

**Application Reference:** HHP/2022/230

**Applicant:** Mike Halliwell

**Description:** Full application for alterations and extensions at

**Site Address:** Dinas Bach, 5 Ystad y Fron, Aberffraw



## Report of Head of Regulation and Economic Development Service (Owain Rowlands)

**Recommendation:** Permit

### Reason for Reporting to Committee

The planning application has been called into the Planning and Orders Committee at the request of Councillor Arfon Wyn due to local concerns.

At the meeting held on the 7th of December 2022, the Committee resolved to refuse the application contrary to officer recommendation. The recorded reasons being as follows:

“The proposal was deemed to be contrary to Policy PCYFF 2 of the Joint Local Development Plan”. This was due to:

1. Impact upon the amenity of the adjacent residential property due to proximity of development and non-compliance with the indicative minimum distances noted in the SPG.

## 2. Parking issues as a result of the development.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that;

"The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised."

This report will therefore give consideration to the matters labelled 1 and 2 above.

### **1. Impact upon the amenity of the adjacent residential property due to proximity of development and non-compliance with the indicative minimum distances noted in the SPG**

The proposal is a householder application for two separate extensions to a residential dwelling. The extension which has raised concern is the single storey side extension which is proposed to replace the existing garage, on the north-east elevation facing 4 Y Fron.

Following the removal of the garage, this extension will extend approximately 6.2m beyond the side elevation, and will be 14.4m in length. It will have a flat roof at 3.2m in height, which is higher than the eaves of the main dwelling but is 0.8m lower than the main pitched roof, highlighting its subservience. The extension will be 0.8m wider than the existing garage, and will therefore become 0.8m closer to the boundary with 4 Y Fron, located approximately 2.1m away from the boundary and 5.7m away from their side elevation at its closest.

Whilst this does not comply with the indicative minimum distances noted in the SPG, the contents of the SPG is guidance rather than policy, and each application must be considered on its own merits. The 0.8m increase is not considered excessive and the existing garage is also lower than the noted distances. Within a built-up area there will inevitably always be a degree of built development being in close proximity, however in this instance any effects are not considered to be significant. It is not considered that becoming 0.8m closer will have a detrimental impact in terms of scale and massing, and as the flat roof of the extension will be lower than the main pitch of the dwelling, it highlights its subservient and non-dominant form.

A degree of overlooking between neighbouring properties exists at present, and is a natural feature of living in a built up residential area such as this part of Aberffraw. The side elevation facing 4 Y Fron will include a bedroom window, a bathroom window and a door opening into the utility, and it is considered that adequate measures have been taken to protect the privacy and amenities of the neighbours at 4 Y Fron.

The utility is an uninhabitable space which raises no concern regarding the door, and the bathroom window will be fitted with obscured glazing which is to be conditioned. To prevent overlooking from the bedroom window, a 1.95m high timber fence will be erected on part of the boundary, which is considered permitted development under Part 2 Class A of the General Permitted Development Order.

It is considered that these measures will prevent overlooking between both properties, protecting the privacy and amenities of the neighbours in line with policy PCYFF 2.

## **2. Parking issues as a result of the development.**

As this is a four bedroom property, three parking spaces must be provided to comply with requirements of the Highways Authority. The proposed site plan shows three parking spaces as required, along with additional spaces for more vehicles if needed. This complies with the Highway Authority parking standards and policy TRA 2.

Concerns were raised during the consultation period regarding parking issues on Y Fron estate, with people parking on the estate road whilst visiting the beach. This is a separate matter which the Highways Authority are aware of, and will be dealt with separately to this application. This application is for alterations and extensions to 5 Y Fron, to which the Highways Department have no objections.

### **Recommendation**

That the application is permitted subject to the following conditions:

#### **(01) The development shall begin not later than five years from the date of this decision.**

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

#### **(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:**

- 2957:21:1A - Location plan
- 2957:21:3c - Proposed site plan
- 2957:21:6c - Proposed floor plan
- 2957:21:7d - Proposed elevations
- Construction Traffic Management Plan - Rev A - 15/09/22

Reason: To ensure that the development is implemented in accord with the approved details.

#### **(03) No development shall commence until a Construction Pollution Avoidance Plan has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details.**

Reason: To safeguard the designated Site of Special Scientific Interest, the Morwenoliaid Ynys Môn Special Protection Area and the Anglesey Coast: Saltmarsh Special Area of Conservation.

#### **(04) No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### **(05) Prior to the occupation of the extensions hereby approved the 1.95m high timber fence on the boundary, as labelled on drawing 2957:21:6c, shall be installed and thereafter shall be retained as such for the lifetime of the development hereby approved.**

Reason: To safeguard the residential amenities of occupants of the adjacent residential property

**(06) Prior to the occupation of the extensions hereby approved the bathroom window on the side elevation, as labelled on drawing 2957:21:6c, shall be fitted with obscure glazing (level 5 obscurity level) and thereafter shall be retained as such for the lifetime of the development hereby approved.**

Reason: To safeguard the residential amenities of occupants of the adjacent residential property.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: AMG 1, AMG 5, PCYFF 2, PCYFF 3, PCYFF 4, TRA 2

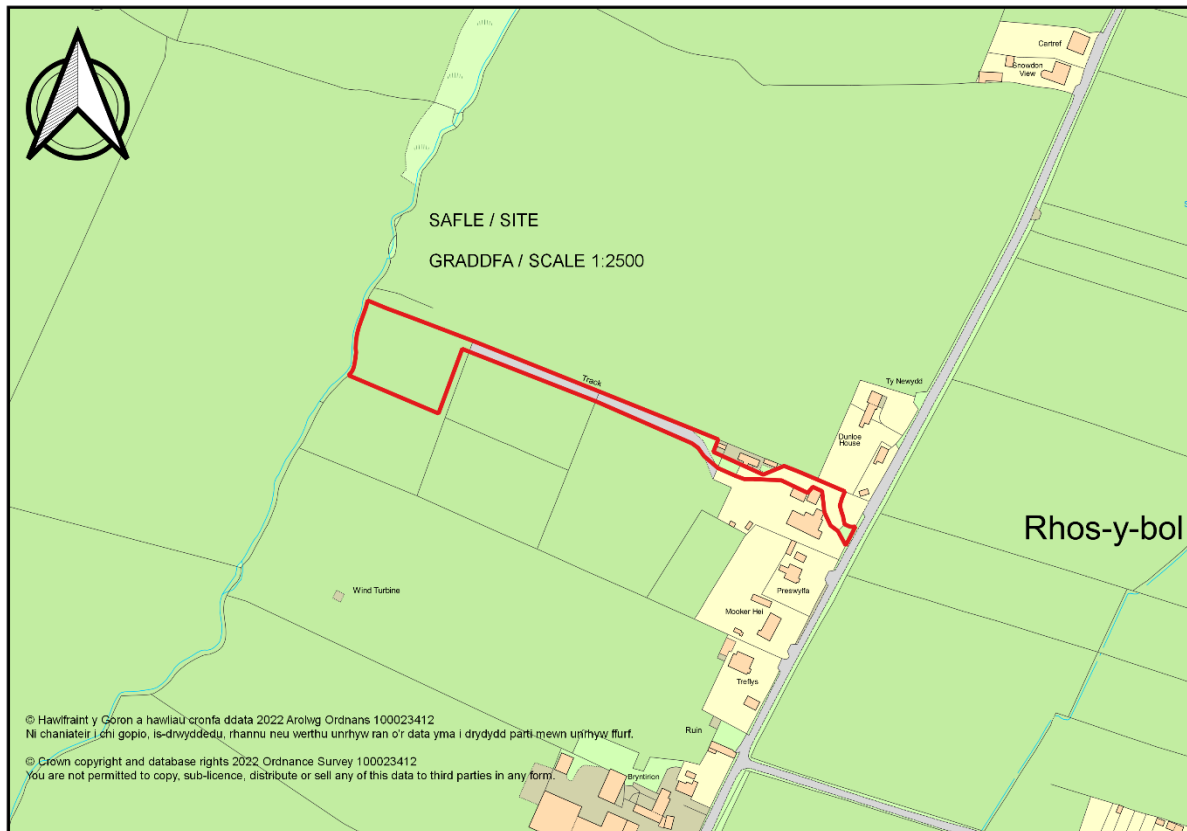
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

