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Gweddill y Ceisiadau

Remainder Applications

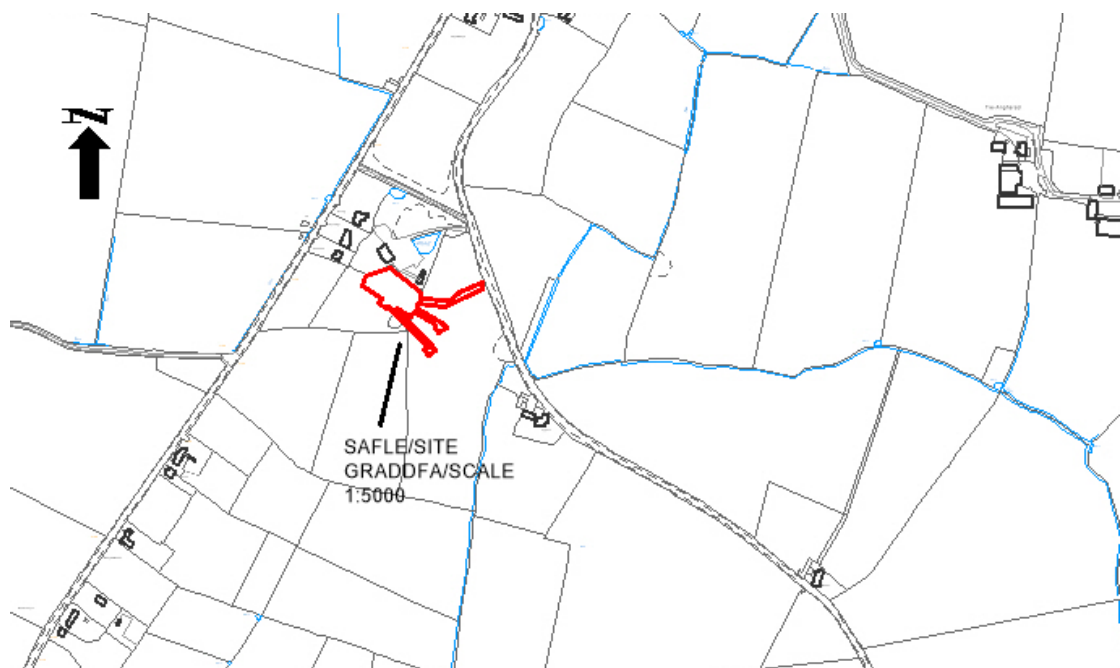
Rhif y Cais: **13C183G/RUR** Application Number

Ymgeisydd Applicant

Mr & Mrs John Alwyn P. Rowlands

Cais llawn ar gyfer codi annedd amaethyddol yn / Full application for the erection of an agricultural dwelling at

Bodlas, Bodedern



Planning Committee: 03/10/2018

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

Recommendation:

Permit

Reason for Reporting to Committee:

The applicant is a relevant officer. 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 a full planning application for the erection of a detached two storey dwelling. The site lies approximately 350 metres away, as the crow flies, from the development boundary of the village of Bodedern.

2. Key Issue(s)

The application's main issues are whether a dwelling in this location would comply with current planning policy and whether the proposal will affect the amenities of neighbouring properties.

3. Main Policies

Joint Local Development Plan

Strategic Policy PS 6 – Alleviating and Adapting to the Effects of Climate Change;
Strategic Policy PS 13 – Providing Opportunity for a Flourishing Economy;
Strategic Policy PS 17 – Settlement Strategy;
Strategic Policy PS 20 – Preserving and where appropriate Enhancing Heritage Assets;
Strategic Policy PS19 – Conserving and Where Appropriate Enhancing the Natural Environment.
Policy PCYFF 1 – Development Boundaries;
Policy TRA 2 – Parking Standards;

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Planning Policy Wales (Edition 9 November, 2016)

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 Griffith) – No response at the time of writing the report.

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

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

Drainage – Comments

Welsh Water – Standard Comments

Natural Resources Wales – Comments

Footpath Officer – Confirmation Public Footpath 13/013/1 is adjacent but should be unaffected by the proposed development.

