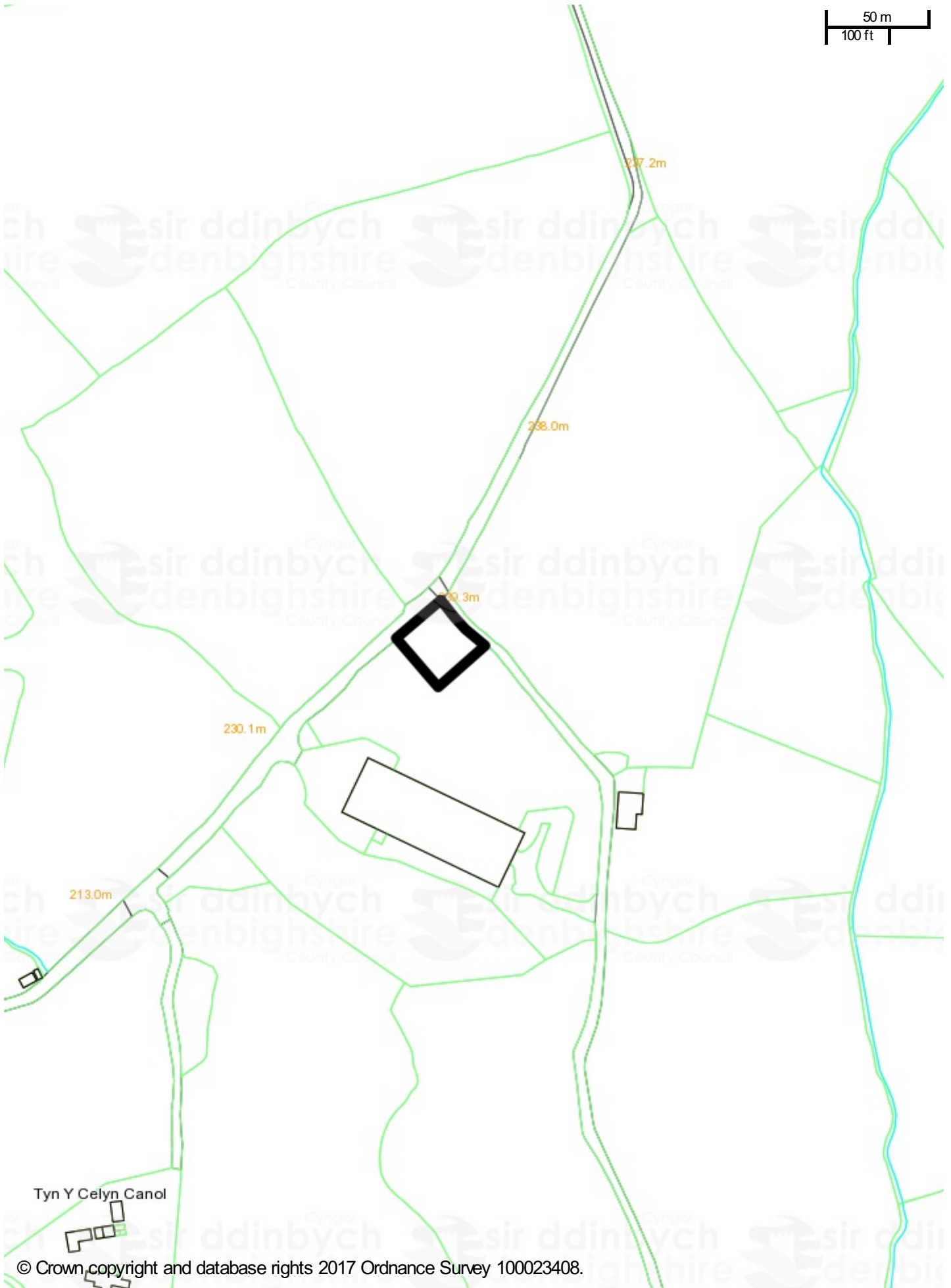


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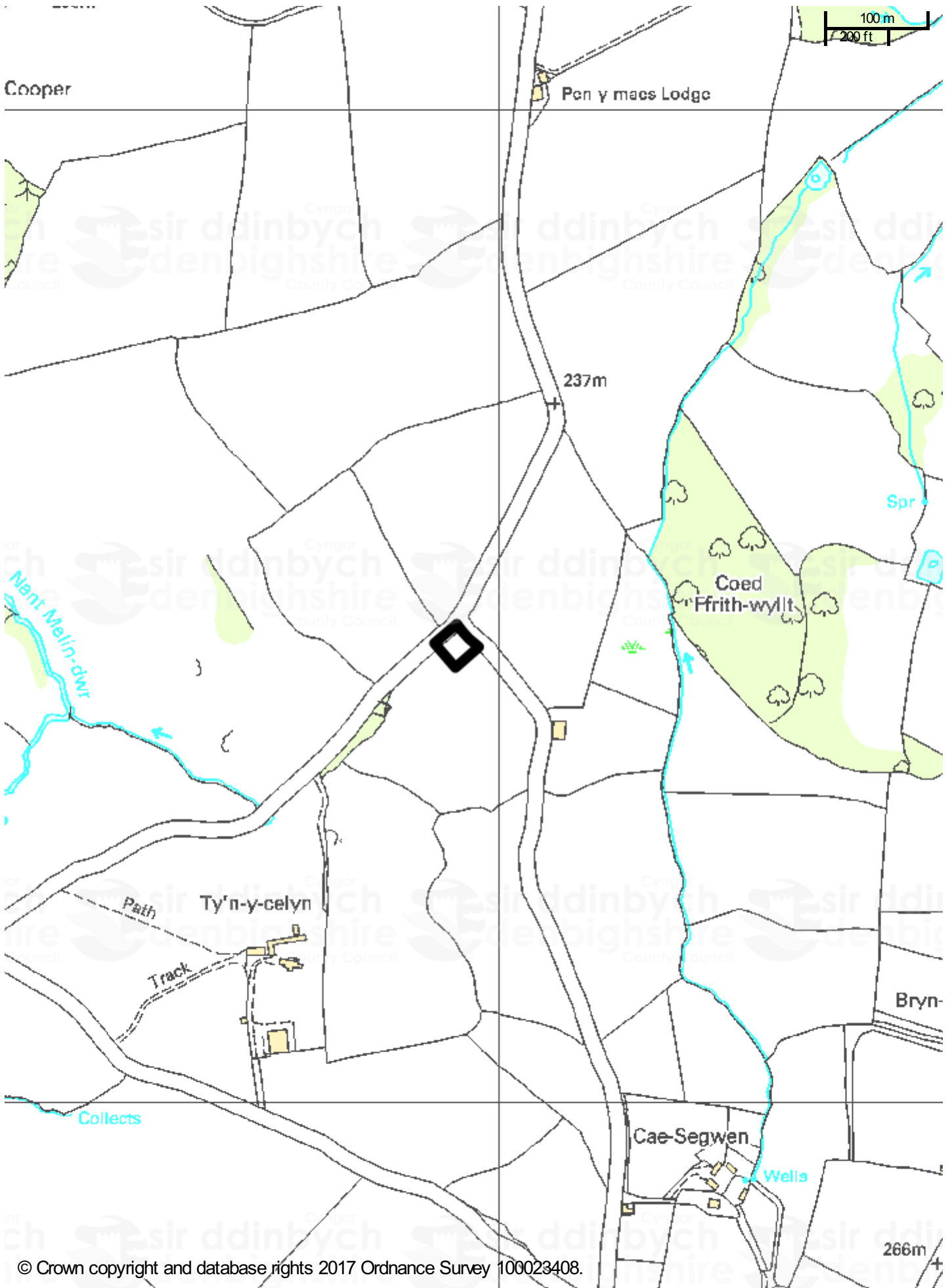
Tyn Y Celyn Canol

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**11/2016/1258 - Land at Tyn Y Celyn, Clocaenog**

