

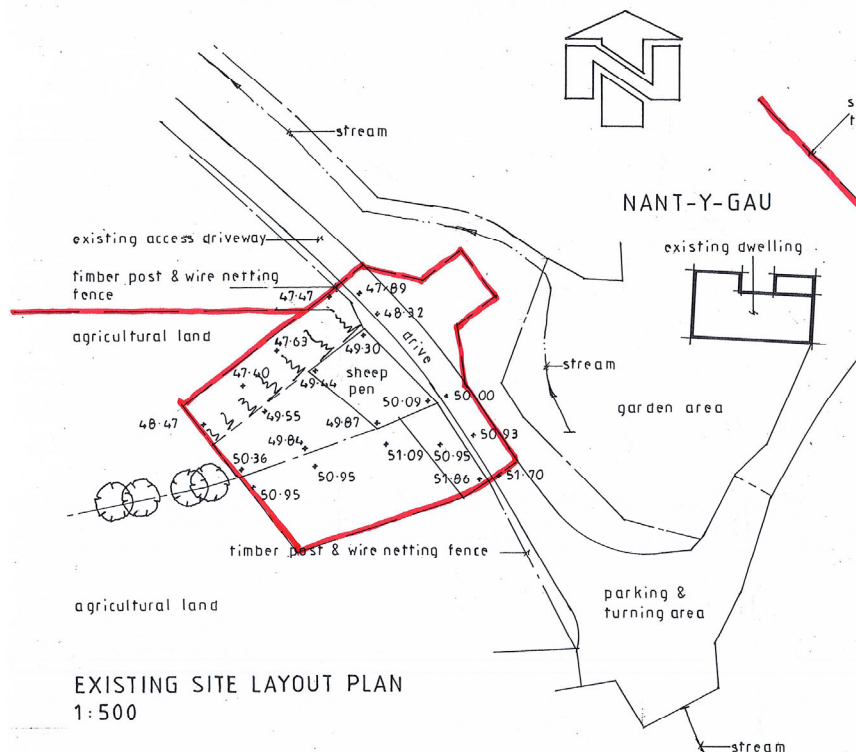
10/2021/1173

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EXISTING SITE LAYOUT PLAN
1:500

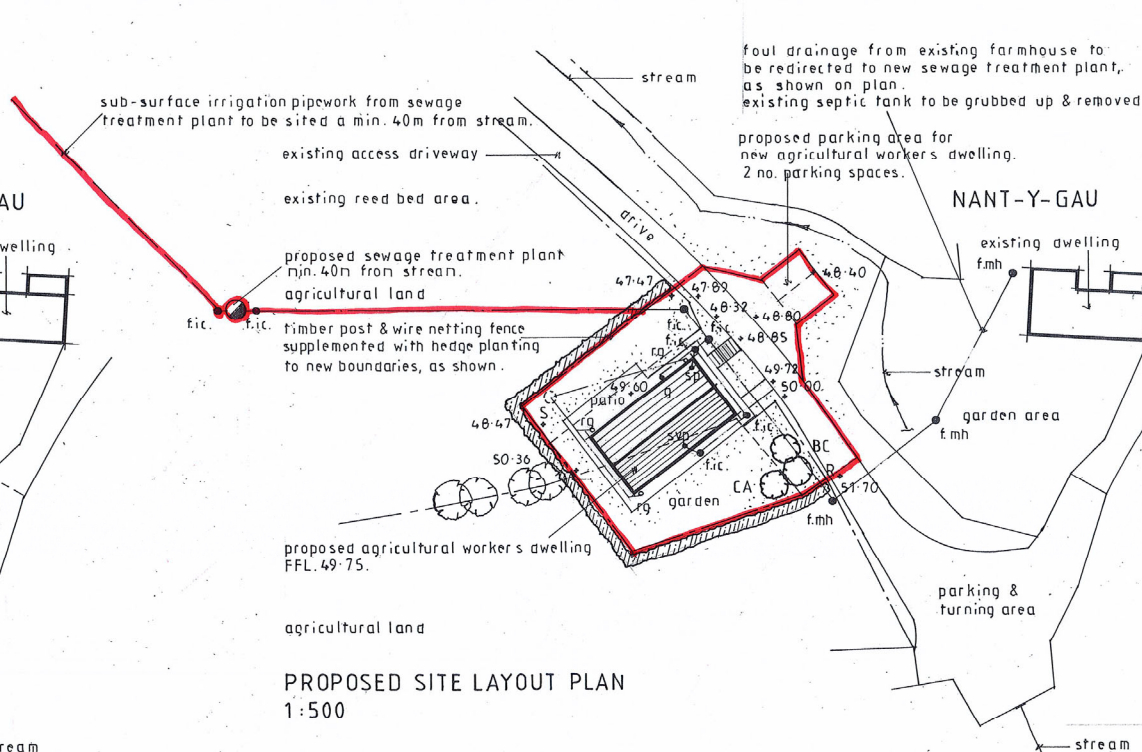
Foul Water Disposal - to new Sewage Treatment Plant

