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19/2015/1228
 Scale: 1:2500
 Printed on: 30/1/2018 at 11:58 AM



Waen (Tyn y Mynydd), Llaneldian

Scale 1:1250



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Date Of Issue: 26 November 2015
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 Applicant: Huw Evans
 Application Reference: Waen Block Plan

Proposed Erection of Agricultural Dwelling at Waen (Tyn y Mynydd), Llaneldian

Block Plan REV 1

Scale 1:1250

Huw Evans Planning

December 2015

WARD : Llanfair Dyffryn Clwyd/Gwyddelwern

WARD MEMBER: Cllr Hugh Evans

APPLICATION NO: 19/2015/1228/PO

PROPOSAL: Erection of agricultural dwelling

LOCATION: Land adjacent to Bryn Ysguboriau Llanelidan Ruthin

APPLICANT: Mr Hywel Edwards

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters – Yes

CONSULTATION RESPONSES:

LLANELIDAN COMMUNITY COUNCIL –

“...fully support this application as it keeps the youth of our community living and working in the area.”

READING AGRICULTURAL CONSULTANTS

(The Council's Independent Consultants in assessing rural enterprise / agricultural workers dwelling applications)

The second assessment produced in April 2017 in response to additional information from the applicant's consultant is below, in relation to the tests of TAN 6 was:

“The Functional Test

4.04 Whilst the functional test is relaxed it would be appropriate to consider it for completeness in this case.

4.05 The functional 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 which could jeopardise the viability of the business. This needs to be sustained throughout the year, rather than for a discrete period within the year.

4.06 The site is used for lambing ewes between January and May, which is an unusually extended period.

4.07 The existing functional needs relates to some 350 ewes lambing at any one time. During the housing period ewes will be reliant upon the shepherd monitoring them closely whilst they may be susceptible to health and nutritional disorders which may require prompt attention

Nevertheless, the period of need is five months, not the whole year. There is no detail of how the on-site need is currently met. The need to monitor 40 housed store cattle is not great as there is no calving being undertaken which will require close monitoring.

4.09 Other issues such as dogs worrying the sheep are slightly more difficult to justify an on-site presence for a second worker because the incidents can occur over the whole farm rather than just in the locality of the proposed dwelling. Security of equipment and stock is rarely considered to provide a need to live on-site.

4.10 Likewise, checking livestock in the fields does not give rise to an essential need to live on site. This is generally undertaken during working hours and can be undertaken by farmworkers living away from the farm – particularly in the case of a second worker.
The Time Test

4.11 An assessment of labour requirements can be made by reference to standard man days (SMDs) which relate to a working day of 8 hours, as noted in the CARA report referring to the Agricultural Budgeting and Costing Book (ABC). There are 275 SMDs per full-time worker.

4.12 However, the CARA report does not refer to ABC when calculating standard work hours, instead referring to the Farm Business Survey, which are two different metrics. This has resulted in an asserted labour requirement of 2.0 full-time workers.

4.13 Standard data in the John Nix Farm Management Pocketbook 46th edition (2016) calculates the labour requirement for the holding as:

Table 1. Labour requirements for the holding, based upon standard figures	SMD/head	Standard Man Days
Enterprise		
Ewes (upland)	650 @ 0.45	293
Ewe lambs (1)	50 @ 0.3	15
Store cattle	40 @ 1.1	44
Silage (1 cut)	25ha @ 1.6	40
Hay	5ha @ 1.8	9
Sub-total	401	
15% management & maintenance	60	
Total	461	
Standard Man Days/worker	275	
Labour Reqmt.	1.3	
(1) Store lamb equivalent figure		

4.14 There is theoretical labour requirement for 1.3 full-time workers on the holding.

The Financial Test

4.15 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.

4.16 The business has been operating for some 50 years and so meets Point (i).

4.17 Full business accounts for the past three years have not been provided with the application although extracts have been provided in the CARA report. The extracts are historical – relating to the years ended March 2011 to March 2013. It would be anticipated that there are more recent accounts available.

4.18 The extracted data show net profits to be modest for each year, albeit in profit; Point (ii) is met.

4.19 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 only provided a two-year budget, which shows levels of profit similar to the year ended March 2011.

4.20 However, for a business to be considered sound, as an absolute minimum it should be able to provide its unpaid workers with a reward for their labour input after all costs are paid. This cannot be achieved for this business – it has been noted in the CARA report that the farm will be supported by a capital introduction in excess of forecast profit in the CARA budget.