**Application Reference:** FPL/2022/215

**Applicant:** Glyn Jones

**Description:** Full application for the erection of an agricultural shed for the storage of machinery together with retention of resurfacing works at

**Site Address:** Capel Bach, Rhosybol



## Report of Head of Regulation and Economic Development Service (Huw Rowlands)

**Recommendation:** Refuse

### Reason for Reporting to Committee

The application has been called in by Councillor Aled Morris Jones.

At the meeting held on the 7th December 2022, members resolved to visit the site. An in person site visit with committee members was conducted at 20/12/2022.

### Proposal and Site

The application is for the erection of an agricultural shed for the storage of machinery together with retention of resurfacing works to the rear of the main property/site at Capel Bach. The proposed

agricultural shed lies approx. 217m from the main dwelling of Capel Bach and is in an open countryside location with no built structure surrounding the site.

The application site lies on the outskirts of Rhosybol village in an open countryside.

### **Key Issues**

The key issues are whether the proposed development complies with the relevant planning policies and whether the proposed development impact the surrounding amenities

### **Policies**

#### **Joint Local Development Plan**

Strategic Policy PS 5: Sustainable Development

Policy TRA 2: Parking Standards

Policy TRA 4: Managing Transport Impacts

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy PCYFF 4: Design and Landscaping

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Policy AMG5: Local Biodiversity Conservation

Planning Policy Wales (Edition 11)

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

Technical Advice Note 12: Design (2016)

### **Response to Consultation and Publicity**

<b>Consultee</b>	<b>Response</b>
Ymgynghorydd Tirwedd / Landscape Advisor	No Response
Iechyd yr Amgylchedd / Environmental Health	Observations
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Advice Given
Cynghorydd Derek Owen	Dim Ymateb
Cynghorydd Aled Morris Jones	Call In for Approval of Application
Cynghorydd Liz Wood	Dim Ymateb
Cyngor Cymuned Rhosybol Community Council	No Response
Tom Fildes	No Comment to make
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No Objections

The application was publicised by serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was the 13/10/2022. At the time of writing this report, no representations were received at this department.

## **Relevant Planning History**

FPL/2022/157 - Cais llawn a'r gyfer codi sied amaethyddol i storio peiriannau yn / Full application for the erection of a agricultural shed for the storage of machinery at - Capel Bach, Rhosybol - Tynnwyd yn ôl / Withdrawn 02/08/2022

## **Main Planning Considerations**

The main planning considerations for this application are:

1. Location;
2. Design and Visual Amenity,
3. Justification

### **Location**

The application site is located in the open countryside, outside any defined development boundary or identified cluster.

Policy PCYFF 1 of the JLDP relates to development boundaries and states that outside the development boundaries development will be resisted unless in accordance with specific policies in the Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

The application site is not located within a development boundary and does not therefore accord with policy PCYFF1. It is therefore necessary to consider whether the proposal conforms with other specific plan policies.

The application site lies approximately 217m from the dwelling of Capel Bach and no justification has been provided for this location, which encroaches significantly into the open countryside and away from the existing built form.

### **Design and Visual Amenity**

Policy PCYFF 2 relates to development criteria and requires that proposals comply with relevant plan policies and national planning policy and guidance

Policy PCYFF 3 of the Plan states that all proposals will be expected to demonstrate a high quality design which fully takes into account the natural, historic and built environment context and contributes to the creation of attractive, sustainable places. Proposals, including extensions and alterations to existing buildings and structures will only be permitted provided they conform to the relevant policy criteria:

- 1 it complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.
- 2 It respects the context of the site and its place within the local landscape, including its impact on important principal gateways into Gwynedd or into Anglesey, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
- 3 it utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate in line with policy PCYFF4.

The proposed building measures 23m in length x 16m in width with a maximum height of approx. 6.8m. These measurements are a slight reduction to the original proposal of a shed with a proposed length of 25m. It is considered the proposed shed is large in scale and is usually located within substantially sized farmyards / agricultural sites. It has been confirmed that the materials to be used are Mona block and the sheeting will be the anti-condensation sheets and wood to be tantalised.

Given its prominent open countryside location, its size, scale and lack of any landscaping whatsoever, it is considered that the proposed development does not comply with policy PCYFF 3 or PCYFF 4 of the Joint Local Development Plan

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

*A14. The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.*

It is considered the shed does not enhance the character of the proposal site and would have a detrimental visual impact to the undeveloped open fields open countryside topography and the proposal does not respect the context of the local landscape.

Having visited the site, it is noted that hardstanding work has already commenced on site with the dumping of tonnes of rubble and building material in this open countryside location without the benefit of planning permission. It is also noted that there are building materials such as slate tiles, concrete breezeblocks and other various building materials located on the site which are not connected to any agricultural use. The agent for this application has clarified that the materials are to be moved from the site and are surplus from previous developments at the main property (approx. 214m distance away from the proposal site) and ongoing patio works.

### **Justification**

A statement has been provided for the application by the planning agent listing the proposed machinery to be stored within the new proposed shed. The machinery listed is a Tractor, a roller, a Harrow, PTO Wessex Mower, J Deere Tractor Mower and Trailers and Hedgecutters. The proposed shed has been described as an agricultural shed on the application form for proper management of the land. The land owned by the applicant is the adjacent fields between the proposal site and Capel Bach property (as shown with a blue line on the location plan received).

Having measured the plans the land owned is approx. 7.5 acres and not 10 acres as stated within the submission. This is considered a small amount of land for the significantly sized shed and the claimed agricultural use of the site. Having visited the site it is noted that there is more of a Tourism/ Business use at the site compared to agricultural use, with no Livestock, or growing of crops etc.

An adjacent field is part of a Caravan Tourer Club which can site 5 Tourer Caravans at any given time. A Hairdressing business is also adjacent to the site and the site is listed on an online page listing various holiday lets located at the site.