Scale: 1:2500

Printed on: 28/3/2017 at 11:15 AM



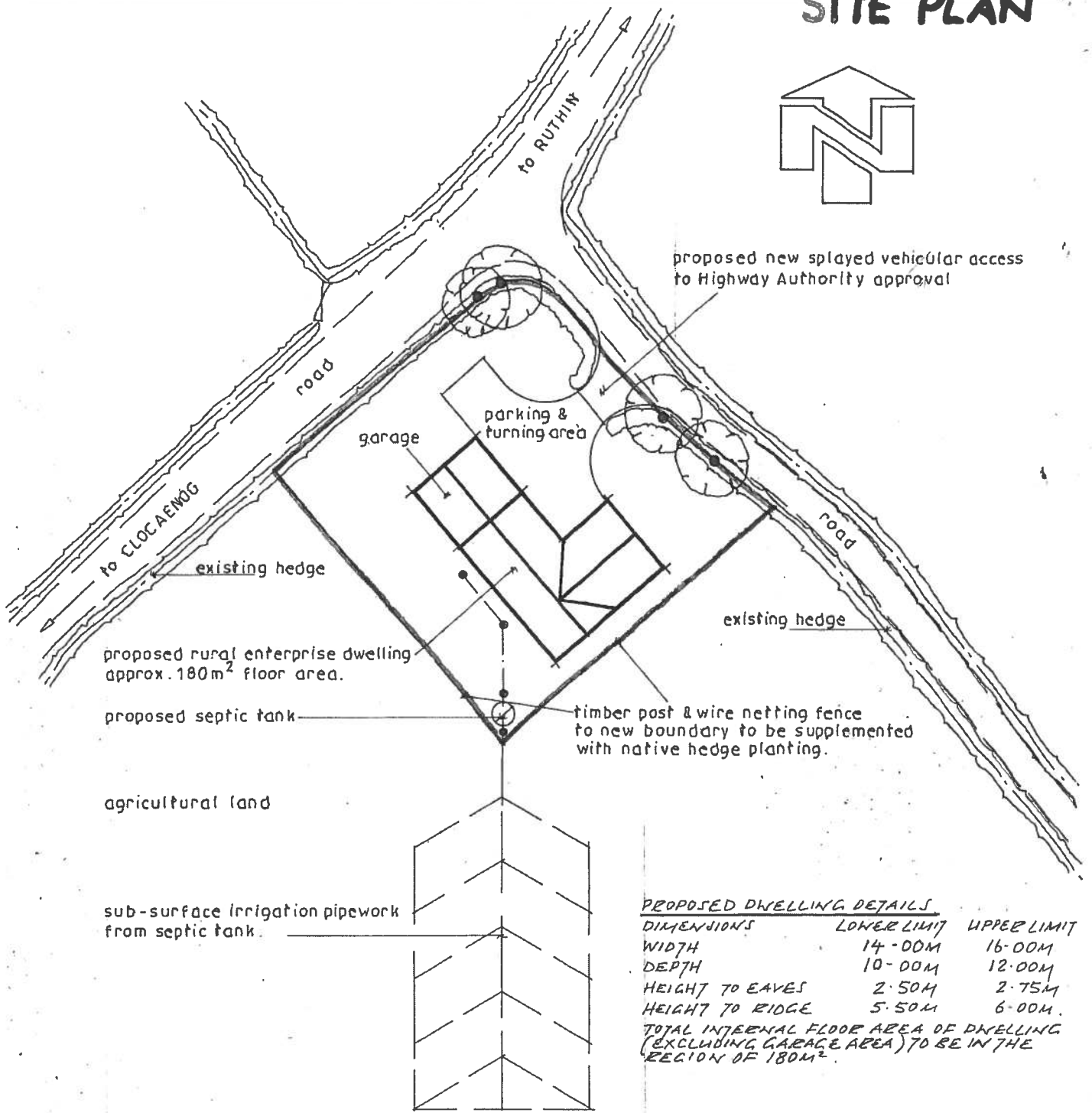
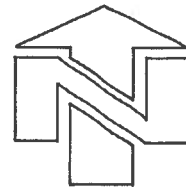
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11/2016/1258 - Land at Tyn Y Celyn, Clocaenog

Scale: 1:5000

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# SITE PLAN



### PROPOSED DWELLING DETAILS

DIMENSIONS	LOWER LIMIT	UPPER LIMIT
WIDTH	14.00M	16.00M
DEPTH	10.00M	12.00M
HEIGHT TO EAVES	2.50M	2.75M
HEIGHT TO RIDGE	5.50M	6.00M

TOTAL INTERNAL FLOOR AREA OF DWELLING (EXCLUDING GARAGE AREA) TO BE IN THE REGION OF 180M<sup>2</sup>.

## PROPOSED SITE LAYOUT PLAN

1:500

existing poultry unit buildings.

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**MATISCHOK & ROSS**  
architectural services

project title  
POULTRY UNIT, TYN Y CELYN, CLOCAENOG.

drawing title  
Proposed Site Layout Plan.

