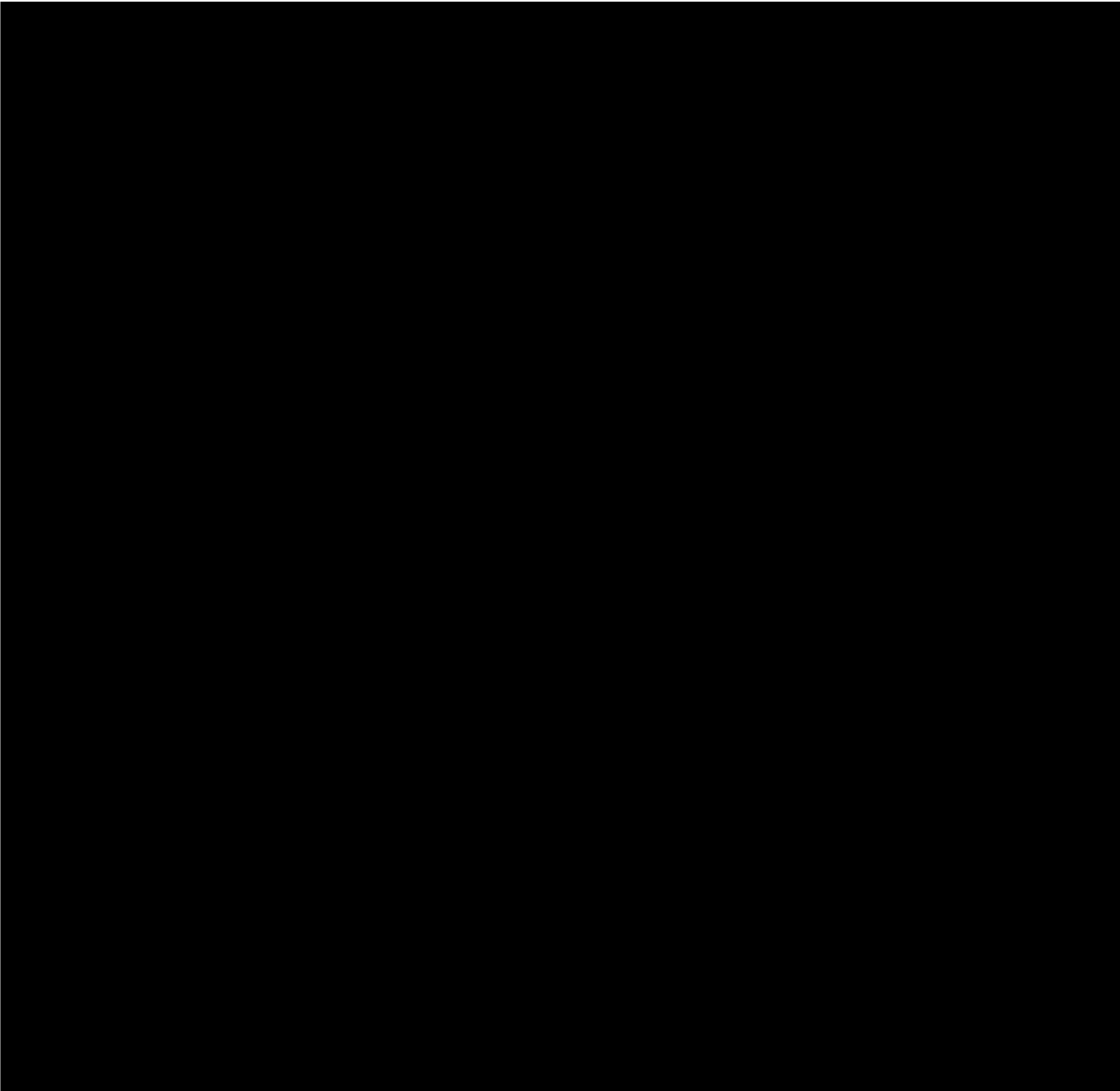


**Planning Report in relation to  
Gilestone Farm, Talybont-on-Usk (the "Property")**

**1. SUMMARY**

- 1.1 The Property is located within the administrative area of Powys County Council (the "Council"). The local planning authority is Brecon Beacons National Park Authority (the "LPA")

This section does not relate to flood, SAC or previous planning consent, and is on another matter, not captured by this request.



**2. BASIS OF THIS REPORT**

2.1 This Report is addressed to you and is given solely in relation to your proposed purchase of the Property and may not be relied upon by any other person or used for any other purposes.