One of the fields displayed within the blue line of the location plan is also labelled as a "Dog Walking" space for tourists to walk their dogs. Within the same field there is various equipment placed, swings, slide, seesaw, picnic bench etc. and labelled as a kids play area on the web page of the Caravan Tourer Club. It is considered that the land owned here is not agricultural and more of a leisure/residential use.

Noting all the above it is considered the shed is not for agricultural use and the justification for the Machinery listed and size of agricultural shed within its setting has not been proven and the proposal is considered an overdevelopment of the site.



The form and proportion of the development also does not respect the character of the surrounding built environment and landscape in accordance with the guidance provided in the following Supplementary Planning Guidance Notes:

- Design Guide for the Urban and Rural Environment (2008).

The highways department have confirmed that they have no objection to the proposal.

### **Conclusion**

Due to the lack of justification for an agricultural shed of this size and scale in this open countryside location away from the built form, it is considered that the proposed development does not comply with the relevant planning policies and the recommendation is one of refusal.

### **Recommendation**

That the application is refused for the following reason:

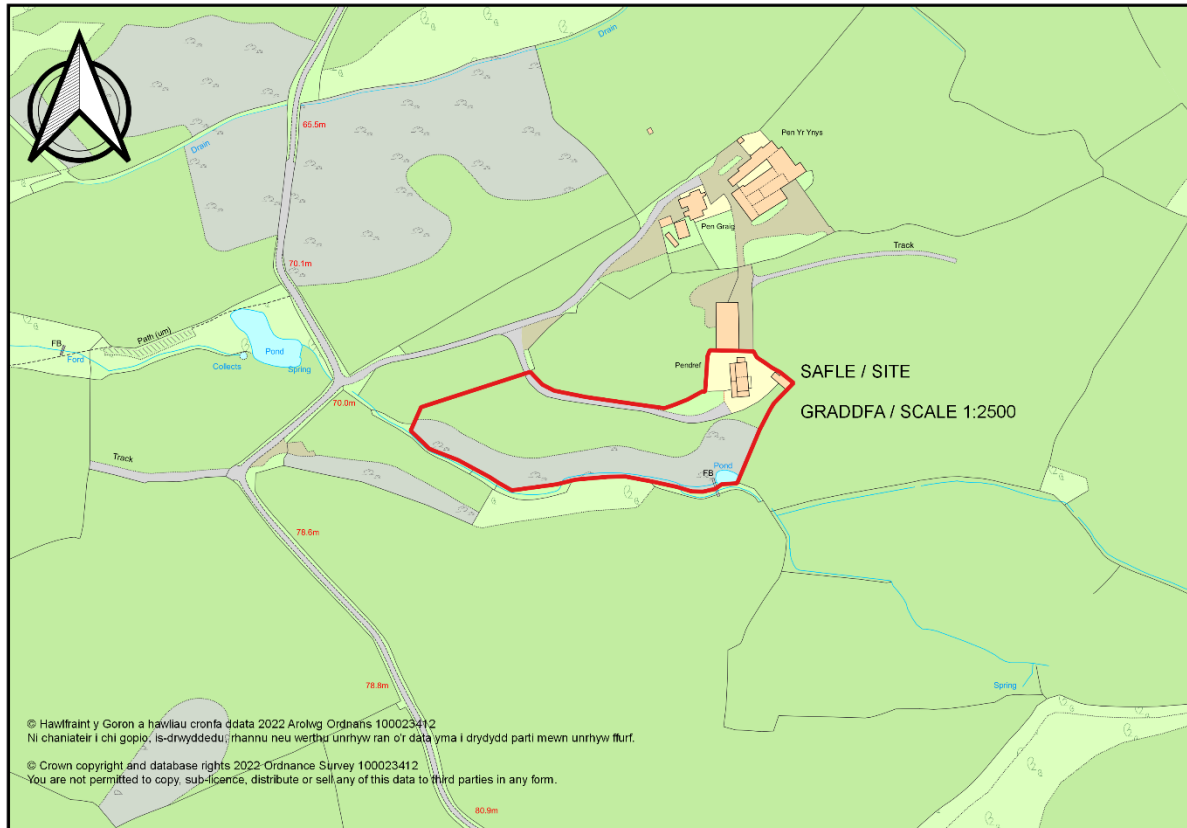
(01) The Local Planning Authority considers that the proposal would result in an unacceptable and unjustified development in the open countryside contrary to the provisions of policies PCYFF1, PCYFF 3, PCYFF 4 of the Anglesey and Gwynedd Joint Local Development Plan.

**Application Reference:** FPL/2022/195

**Applicant:** Mr John Edward Holland Roberts

**Description:** Full application for the erection of a 14.5m high, 5kW wind turbine at

**Site Address:** Pendref, Llanfairynghornwy



## Report of Head of Regulation and Economic Development Service (Sion Hughes)

**Recommendation:** Permit

### Reason for Reporting to Committee

The application is presented before the planning committee at the request of Local Member Jackie Lewis.

At the committee meeting of 07/12/2022 members resolved to visit the site virtually. The virtual site visit occurred on the 21/12/2022 and therefore the members will now be familiar with the site and its surroundings.

### Proposal and Site

The site is located in the coastal open countryside of the Llanfairynghornwy area which is also part of the defined Area of Outstanding Natural Beauty. Access is afforded to the site via a private single width track which is also means of access for 2 other properties. The application site is currently part of an

agricultural enclosure which is in close proximity to the applicants dwelling and adjoins the access track to the property. Highly undulating topography is typically characteristic of the area, with the application site being at a higher elevation than the public highway but is currently screened from view by the hilly topography. Both the access road and agricultural enclosure include public footpaths which will pass in close proximity to the application site. The application is made from the erection of a domestic wind turbine which is 14.75 metres overall in height and 12 metres to the top of the hub.

## Key Issues

The key issues of the scheme are its compliance with relevant policies together with the visual impact of the scheme upon the Area of Outstanding Natural Beauty.

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy ADN 1: On-shore Wind Energy

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Policy AMG 5: Local Biodiversity Conservation

### Response to Consultation and Publicity

Consultee	Response
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection
Ymgynghorydd Tirwedd / Landscape Advisor	Scheme will have localised visual impacts.
Iechyd yr Amgylchedd / Environmental Health	Standard informatives
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	No response.
Cynghorydd Jackie Lewis	Called to committee
Cynghorydd Llinos Medi Huws	No response
Cynghorydd Llio Angharad Owen	No response
Cyngor Cymuned Cylch y Garn Community Council	No response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	General comments regarding ecology
Diogelu – Y Weinyddiaeth Amddiffyn / MOD Safeguarding	Condition

Publicity was afforded to the scheme via the posting of personal letters to occupiers of neighbouring properties. The latest date for representations to be made in response to the publicity was the 21st September 2022. At the time of writing this report, 2 letters of objection had been received, the contents of which will be addressed later in this report.

## Relevant Planning History

None.