project no. 0659	drawing no. 1	revision
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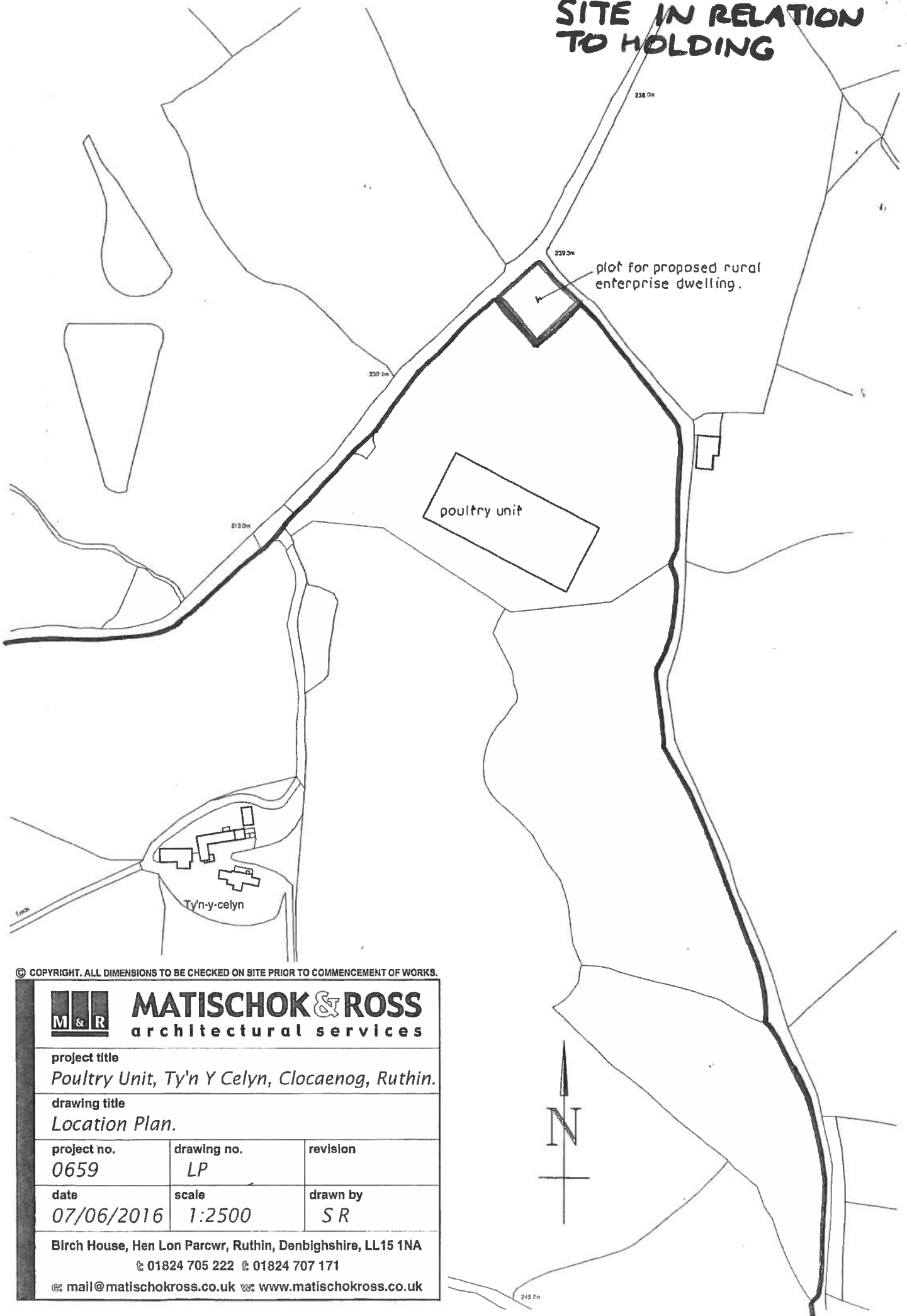
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# SITE IN RELATION TO HOLDING



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**MATISCHOK & ROSS**  
architectural services

project title

*Poultry Unit, Ty'n Y Celyn, Clocaenog, Ruthin.*

drawing title

*Location Plan.*

project no.

0659

drawing no.

LP

revision

date

07/06/2016

scale

1:2500

drawn by

SR

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**WARD :** Efenechtyd

**WARD MEMBER(S):** Eryl Williams

**APPLICATION NO:** 11/2016/1258/PO

**PROPOSAL:** Development of 0.09 hectares of land by the erection of a rural enterprise dwelling, formation of a new vehicular access and installation of a septic tank (outline application including access) (re-submission)

**LOCATION:** Land at Tyn Y Celyn Clocaenog Ruthin

**APPLICANT:** Mr & Mrs Bruce & Catrin Jones W B & C E Jones

**CONSTRAINTS:**

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

CLOCAENOG COMMUNITY COUNCIL –  
“No objection”

NATURAL RESOURCES WALES  
No objection

READING AGRICULTURAL CONSULTANTS  
Conclude there is no justification for the proposed rural enterprise dwelling.  
(See following report for summary of assessment)

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Head of Highways and Infrastructure  
- Highways Officer  
No objection subject to the inclusion of standard conditions relating to the access and parking/turning facilities

**RESPONSE TO PUBLICITY:**  
None

**EXPIRY DATE OF APPLICATION: 02/03/2017**

Extension of time agreed to 14/04/2017

**REASONS FOR DELAY IN DECISION (where applicable):**

- Submission of additional supporting information by the applicants and their appointed consultants.

**PLANNING ASSESSMENT:**  
**1. THE PROPOSAL:**

## 1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission to develop 0.09 hectares of land by the erection of a rural enterprise dwelling, formation of a new vehicular access and installation of a septic tank at land at Tyn y Celyn in Clocaenog. The application has been submitted in outline form with only the means of access included for approval, which it is proposed to be taken off the road which runs to the north east of the site.
- 1.1.2 The application is a resubmission of a previous proposal for an identical scheme which was refused in September 2016. The application now includes further supporting information for the rural enterprise dwelling.
- 1.1.3 The proposal is to build a rural enterprise workers dwelling at Tyn y Celyn, on a parcel of land extending to 0.09 hectares, located approximately 60 metres due north of an egg production building. An indicative layout plan has been submitted showing an L-shaped property alongside a parking and turning area – see the front of the report.