4.21 Under the current circumstances, with the details provided, it is not possible to conclude that the business is financially sustainable and able to provide a living wage for each of the unpaid worker "equivalents" required for the business.

4.22 Since the dwelling application relates to the business need it has to be funded by the business. The CARA report comments that:

"The cost of the new dwelling will be funded through private sources, hence this has not been included within the budgets. Hywel is currently engaged to be married to a teacher whose salary is in excess of £30k/annum, hence the mortgage will be covered privately."

4.23 This is indicative that the business would not be able to sustain the cost of construction of the proposed dwelling. The historic profitability of the business would concur with this statement.

Other Suitable and Available Accommodation

4.24 The application site is remote from areas of substantial residential accommodation.

4.25 A search of properties was undertaken by Huw Evans Planning which concluded that there were dwellings at or below £150,000 in Gwyddelwern, Corwen and Bryneglwys, but noted that they were too distant to be effective in poor weather conditions such as heavy snow during lambing.

4.26 It was also concluded that there were no buildings suitable for conversion to a dwelling on the holding.

4.27 An internet search of properties on www.rightmove.co.uk has shown that there are 14 dwellings available within three miles of the site between £50,000 and £140,000, including three in Gwyddelwern between £80,000 and £140,000.

4.28 Clearly, whilst these may be affordable to a farmworker's wage, it is questionable whether they would be suitable to meet the needs of the flock lambing in the remote building on the application site.

Transfer of Management

4.29 Whilst the Applicants are seeking a second dwelling via the Transfer of Management exemption, no evidence of an agreement has been provided for examination. Therefore, the test cannot be passed

5 Conclusion

5.1 The outline planning application is for a rural enterprise worker's dwelling at Waun (Tyn y Mynydd), Llanielidan via the transfer of management exemption clause.

5.2 The functional justification for a dwelling on the site is limited to five months and there is a theoretical requirement for 1.3 workers on the holding. These two matters are largely exempt from consideration under the transfer of management clause.

5.3 Profits generated by the business have been historically low and forecast profits are inadequate to pay a full-time worker.

5.4 Farm profits would not be able to fund the construction of a dwelling. External funds are not a justifiable means of funding the construction of the dwelling as it must be justified by the business alone.

5.5 There are several affordable dwellings to a farmworker within three miles of the site but they are unlikely to meet the observational requirements of the housed sheep.

5.6 No transfer of management agreement has been presented for consideration.

5.7 All parts of the test must be met and in this case they are not. "

Following the submission of additional information by the applicant's consultants, Reading Agricultural Consultants were asked for further comment. Their response in late 2017 concludes that:

- “the functional justification for a dwelling on the site is limited to five months and there is a theoretical requirement for 2.2 workers on the holding. Whilst the proposed dwelling may be occupied by a full-time worker, there is no functional need for that worker to live on site throughout the year;
- profits generated by the business have been historically low and forecast profits are inadequate to pay a full-time worker
- there are concerns about the financial sustainability of the business based upon presented accounts
- farm profits would not be able to fund the construction of a dwelling. External funds are not a justifiable means of funding the construction of the dwelling as it must be justified by the business alone.
- there are alternative dwellings available to meet the needs of the business for the majority of the year.”

RESPONSE TO PUBLICITY:

Llyr Gruffydd AM

Supports application to facilitate maintaining the traditional family farm and ensure the best care for the animals while lambing and calving.

M & J Brooker of Bryn Ysguboriau, Llanellidan

The representation seeks clarification that the water extraction for the proposed property and foul drainage will be located so that they in no way harm the quality or quantity of the water supply to that property.

ORIGINAL EXPIRY DATE OF APPLICATION: 02/03/2016

AGREED EXTENSION OF TIME DATE: 28/02/2018

REASONS FOR DELAY IN DECISION (where applicable):

Ongoing discussions with the agent and applicant on supporting information.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the development of a rural enterprise dwelling on land 150m to the north of the complex of buildings at Bryn Ysguboriau, Llanellidan.
- 1.1.2 The development has no connection to Bryn Ysguboriau itself, which is in separate ownership. The proposed dwelling is intended as accommodation for an agricultural worker in support of a holding run from an existing dwelling at Gwrych Bedw, some 800m to the north.
- 1.1.3 The information with the application advises the holding comprises of 230 acres in 5 separate blocks of land.
- 1.1.4 The submission is made in outline only with the siting and access for the house shown on a layout plan indicating a rectangular footprint set back from the road by around 9 metres. Access to the dwelling would be from the road and pass alongside existing agricultural buildings in this location.