## Main Planning Considerations

### Principle of Development

The principle of such development is considered under policy ADN 1 (Onshore Wind Energy) of the Joint Local Development Plan. ADN 1 support the erection of wind turbines within the AONB providing that they are of a domestic scale only. Domestic is defined under table 9 of of the JLDP in accordance with the following criteria:

- Single turbine applications
- Turbine up to 15m to blade tip
- Turbine may be roof-mounted or pole mounted

The application is made for a single 14.75m high turbine which will be pole mounted and used to supply a residential property and as such the department are satisfied the turbine is classed as domestic scale. Additionally to this, ADN 1 states that all proposals should conform to the following criteria:

- All impacts on landscape character, heritage assets and natural resources have been adequately mitigated, ensuring that the special qualities of all locally, nationally and internationally important landscape, biodiversity and heritage designations, including, where appropriate, their settings are conserved or enhanced;
- The proposal will not result in significant harm to the safety or amenity of sensitive receptors including effect from noise, shadow flicker and impact on public health, and will not have an unacceptable impact on roads, rail or aviation safety;
- The proposal will not result in significant harm to the residential visual amenities of nearby residents;
- The proposal will not result in unacceptable electromagnetic interference to communications installations, radar or air traffic control systems, emergency services communications or other telecommunication systems;
- The proposal will not have unacceptable cumulative impacts in relation to existing wind turbines, and those which have permission, and other prominent landscape features;
- Turbines and associated infrastructure will, at the end of the operational life of the facility, be removed in accordance with a restoration and aftercare scheme submitted to and agreed by the Local Planning Authority.

As mentioned above, the application site is located in the designated Anglesey Coastal Area of Outstanding Natural Beauty and is described as being a hilly area rising from sea with unspoilt, clear landmarks and attractive views which are considered of high value by LANDMAP. LANDMAP describes the characteristics of the area as follows:

*'This area of upland is on the north-west tip of Anglesey, rising from the coast to 170m. It is distinctly more craggy than the adjacent lowland and has scattered outcrops of rocks, with gorse and stone walls, plus an area of forestry. Small winding roads give access to scattered farms and the small linear village of Llanfairynghornwy the eastern edge. From the high points there are 360 degree views, including to the Skerries off Carmel Head. Its coastal location adds to its interest'.* The application documentation included the submission of a photomontage with an annotation included which was indicative of the scale/position of the turbine from each view. The photomontage included views from various points within the locality of the site including footpaths and public highways. Whilst the scale of the turbine shown in the photos was not entirely accurate, the close proximity of the turbine to the dwelling was sufficient to allow the department to make an accurate assessment of the height in relation to the dwelling. From the photos, it is evident that the turbine will be most visible from the public footpath which runs in close proximity and up the site access. In close proximity, the turbine will be viewed against the skyline and would appear as some of the only vertical development in the area which is otherwise unspoilt. As such, the department

are of the opinion that the scheme would have some localised effects and would poorly integrate due to the open and undeveloped nature of the landscape. This opinion was also shared by the local authority landscape officer. From further afield however, the turbine would be seen against the backdrop of the hilly topography and other local farms/dwelling, which have their associated infrastructure such as telegraph poles. When viewed from Mynydd y Garn, the turbine would also be seen against the backdrop of the forestry at Carmel Head. The pole of the turbine is similar in diameter to telegraph poles and as the blades are smaller and faster moving when compared to industrial scale turbines, it is not considered that the turbine would be a prominent feature within the landscape when viewed from a wider context. As such, the department consider that the AONB special qualities are not negatively impacted to an extent that would warrant refusal or that would run contrary to the thrust of ADN 1. Further to this, NRW had no objections to the scheme and from a landscape point of view only stated that due to the scale and location of the development they do not consider that the scheme would have a significant impact on the AONB.

The turbine is located some 120m from the nearest neighbouring property and there are no lights which would backlight the turbine and cause flickering or impact any other sensitive receptors. The residential properties to the north of the site include both coastal views and views of Mynydd y Garn and are considered the high value views. The turbine would not interfere with these views and would appear against the background of local hills only. The application states that the annual average windspeed for the site is 27kph and at which the turbine would generate 45dB of noise at a distance of 40m. Welsh Government Practice Guidance, Planning Implications of Renewable and Low Carbon Energy 2011 paragraph 3.4.6 Noise and vibration, indicate that the aerodynamic noise, of a domestic turbine at 45dB is generally unobtrusive in nature, having been described as similar to the noise of wind in trees. Having consulted with previous applications considered under policy ADN 1, a condition is usually placed upon the consent which limits the noise emissions of the turbine, however in this circumstance it is not considered that this condition would serve a useful planning purpose as the nearest neighbouring property is some 120m away.

A response was received from the Ministry of Defence in relation to the scheme and it was expressed that they have no objection in principle to the scheme provided that a condition was included on the consent which required the applicant to notify the MOD of when the turbine is to be erected. There are no other wind turbines in the immediate context of the site, with the nearest other domestic turbine being out of view on the opposite side of Mynydd y Garn and therefore there would be no cumulative impacts. A condition would be included on the consent which requires the removal of the turbine at the end of its operational lifespan.

further to the above, Technical Advice Note 8 (Planning for Renewable Energy) states that onshore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to medium term and therefore plays an important role in meeting the governments renewable energy targets.

### **Visual Impact and Area of Outstanding Natural Beauty Effects**

The location of the site within the AONB necessitates the schemes compliance with policy AMG 1 of the JLDP which states '*Proposals within or affecting the setting and/ or significant views into and out of the Areas of Outstanding Natural Beauty must, where appropriate, have regard to the relevant Area of Outstanding Natural Beauty Management Plan*'. The AONB management notes the following (relevant) points:

*CCC 3.1 All development proposals within and up to 2Km adjacent to the AONB will be rigorously assessed to minimise inappropriate development which might damage the special qualities and features of the AONB or the integrity of European designated sites.*

*CCC 3.2 All new developments and re-developments within and up to 2Km adjacent to the AONB will be expected to adopt the highest standard of design, materials and landscaping in order to enhance the*

*special qualities and features of the AONB. Proposals of an appropriate scale and nature, embodying the principles of sustainable development, will be supported.*

As mentioned above in the report, it is not considered that the scheme would have any significant effects on the wider landscape or damage its special qualities to an extent that would contravene policies ADN 1 or AMG 1. Any visual effects will be limited to the immediate locality of the site, which in itself is an inherent trait of all such proposals due to the site criterion required for such apparatus to be effective. Higher average windspeeds are required for turbines to work effectively, with this corner of the island being of particularly higher windspeeds due to its open, elevated and coastal nature. The turbine is considered to be sufficiently close to the existing dwelling to ensure it relates well and does not appear as a standalone/separate entity, i.e. it is considered it is evident the turbine is to serve the domestic needs of Pendref. Due to the above, it is considered the scheme aligns with the thrust of AMG 1.

### **Issues Raised in Letters of Objection**

At the time of writing this report, 4 letters of representation had been received which all raised objections to the scheme. The points of concern can be summarised as below:

- Impact upon appearance of AONB.
- Loss of private and peace to nearby holiday accommodation users.
- Loss of views.
- Turbine does not relate well as it's in the middle of a small field.

