

11.1

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **13C183E/ENF** Application Number

Ymgeisydd Applicant

Mr John Rowlands

Cais llawn i gadw carafan sefydlog ar gyfer defnydd preswyl gan weithiwr menter gwledig am gyfnod dros dro o 3 mlynedd ar dir yn / Full application for the retention of the use of a static caravan for residential purposes by a rural enterprise worker for a temporary period of 3 years on land at

Bodlas, Bodedern



Planning Committee: 04/04/2018

Report of Head of Regulation and Economic Development Service (JBR)

Recommendation:

Permit.

Reason for Reporting to Committee:

The applicant is a 'relevant officer' as defined within paragraph 4.6.10 of the Constitution.

The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the constitution

1. Proposal and Site

The application is for full planning permission for the retention of the use of a static caravan for residential purposes by a rural enterprise worker for a temporary period of 3 years.

The static caravan is located towards the Northern end of the applicant's land some 75m East of the dwellings known as Seren Las, Windy Ridge and Eithinog on the outskirts of the village of Bodedern.

2. Key Issue(s)

The key issue is whether or not the temporary siting and residential use of the static caravan in connection with a rural enterprise is acceptable and in accordance with relevant local and national policies and guidance.

3. Main Policies

PCYFF 1 – Development Boundaries
PCYFF 2 – Development Criteria

Planning Policy Wales (Edition 9)

Technical Advice Note 6: Planning for Sustainable Rural Communities - paragraphs 4.6 – 4.12

4. Response to Consultation and Publicity

Local Member (Cllr Llinos Medi Huws) – No response at the time of writing the report.

Local Member (Cllr John Griffiths) - No response at the time of writing the report.

Local Member (Cllr Kenneth Hughes) - No response at the time of writing the report.

Drainage – Confirmation that ground conditions appear suitable for soakaways to be utilised as a means of disposal, whilst the percolation value is faster than the maximum value recommended, provided a suitable filter media is utilised within the soakaway the rate may be reduced such that it falls within accepted range.

Welsh Water – No comments as a septic tank is intended to be utilised.

Natural Resources Wales – No comments

Highways – Recommend conditional approval.

Footpaths – No objection

Community Council - No response at the time of writing the report.

JPPU – Provisions of TAN 6 allows for temporary accommodation to be provided where the case is not completely proven for a permanent dwelling.

Reading Agricultural Consultants – Assessment of the application provided and no objection to temporary use of static caravan.

Response to Publicity

At the time of writing the report no representations had been received in response to statutory publicity.

5. Relevant Planning History

13C183 - Application to determine whether prior notification is required for the erection of an agricultural shed for storage of animal feed and machinery on land adjacent to Seren Las, Bodedern - Permitted Development 19.11.13

13C183A - Outline application with access included for the erection of a dwelling together with alterations to the existing access and the installation of a package treatment plant on land adjacent to Seren Las, Bodedern - Refused 8.1.14

13C183B/RUR - Full application for the erection of a rural enterprise dwelling, installation of a package treatment plant together with the construction of a vehicular access on land adjacent to Seren Las, Bodedern - Refused 2.7.15

13C183C - Application to determine whether prior approval is required for the erection of a polytunnel on land at Eithinog, Bodedern - Permitted Development - 20.4.15

13C183D/RUR - Full application for the erection of an agricultural dwelling on land at Bodlas, odedern - Withdrawn – 20.11.17

6. Main Planning Considerations

A planning application was submitted for a rural enterprise dwelling on the land in February 2015, but was refused in July 2015 on the basis that insufficient evidence had been provided to demonstrate a need for a permanent dwelling on the site.

A further application was submitted in August 2017 and subsequently withdrawn in November 2017.

The applicants' long term aim is to secure planning permission for a permanent rural enterprise workers dwelling on the site and work full-time on the enterprise, but has thus far been unable to satisfy the functional and financial requirements necessary for such permission to be granted.

There is no specific policy contained within the Joint Local Development Plan relating to applications for housing in the countryside and paragraph 6.4.36 of the JLDP states that development will have to satisfy national policy and Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN 6).

Paragraph 9.3.6 of Planning Policy Wales (Edition 9) states that new houses in the open countryside require special justification, for example where they are essential to enable a rural enterprise worker to live at or close to the place of work. Paragraph 9.3.7 confirms that in such circumstances that the criteria set out in TAN 6 must be met.