## 1.2 Description of site and surroundings

- 1.2.1 The application site is located in the corner of an open field located to the north of the poultry business and has roads to the north west and north east boundaries, with no other buildings nearby. The site has hedges along the road frontages with the land sloping down to the south.
- 1.2.2 The applicant's existing dwelling is located approximately 0.3 km from the application site and the buildings comprising the farm have been gradually converted to holiday lets over a number of years, including the change of a former poultry building to a holiday let.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside outside any development boundary, in an area without any specific designation in the Local Development Plan.

## 1.4 Relevant planning history

- 1.4.1 The history includes applications for the main poultry business building to the south, the applicant's property, and the conversion of agricultural buildings to holiday lets within the applicants' landholding.
- 1.4.2 The application for a rural enterprise dwelling was submitted in mid 2016 and was refused permission under officers' delegated powers in September 2016.

## 1.5 Developments/changes since the original submission

- 1.5.1 The agent for the applicants has submitted two sets of further information from their appointed agricultural specialist Agri Advisor (AA) on the report produced for the Council by Reading Agricultural Consultants (RAC), as described below.

## 1.6 Other relevant background information

- 1.6.1 The application was initially supported by a Rural Enterprise Appraisal along with confidential financial information to justify the dwelling unit. To assist Members consideration, the chronology of events relating to the application is set out in the following paragraphs to demonstrate the efforts made to engage with the applicants and their consultants during the process to seek to progress matters.
- 1.6.2 It was stated in the initial appraisal that the holding based at Tyn y Celyn is a mixed enterprise business including a diversified upland holding, pasture land, converted traditional buildings, modern poultry unit and the farmhouse. However, whilst the report refers to the renovation of buildings at the landholding to provide luxury accommodation for tourism it is suggested that these are considered to have a specific planning consent and are therefore not part of the rural enterprise and nor are they available for the housing of the manager of the poultry unit.

- 1.6.3 The initial appraisal further confirms that Mrs Jones manages the poultry unit and the holiday accommodation, whilst Mr Jones undertakes the maintenance of the land and dwellings. Mr Jones also has business interests elsewhere including a building and carpentry business. Two additional members of staff in addition to Mrs Jones are employed in the poultry business and the application is made to allow one of these to live at the site as full-time manager.
- 1.6.4 In response to the initial report, the Council's agricultural consultant provided a detailed assessment and concluded that the scheme failed to meet the tests of TAN6 on the grounds that:
- i) whilst there is a functional need for a worker to reside on site, emergency needs can be met by the existing dwelling occupied by the applicants and there is no functional need for a second dwelling on the site;
  - ii) based upon labour calculations provided in the appraisal for the poultry unit, there is no requirement for an additional worker to live on the site, even in the context of an additional 0.5 of a full-time worker as defined in the TAN6 exception clause. Working hours can be met by staff travelling to the site whilst infrequent out-of-hours emergencies can be met by the applicants, in the existing dwelling;
  - iii) although the business is profitable, no budgets have been provided to determine its longer-term sustainability;
  - iv) the size of the proposed dwelling is excessive for a second dwelling and its affordability to the business has not been demonstrated;
  - v) there are other existing dwellings on the holding which could meet the functional need, including the applicants' dwelling (for out-of-hours emergencies) and the converted agricultural buildings which are eminently available for housing a worker.
- 1.6.5 The agent requested the opportunity to comment on the report of the Council's agricultural consultants once published, and this was provided to them on the same day it was received by the Council on 25 January 2017. In response, comments were submitted on behalf of the applicant on 15 February 2017 seeking to address the conclusions regarding TAN6, with a letter from the NFU also lodged on 17 February 2017 in support of the scheme.
- 1.6.6 A further appraisal was then provided by the Council's Agricultural Consultant on 12 March 2017. This recognised the points put forward by the applicants consultant but maintained the position that the proposed development failed to meet the tests of TAN6, as set out above in paragraph 1.6.4 of this report. This information was issued to the agent on 13 March 2017, with further comments being received on 23 March 2017 at which point the applicant has requested that the application be reported to Planning Committee for a decision.
- 1.6.7 The Local Member, Councillor Eryl Williams has asked for the application to be reported to Committee to allow full opportunity to assess the case for the proposed dwelling.

## **2. DETAILS OF PLANNING HISTORY:**

2.1 11/2010/0329 - Erection of free range poultry building, four feed silos, construction of new vehicular access and associated landscaping works: Granted 10/05/2010.

11/2012/1489 - Conversion of redundant outbuilding to form a holiday let accommodation unit, installation of a new septic tank and associated works: Granted 09/01/2013.

11/2014/0258/PF - Conversion of redundant poultry building to form holiday let accommodation and installation of a new septic tank and associated works: Granted 22/05/2014.

11/2015/0371/PF - Conversion and extensions of outbuildings to form holiday let: Granted 03/06/2015.