In response to these points:

- Having considered the scheme against the relevant policy (AMG 1), it is not considered that the proposal runs contrary to the aims and objectives of the AONB management plan. The turbine is a small scale domestic turbine which is sat upon a relatively thin diameter mast and will include small fast moving blades and as such it is not considered that the scheme would be visually harmful to an extent that would justify refusal. It is acknowledged that there will be localised visual impact, however it is not considered this would go above and beyond to an extent that would impact the characteristics of the AONB or run contrary to the principle of policies ADN 1 and AMG 1. Due to the requirements for a turbine to be effective, these localised visual impacts are inherent but the department would emphasise that it is not considered that there are any wider landscape visual impacts and this was also agreed by Natural Resources Wales.
- The turbine is located a significant distance from nearby dwellings/holiday accommodations and as such is it not considered that it would impact their amenities to an extent that would contravene policy PCYFF 2, which states proposals will be refused where they would have an unacceptable negative impact upon residential amenity. It must be noted that the turbine is for domestic use only and therefore would not generate the same level of journeys to/from the site as national grid infrastructure.
- Views are not a material planning consideration.
- The turbine is 44 metres away from the dwelling and 17 metres from the residential curtilage of Pendref, which is considered a reasonable distance where it is not damaging to the amenities currently enjoyed by the applicant. The local authority cannot reasonably expect such structures to be accommodated within limited curtilages and as such the department are satisfied the turbine has been placed in the closest position to the dwelling as practical.

### **Conclusion**

The department are satisfied that the relevant policies have been conformed with and that the scheme will not give rise to any unacceptable visual impacts in a wider landscape context.

### **Recommendation**

That the application is permitted subject to the following conditions:

**(01) The development shall begin not later than five years from the date of this decision.**

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

**(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.**

- Location Plan / Landscape and Visual Impact Maps and Photos
- Proposed Site Plan / TQRQM22210143308191
- Proposed Plans / 0140-AD-00626 01

Reason: To ensure that the development is implemented in accord with the approved details.

**(03) The consent hereby given shall be for a period of 25 years from the date of the first generation of electricity from the development. Written confirmation of the date of the first generation of electricity from the development shall be submitted to the Local Planning Authority in writing no later than one calendar month after the event.**

Reason: To comply with the Town and Country Planning Acts.

**(04) No later than 12 months before the expiry of the 25 year operational period of this permission, a scheme for the restoration of the site, that includes the removal of the turbine and all associated equipment from the land shall be submitted in writing to the Local Planning Authority for their approval. The approved scheme and removal of the turbine and all associated equipment from the land shall be carried out not later than six months following the expiry of this permission.**

Reason: To comply with the Town and Country Planning Acts.

**(05) The turbine hereby permitted shall be removed from the site and the land restored to its former condition in the event that it is non-operational for a continuous period of six months.**

Reason: In the interest of visual amenity.

**(06) The electricity generated by the turbine to the farm and/or grid shall be by connected by means of underground cable only.**

Reason: In the interest of visual amenity.

**(07) The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:**  
**a) the date of the commencement of the erection of wind turbine generators;**  
**b) the maximum height of any construction equipment to be used in the erection of the wind turbines;**  
**c) the date any wind turbine generators are brought into use;**  
**d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).**

**The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.**

Reason: To maintain aviation safety.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 1, PCYFF 2, PCYFF 3, PCYFF 4, AMG 1, PS 19, ADN 1.

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.

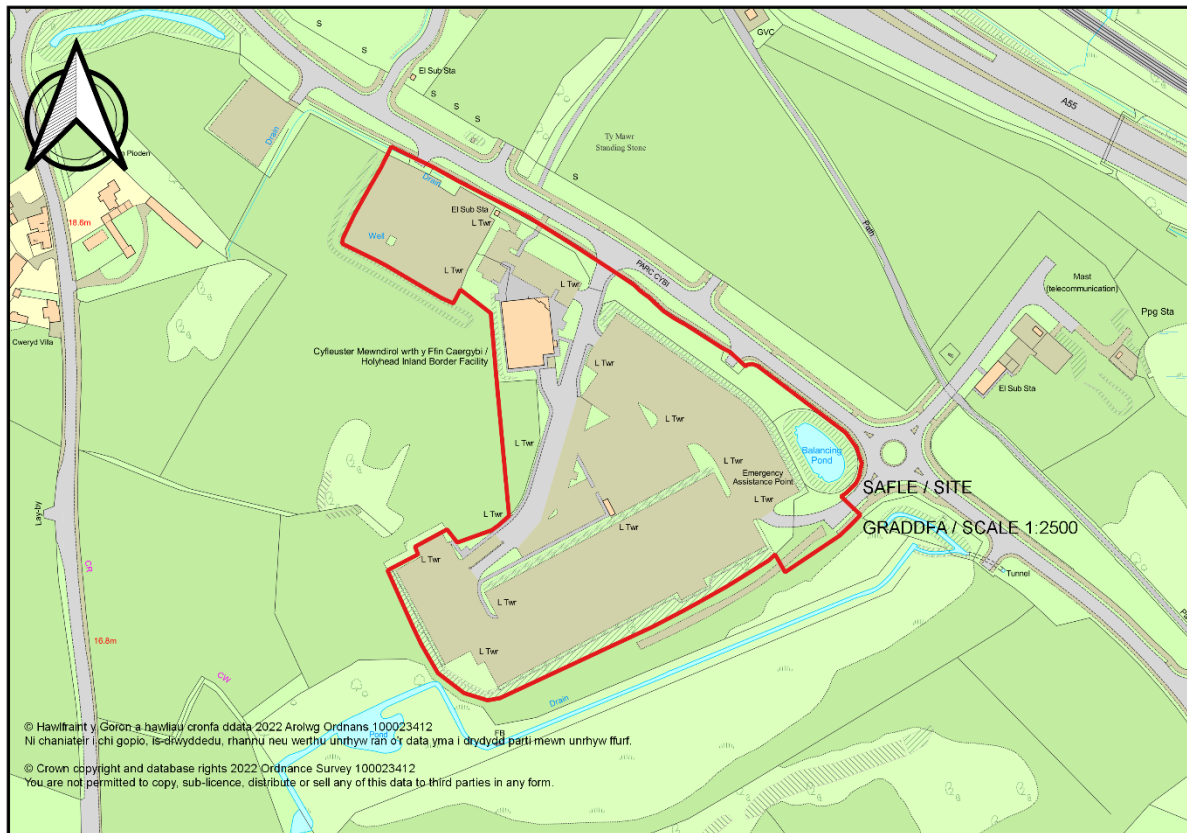


**Application Reference:** DIS/2022/63

**Applicant:** HMRC

**Description:** Application to discharge conditions (05) (landscaping) (08) (signage) (16) (mitigation risk assessment) of planning permission FPL/2021/337 (full application for the construction of an Inland Border Facility (IBF) at

**Site Address:** Former Roadking Truckstop, Parc Cybi, Holyhead,



**Report of Head of Regulation and Economic Development Service (Colette Redfern)**

**Recommendation:** Conditions Discharged

**Reason for Reporting to Committee**

The application is to discharge condition(s) imposed by the Planning and Orders Committee in determining planning application reference FPL/2021/337 "Full application for the construction of an Inland Border Facility (IBF) at the former Roadking Truckstop, Parc Cybi, Holyhead" at its meeting that was held on the 02/03/2022.