1.1.5 The application was originally submitted in late 2015, with a Planning Statement setting out the case for the dwelling, a Design and Access Statement, and an agricultural appraisal by Cymru Agricultural and Rural advice Ltd (CARA), reviewing the TAN 6 requirements relating to functional need and the financial test.

1.1.6 The Conclusions in the Planning Statement are as below:

“This Planning Statement needs to be read in conjunction with the assessment carried out by CARA Ltd. This concluded that the nature of the agricultural activity and the business forecast indicated that a second dwelling was both required and sustainable.

Relevant local and national policy issues have been addressed above together with the advice contained in TAN6. The need for the second dwelling on the farm has been proven and the proposed location meets the criteria set out in the LDP and TAN6. Precise details are reserved for subsequent approval.”

1.1.7 The CARA appraisal accompanying the application concludes as follows:

“The nature of the agricultural activity which is carried out on the block of land at Waun Tyn y Mynydd would from an economic and welfare perspective, require a Farmhouse on the holding.

The business is forecast to produce reasonable profits in the future, and the budgets have indicated that the business is large enough to sustain a second dwelling.

With both the functional need of the farm enterprise and the business’ sound financial disposition determined, it is hoped that outline planning permission will be granted in order for this business to progress in the immediate and long term future.”

1.1.8 Lengthy discussions subsequently followed with the agent and applicants, having regard to the contents of the detailed assessment of the application by the Council's agricultural consultants. The applicant, agent and local member met on the site in February 2017. This dialogue has been necessary to secure / clarify information relevant to considerations which the Authority is obliged to give to a rural enterprise dwelling proposal in terms of the relevant tests in Welsh Government's TAN 6.

1.1.9 In the course of communication with the agent, including office and site meetings involving the local member, he has sought to draw attention to what are considered 'exceptional' material considerations of this case – in particular the insecure medium / long term position of the dwelling currently serving the farm and the related succession needs of the enterprise.

1.1.10 In response to matters raised, the agent was advised that from the planning authority's perspective, applying the relevant TAN6 tests:

- The health of the applicant's father cannot be a material consideration
- If the tenanted farm is sold, it will result in a much smaller farm, with a likely impact on profitability
- A smaller farm would have less livestock and reduced viability, with the success of the dwelling proposal being reliant on business profitability and long term viability
- Efficiency aspirations are noted, but future performance is generally related to past performance and long term viability
- The TAN6 test requires the proposed dwelling to be generated only by the needs and performance of the business, as any external non-business financial assistance cannot be included in any assessment

- 1.1.11 The agent subsequently forwarded further information in February 2017 including a new report from Rostons and clarification of tenancy and long term issues; including the indication that the most probable situation based on the historical pattern of disposal and restructuring of the existing main estate is that it would be the farm dwelling and immediate associated outbuildings that would either be sold or rented as an open market dwelling, and the agricultural fields would still be available as tenanted or freehold land. The agent subsequently advised that the possibility of withdrawing the application and resubmitting it as one for a 'second dwelling' based on the succession of the farm to the applicant has not been possible as the father is not willing to commit to an agreement to this effect; however, the nature of the application is such that it should be considered in the context of a succession dwelling as all the farm and its management will eventually rest with the applicant.
- 1.1.12 Reading Agricultural Consultants were asked to provide a revised assessment of the information forwarded and their review received in April 2017 is quoted in the Consultation Responses section of the report.
- 1.1.13 The exchanges with the applicants and agent culminated in the submission of a Supplementary Planning Statement from the agent in October 2017 which highlights the situation regarding hill farms in Wales. This makes reference to matters raised in discussions, including mention of the proposal being in effect for a 'succession' dwelling as the current dwelling at Gwrych Bedw is not freehold (and is likely to be sold on the open market on retirement of the applicant's father). The concluding paragraphs from the agent are below, including concerns over the Reading Consultants assessment that farm profits would not be able to fund the construction of a dwelling and that external funds are not a justifiable means of funding the construction of the dwelling as it must be justified by the business alone:

"In this instance the actual income stream can be supplemented by Hywel's wife's income and the revenue from his contract shearing. This would be normal in any other mortgage lending situation where a young family are setting up home. The planning policy response to this is likely to be that there are special circumstances whereby the local planning authority makes an exception to the general rule and that it needs to retain control to ensure that the system is not abused. However, the authority needs to be account of the fact that the existing farm dwelling is tenanted and has no occupancy restriction. When the tenancy agreement ceases it will become an open market property for either sale or rent and the area loses a much needed farm dwelling. On the other hand, if permission is granted for the second dwelling it effectively becomes the one and only house serving the freehold and rented land. The authority also retains control through an occupancy condition which it currently does not have.

