P. Drake	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
A.M. Ernest	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
N.P. Hodges	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
Dr. I.J. Johnson	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry and 2023/00033/FUL	The Councillor had previously considered the application in previous meetings or made comments. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
E. Williams	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
M.R. Wilson	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.

N.C. Thomas	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
S.D. Perkes	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
I. Buckley	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
G. Bruce	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
C.A. Cave	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
P. Drake	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
A.M. Ernest	2023/00033/FUL – Land to the north of Barry Biomass	The Councillor had previously considered the application in

	Renewable Energy Facility, David Davies Road, Barry	previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
N.P. Hodges	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
Dr. I.J. Johnson	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings or made comments. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
E. Williams	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
M.R. Wilson	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.

835 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS (HSD) –

RESOLVED –

- (1) T H A T the passed building regulation applications, as listed in Section A of the report, be noted.
- (2) T H A T the rejected building applications, as listed in Section B of the report,

be noted.

(3) T H A T the serving of Notices under Building (Approved Inspectors Etc.) Regulations 2000, as listed in Section C of the report, be noted.

(4) T H A T the proposed service of Notices in respect of the Building Regulations Applications as outlined in Section D of the report, be noted.

836 PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS (HSD) –

RESOLVED – T H A T the applications as outlined within the report, on pages 8 through to 15, under the above delegated powers, be noted.

837 APPEALS (HSD) –

RESOLVED –

(1) T H A T the Appeal received following the refusal of the Council to grant planning permission, as detailed in Section A of the report, be noted.

(2) T H A T it be noted that no Enforcement Appeals had been received at the time of the meeting taking place.

(3) T H A T the Planning Appeal Decision, as detailed in Section C of the report, be noted.

(4) T H A T the Enforcement Appeal Decisions as detailed in Section D of the report, be noted.

(5) T H A T the statistics relating to appeals for the period April 2023 – March 2024, as detailed in Section E of the report, be noted.

838 TREES (HSD) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report, on pages 21 through to 23, as determined by the Head of Sustainable Development under delegated powers, be noted.

## 839 ENFORCEMENT ACTION (HSD) –

(i) Land and Buildings at Field East of Middle Field, Llancarfan

This report sought authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the uncontrolled development of a general purpose outbuilding/store in the countryside at Middle Hill, Llancarfan. In addition to the building, two storage containers had been sited on the land, connected by a corrugated metal canopy structure. A caravan was also permanently sited on the land which, given the lack of agricultural activity undertaken, had the potential to be used for unauthorised residential purposes and be unacceptable in that location. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice was not complied with.

## RESOLVED –

(1) T H A T the Head of Legal and Democratic Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, (As Amended) to require:

- i. Demolish the wooden clad outbuilding, including all internal partition walls, plasterboard and insulation;
- ii. Permanently remove the two metal storage containers and canopy structure that spans between them from the land;
- iii. Permanently remove the caravan from the land;
- iv. Remove all demolition materials and other items from the land, following the carrying out of steps i – iii above.

(2) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reason for recommendation

(1) It appears to the Council that the above breach of planning control consisting of the construction of a new building and siting of metal storage containers in the countryside has occurred within the last 4 years and the siting of a caravan has occurred within the last 10 years.

(2) In the absence of any planning permission which regularises the use of the building as a general agricultural store / outbuilding rather than a stable, there is the potential for the building to be used for any other purposes in breach of planning control, which would be an entirely unacceptable position with respect to a building in the open countryside and contrary to Policy MD1 (Location of New Development) of the Local Development Plan (LDP) and advice contained within Chapter 3 of Planning Policy Wales (Edition 12, 2024), insofar as the Local Planning Authority should exert strict control over new development in the open countryside. Given that unauthorised development on the land would become lawful and immune from enforcement action after a period of 4 and 10 continuous years, it is therefore

considered expedient to require the current building to be removed, to allow the Council to exercise control over the use of the agricultural land going forward. In the absence of an application to retain the stable building as an outbuilding/store, the Council also cannot require by condition any biodiversity or green infrastructure enhancements, contrary to Policy MD9 (Promoting Biodiversity) of the LDP, and guidance contained within Chapter 6 of Planning Policy Wales (Edition 12, 2024). Therefore, the uncontrolled development is also considered unacceptable in this regard.

(3) The structure comprising of two metal shipping containers and corrugated metal canopy also has no planning control and is used by the landowner as an additional storage facility for his own personal belongings, tools and equipment, as well as for three vehicles kept at the field. It is not considered that this additional storage facility is justified in addition to the stable, to support the use and upkeep of a single field in the countryside. The stable could have also provided a means of storage for a limited range of equipment to be kept at the field and therefore it is considered that the containers and canopy structure are not justified and should be removed from the land to secure compliance with Policy MD1 of the LDP and advice contained within Chapter 3 of Planning Policy Wales (Edition 12, 2024).

(4) In terms of the caravan, given the sporadic nature and low intensity of agricultural activity on the land, save for use of the field for leisure purposes by the owner, and that the internal works currently being undertaken to the outbuilding do not benefit from planning consent, the caravan is not permitted to remain on the land as a temporary moveable structure. The caravan should therefore be removed from the land, to ensure that it is not inhabited for residential purposes, which could become lawful after 10 years of continuous occupation, after which point the land beneath the caravan would benefit from a lawful residential use. Therefore, given that the outbuilding, containers, and caravan sited on the land are all currently unauthorised, the development is deemed contrary to Policies MD1 and MD9 of the Adopted LDP, as well as guidance contained within Chapter 3 of Planning Policy Wales (Edition 12, 2024).

(5) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

#### 840 PLANNING APPLICATIONS (HSD) –

RESOLVED – T H A T in pursuance of the powers delegated to the Committee, the following applications be determined as indicated and any other necessary action be taken.



**2020/00620/FUL****Brigam Farm, Llanharry, Pontyclun**

## REFUSED AND AUTHORISE ENFORCEMENT ACTION

## RESOLVED –

(1) T H A T planning permission be refused for the following reason: Insufficient information, by virtue of the lack of technical specifications and lack of secondary containment, has been provided to demonstrate that the proposal does not pose an unacceptable pollution risk to the natural environment. Accordingly the application fails to comply with the requirements of Policies SP1 (Delivering the Strategy, criterion 6) and MD7 (Environmental Protection, criterion 1, 2 and 8) of the Vale of Glamorgan Local Development Plan (Adopted 2017).

(2) T H A T the Head of Legal and Democratic Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

(i) The removal of the storage tank and any associated structures.

(3) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

**Reasons for decisions**

(1) It appears to the Council that the above breach of planning control constituting operational development has occurred within the last four years.

(2) Insufficient information, by virtue of the lack of technical specifications and lack of secondary containment, has been provided to demonstrate that the proposal does not pose an unacceptable pollution risk to the natural environment. Accordingly the application fails to comply with the requirements of Policies SP1 (Delivering the Strategy, criterion 6) and MD7 (Environmental Protection, criterion 1, 2 and 8) of the Vale of Glamorgan Local Development Plan (Adopted 2017).

(3) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

MEETING WAS THEN ADJOURNED TO BE RECONVENED AT A LATER DATE.