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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/08/21

gan Clive Sproule BSc MSc MSc  
MRTPI MEnvSci CEnv

Arolygydd a benodir gan Weinidogion  
Cymru

Dyddiad: 28/01/2022

## Appeal Decision

Site visit made on 18/08/21

by Clive Sproule BSc MSc MSc  
MRTPI MEnvSci CEnv

an Inspector appointed by the Welsh  
Ministers

Date: 28/01/2022

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Appeal Ref: APP/Q6810/A/21/3275890

Site address: Land adjoining Berthwen, Bwlchtocyn LL53 7BP

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by D W Williams & Son against the decision of Gwynedd Council.
- The development proposed is an agricultural contractor's storage building.

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### Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for an agricultural contractor's storage building at land adjoining Berthwen, Bwlchtocyn LL53 7BP in accordance with the terms of the application and the plans submitted with it, subject to the conditions in the schedule below.

### Application for costs

2. An application for costs was made by D W Williams & Son against Gwynedd Council. This application is the subject of a separate Decision.

### Main Issue

3. I consider the main issues in this case to be a) whether the development is appropriate in the countryside, and the effects of the development proposed on: b) the character and appearance of the area; and, c) the living conditions of local residents in relation to noise and disturbance.

### Reasons

*Whether the proposal would be appropriate in the countryside*

4. The proposed development would be in the countryside next to a group of dwellings that stand around the appellant's existing yard at Bwthyn y Ffrwd. Policy PCYFF 1 - *Development Boundaries* of the Anglesey and Gwynedd Joint Local Development Plan ("JLDP") states that outside the development boundaries development will be resisted

unless it is in accordance with specific policies of the JLDP, or national planning policies, or that it demonstrates that its location in the countryside is essential.

5. The appeal site would provide land for: the proposed agricultural contractor's storage building; a turning area / hardstanding in front of the main door to the building; and an access across the field from the highway. The new building would be a substantial structure with a shallow pitch roof, that application drawings confirm would be 30ft x 60ft and 12ft to its eaves (i.e. approximately 9.1m x 18.3m x 3.7m). Application drawings also propose Juniper Green cladding and a pedestrian door of that colour, a number of roof lights and a galvanised main roller shutter door. The design would provide secure storage for the appellant company's agricultural equipment and associated materials.
6. Evidence in this case confirms the appellant has been providing agricultural contracting services in the locality for over 20 years, and that these have been based close to the appeal site at Bwthyn y Ffrwd, which is also in the countryside. While there is no planning record for that use, there is no evidence in this case that would cause me to doubt the robustness of the appellant's case on this matter, which includes representations from customers regarding the type, location and established nature of the appellant company's business.
7. The proposed development would enable the business to move a short distance to more appropriate premises that would provide enclosed storage within a new building. And while Bwthyn y Ffrwd is very close to the appeal site, the proposed development would be next to the new family home, which was at an advanced stage of construction when the site visit took place. Stone that was being stockpiled on the appeal site is noted to be associated with the construction works for the new dwelling.
8. JLDP paragraph 6.2.4 provides the reasoned justification to JLDP Policy PCYFF 1 and specifically notes that some types of developments are necessary to address the plan area's social, economic and environmental needs. It is apparent that the existing site does not provide the appellant business with a contemporary storage and maintenance building comparable to that proposed. An agricultural contracting business of the appellant company's type would be reasonably expected to be located close to its principal customers. As such, it is apparent that this business is essentially located in this countryside. And, the proposed development would address the social, economic and environmental needs of the locality in relation to the agricultural practices that contribute to meeting those needs and that shape its environment. Accordingly, the proposed development complies with JLDP Policy PCYFF 1.

#### *Character and appearance*

9. The appeal site lies within a field that forms part of the gently rolling farmland in this coastal countryside, which has hedges, other field and property boundaries and vegetation that help to convey the character of this rural landscape. It is a landscape that includes the buildings of Bwlchtocyn, and within and around the surrounding fields are occasional rural dwellings, agricultural buildings and a number of camping and caravan sites.
10. The appeal site lies within the Llŷn Area of Outstanding Natural Beauty ("AONB"), and is noted to be currently used for the "...temporary storage of stone and building materials..."<sup>1</sup> related to the construction of the neighbouring affordable dwelling. By constructing a new building of the type and scale proposed on a field in the AONB, the appeal proposal would fail to conserve or enhance the natural beauty of the AONB in this location.

<sup>1</sup> Within the appellant's final comments

11. The appellant company's existing site has a number of dwellings around it. The proposal would locate that storage and associated activity next to, but separate from, the existing grouping of development at Bwlchtocyn.
12. NRW has confirmed its view that there would be adverse visual impacts for a time after construction of the proposed building, but it would effectively integrate into its surroundings over 5-7 years as planting becomes established. I agree with that assessment, and note that the proposed landscaping would be reasonably expected to enhance biodiversity in the locality. Planting would not fully screen the proposed development, which would result in the building having a degree of visibility in the landscape. In that regard, it likely would be perceived as being similar to other agricultural developments in the locality and as such, the appeal proposal would integrate into this landscape. This would be assisted by the use of a darker shade of green for the building cladding than that proposed.
13. Given the appeal site's position within the landscape, the proposed development would be visible and especially so during winter months when screening from characteristic summer foliage can be expected to reduce. Consequently, and in the interests of protecting the character and appearance of the locality, any planning permission resulting from this appeal would be subject to a condition preventing storage outside the building.
14. Attention has been drawn to a paragraph in the appellant's application stage Planning Statement that refers to the development of a storage building and yard.<sup>2</sup> The application drawings show the red line boundary of the appeal site tightly drawn around the proposed storage building, turning area and access. This, along with the position of the building's doors, reasonably would be expected to limit 'yard' activities to the area immediately in front of the main door into the proposed building. And a condition preventing external storage would ensure any 'yard' area is used in a manner that protects the character and appearance of the locality.
15. As such, the proposed development would complement the character and appearance of the locality in terms of its siting, scale and external finishes. It would be of a design that would be appropriate for its location, and the proposal would contribute to sustainable agricultural practices that shape the landscape in this area. Therefore, the proposal complies with the objectives of JLDP Policies PS 19, PCYFF 3 and AMG 1.