2.2 This Report is based on a review of the following planning documents and searches disclosed and replies provided to us by the Seller's solicitor:

2.2.1 the results of the Local Land Charges search dated 18 March 2022 (the "Local Search")

2.2.2 Schedule of Local Land Charges search dated 18 March 2022

2.2.3 Environmental Report dated 11 March 2022

2.2.4 Powells Valuation Report dated 16 February 2022

2.2.5 Knight Frank Valuation Report dated 2 March 2022

2.3 Unless otherwise stated below, we have not inspected the Property and we have not reviewed underlying planning documents, drawings or plans to what has been disclosed.

2.4 We have not reviewed or reported on those consents revealed by the Local Search results which are historical in nature or which do not relate to the Property itself. Nor does this report cover consents granted under the advertising control regime (which is separate from planning), shop fronts, telecommunications, temporary permissions or lighting.

2.5 This Report is not intended to provide a detailed report on the development constraints or development potential of the Property. Accordingly, we have not investigated the planning policies contained in the relevant development plan for the purposes of this Report.

2.6 We have not seen the applications, drawings, specifications and accompanying papers on the basis of which the permissions referenced below and conservation area consents/listed building consents granted and are therefore unable to compare these with what is actually on the Property.

### 3. PLANNING & LISTED BUILDING HISTORY

3.1 The Local Search reveals that both planning permissions and listed building consents have been made in relation to the Property. We have not listed those applications that have been made, but refused, nor those applications that were made but finally disposed of an Article 25 of the Town and Country Planning (General Development Procedure) Order 1995.

3.2 It is important to draw a distinction between applications for planning permission and those for listed building consent. This is as follows:

3.2.1 A planning permission authorises "*development*"<sup>1</sup> on a site. Development may include works taking place on site or the change of use of a site.

3.2.2 A listed building consent is required where a listed building is to be demolished or where there is an "*alteration or extension in any manner which would affect [the listed building's] character as a building of special architectural or historic interest*"<sup>2</sup>.

3.3 Reviewing planning permissions that have been granted in relation to a site therefore helps us to determine what the **lawful planning uses** of the site are.

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<sup>1</sup> Section 56 Town And Country Planning Act 1990

<sup>2</sup> Section 7 Planning (Listed Buildings and Conservation Areas) Act 1990

3.4 Reviewing the listed building consents that have been granted in relation to a site helps us to determine what has been approved in relation to alterations to the character of the site.

**TABLE A: PLANNING AND LISTED BUILDING CONSENTS**

<b>Reference</b>	<b>Description of Development</b>	<b>Status</b>
18/16320/FUL  Planning Permission	Change of use of agricultural land to site for temporary safari tents for holiday accommodation (3 units) and removable sanitary accommodation units, with associated septic tank installation	Approved with conditions  17.08.2018
17/15005/FUL <sup>3</sup>  Planning Permission	Four proposed units of holiday accommodation and installation of associated sewage treatment	Approved with conditions  23.08.2017
16/13392/FUL <sup>4</sup>  Planning Permission	Change of use of agricultural law and buildings to various commercial uses within use class B1 and D1, with minor alterations to curtilage listed building (former stables) (retrospective)	Approved with conditions  18.11.2016
16/13393/LBC <sup>5</sup>  Listed Building Consent	Change of use of agricultural law and buildings to various commercial uses within use class B1 and D1, with minor alterations to curtilage listed building (former stables) (retrospective)	Permission Granted  18.11.2016
11/065882/FUL <sup>6</sup>  Planning Permission	Full application for retention and change of use of shower block/toilets into an agricultural building for storage of agricultural machinery and animal feeds and	Approved with conditions  08.08.2011

<sup>3</sup> Please note that this planning permission is not listed on the Local Search, but it is listed on the Local Planning Authority's website and we have seen a copy of the planning permission

<sup>4</sup> Please note that this planning permission is not listed on the Local Search, but it is listed on the Local Planning Authority's website and we have seen a copy of the planning permission

<sup>5</sup> Please note that this planning permission is not listed on the Local Search, but it is listed on the Local Planning Authority's website and we have seen a copy of the planning permission