Member's will recall that at its meeting that was held on the 7<sup>th</sup> December it was determined to defer determining the application as Welsh Government Transport Division had requested further information.

The additional information has now been received and has been forwarded to Welsh Government Transport Division to review.

### Proposal and Site

This is an application to discharge condition (05) (landscape) condition (08) (signage) and condition (16) (mitigation risk assessment) of planning permission FPL/2021/337 (full application for the construction of an Inland Border Facility (IBF) at the former Roadking Truckstop, parc Cybi, Holyhead).

### Key Issues

The key issue is whether the statutory consultees are satisfied that the information submitted is sufficient to discharge the conditions.

### Policies

#### Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 4: Design and Landscaping  
Policy AMG 1: Area of Outstanding Natural Beauty Management Plans  
Strategic Policy PS 1: Welsh Language and Culture  
Policy TRA 4: Managing Transport Impacts

### Response to Consultation and Publicity

Consultee	Response
Cadw Consultations	No objection
Llywodraeth Cymru (Priffyrdd/Highways)	Support
Ymgynghorydd Tirwedd / Landscape Advisor	Landscaping details acceptable
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response to date

There was no requirement to carry out publicity as part of this planning application.

### Relevant Planning History

SCR/2021/79 - Barn sgrinio ar gyfer cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) ar dir yn / Screening opinion for full planning application for the construction of an Inland Border Facility (IBF) on land at - Parc Cybi, Caergybi / Holyhead - Dim Angen AEA / EIA Not Required 03/12/2021

FPL/2021/337 - Cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) yn / Full application for the construction of an Inland Border Facility (IBF) at - Hen Safle Roadking, Stop Tryciau, Parc Cybi, Caergybi / Former Roadking Truckstop, Parc Cybi, Holyhead, - [object Object] - Caniatáu / Permit

DIS/2022/36 - Cais i ryddhau amod (02) (Cynllun Rheoli Traffig Adeiladu), (03)(Cynllun Rheoli Amgylcheddol Adeiladu), (07)(Manylion/Samplau o defnyddiau), (09)(Cynllun Cyflogaeth Lleol), (10) o ganiatâd cynllunio FPL/2021/337: Cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) yn / Application to discharge conditions (02) (Construction Traffic Management Plan), (03)(Construction Environmental Management Plan), (07)(Details/Samples of Materials), (09)(Local Employment Scheme),

(10)(Local Supply Chain Scheme) of planning permission FPL/2021/337: Full application for the construction of an Inland Border Facility (IBF) at Former Roadking Truckstop, Parc Cybi, Holyhead - Not yet determined

### **Main Planning Considerations**

Planning permission was granted under planning application FPL/2021/337 for the construction of an Inland Border Facility at the former Roadking Truckstop site on Parc Cybi, Holyhead.

Condition (05) of planning application FPL/2021/337 requested the applicant provide a landscaping scheme.

A landscaping recommendation drawing has been submitted from the applicant and the scheme has been forwarded to the Senior Landscape and Tree Officer who confirmed that the landscaping scheme was acceptable.

Condition (08) of planning application reference requested that the applicant submit a signage scheme which would include all external and internal signage be submitted for approval. This was to ensure that the signs will be bilingual.

The information provided in drawing reference 8652-AFF-ST-XX-DR-A-1111 (Rev B) confirm that all signs will be bilingual and that the Welsh text will appear first.

Condition (16) of planning application reference FPL/2021/337 requested that the applicant submit a risk assessment which included mitigation measures should the site be unable to undertake the required checks or operate the site due to any unexpected site closure.

A risk assessment scheme has been submitted however Welsh Government Transport Division requested further information. The requested details have now been received and the information has been forwarded to the relevant Officers at Welsh Government Transport Division. At the time of writing this report no response has been received at the department..

### **Conclusion**

Sufficient information has been received to discharge conditions (05) (landscape), (08) (signage scheme) and condition (16) (risk assessment/mitigation measures).

### **Recommendation**

That the application is permitted subject to a satisfactory response from Welsh Government Transport Division.

**Application Reference: FPL/2022/172**

**Applicant:** Messrs HL, BL and HM Williams

**Description:** Full application for conversion, alterations and extension of an existing outbuilding into a rural enterprise workers dwelling together with the installation of a sewage treatment plant at

**Site Address:** Eirianallt Goch Farm, Carmel, Llanerchymedd



**Report of Head of Regulation and Economic Development Service (Joanne Roberts)**

**Recommendation:** Refuse

**Reason for Reporting to Committee**

The application is presented to the Planning and Orders Committee at the request of the Local Member, Councillor Llinos Medi.

At its meeting held on the 7<sup>th</sup> December 2022 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

- ☐ That the fact that the original agricultural dwelling on the holding (Eirianallt Goch) was sold as a result of divorce is not a reason to refuse the application.
- ☐ That it is important to safeguard farms and support the rural economy and farming in Wales for future generations.

☐ It is essential for the applicant to live on the site and be present 24 hours a day, 7 days a week in order to take over the running of the farm and for the succession of the business from his father.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution." Paragraph 4.6.12.2 requires that;

"The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised."

This report will therefore give consideration to these matters;

☐ That the fact that the original agricultural dwelling on the holding (Eirianallt Goch) was sold as a result of divorce is not a reason to refuse the application.

In planning terms it is only the fact that the property, which itself was granted as a special policy exception, was sold that is of relevance. The reasons for its sale, which in any case is neither uncommon or exceptional, is not relevant or material to the planning assessment and equally is not a justifiable or sound planning reason for granting the application which is otherwise fundamentally contrary to national planning policy.

Notwithstanding the personal difficulties of Mr Williams or the future prospects of the farm business, the LPA's position is that it has already granted planning permission for two essential dwellings on the farm, has had to concede the loss of one to the open market, and is now faced with a second request for a further dwelling, following the refusal of the earlier application. This within a space of only two and a half years. Irrespective of any personal circumstances of the individuals concerned, these are matters of fact and are material in the context of Welsh Government's continuing desire to contain residential development in the countryside, avoid abuse of the exemptions it allows for rural enterprise workers, but stimulate the succession of the younger generation to farm management.

The grant of planning permission pursuant to the current application would effectively be for a third worker's dwelling on a holding occupied by the Williams family. No third parties have been involved in the decisions relating to the three applications or in the decisions on the disposition of farm assets. Any need for the dwelling now proposed arises directly from those decisions to which some weight should attach.

It is a matter of fact that Eirianallt Goch was in the ownership of and occupied by Mr Williams Junior until November 2019 and retention of that property would have met the applicants current needs for a dwelling on the holding, its severance from the holding in 2019 must therefore be reasonably regarded as evidence of a lack of need as per the advice contained in TAN 6.

☐ That it is important to safeguard farms and support the rural economy and farming in Wales for future generations.

☐ It is essential for the applicant to live on the site and be present 24 hours a day, 7 days a week in order to take over the running of the farm and for the succession of the business from his father.