#### *Living conditions*

16. No details have been provided to indicate that the appellant company's activities on the existing site have been causing unacceptable harm to local living conditions, for example, in relation to noise and disturbance. In comparison to the existing Bwthyn y Ffrwd site, the appeal site would provide significantly greater separation between local residents and the appellant company's equipment storage and maintenance activities. Highway movements would not be likely to change significantly due to the business' relocation onto the appeal site.
17. This is a working landscape where a certain amount of noise and disturbance from services that support local farmers reasonably can be expected to occur. It is therefore difficult to foresee how the normal operation of an agricultural contractor's business, that the evidence in this case indicates has already been established in the village for a considerable number of years, would be likely to generate sufficient noise and disturbance to be unacceptably harmful to local living conditions. This is especially so, as the appeal proposal would move the existing activity further from the dwellings around it. No conflict

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<sup>2</sup> The relevant paragraph would appear to be 3.1.4 rather than paragraph 2.1.4 of the Planning Statement.

with JLDP Policy PCYFF 2 has been demonstrated, which provides development criteria and is not permissive of proposals that would have an unacceptable adverse impact on, amongst other things, the health, safety or amenity of occupiers of land, buildings and dwellings .

18. However, alternative uses of the proposed building potentially could have a significant effect on local living conditions. Consequently, if this appeal were to be allowed, a condition would be imposed to limit its use to that applied for.

*Other matters*

19. Gwynedd Council has questioned whether Mr Williams (of the appellant company) would meet occupancy criteria for the affordable home next to the appeal site. However, the Council's appeal statement does not indicate if it sought to get that information. Final comments from the appellant provide convincing evidence regarding the background to the construction and occupancy of the new affordable dwelling. Moreover, on 18 January 2019 Gwynedd Council and Mr Williams entered into a section 106 agreement in relation to the affordable dwelling at Berthwen, Bwlchtocyn. Consequently, the matter raised by Gwynedd Council in relation to whether Mr Williams would meet criteria for occupying the affordable dwelling appears to be unfounded.
20. In relation to whether the existing use of Bwthyn y Ffrwd should cease, it is not the purpose of this decision to address a lack of enforcement action on activities that appear to have no planning history. This decision addresses the appropriateness of the development proposed. Appeal documents contain no legal mechanism for ensuring the existing site would be vacated by the appellant's business. However, there is a clearly stated intention to sell the existing site, and if planning permission were to be granted for the proposed development, it seems very unlikely that the appellant would wish to continue using a more open and less secure site that may be suitable for other purposes.

**Conclusion**

21. This appeal concerns a development proposal that complies with JLDP Policies PCYFF 1, PCYFF 2, PCYFF 3, PS 19, and AMG 1. All representations in this case have been taken into account and no matters have been found to outweigh the identified policy compliance. Accordingly, and for the reasons set out above, the proposal would be a sustainable form of development and the appeal should be allowed.
22. In reaching my decision I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 and taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Future Generations (Wales) Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being goals of supporting safe, cohesive and resilient communities.

*Clive Sproule*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development shall begin not later than five years from the date of this decision.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. CCJ20-140-01-LP – Location Plan  
Drawing no. CCJ20-140-02-ESP – Existing Site Plan  
Drawing no. CCJ20-140-03-PSP – Proposed Site Plan  
Drawing no. CCJ20-140-04-EP – Elevations  
Drawing no. CCJ20-140-05-EP – Elevations  
Drawing no. CCJ20-140-06-FP – Floorplan

*Reason: To ensure that the development is carried out in accordance with the approved drawing and other details submitted during the application.*

3. Prior to the construction of the building hereby permitted, details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Notwithstanding condition 2, the submitted details and/or samples of the materials to be used in the construction of the external surfaces of the building shall include an option/s for a darker green cladding than that specified on the application drawings. Development shall be carried out in accordance with the approved details and / or samples and retained as such thereafter.

*Reason: In the interests of protecting the character and appearance of the locality in accordance with LDP Policies PCYFF 3 and AMG1.*

4. The building hereby permitted shall be used only for the storage and maintenance of agricultural machinery.

*Reason: To ensure a use appropriate for this countryside and to protect the living conditions of people in the locality in accordance with LDP Policy PCYFF 2.*

5. No machinery, materials or equipment shall be stored outside the building hereby permitted.

*Reason: In the interests of protecting the character and appearance of the locality in accordance with LDP Policies PCYFF 3 and AMG1.*

6. No development shall take place until a scheme for the provision of landscaping, boundary treatment and hard surfacing has been submitted to and approved in writing by the local planning authority. Development shall be carried out, and landscaping provided, in accordance with the approved scheme, and the landscaping, hard standing and boundary treatment shall be retained thereafter.

*Reason: In the interests of protecting the character and appearance of the locality in accordance with LDP Policies PCYFF 3 and AMG1.*

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of protecting the character and appearance of the locality in accordance with LDP Policies PCYFF 3 and AMG1.*

8. Before any lighting system is installed / erected on the building and/or site hereby permitted, a scheme for the provision of the lighting system shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented as approved and retained as such thereafter.

*Reason: In the interests of protecting the character and appearance of the locality and the living conditions of its residents in accordance with LDP Policies PCYFF 2, PCYFF 3 and AMG1.*