The foul water drainage from the development proposals to discharge to a new sewage treatment plant. The proposed new sewage treatment plant to be by Entec, Klargester or other approved manufacturer. The sewage treatment plant to cater for a maximum 11 full time occupants. The tank to be sited a min. 10m from all buildings. The tank to be fitted with lockable covers. Sub-surface irrigation pipework to be laid in accordance with manufacturer's details, installation instructions and recommendations. Length of drain runs depends on soil porosity test results. The sewage treatment plant to be capable of removal of phosphorus from wastewater. The sewage treatment plant and sub-surface irrigation pipework from the sewage treatment plant to be installed at least 40m from the nearest stream or watercourse. The sewage treatment plant to be built to the relevant British Standards - BS 6297:2007 + A1:2008.

Surface Water Disposal - to on-site soakaways/stream.

The proposed means of disposal of on-site surface water will be by means of a Sustainable Drainage System (SuDS) and the final surface water drainage designs to be approved by the SuDS Approval Body (SAB). Site investigations to be carried out on site to determine whether a surface water soakaway system could be designed for disposal of the site surface water from the dwelling and hard standing areas or whether surface water from the soakaway system can be discharged to the nearby stream.

Parking area adjacent to the main entrance door to be provided for disabled parking and for access to the dwelling, and to be surfaced with a permeable paving system, to client's specification and approval. e.g. concrete or other approved surface finish. The new disabled parking area to have a maximum fall of 1 in 20 and cross-fall gradient of 1 in 40. A level access approach is to be provided from the car parking space to the main principal entrance door with a gradient not steeper than 1 in 12. The path to the principal entrance door to be a min. 1.20m wide. Level platform to be provided outside the main principal entrance door with min. dimensions of 1.20m x 1.20m for level access to the dwelling. Level access threshold strip to be provided across the main principal entrance door.



PROPOSED SITE LAYOUT PLAN
1:500

- — 100mm dia. foul drainage runs.
- — 100mm dia. surface water drainage runs.
- S. — Soakaway Construction
- — Turfed/Seeded Grassed Areas.

Tree Planting

Biodiversity enhancement measures to include the planting of a small number of native species fruit trees on site. Native tree planting to be 3.0m to 3.6m tall and to be sited a min. 6m from any buildings. Min. 3 no. trees to be planted on site to locations shown on the site layout plan. BC - Bird Cherry CA - Crab Apple R - Rowan.

New paths and patio areas to be finished in concrete or concrete flags, to client's specification and approval. The new vehicle parking area to be finished with concrete on well consolidated hardcore sub-base material.

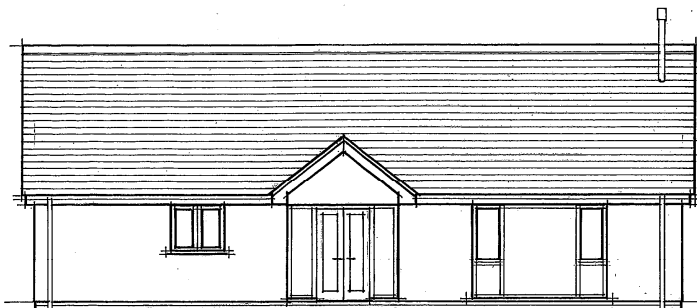
A new timber post and wire netting fence to be installed to new boundaries to development plot. Fence to be a min. 1200mm high. The new timber post and wire netting fence to be supplemented with a new native hedgerow planting. i.e. hawthorn, blackthorn, holly, hazel, honeysuckle, etc. Planting at a min. 5 plants per metre square area.

All planting, seeding, turfing, fencing or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development. Any trees or plants which, within a period of five years of completion of the development, die, are removed or seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

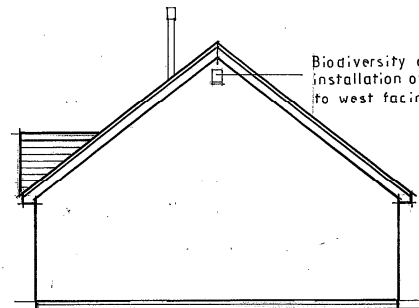
Rev. A-10/03/22 - Drainage details amended.