Paragraph 4.6.2 of TAN 6 states that where the case for new dwellings on new enterprises is not completely proven for a dwelling it may be appropriate for the planning authority to test the

evidence by granting permission for temporary accommodation for a limited period. It further states that three years will normally be appropriate to ensure that the circumstances are fully assessed.

It is clear from previous applications that the applicant has, thus far, been unable to satisfy the functional and financial requirements to enable permission for a permanent dwelling to be granted. The existing enterprise is relatively new and small scale with plans for expansions such that the requirements may be met at some later date.

The existing holding extends to 6.8ha (16.8ac) of owned land at Bodlas and 14.6ha (36ac) of recently occupied rented grassland at Llanddeusant and the existing business is based on the following:

- The rearing and sale of weaned calves or stores from herd of 28 suckler cows and 22 bought-in calves
- The rearing and sale of finished lambs from a resident flock of 51 ewes and 100 annually bought in hill ewes.
- The finishing of 35 bought-in weaner pigs
- The training and sale of 6 bought-in sheep dogs
- The production of haylage bales.

Proposals to expand the enterprise include:

- Renting a further 56.7ha (140ac) of land at Llanddeusant, with the option to rent additional land should that be necessary to support the holding
- to increase the ewe flock to 265 (250 commercial and 15 pedigree)
- to extend the calf rearing activity to two batches of 40 bought calves per year
- to finish outdoors 35 bought in weaner pigs
- To produce 8 sheep dog puppies and 4 trained sheep dogs per year.

For a permanent dwelling to be granted, it is also necessary for there to be an existing functional need for the on-site presence of a worker. Where the functional need is dependent upon some proposed change in the scale and/or nature of an enterprise, then it would in the first instance normally be met by means of temporary accommodation until such time as the changed circumstances were in place.

Whilst the existing enterprise is stated to be profitable and sound, and the expanded enterprise being sufficiently profitable to meet all actual and predicted future finance and labour costs, the applicant currently manages the farm while being in full-time employment elsewhere and the submitted Business Plan accepts that, in its present state of development, is unable to sustain a full time worker and is therefore currently unable to meet the evidential requirement such that a permanent dwelling could be granted and is reliant upon a proposed business expansion and forecast economic performance.

Where there is uncertainty, the approach in TAN 6 is that worker's accommodation be provided for a temporary period which would allow the proposed circumstances to develop and be capable of a full assessment.

The submitted Business Plan sets out the basis for the expansion of the existing enterprise at Bodlas such that, in its proposed form, it would be of a scale and nature requiring the supervisory presence of a full time worker, and be substantially more profitable. Those circumstances are subject to some uncertainty, and it would therefore be appropriate to enable the development of the enterprise through the provision of temporary worker's accommodation.

The enterprise has developed recently with the addition of rented land, and has been assisted by the permanent occupation of the static caravan. The extended occupation of this accommodation would potentially enable the circumstances proposed in the Business Plan to be achieved, and the tests for permanent accommodation to be more clearly met.

On this basis and in accordance with the guidance contained within TAN 6, the provision of temporary accommodation on site is therefore considered acceptable to enable the applicant to grow the business.

It is confirmed in the application that the static caravan has been occupied since December 2016 and this period of occupation will need to be taken into account in determining the duration of the temporary permission.

Therefore on the basis that the static caravan has already been occupied for 1 year and 3 months, a temporary period of 2 years is therefore considered appropriate in this instance, which will allow the applicant sufficient time demonstrate a need for a permanent dwelling on the site in accordance with the requirements of TAN 6.

7. Conclusion

In accordance with advice contained within TAN 6, the temporary retention of the use of the static caravan for residential purposes by a rural enterprise worker is considered acceptable subject to conditions.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

8. Recommendation

Permit

(01) The static caravan hereby granted shall be removed from the land by the 31st March 2020.

Reason: The Local Planning Authority has granted permission for a temporary period only.

(02) A car parking space shall be provided within the curtilage for a minimum number of 3 cars, together with a vehicle turning space to enable vehicles to enter and leave the site in a forward gear and thereafter shall be maintained for the lifetime of the development.

Reason: To ensure vehicle parking and turning is confined to the site, in the interests of highway safety.

(03) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted under planning application reference 13C183E/ENF and listed below:

Drawing number	Date Received	Plan Description
BOD/17/01	11/10/2017	Location plan
BOD/17/02	11/10/2017	Site Plan

Reason: For the avoidance of doubt.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.