Highways – Conditional Approval

Response to Publicity

The application was afforded three means of publicity. These were by the posting of a notice near the site, serving of personal notification letters on the occupiers of the neighbouring properties together with an advertisement in the local newspaper as the development was close to a public footpath. The latest date for the receipt of representations was the 6th August, 2018 and at the time of writing this report no letters had been received.

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 – 19/11/13 – Permitted Development

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 – 8/1/14 – Refused

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 – 2/7/15 – Refused

13C183C - Application to determine whether prior approval is required for the erection of a polytunnel – 20/4/15 – Permitted Development

13C183D/RUR - Full application for the erection of an agricultural dwelling – 20/11/17 – Withdrawn

13C183E/ENF - 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 – 4/4/18 – Granted

13C183F - Application to determine whether prior approval is required for the erection of an agricultural shed – 25/4/18 – Withdrawn

6. Main Planning Considerations

Background

The existing holding extends to 6.8 ha of owned land, (namely that associated with the application site) and 70.9 ha of land rented from Mr Rowlands' father. It is stated that additional land from the latter source is available as and if required.

About 30% of the holding is in the vicinity of Bodedern and 70% at Llanfugail. The operational buildings are on the owned land at Bodlas.

Business Plan

The applicants are engaged in livestock production. The stocking of the existing enterprise is described in detail in the submitted Business Plan and comprises:

40 calves to be reared to stores at 6 months 4 in-calf suckler cows

51 commercial and pedigree breeding ewes – lamb production includes direct sales of pedigree rams

200 breeding hill ewes

35 weaner pigs finished to 80kg – direct sales of pork to customers.

The holding is grassland based which, in addition to providing grazing and fodder production for internal consumption, produces haylage bales for sale. There is also a diversified activity involving the rearing and training of sheepdogs.

The assessed labour requirement for the current enterprise is 1.4 workers and it is contended that 2 workers are required for the proper functioning of the enterprise.

The principal labour input is provided by Mr and Mrs Rowlands, who have off-farm employment, supplemented by part-time additional labour and use of contractors.

The Business Plan does not indicate any substantive change in the scale and nature of the enterprise or its labour requirement. The calf rearing does, however, extend to two batches of 40 animals each year.

The applicants reside on-farm at Bodlas in a static caravan for which there is a temporary planning approval. It is contended that the scale and nature of livestock husbandry activity require the ready availability of key workers which can only be delivered by on-site residence, even if suitable alternative housing was available, which the applicants consider not to be the case. The application is for a 4-bedroomed dwelling of 188 sq m, inclusive of a study (office) space and ground floor utility/washroom area with external access.

Policy Consideration

The framework for the appraisal of Agricultural dwellings is set out in Planning Policy Wales and Technical Advice Note 6 '*Planning for Sustainable Rural Communities*' (2010). Also relevant is the Practice Guidance issued on Rural Enterprise Dwellings (2011) in support of TAN6.

TAN6 provides the criteria whereby this scrutiny should be undertaken in relation to a number of agricultural circumstances:

- (i) a new dwelling on an established enterprise;
- (ii) a second dwelling on an established farm to enable the handover of management to a younger farmer;
- (iii) a second dwelling on an established farm where there is a functional need for at least 50% of an additional worker; and
- (iv) a new dwelling on a new enterprise.

The Agricultural Appraisal supporting the planning application promotes the case that the applicants' proposal meets the requirements of both the first and the last of these circumstances. As the farm

enterprise has been in existence for over three years, has an extant labour requirement for more than a full-time worker and is therefore a new dwelling on an established enterprise. The following criteria set out in paragraph 4.4.1 of TAN 6 need to be satisfied;

- there is a clearly established existing functional need;
- the need relates to a full-time worker, and does not relate to a part time requirement;
- the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need, is currently financially sound, and has a clear prospect of remaining so;
- the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and other normal planning requirements, for example siting and access, are satisfied.