<sup>6</sup> Please note that this planning permission is not listed on the Local Search, but it is listed on the Local Planning Authority's website and we have seen a copy of the planning permission

	retention of the existing road infrastructure and hardstanding	
NP20617 Planning Permission	Proposed relocation of existing camping facility out of flood zone	Approved with conditions 21.06.2005
NP16752 Listed Building Consent for Gilestone Farm	Internal and external alterations and repairs, ground floor extension, new porch, removal of bay window and construction of conservatory	Approval with Conditions 24/02/2000
NP150817* Planning Permission	Erection of two lean to agricultural buildings	Approved with conditions 16.12.1996
NP15082* Planning Permission	Demolish Livestock Building and replace with farrowing house nearby	16.12.1996
NP14898* Planning Permission	Erection of Agricultural building for hay storage	Approved with conditions 26.08.1996
NP1477* Planning Permission	Erection of barn for Hay Storage on Site A	Approved with conditions 03.06.1996
K12033* Planning Permission	Farm yard manure store	Approved with conditions 02.07.1991
K11260* Planning Permission	Filling void in agricultural land caused by previous excavation	Approval with Conditions

<sup>7</sup> All \* permissions are historic in nature. These have not been reviewed and are included for reference purposes only.

		14/11/1990
K6204* Planning Permission	Agricultural Building	Approval with Conditions 19/04/1983

#### 4. **LAWFULNESS OF EXISTING WORKS AND CURRENT USE**

4.1 It is important to determine the lawfulness of the structures currently on Property and the current uses of Property in order to confirm that you will not be the subject of future enforcement action. If there are any planning breaches/issues relating to what is currently occurring at the Property, you could be enforced against as owner. Moreover, where a planning use is unlawful, it may have an impact on valuation.

##### Existing Structures

4.2 We understand from the Powells valuation report dated 16 February 2022 that the following buildings/constructs are on site:

<b>Building</b>	<b>Date of Construction</b>	<b>Actual Use</b>	<b>Corresponding Planning Permission- for construction &amp; use</b>
Building 1	Unknown	Unknown	No
Building 2-Cattle Building	Unknown	Unknown	No
Building 3- Grain Store	Unknown	Unknown	No
Building 4- Building of Steel Frame Construct	Unknown	Unknown-let to third party	No
Building 5- traditional stone build building	Unknown	Two small let units	No
Building 6 & 7- small range of buildings	Unknown	Several let units	No
Building 8- old silage clamp and muck store,	Unknown		No

general hardstanding			
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Lot 2

<b>Building</b>	<b>Date of Construction</b>	<b>Actual Use</b>	<b>Planning Permission: construction</b>	<b>Planning Permission: use</b>
Gilestone Farmhouse	Circa 1700s	Holiday Use/Wedding Venue	Over 4 years	No
Building 1	Unknown	Unknown	Unknown	Unknown
Building 2	Unknown	Unknown	Unknown	Unknown
Building 3-Old Shower Block & Timber Yard	Unknown	Unknown let	11/06582/FUL Permitted for storage of agricultural machinery & animal feeds	11/06582/FUL Permitted for storage of agricultural machinery & animal feeds
Three Safari Tents and associated welfare units	Circa 2019	Holiday Use	18/16320/FUL Permitted for holiday use	18/16320/FUL Permitted for holiday use
4 Holiday Lodges  2 x 1 bed  2 x 2 bed	Under Construction	Under Construction	17/15005/FUL Pre-commencement conditions not discharged	17/15005/FUL Pre-commencement conditions not discharged

4.3 As is evident from the table of planning permissions, the Local Search has revealed a number of historic permissions in respect of the Property. However, given the number of historic permissions and the fact we have not seen any corresponding plans it is not possible to confirm whether each building has a corresponding planning permission.

4.4 However, if a structure was substantially completed more than four years ago, the planning authority cannot now take any action due to its immunity from enforcement in any event.

This section does not relate to flood, SAC or previous planning consent, and is on another matter, not captured by this request.







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## **7. COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY**

7.1 The Community Infrastructure ("CIL") is a planning charge used by local authorities to help deliver infrastructure to support the development of their area. The Council do not currently operate a CIL charging schedule.

## **8. OTHER RESTRICTIONS**

### **8.1 Scheduled Monument**

The Property includes Gileston Standing Stone, Talybont-on-Usk, Brecon (Monument Number: BR140 (POW) Ref BR140 Gileston TLC Ref: PF188773.

Scheduled monuments are afforded statutory protection and any works that would demolish, damage, remove, repair, alter or add are a criminal offence unless you have Schedule Monument Consent. **Enquiries should be made of the Seller to confirm that no works have occurred to the Scheduled Monument**

### **8.2 Special Area of Conservation Area**

The local search reveals that part of the Property is situated within the River Usk Special Area of Conservation. This may make it significantly more difficult to secure planning consent for works to the Property and may result in additional conditions being imposed in respect of any applications granted in respect of the Property.