In recognition of the need to support the rural economy, there are special policy exceptions which allow for the development of rural enterprise dwellings. This represents one of the few circumstances in which isolated new residential development in the countryside may be justified.

The purpose of a 'rural enterprise dwelling' is to enable rural enterprise workers to live at or close to their place of work, including encouraging younger people to manage farm businesses and supporting the diversification of established farms.

All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. Planning authorities should follow the guidance in TAN 6 and the related practice guidance with regard to the requirements for rural enterprise dwelling appraisals.

Applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling. In order to ensure that rural enterprise dwellings are retained for their intended purpose a condition restricting the occupancy of the property must be applied. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2: Planning and Affordable Housing, to ensure that the dwelling remains available to meet local affordable housing need should the original justification cease to exist.

The framework for the appraisal of the case for the proposed dwelling is set out in Planning Policy Wales (2021) 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 TAN 6.

While Welsh Government wishes to support the needs and aspirations of rural communities and recognises that addressing the housing difficulties which often face those communities is central to that support, it remains part of longstanding planning policy that the countryside should be safeguarded from uncontrolled and sporadic development (PPW paras 4.2.24 and 4.2.36). As such, proposals for isolated dwellings require special justification. One example of such justification is where there is an essential need for a rural worker to live close to their place of work in the absence of nearby accommodation. In these circumstances, Welsh Government requires that all planning applications (PPW para 4.2.37) should be carefully examined to ensure there is a genuine need for the dwelling and the related business is sustainable. Furthermore, Welsh Government requires that any permitted rural enterprise dwellings be regarded as, and retained as, local affordable housing (PPW para 4.2.37).

Technical Advice Note (TAN) 6 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 proposed development would again increase the number of dwellings serving the Eirianallt Goch unit to two. The existing dwelling meets a functional need in so far as it is occupied by a full-time worker on the unit, namely Mr Williams Senior. The need for the additional dwelling is being promoted as essential housing for a member of the next generation in the family farming enterprise, and to the provisions of the first bullet point in section 4.5.1 of TAN 6.

The relevant tests to be met are those for new dwellings on established enterprises as set out in paragraph 4.4.1 of TAN 6, namely:

- (a) there is a clearly established existing functional need;
- (b) the need relates to a full-time worker;

- (c) 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 for the job is currently financially sound and has a clear prospect of remaining so;
- (d) the functional need could not be met any other means on the holding or in the locality.
- (e) other normal planning requirements (e.g., siting and access) are satisfied

However the policy exceptions relating to farm succession in paragraph 4.5 require only that:

- (i) it is demonstrated that the relevant individual has taken majority control over the farm business and is the decision maker;
- (ii) criteria (c) to (e) in paragraph 4.4.1 are met; and
- (iii) it is demonstrated that the management successor is critical to the continued success of the farm business, and the need for the proposed dwelling cannot be met in any other reasonable way.

The following appraisal considers the three key policy elements arising from the above policy framework namely:

- (i) the circumstances of the transfer of management control;
- (ii) the financial sustainability of the farming enterprise; and
- (iii) the absence of reasonable alternatives to an additional dwelling.

In a case of a transfer of management, TAN 6 does not require criteria (a) and (b) of paragraph 4.4.1 to be formally addressed. However, it is accepted that the scale and nature of the farming enterprise requires the ready availability of a key worker for its effective management. The husbandry of the sheep flock has an assessed labour requirement of two workers. This management is currently provided primarily by an on-farm worker (Mr Williams Senior), and partially by his son, who also has non-agricultural employment, located in Bangor. It is also accepted that there will be occasions, both foreseeable and unforeseen, when the presence of both workers will be required.

The application for the proposed additional dwelling is expressly *“to satisfy the imperative succession needs of the agricultural enterprise”* (Planning Statement Part 4). However, this is qualified by the consideration that Mr Williams Junior has yet to succeed his father and there is no timeline for succession. The Planning Statement indicates that Mr Williams Junior works alongside his father and increasingly so and that Mr Williams Senior *“plans to progressively retire when his son will succeed him, full time”*. Furthermore, on site residence is said to be an aspiration to meet *“current farming responsibilities and the farm succession plan”*. It is stated that Mr Williams Junior is already *“the majority shareholder”* in the farm business, but will only *“succeed his Father completely, at a time yet unknown”*.

No criticism is levelled at the intention that succession will take place, however, an expression of intent does not meet the specific policy requirement of TAN 6 underpinning the allowance for second dwellings in succession cases. The requirement is set out at paragraph 4.5.1 of TAN 6 which requires some demonstration of certainty in respect of the succession process. This is achieved by the submission as part of the planning application of *“secure and legally binding arrangements”* which provide certainty that either:

*“-----demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business;”* (para 4.5.1)

The objective of Welsh Government in providing for second dwellings on established farms in exceptional circumstances is *“to encourage younger people to manage farm businesses and promote the diversification of established farms”* (TAN 6 para 4.5.1). The clear and binding arrangements are necessary in order to ensure that there is no abuse of this diversion from the normal policy position on additional dwellings on farms, and in circumstances in which it is being argued that the additional dwelling would assist in succession planning.

The Practice Guidance supporting TAN 6 provides some advice on how the above requirement could be addressed:

*“A transfer of management control could be achieved by a number of means. One route could be through the form of the farm business; for example, the reapportioning of administrative and operational responsibilities and financial rewards and liabilities in a partnership or limited company. Alternatively, the management role could be secured through the granting of control of the productive assets of a farm by means of a tenancy or contract agreement, or indeed their complete transfer of ownership to the younger person concerned.”*

The chosen route of a Partnership Agreement in the current application in order to meet the TAN 6 requirement is, in principle, clearly appropriate and consistent with the advice in the Practice Guidance. The fundamental question is whether the submitted Partnership Agreement demonstrably reapportions administrative and operational responsibilities and financial rewards and liabilities in favour of Mr Williams Junior or will do so on the grant of planning permission for an essential dwelling.

The Agreement clearly relates to the involvement of the next generation in the farm business and as such accords with the policy objective. The question is whether it demonstrably puts Mr Williams Junior in the managerial driving seat.

The profits and liabilities of the farm business are apportioned such that Mr Williams Junior has a marginal proportional financial benefit and responsibility (51%) over his parents; the other Partners in the Agreement (49%). There is, however, no reference to any distinction between the Partners in respect of administrative and operational responsibilities. Indeed each Partner is required to devote their unqualified *“whole time and attention”* to the business (8a), and the unanimous agreement of the Partners is required for specified aspects of the business. The scope for the younger Partner to take principal decisions of day-to-day management and policy is unclear.

The submitted Deed of Partnership does not therefore demonstrably put Mr Williams Junior in functional management control. There remains some uncertainty regarding the delivery of the succession process relating to an otherwise stated progressive transfer of control by Mr Williams Senior over an unknown timescale, and the current scope for the younger Partner to take principal decisions on day-to-day management and policy is unclear.