The Appraisal

The requirement for a dwelling at Bodlas has been appraised with regard to the above tests.

- The enterprise concerned has been established for at least three years, and profitable for at least one of them;
- The enterprise has a labour requirement in excess of a single full-time worker;
- There are no existing dwellings associated with the Bodlas holding and no buildings available for conversion. At the time of writing, no suitable alternative dwellings were identified as available in Bodedern, which might be considered for meeting the need.

The principle issues to be addressed are:

- The presence of an existing functional need for the ready availability of a worker;
- The soundness and sustainability of the enterprise; and
- The appropriateness of the proposed dwelling

Functional Need

The so-called 'Functional Test' set out in the planning policy guidance seeks to test whether it is essential for the proper functioning of the relevant agricultural enterprise(s) for one or more workers to be readily available at most times. This is not an absolute test but one which reflects the scale and nature of the enterprise(s) and the existing management arrangements.

What constitutes an essential functional need for the presence of a worker is described in Section 4 of the Practice Guidance. It is primarily concerned with the management of risk within the operations of an enterprise such that, without the ready attention of a worker, any particular event or combination of events could prejudice the proper functioning and economic stability of the enterprise. This might apply where events could lead to adverse animal welfare consequences.

In the case of the enterprise at Bodlas, the relevant risks requiring management all relate to issues of animal welfare and to the extent to which risks can be reasonably be expected to arise outside normal working hours. The Business Plan submitted with the planning application identifies that the existing sheep and cattle rearing activities involve lambing and calving, the housing of calves and young pigs, and the housing of livestock overwinter. These all involve circumstances of heightened supervisory demands in order that animal welfare (for which there are statutory obligations on livestock farmers) is not compromised. However, while every individual animal has welfare rights, the scale and nature of the risks to those rights is pertinent in considering whether there is a need for the permanent presence of a worker.

The husbandry functions directly related to the livestock presence have a labour requirement which slightly exceeds that for a single worker, although it is accepted that on occasion necessity or safe working practice will require the presence of a second worker. The applicants have been residing on-site enabling them to meet this functional requirement and their animal welfare obligations. In the event that a continued on-site presence was not permitted, and in the absence of any apparent alternative accommodation in close proximity, the proper functioning of the enterprise and its continued development would necessarily be prejudiced.

Financial Sustainability

Applications for permanent workers' dwellings are required to demonstrate that the associated agricultural enterprise is financially sustainable in terms of it having been established for at least three years, profitable for at least one of them and both the enterprise and the business need, is currently financially sound, and has a clear prospect of remaining so. As indicated earlier, the first two elements of the test are met.

A critical aspect of the test is that an enterprise must have a reasonable prospect of providing a market return for the labour inputs made by its principals and reflect their skills. For the period 2015

to 2017, the enterprise at Bodlas has been unable to appropriately remunerate the unpaid labour of the applicants, both of whom have retained external non-agricultural employment. However, in the past two years (2017-18), there has been a marked uplift in the financial performance of the enterprise reflecting increased livestock purchases and sales. The latest level of profit is able to meet the appropriate remuneration requirement.

The soundness of the enterprise is shown in terms of the significant positive balance between assets and liabilities, and a level of financial performance which enables the enterprise to meet its long-term borrowing demands.

The actual financial performance in 2018 is consistent with that predicted in the Business Plan.

Scale and design of the dwelling

The test in relation to size is, therefore, the need of the enterprise. The current proposal is for a generous dwelling inclusive of office space and changing and separate toilet facilities which are legitimate provision in modern farm dwellings. The generality of agricultural dwellings nationally fall within the size range 140-200 sq m, which remain generous in relation to general housing standards. The proposal consists of a 2 storey and single storey dwelling with a floor area of 188 square metres.

It is considered that the materials of the proposed dwelling are of high quality (K-rend and natural stone and slate roof) and complies with the requirements of policy PCYFF3.