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M & R MATISCHOK & ROSS architectural services		
project title NANT-Y- GAU, BRYNEGLWYS.		
drawing title Existing & Proposed Site Plans.		
project no. 0930	drawing no. 1	revision A
date 18:10:21	scale 1:500	drawn by PM
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA ☎ 01824705222 ☎ 01824707171 ✉ mail@matischokross.co.uk 🌐 www.matischokross.co.uk		

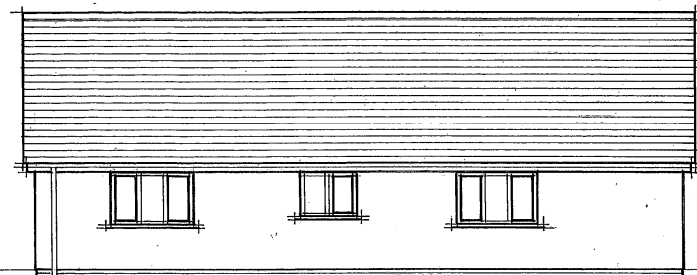


FRONT ELEVATION
1:100

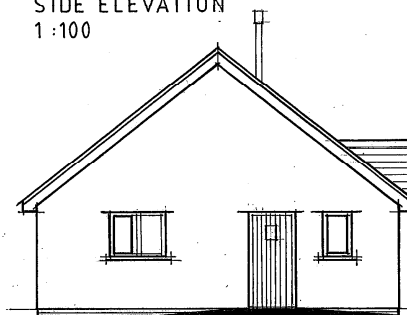


Biodiversity enhancement measures to include the installation of a Vivaro Pro Woodstone Build-In Bat Box to west facing gable end, as shown.

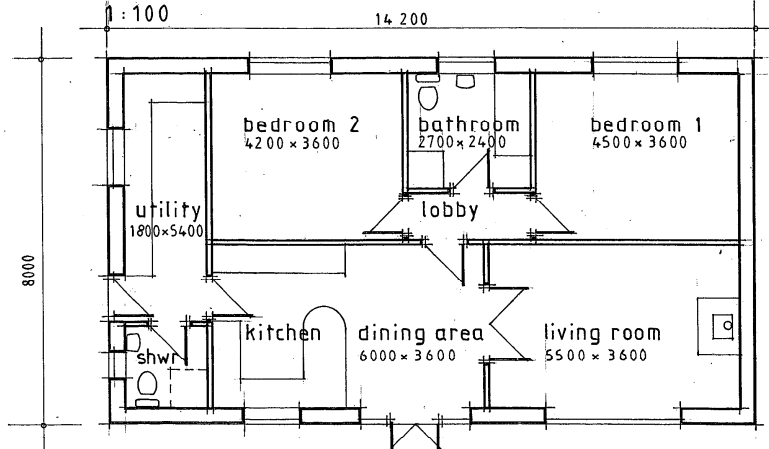
SIDE ELEVATION
1:100



REAR ELEVATION
1:100



SIDE ELEVATION
1:100



GROUND FLOOR LAYOUT PLAN
1:100

External Materials

Roofs :- Natural blue/grey mineral slates.

Walls :- White smooth painted or self-coloured render finish.

Windows & External Door :- White or coloured upvc windows.

Natural oak boarded timber external doors.

Fascia & Barge Boards :- Black painted timber fascia & barge boards.

Rainwater Goods :- Black upvc gutters and down pipes.

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MATISCHOK & ROSS
architectural services

project title

NANT-Y-GAU, BRYNEGLWYS.

drawing title

Proposed Floor Plan & Elevations.

project no.

0930

drawing no.

2

revision

date

18:10:21

scale

1:100

drawn by

PM

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WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Councillor Hugh Evans

APPLICATION NO: 10/2021/1173/ PF

PROPOSAL: Erection of an agricultural workers dwelling, installation of a sewage treatment plant and associated works

LOCATION: Land at Nant Y Gau, Bryneglwys, Corwen, LL21 9LF

APPLICANT: Mr Arwyn Davies TB & M Davies

CONSTRAINTS: PROWPhosphorus Sensitive SACAONB

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

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

- Member request for referral to Committee
- Reason: To discuss the principle of the proposal for an additional agricultural dwelling and the findings of the Reading Agricultural Consultants advice to the Local Planning Authority.

CONSULTATION RESPONSES:

COMMUNITY COUNCIL
No response.

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

"Subject to the planning authority being satisfied of the agricultural need for the dwelling and that all necessary planning tests can be met, the Joint Committee has no objection to the application. The simple design and materials are appropriate to the setting and the proposed landscaping is supported. No details of external lighting are shown but the committee would recommend that a condition be attached to any permission requiring further details of any proposed lighting to ensure it is designed and specified to conserve the AONB's dark sky and nocturnal wildlife"

NATURAL RESOURCES WALES

Foul Drainage: We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued Planning Advice (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. We advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However,

should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Landscape: The development site lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) where the primary purpose is the conservation and enhancement of natural beauty. We advise you seek the views of your internal landscape advisor and the AONB committee.