11/2016/0670/PO - Development of 0.09 hectares of land by the erection of a rural enterprise dwelling, formation of a new vehicular access and installation of a septic tank (outline application including access): Refused under delegated powers 01/09/2016 for the following reason:

*"It is the opinion of the Local Planning Authority that the application fails to demonstrate the tests of TAN 6 are satisfied to justify the proposed dwelling. The application fails to meet the TAN 6 tests relating to established functional and financial need and the proposal is therefore contrary to the rural restraints policies of Planning Policy Wales Edition 8, TAN 6 Planning for Sustainable Rural Communities and guidance set out in Welsh Governments Practice Guidance Note for TAN 6 Rural Enterprise Dwellings."*

### **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE 5** – Rural Economy

**Policy ASA 3** – Parking Standards

Supplementary Planning Guidance

SPG – Access for All

SPG – Residential Space Standards

SPG – Residential Development Design Guidance

SPG – Residential Development

SPG – Parking Requirements in New Developments

Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

TAN 6: Planning for Sustainable Rural Communities (2010)

### **4 MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4). Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Tests for Rural Enterprise dwelling applications

4.1.3 Visual impact



## Other matters

### Well-being of Future Generations (Wales) Act 2015

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

Policy PSE 5 states that in order to help to sustain the rural economy, commercial development including agricultural diversification will be supported subject to detailed criteria, and employment proposals for new build outside of development boundaries will be supported provided the following criteria are met:

- i) the proposal is appropriate in scale and nature to its location; and
- ii) any suitable existing buildings are converted or re-used in preference to new build; and
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities.

Paragraph 4.4.1 of TAN 6 considers new dwellings on established enterprises and states:

*“New permanent dwellings should only be allowed to support established rural enterprises providing:*

- a. there is a clearly established existing functional need;*
- b. the need relates to a full-time worker, and does not relate to a part-time requirement;*
- 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 fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and*
- e. other normal planning requirements, for example siting and access, are satisfied.”*

The Development Plan policy and contents of TAN6 make provision for the development of rural enterprise dwellings, subject to key tests being met. The tests are reviewed in the following section of the report.

##### 4.2.2 Tests for Rural Enterprise dwelling applications

In assessing the case for the dwelling in respect of the TAN 6 tests, the Council's Agricultural Consultant report has provided a robust analysis. The issues are reviewed below:-

###### **(a) The Functional Need Test**

The functional need test examines whether it is essential for a worker to live on the site to deal with any out-of-hours emergency requirements which could be anticipated and due to which, if there was no presence, the viability of the business could be jeopardised. This needs to be sustained throughout the year, rather than for a discrete period within the year.

The applicant's appraisal provides examples of circumstances which would warrant a 24 hour presence on the holding – such as power failure or damage to the ventilation system which could result in flock losses; automated pop-holes not operating, resulting in birds laying eggs on the floor, with consequential broken or second class eggs; feed blockages preventing the automated feeding of the birds; or failure of the water system.

The Council's Consultant accepts that such events can occur, however, such incidents appear to have been effectively managed by the applicants from the existing dwelling for several years and by staff on the site undertaking their daily work routines.

The proposed dwelling is intended to provide accommodation for a poultry manager who would provide day-to-day management of the business and service the out-of-hours emergencies – thereby releasing Mrs Jones from these responsibilities.

The Council's Consultant accepts that there is a functional need for a dwelling to cover these out-of-hours emergencies. However, it remains the position that this can be met by the existing dwelling with its existing occupants who are clearly competent in dealing with such matters, as they have for the past 5 years. The emergencies are not routine, and do not appear to occur frequently – indeed, no specific incidents have been identified in the information submitted.

The applicant's agricultural consultant's report notes that "*with the success and further development of their other enterprises demanding more time, the need to share responsibility for working outside of normal working hours grows.*" However, Mr and Mrs Jones would still be available within their existing dwelling during these out-of-hours periods – even if they are engaged in other areas of their diversified business for a large part of the time.

Mrs Jones's aspirations to reduce, or even eliminate, her daytime commitment to the unit is entirely possible without the residential presence of an on-site manager, as daytime staff, including the manager, could undertake these tasks and relieve her of the routine work. The staff would be on-site during the day as part of their normal working hours. No evidence and examples have been provided to detail frequent emergency needs within the poultry unit which might be considered onerous for Mrs Jones and which might warrant a second dwelling – even for an additional functional need for 0.5 of a full-time worker.

#### **(b) The Time Test**

This test has been addressed by the applicant and the data supplied in Appendix 2 of the applicants appraisal. The appendix indicates that the whole rural enterprise, comprising the poultry unit, the holiday cottages and associated management and maintenance, requires 2.59 full-time workers. However, the application relates to the poultry unit. The calculation implies that the poultry unit, at 1,825 working hours, has a labour requirement of 0.83 full-time workers, which inclusive of a standard management and maintenance figure of 15% would result in the need for one full-time worker.