Any proposed development would need to include a Habitats Regulation Assessment to assess whether the proposal will have a negative impact on the SAC, and whether an alternative solution is possible.

### 8.3 Sites of Special Scientific Interest (SSSI)

The local search reveals that two parts of the Property are designated as SSSI under Section 28 of the Wildlife and Countryside Act 1981. These are River Usk (Upper Usk) Ref BRSSSI155 TLC Ref PF190872 and Pencelli Mire Ref: BRSSSI31 TLC Ref: PF191798.

SSSI is the highest designation of land and operations will not be permitted without consent from Natural Resources Wales. It can be difficult to obtain planning permission on SSSI land.

## 9. ENFORCEMENT OF BREACHES OF PLANNING CONTROL

This section does not relate to flood, SAC or previous planning consent, and is on another matter, not captured by this request.

9.2 The Local Search reveals that several Enforcement Notices have been registered as Local Land Charges taken in respect of the Property. These are listed below. Once the period for compliance has elapsed, and there is no outstanding appeal it is a criminal offence not to comply with an enforcement notice. A person guilty of an offence is liable on conviction to an unlimited fine.

Enforcement Notice	Alleged Breaches	Date Notice Takes Effect
<b>Ref: GILESTONE 2010</b>  <b>TLC Ref: PT185869</b>	<i>Without planning permission the change of use of agricultural land to land used as a caravan and camping site with associated caravan pitches, hardstandings, electrical and/or water hook up points, shower and toilet blocks, new road infrastructure, electricity unit, bin stores, chemical store/disposal point with underground tank, digester, formalised landscaping, signage, lighting (freestanding and on buildings), gates/barriers, satellite dish and TV aerial, shop/reception buildings and fire alarm/equipment points.</i>	No date listed- but registered 22 October 2010

Ref GILESTONE 2010 2  TLC Reg PT185870	<i>Without planning permission the change of use of agricultural land to land used as a caravan and camping site with associated electrical and / or water hook up points, shower and toilet blocks, bin stores, signage, lighting (freestanding and on buildings), fire alarm/equipment points and ancillary dishwashing unit</i>	No date listed- but registered 22 October 2010
Ref: GILESTONE 2008 3  TLC Ref: PT18583	<i>Without planning permission there has been change of use of this land to land used for the purposes of a bar and/or cafe and/or restaurant and/or entertainment venue</i>	14 January 2009
Ref: GILESTONE 2008 4  TLC Ref: PT18584	<i>Without planning permission there has been a building or other operation namely the erection of two co-joined marquees frames, floor and installation of kitchen and bar equipment and ancillary facilities</i>	14 January 2009
Ref: GILESTONE 2008 5  TLC Ref: PT185865	<i>Without planning permission the change of land to land used for the storage of caravans</i>	14 January 2009
Ref: GILESTONE 2008 6  TLC Ref: PT185866	<i>Change of use of land to land used for the storage of caravans in breach of condition 4 of planning permission P20617</i>	14 January 2009
Ref: GILESTONE 2008 7  TLC Ref: PT185867	<i>Without planning permission there has been a material change of use of the land from land used for agriculture to land used for caravanning and camping.</i>	14 January 2009
Ref: GILESTONE 2008 1  TLC Ref: PT185854	<i>Without planning permission the change of use of land from agricultural land to land used for the storage of caravans</i>	14 January 2009
Ref: GILESTONE 2008 2  TLC Ref: PT185855	<i>Without planning permission there has been engineering operations namely the installation of electrical and/or water hook-up points on the land. R</i>	14 January 2009

Ref: GILESTONE 2009	<i>Without planning permission change of use of land and building for purposes of agriculture to agriculture and storage of caravans.</i>	6 May 2009
TLC Ref PT 185868		

9.3 We have not seen the plans which relate to these enforcement notices and therefore we do not know what precise area of the Property the Enforcement Notices cover. However, it is clear from reading the alleged breaches that they all relate to the change of use of agricultural land to storage of caravans/caravan site without planning permission.

9.4 **Enquiries should be made of the Seller to obtain the Enforcement Notices and the attached Enforcement Notice plans to which they relate.**

*This section does not relate to flood, SAC or previous planning consent, and is on another matter, not captured by this request.*

**BLAKE MORGAN LLP**

**25 March 2022**