



## BRECON BEACONS NATIONAL PARK AUTHORITY

### DELEGATED DECISION REPORT

**Application No:** 12/07576/FUL      **Case Officer:** Mr Jonathan James  
**Site Notice Posted:** 20th Jan 2012      **Consultation Date:** 18th Jan 2012  
**Date Valid:** 13th Jan 2012      **8 Week Target:** 9th Mar 2012  
**Decision Type:** Delegated Decision  
**Proposal:** Low level, low impact lighting to menage.  
**Address:** The Wenalt Farm, Gilwern, Monmouthshire

### CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	5th Mar 2012	The planning authority should consider an environmental study and a condition that the menage is only used until 8pm at night. If the application meets all other policies then there is no objection.
Monmouthshire County Council Highways	21st Feb 2012	The site is in a rural location well above the valley floor and away from the main level of population. The low level proposed would appear to have little or no adverse effect on the highway and I note it is proposed to be of a diffused nature. There are no adverse comments I would wish to make. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.
Glamorgan Gwent Archaeological Trust	8th Feb 2012	Comments no objection to the positive determination of this application.
Monmouthshire County Council Environmental Health		No response received

### CONTRIBUTORS

### NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The application has been advertised by the erection of a site notice. No objections or representations have been received at the time of writing the report.

## RELEVANT POLICIES

**G3:** "Development in the National Park" (Unitary Development Plan 2007)

**G6:** "Design" (Unitary Development Plan 2007)

**ES18:** "Equestrian Facilities" (Unitary Development Plan 2007)

**LPG3:** "Development in the National Park." (Local Plan 1999)

**LPG7:** "Design and energy conservation." (Local Plan 1999)

**LPT1:** "Tourist, recreation and education." (Local Plan 1999)

## PLANNING HISTORY

App Ref	Description	Decision	Date
11/06072/FUL	Provision of menage	Application Permitted	11th Mar 2011

## OFFICER'S REPORT

### Site description and proposal

The site lies in open countryside as designated under the Brecon Beacons National Park Unitary Development Plan and Local Plan. The application site and surrounding area are located on the northern side of Clydach Hill as a result the application site and surrounding area are located on a gradient falling from south to north. The area of land is set below the level of the adjacent category C adopted highway to the south. Bounding the site on one side is an existing mature hedgerow that would not be affected by the proposed development.

The proposal is for low level lighting to an existing horse menage (granted permission under application 11/06072/FUL). The proposed low level lighting will be located on the existing uprights of the wooden post and rail fence surrounding the menage. The lights would be placed on top of the 1.35 metre high fence and would total eight in number three along each long side and one each on either short side. The proposed light units would be cowled to deflect light down onto the arena and thus prevent light pollution.

### Appraisal

Whilst the Local Plan remains the formal statutory policy framework for the area, the Authority Approved UDP provides a more up to date and relevant planning framework. The UDP may not have been formally adopted but it has been subject to all the statutory consultation and procedures required for development plans. It is for this reason that the NPA has determined to afford greater weight to the UDP in the determination of planning applications than the Adopted Local Plan of 1999.

The Brecon Beacons National Park Authority Local Development Plan (LDP) has been published in draft and progressed to public deposit state. Legal Advice is that whilst the emerging LDP is now material, little weight can be given to it in planning decision making at this stage.

This application was considered against policy G3, G6 and ES18 of the UDP and policies G3, G7 and T1 of the Local Plan. Whilst the development proposal will be considered against both the Approved UDP and Adopted Local Plan policies, greater weight shall be given to the more up to date UDP policies unless the Local Plan policies materially differ to warrant a departure from the UDP.

In making a recommendation on this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the following national guidance:

- Planning Policy Wales (PPW, 2011)
- Technical Advice Note 12 Design (2009)

The dual purposes of National Park designation are, as first set out in the National Parks and Access to Countryside Act 1949 and updated by the Environment Act 1995:

- conservation and enhancement of natural beauty, wildlife and cultural heritage; and
- promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

Following a review in 1974 of the operation of the 1949 Act, led by Lord Sandford, an important recommendation emerged that became known as the Sandford Principle. This principle was enshrined in the 1995 Act, to the effect that where irreconcilable conflict arises between the two main National Park purposes, then the conservation of natural beauty should prevail over promotion of public enjoyment and understanding.

The Design and Access Statement states that the ménage is used up until 8pm at night, thus the requirement for the proposed lighting. Llanelly Community Council raise no objections however they suggest that the Planning Authority consider an environmental study and a condition that the ménage is only used until 8pm at night. It is considered that the imposition of a condition restricting the use of the lighting would be of benefit visually to the locality. However, for the scale of the proposed level of lighting it is considered that an environmental study would not be required in this instance.

During daylight hours when the lights would not be in use, it is considered that there would not be a visual impact. During the darker evenings there is likely to be some minor levels of light pollution however this would not be so significant to be considered as a reason for refusal in this instance.

No adverse comments have been received regards the proposal from statutory consultees. Comments received from Glamorgan Gwent Archaeological Trust identify that the proposal has been checked against the Historic Environment Record which identifies features dating back to the 19th century. GGAT consider that the attachment of a condition to mitigate the impact of the development in this instance would be onerous. They therefore raise no objection to the positive determination of this application.

In principle the proposed development is considered to meet the requirements of relevant policy and there are no potential issues to the proposal.

## Conclusion

The proposed development does not adversely affect the amenities of neighbouring properties and is considered acceptable within the landscape. Officers consider that the proposal is in compliance with policy ES18 and G3 of the Brecon Beacons National Park Unitary Development Plan, in that it is appropriate to its setting, will not have a detrimental effect to the character of the area, will not create an unacceptable impact on highway safety and will not compromise any existing amenity on neighbouring properties.

The proposal is therefore considered to comply with relevant policy and a recommendation for approval is hereby put forward.

## **RECOMMENDATION: Permit**

### **Conditions and/or Reasons:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP2v1, NP3v1, NP4v1, NP5v1 rcvd 13/1/2012), unless otherwise agreed in writing by the Local Planning Authority.
- 3 The menage shall not be illuminated by the lighting hereby approved at any time between the hours of 8:00pm and 8:00am the following day.

**Reasons:**

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 To minimise the impact of the lights on the visual appearance of the area and to protect the amenity of the area.

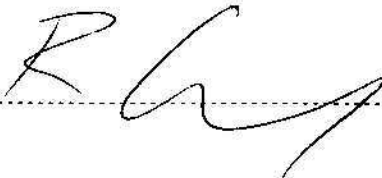
**Informative Notes:**

**Signed (Case Officer):**

Mr Jonathan James  
Senior Planning Officer (DC)

  
..... Date: 6/3/2012

**Checked (Principal Planner):**

  
..... Date: 6.3.12

**Signed (National Park  
Authorised Officer):**

  
..... Date: 9<sup>th</sup> March '12