The poultry business already employs two full-time workers plus Mrs Jones, who works part-time with the poultry and the remainder of the time with the holiday cottages. One of the full-time workers is proposed to be the manager of the unit when Mrs Jones reduces her time commitment. The manning level adopted by the business is clearly far higher than the AA appraisal indicates in theory.

In order to qualify for the second dwelling exemption for 0.5 of a full-time worker, paragraph 4.5.1 states that there should be "*an existing functional need for an additional 0.5 or more of a full-time worker*". Clearly, AA labour calculations assert that the poultry unit requires just one agricultural worker, it would be difficult to conclude that for an additional 0.5 of a full-time worker is necessary – again the exemption relates solely to agriculture rather than non-agricultural elements of the business.

Furthermore, the functional need for a second dwelling for that 0.5 of a full-time worker has not been established.

#### **(c) The Financial Test**

Paragraph 4.4.1(c) of TAN 6 is divided into four parts and states that the unit and the agricultural activity concerned should:

- i) have been established for at least three years;
- ii) have been profitable for at least one of them;
- iii) be currently financially sound; and

iv) have a clear prospect of remaining so.

The applicant's agricultural consultant's report indicates that a free-range egg unit was established in 2012. The larger, 32,000 bird unit appears to have been established in 2014, so this criterion is passed.

The applicants have submitted three years accounts for the partnership WB & CE Jones plus another set of accounts for a new company of the same name, which appears to have taken over the trading operations on the holding. The accounts relate solely to the free-range egg enterprise and there is no element of the wider diversified business within the accounts.

The business has shown a good level of profitability for the first two years' trading as a partnership and the first year as a separate company, so criterion ii) is passed.

For a business to be considered sound, as an absolute minimum it should be able to provide its workers with a wage after all costs are paid. Since the business is now operating as a separate company, the wages to the company employees (which includes Mrs Jones) are shown in the accounts. In fact, the accounts disclosures note that a sum of £19,000 was paid to "a business operated by Miss C E Jones, for administrative services." In this respect it is likely that the business is capable of fully rewarding its employees. Criterion iii) is passed.

Paragraph 4.10.2 of TAN 6 indicates that:

*"Evidence of actual or potential economic performance will be required. To assess economic sustainability it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. This should be assessed on the basis of what is a realistic income for the skills of the operator. A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate."*

There is a TAN 6 requirement to provide additional budgets for five years to demonstrate that the business is likely to be financially sustainable. The applicants have not provided a budget, and Criterion iv) is not passed.

An indicative floor area of 180-200m<sup>2</sup> has been provided as part of the outline planning application. This is considered excessive for a second dwelling on a holding. Whilst other applications may have approved similar sized dwellings, it will be noted that RAC assessed them and commented that they were also in excess of acceptable size for a second dwelling.

It is noted that the applicants agricultural consultant's report consider the build cost of the dwelling would be reduced by £70,000 as the plot is owned by the applicants and the work would be undertaken by Mr Jones' building enterprise. No evidence has been provided to substantiate these considerable reductions; and, no calculations have been provided to evidence the affordability of the dwelling to the business.

Furthermore, if the poultry business ceases to operate in the future, the dwelling has to be available to other rural enterprise workers as a fall-back option. Large dwellings are rarely affordable for rural enterprise workers and are routinely resisted in planning appeals. Despite AA comments to the contrary, there is no justification for a 180-200m<sup>2</sup> dwelling as a second dwelling.

It is concluded that the financial test is not passed.

#### **d) Other Suitable and Available Accommodation**

The applicant's agricultural consultant's appraisal has provided an assessment of local market options for dwellings which are suitable and available for the second worker. This indicates that there are no affordable dwellings within a mile of the site but three dwellings within three miles of the site, priced at £175,000 or below.

The applicant's agricultural consultant's report asserts that the manager needs to live on site. As detailed earlier, there is already a dwelling on the site that can provide for the needs of the enterprise, so it is unclear why a second on-site dwelling is required, other than as a personal preference. The applicants are capable of covering out-of-hours emergencies, whilst the manager and the other poultry unit worker could travel to the site each day (and to assist in a rare emergency situation).

The preferred manager of the unit has been identified as an existing worker (paragraph 4.4 of the Report). It is not stated where that worker, or indeed any of the workers, currently lives, and the distance from the unit. The identified worker may already live close enough to the unit to meet the daily management requirements without recourse to a new dwelling in the open countryside.

Paragraph 4.11 of TAN 6 states:

*"4.11.1 Evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need. If there are existing dwelling(s) on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling.*

*4.11.2 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 lack of need."*

Planning permission has been granted for barn/agricultural building conversions to holiday cottages, between January 2013 and June 2015, as three separate applications.

At least two of these would have been submitted after the commencement of operations on the free-range unit and one is likely to have been granted after the preparations for the first draft of the manager's dwelling planning application. It is understood that some of the conversions have not been completed, so they are not yet an integral income generating part of the existing business.