When added to the planning balance the above material considerations can legitimately be given significant weight sufficient to favour the grant of planning permission without prejudicing the policies and proposals of the development plan."

1.1.14 Reading Agricultural Consultants were offered a final opportunity to comment on the agent's statement above. Their conclusions, received in late October 2017, are quoted at the foot of their Consultation Responses section in the report.

1.2 Description of site and surroundings

- 1.2.1 The site is located in open countryside some 3 km to the east of Gwyddelwern village, and is accessed by a minor road running north from the A5104 towards Llanelidan.
- 1.2.2 The area proposed for the dwelling is an open field on the western side of the road, to the north of an existing farm building, with open fields to the west, north and across the road to the east.

1.2.3 The nearest dwelling is at Bryn Ysguboriau, some 150 metres to the south.

1.3 Relevant planning constraints/considerations

1.3.1 The site is in open countryside outside of any settlement identified in the Local Development Plan.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 See previous sections of the report. There has been considerable dialogue with the applicant and agent and meetings with Officers and the local member to assist with the progress of the application. It has been agreed that following the submission of the supplementary statement in late 2017, that the application should be reported to Committee for determination.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
PSE 5 – Rural Economy

3.1 Supplementary Planning Guidance

SPG 7 – Residential Space Standards

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016
Development Control Manual May 2017
Technical Advice Note 6
Practice Guidance Note for TAN 6 Rural Enterprise Dwellings.

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 dwellings

4.1.3 Visual impact and access

4.1.4 Impact on best and most versatile agricultural land

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy PSE 5 of the Local Development Plan 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.

Planning Policy Wales has limited content relevant to the consideration of agricultural workers dwelling applications. Paragraph 4.6.3 explains that Welsh Government's priorities for rural areas are to secure:

- sustainable rural communities with access to affordable housing and high quality public services;
- a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside; and
- an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced.

The section goes on to say that the countryside is a dynamic and multi-purpose resource and refers to the need to enhance its agricultural value. For the government's aims and priorities to be realised it will be essential that social, economic and environmental policies are fully integrated.

Technical Advice Note 6 (TAN6) is the key Welsh Government document of relevance to the considerations to be given to applications for agricultural workers dwelling applications. Section 4.3 deals with rural enterprise dwellings and states as follows:

"One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence."

The following sections of TAN 6 provide detailed guidance to local planning authorities for the consideration of applications for new agricultural dwellings. 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.

Additional guidance on matters to consider is provided in Welsh Government's Practice Guidance Note for TAN 6 Rural Enterprise Dwellings.

In summary, the Development Plan policy, Planning Policy Wales, and the 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 sections of the report.

4.2.2 Tests for rural enterprise dwellings

In assessing the case for the dwelling in respect of the TAN 6 tests, the Council's Agricultural Consultant report has provided two detailed reviews in response to information provided. The main conclusions, following the dialogue with the applicant's agent, and having regard to all the information submitted in support of the application are set out in the consultation responses section of the report. In summary, in relation to the TAN6 tests are :-

(a) The Functional Need Test

The conclusions of the Council's Consultants are that the functional justification for a dwelling on the site is limited to five months and there is a theoretical requirement for 2.2 workers on the holding. Whilst the proposed dwelling may be occupied by a full-time worker, there is no functional need for that worker to live on site throughout the year.

(b) The Time Test

Reading Consultants' final response notes the recalculated labour requirement based on a change in stocking levels provides a theoretical labour requirement for 2.2 full time workers on the holding.

(c) The Financial Test

The conclusions of the Council's Consultants are that profits generated by the business have been historically low and forecast profits are inadequate to pay a full-time worker. They have concerns about the financial sustainability of the business based upon presented accounts. They consider farm profits would not be able to fund the construction of a dwelling, and advise that external funds are not a justifiable means of funding the construction of the dwelling as it must be justified by the business alone.

d) Other Suitable and Available Accommodation

The conclusions of the Council's Consultants are that there are alternative dwellings available to meet the needs of the business for the majority of the year.