Given the history of dwellings associated with the farm and the particular enterprise, it is not unreasonable for the certainty expected by TAN 6 to be provided, consequently the LPA have not therefore been satisfied that *“secure and legally binding arrangements”* are in place in relation to the transfer of management responsibilities as required by TAN 6.

While it is national policy to encourage younger people to take on the management of farm businesses, this is subject to the proviso that the relevant businesses are established and financially sustainable. The so-called Financial Test (para 4.4.1 c) requires that:

- (i) The enterprise concerned has been established for at least three years;
- (ii) The enterprise has been profitable in at least one of the years;
- (iii) The enterprise and functional needs are currently financially sound and have a clear prospect of remaining so.

The longevity of the enterprise at Eirianallt Goch is not stated in the supporting Dwelling Appraisal. However, since planning permission was granted for a farm dwelling in 1976 in favour of Mr and Mrs Williams, it is clear that the enterprise is well established, and that the minimum three-year establishment period is met. The first criterion of the Financial Test is, therefore, met.



The submitted Dwelling Appraisal states that the farm accounts for 2018 and 2019 show the enterprise at Eirianallt Goch to have achieved profits of £19,412 and £17,396 before depreciation. The second test criterion is, therefore, met.

In terms of the third test criterion of section 4.10 of TAN 6, it is indicated that:

- (i) Evidence of actual and potential economic performance is necessary;
- (ii) The enterprise must be capable of rewarding labour inputs on the basis of a realistic income; and
- (iii) The enterprise must be capable of affording the build cost of the proposed dwelling and its maintenance.

The TAN 6 provision for succession dwellings is only available to farm enterprises which are established and financially sustainable. This requires applications to meet the so-called Financial Test set out in paragraph 4.4.1 (c) in TAN 6. RAC has considered the current enterprise's recent financial performance with reference to farm accounts covering the period 2018 – 2022.

The accounts data confirm that the enterprise has been established for at least three years and has been profitable throughout that period. The data also indicate that profit, before depreciation, has been at a modest level and not providing any remuneration for labour inputs made by Mr Williams Junior.

The TAN 6 Financial Test requires that enterprises be currently financially sound and have a clear prospect of remaining so. The expectation (paragraph 4.10.2) is that enterprises provide a sustainable market return for the labour deployed in them and are capable of maintaining the build cost of a proposed dwelling. It is in this aspect that RAC had some concern.

The current remuneration for a standard worker (Agricultural Wages Order) is some £19,000. The farm accounts show that the level of profit and the drawings made have fallen short of this scale of remuneration in all recent years, not considering the absence of remuneration for any labour provided by Mr Williams Junior. While the current position might continue, it does not meet the TAN 6 requirement, particularly as it is the applicant's case that even in its current circumstances the farm enterprise has a requirement for two workers. The base profit level needed to remunerate two workers and provide a return on the investment of £150,000 in the build cost of the proposed dwelling would be some £43,000 compared with actual profits before depreciation of less than £20,000, and average net profits of less than £10,000. Set against this the farm business has a stable asset base, and substantive positive balance between current assets and liabilities.

It is accepted that many family farming enterprises persist on levels of profitability below the expectation stated in TAN 6. This reflects a lifestyle commitment to farming and the absence of the true accounting of the time and cost of family labour involved. The case for the additional dwelling in the current case turns, therefore, more on its future prospects than on its ability to fully meet the TAN 6 requirements of current financial soundness.

It is proposed that a combination of the secure presence of Mr Williams Junior on the farm and the introduction of a small suckler cow herd will enable the enterprise to substantially improve its financial performance. Two Agricultural Appraisals (October 2021 and June 2022) have been produced by Mr W Williams and forming part of the application documents seeks to demonstrate this by means of a financial assessment. The only change in the sources of income from those shown in the farm accounts is the introduction of 25 suckler cows, which is shown to make only a modest (8-10%) contribution to the projected total gross margin for the enterprise. However, an Addendum Note from Mr W Williams (24.01.22) suggests that the introduction of the suckler cows *"will ---- boost profits to secure the level of income required"*. Despite this, the assessment anticipates an increase in the total gross margin of over £70,000 compared with the recent actual performance of the enterprise with the majority of growth coming from existing sources. Given the general variability in prices and costs and the forthcoming changes to the public support system for farming, the assessments may be optimistic. It is noticeable that the latest assessment of net profit is over £22,000 lower than that made a little over 6 months previously.

As indicated earlier the base profit level needed to satisfy the emphasis of the Financial Test is the appropriate remuneration of the labour of two workers (currently some £39,000 and provide a return on the investment of £150,000 in the build cost of the proposed dwelling (£3750 @ 2.5%). This would require a minimum profit of some £43,000 compared with the recent actual profits of less than £20,000 and the projected profit of c£64,000. While there must be some uncertainty that the farm enterprise can make the dramatic improvement in performance projected in a short period, it is accepted that the introduction of the Mr Williams Junior to the enterprise on a secure, full-time basis would be likely to stimulate an improvement, over and above the introduction of a new suckler cow component, such that the lesser target profit would be more likely to be achieved.

It should also be noted that the most recent farm accounts show the maintenance of the average profitability of the farm business only being achieved by the introduction of what appears to be a one-off non-agricultural payment of £5000.

The substantive actual financial data relevant to the farm enterprise which has been provided shows current circumstances to be less than the expectations of the TAN 6 Financial Test. Projected improvement in financial performance seems optimistic, but whilst it might be reasonable to expect improvement which could potentially meet the key requirements of the TAN 6 Financial test, on balance it is not considered that the TAN 6 financial test is met.

## **Conclusion**

In the absence of the “*secure and legally binding arrangements*” required by TAN, 6 there remains uncertainty regarding the delivery of the succession process relating to the transfer of the management of the farm enterprise to the next generation and extent of the control exercised or to be exercised by Mr Williams Junior. Consequently the LPA have not therefore been satisfied that “*secure and legally binding arrangements*” are in place in relation to the transfer of management responsibilities as required by TAN 6.

The substantive actual financial data relevant to the farm enterprise which has been provided shows current circumstances to be less than the expectations of the TAN 6 Financial Test. Projected improvement in financial performance seems optimistic, but whilst it might be reasonable to expect improvement which could potentially meet the key requirements of the TAN 6 Financial test, on balance it is not considered that the TAN 6 financial test is met.

As set out in paragraph 4.11.2 of TAN 6 where it is stated that *in cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of a lack of need.* The planning history and the severance of Eirianallt Goch from the holding in 2019 are therefore relevant material considerations which constitute evidence of a lack of need as per the advice contained in TAN 6.

## **Recommendation**

That the application is refused for the following reasons:

(01) The Local Planning Authority do not consider that it has been demonstrated that the enterprise is currently financially sound and has a clear prospect of remaining so contrary to the requirements of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)

(02) Insufficient information has been provided to demonstrate that there are secure and legally binding arrangements in place in relation to the transfer of the management of the farm enterprise to the next generation contrary to the requirements of Technical Advice Note 6: Planning for **Sustainable Rural Communities** (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)

(03) The Local Planning Authority consider that the planning history relating to the holding and the recent sale of Eirianallt Goch demonstrates a lack of need contrary to the requirements of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)