These barn conversions are adjacent to Mr and Mrs Jones' dwelling and closer to the poultry unit. As such, any would be suitable for conversion to a farmworker's / manager's dwelling. Indeed, the applicants would have been aware of their need to be on-site at the time of submission of the poultry unit application and clearly, considered the location of their existing dwelling met the functional need of the unit.

The applicants have clearly sought to prevent the barns from being available to the poultry enterprise, by converting them to holiday accommodation. TAN 6 is quite clear in this respect, stating at paragraph 4.11.2:

*"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 lack of need.”*

Whilst the buildings have not been sold, they have clearly been removed from availability at a time when the applicants were considering the need for a manager’s dwelling, and this could constitute abuse.

It is concluded that there is existing accommodation on site that could provide for the averred needs of the poultry enterprise.

#### **(e) Siting and Access**

The proposed dwelling would have a separate access to the poultry unit and would be some 70m from the building. This would be an acceptable location for the proposed dwelling.

#### **Other Matters**

The Council will be aware that section 4.13 of TAN6 considers occupancy conditions relating to new rural enterprise dwellings. It is also specific when second dwellings are approved, stating at paragraph 4.13.3:

*“When granting permission for new rural enterprise dwellings, planning authorities should be aware of the scope, where appropriate, for imposing an occupancy condition not only on the dwelling itself but also on any existing dwellings on the enterprise which are under the control of the applicant, that do not have occupancy conditions and need at the time of the application to be used in connection with the enterprise. This should help to protect the countryside against the risk of pressure for new houses. In appropriate circumstances, authorities may use planning obligations, for example, to tie a rural enterprise dwelling to adjacent buildings or land, to prevent them being sold separately without further application to the authority.”*

Consequently, if the proposed dwelling is approved, then a rural enterprise workers’ occupancy condition should be imposed upon that dwelling, as a second dwelling on the holding, and the dwelling occupied by Mr and Mrs Jones, as the principal dwelling.

#### 4.2.3 Visual impact

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

Whilst the comments offered by Council’s Agricultural Consultant earlier in this report in regard to concerns regarding the indicative footprint for the dwelling are duly noted and substantiated, it is recognised that the application is submitted in outline form only in this regard and it is therefore considered that an agreement of the scale of the proposed dwelling could be reached at the reserved matters relating to appearance, landscaping, layout and scale could be satisfactorily dealt with to ensure that a new dwelling is in-keeping with the character of the area.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being)

objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5 SUMMARY AND CONCLUSIONS:**

5.1 The proposal is considered to be unacceptable in principle as the proposal fails to demonstrate there is an established functional or financial need for the dwelling and is recommended to be refused.

5.2 In assessing the application against the tests set out in TAN 6, it is concluded that:

- i) there is a functional need for a worker to reside on site. However, emergency needs can be met by the existing dwelling occupied by the applicants. There is no functional need for a second dwelling for a worker on the site;
- ii) based upon the applicants agricultural consultant's report labour calculations for the poultry unit, there is no requirement for an additional worker to live on the site, even in the context of an additional 0.5 of a full-time worker as defined in the TAN6 exception clause. Working hours can be met by staff travelling to the site whilst infrequent out-of-hours emergencies can be met by the applicants, in the existing dwelling;
- iii) the business is profitable but no budgets have been provided to determine its longer-term sustainability;
- iv) the size of the proposed dwelling is excessive for a second dwelling and means that its affordability to the business has not been demonstrated;
- v) there are other existing dwellings on the holding which could meet the functional need, including the applicants' dwelling (for out-of-hours emergencies) and the converted agricultural buildings which are eminently available for housing a worker.

5.3 Having regard to the relevant tests which need to be applied to an application for a rural enterprise dwelling, and on the basis of the assessment by the Council's consultant, it is concluded that the proposal falls some way short of meeting the criteria to justify the grant of permission.

### **RECOMMENDATION: - REFUSE** for the following reason:

1. It is the opinion of the Local Planning Authority that the application fails to demonstrate that key tests of TAN 6 are satisfied to justify granting planning permission for a rural enterprise dwelling, in particular in respect of functional and financial need and the other dwellings test. It is considered the application is therefore contrary to the rural restraints policies of Planning Policy Wales Edition 9, TAN 6 Planning for Sustainable Rural Communities and guidance set out in Welsh Government's Practice Guidance Note for TAN 6 Rural Enterprise Dwellings, along with test ii) of Policy PSE 5 of the Denbighshire Local Development Plan.

### **PLANS AND DOCUMENTS SUBJECT TO THE DECISION:**

- (i) Details of vehicular access (Drawing No. 2) received 20 December 2016
- (ii) Proposed site layout plan (Drawing No. 1) received 20 December 2016
- (iii) Location plan (Drawing No. LP) received 20 December 2016