(e) Siting and Access

There are no issues raised over the siting and access.

Given the above assessment of the proposal, and the case officer site visit which confirms that there are no currently redundant buildings in the complex which are suitable for conversion, the additional dwelling to accommodate an agricultural worker is not considered to be justified as the scheme does not satisfy the test relating to functional need or the financial test. It is also considered there are

alternative dwellings in the locality which could meet the needs of the business for the majority of the year.

The conclusion of Officers, with respect to the applicant's case, is therefore that the proposal fails to meet all parts of the TAN6 tests for establishing a case to justify a permission for a rural enterprise dwelling (which is the requirement), and in these circumstances, the proposal is contrary to national policy and guidance as set out in TAN6.

4.2.3 Visual impact and access

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.

There are no representations raising issues in respect of the visual / landscape impact of the development.

Officers would raise no concerns over the layout of the proposed development along with its access, as the new dwelling would sit adjacent to existing built development. Due attention would need to be given to the detailed design at the reserved matters stage to ensure that a new dwelling is in keeping with the character of the area.

It is therefore considered that the erection of a dwelling in this location as proposed is acceptable in respect of its siting and access.

4.2.4 Impact on best and most versatile agricultural land

Planning Policy Wales (Section 4.10) obliges considerable weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification system of the Department for Environment, Food and Rural Affairs. This land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. PPW indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

Whilst the subject proposal will lead to loss of an area of land from its current use in connection with grazing, this is not in isolation considered to represent a basis for refusal if it is accepted there is a proven established functional and financial need for the new dwelling, and the other tests of TAN6 are met.

Other matters

The applicant's agent is respectful of the parameters within which the Council's Agricultural Consultant has to operate in assessing the application against the TAN 6 tests. However, he is keen to point out that these are only one of many material considerations the Council need to take into account in reaching a decision. He considers that the purpose of TAN6 is to provide practical guidance (para1.4.1), and this is not a prescriptive document which needs to be slavishly followed. He contends that the submissions with the application evidences the importance of the proposal to the local rural community and way of life, which is considered to be a key theme of the Wellbeing of Future Generations Act. He does not consider approval would prejudice local and national planning policy if these material considerations swing the balance in favour of granting permission.

Water supply and foul drainage

Matters raised by occupiers of a neighbouring property over the impact of the development on water supply could be adequately addressed through the imposition of appropriate planning conditions if a permission were to be granted.

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 Considerable efforts have been made to engage with the applicants and agent throughout the processing of the application, and to ensure there is sufficient information to assess whether the proposals meet the tests in TAN6.
- 5.2 Officers fully appreciate the applicant's desire in seeking to plan for succession for the business, and the complication of the current tenanted dwelling at Gwrych Bedw. However, it is clear from the assessment of the Council's independent consultants that the proposals fall some way short of meeting all the tests of TAN6 which are the current Welsh Government's criteria to be applied by all local planning authorities when considering the justification for new rural enterprise dwellings in open countryside.
- 5.3 The main concerns are that there is no functional need for a worker to be present on the site throughout the year, that the financial sustainability of the business based upon presented accounts is questionable, and farm profits would not be able to fund the construction of a dwelling. External funding is not considered as a justifiable means of financing the construction of a rural enterprise dwelling as this has to be financed by the business enterprise. There are also likely to be existing dwellings in the locality which could be suitable for use by an agricultural worker to undertake the identified duties on the holding.
- 5.4 In recognising the submissions that the contents of TAN6 are practical guidance, and that there are other material considerations which can weigh in favour of an application, given the clear conclusions in relation to functional need and the financial test, Officers do not consider that the importance of the proposal to the local rural community and way of life is such that it should outweigh what are established planning policy and guidance considerations. The contribution of a proposal to the local community and way of life are respectfully unquantifiable factors which do not easily lend themselves to weighting in the planning process.
- 5.5 The application is therefore recommended to be refused.

RECOMMENDATION: REFUSE- for the following reason:-

1. It is the opinion of the Local Planning Authority that the application fails to demonstrate key tests of TAN 6 are satisfied to justify the proposed dwelling, in terms of establishing functional need and meeting the financial test, and it is considered that there are alternative dwellings in the locality which could meet the needs of the business for the majority of the year. The proposal is therefore considered 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.