Affect on neighbouring properties –

It is not considered that the proposal will have a negative impact upon adjacent residential properties. The new dwelling will be located approximately 70 metres away from the nearest dwelling known as Seren Las. Mature trees and hedges are also located on the boundary between the application site and the neighbouring residential dwellings.

Highway considerations – A new access and track will be constructed for the development. The highways authority has confirmed that the proposal is acceptable with appropriate worded conditions.

Footpath

A public footpath is adjacent to the application site and runs along the boundary of the application site. A new track is proposed which would cross the public footpath. The applicant has confirmed that a non-locked gate would be placed on both sides of the access track in order to allow pedestrians to continue to use the footpath. The footpath officer has confirmed that the development would not affect the footpath.

7. Conclusion

In relation to the TAN 6 test for new dwellings on existing enterprises.

- there is a clearly established existing functional need;
- the need relates to a full-time worker, and does not relate to a part time requirement;
- the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise is currently financially sound, and has a prospect of remaining so;
- the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and currently available for occupation by the worker concerned.

A condition will be placed on the permission restricting the occupancy of the dwelling and a Section 106 agreement will tie in all the land and the new agricultural dwelling to one unit in order to ensure that the development will always remain in the best interests of the rural enterprise.

8. Recommendation

Permit

(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

(02) The provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order re-voking or re-enacting that Order) are hereby excluded.

Reason: In the interests of amenity.

(03) The occupancy of the dwelling hereby approved shall be restricted to those:

(a) solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;

(b) who would be eligible for consideration for affordable housing under the local authority's housing policies; or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);

(c) widows, widowers or civil partners of the above and any resident dependants.

Reason: To ensure that the development will always remain in the best interests of the agricultural industry.

(04) It must be ensured that the layout of the access and its method of construction fully complies with the plans submitted before the dwelling is occupied for residential purposes and thereafter, the access must be kept clear of any permanent barrier and used for access purposes only.

Reason: In the interests of road safety.

(05) No current boundary wall/hedge/fence or any new boundary fronting the highway may be higher than 1 metre above the level of the carriageway of the adjoining county highway from one end of the visibility splay to the other and nothing exceeding that height may be erected within 2m of the said boundary.

Reason: In the interests of road safety.

(06) It must be ensured that any gate erected across the access is set back at least 6m from the edge of the highway and opens inwards towards the property only.

Reason: In the interests of road safety.

(07) Surface water is not permitted to discharge from the curtilage of the site onto the County Highway.

Reason: In the interests of road safety.

(08) The parking facility must be completed in accordance with the submitted plans before the approved use commences and it will thereafter be retained for that purpose only.

Reason: In the interests of road safety.

(09)The commencement of the Development shall not take place until there has been submitted to and approved in writing by the LPA, a Construction Traffic Management Plan (CTMP). The CTMP shall include:

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
 - (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
 - (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
 - (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
 - (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
 - (vii) The arrangements for loading and unloading and the storage of plant and materials;**
 - (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**
- The construction of the Development shall be completed in accordance with the approved Plan.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(10) Before the building is occupied, ecological mitigation (hibernacula, scrape, hedge planting) shall be carried out in accordance with details submitted on drawing number 18/02 Rev D received on the 10/09/18 and ecology details received by email received on the 10/09/18. On completion, the ecological mitigation is to be confirmed by a brief report (with photos) by a qualified ecologist, to be agreed in writing by Planning.

Reason: In the interest of ecology

(11) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below:

Drawing / Document number	Date Received	Plan Description
BOD/18/01 Rev A	26/6/18	Location Plan
BOD/18/02 Rev D	10/9/18	Block Plan
Ecology email	10/9/18	Ecology information
BOD/18/05 Rev A	26/6/18	Access and Boundary elevation
BOD/18/06 Rev A	26/6/18	Access Plan
BOD/18/03 Rev A	26/6/18	Proposed Elevations
BOD/18/04 Rev A	26/6/18	Proposed Floorplans
Ecological Assessment Eco-Scope Commercial Ecological Solutions	26/6/18	Dated October 2017 Updated May 2018

under planning application reference 13C183G/RUR.

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.