European Protected Species: We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

DWR CYMRU / WELSH WATER SEWERAGE

'Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Local Authority Building control Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer
No objection.

- Footpaths Officer

Path 8 (bridleway) Bryneglwys passes within the red line boundary of the development and will therefore need protecting. It appears the bridleway passes along an existing made up track that serves as the primary farm access to Nant Gau farm. I am therefore of the view that the developers have it in their own interest to keep this route open and safe during the construction phase and will continue to ensure it remains safe and available after.

*If the developer has any proposals to install additional gates across the path or alter the surface then they will need contact ourselves for approval. Likewise any new services placed in the ground that run under the surface of the bridleway will need the Highway Authority approval from our Streetworks team to ensure appropriate specification materials are used. If due to any excavation works, access for the public is not possible, we will need be asked to place a temporary closure on the path if no alternative is possible. If the applicant has any queries on this matter they can email rightsofway@denbighshire.gov.uk for assistance
Public Protection Officer.*

READING AGRICULTURAL CONSULTANTS

A full planning application has been submitted for a second dwelling at Nant Y Gau for the son of the current owner who will become responsible for the management and operation of the farm as well as becoming a majority partner. He currently lives in the existing farmhouse with his parents and partner and this is not sustainable long-term and it has been accepted that there is a functional requirement for a full-time worker at the farm following the transfer of management and retirement of the parents. There are no alternative properties available on the farm or in the area and if Arwyn was to move away from the farm this would compromise the welfare of the animals.

Notwithstanding this, the financial information provided indicates that the business has made a loss over the last three years and is not financially sustainable. It would appear to be unable to support the notional wages of a single full-time worker and neither would it be capable of covering the mortgage for the proposed dwelling and as such the proposal is not affordable to the business and the financial test is therefore failed.

Furthermore, the first exception under 4.5.1 has also not been satisfied in that no version of a transfer of management agreement has been provided to confirm the majority control of the farm business by Arwyn.

The size and siting of the dwelling are considered appropriate for a rural enterprise workers dwelling.

RE-CONSULTATION RESPONSES (IF RELEVANT) NATURAL RESOURCES WALES

We note the submission of the TLSE in relation to the above planning application (ref 10/2021/1173). We concur with the conclusion of the Assessment that the proposed development will not result in likely significant effects alone, or in combination with other plans or projects.

READING AGRICULTURAL CONSULTANTS

2nd Response:

Ultimately, as with the previous information, the overall profit level is very low and would not be able to meet the cost of an additional full time worker, and certainly not in addition to the anticipated mortgage cost. This does not alter the conclusion made in my original appraisal.

Final Response:

The financial information provided indicates that the business has made a small average profit over the last three years and is not financially sustainable. It would appear to be unable to support the notional wages of a single full-time worker and be capable of covering the mortgage charges for the proposed dwelling and as such the proposal is not affordable to the business and the financial test is therefore not met.

A draft version of a transfer of management agreement has been provided to confirm the majority control of the farm business being transferred to Arwyn Davies and is considered to satisfy the first exception under 4.5.1.

RESPONSE TO PUBLICITY:

No representations received.

EXPIRY DATE OF APPLICATION: 13/01/2022

EXTENSION OF TIME AGREED: 07/10/2022

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks permission for the erection of an agricultural workers dwelling, installation of a sewage treatment plant and associated works on land at Nant Y Gau, Bryneglwys, Corwen.

1.1.2 The proposal is for a second dwelling at the agricultural enterprise and the application is supported by a confidential Rural Enterprise Dwelling Appraisal carried out by Ainsley Baker from Kite Consulting (dated 1st November 2021). The appraisal seeks to set out the justification for the proposed agricultural workers dwelling. Additional information was also subsequently submitted including Accounts (28th March 2022), Strategic Business Plan (13th June 2022), Response to comments raised by RAC (13th June 2022), Partnership Agreement (13th June 2022), Accounts (13th June 2022), and Budget projections (13th June 2022).

1.1.3 The following summary of the enterprise is taken from the Kite Consulting Appraisal:

'The business of TB & M Davies, based at Nant y Gau is run by Arwyn Davies in conjunction with father Bryn, mother Marian and partner Grace. The business is centred at Nant y Gau and is a 215 hectare part owned and part rented unit. Stocking in the business consists of 30 suckler cows, 1 breeding bull, store cattle and purchased milk fed calves. There is a mainly Texel and Beltex flock of 750 breeding ewes plus a small pedigree flock of Charolais and Beltex ewes producing rams and ewes for breeding. Arwyn with his dog Peg were the 2019 Welsh National Sheepdog

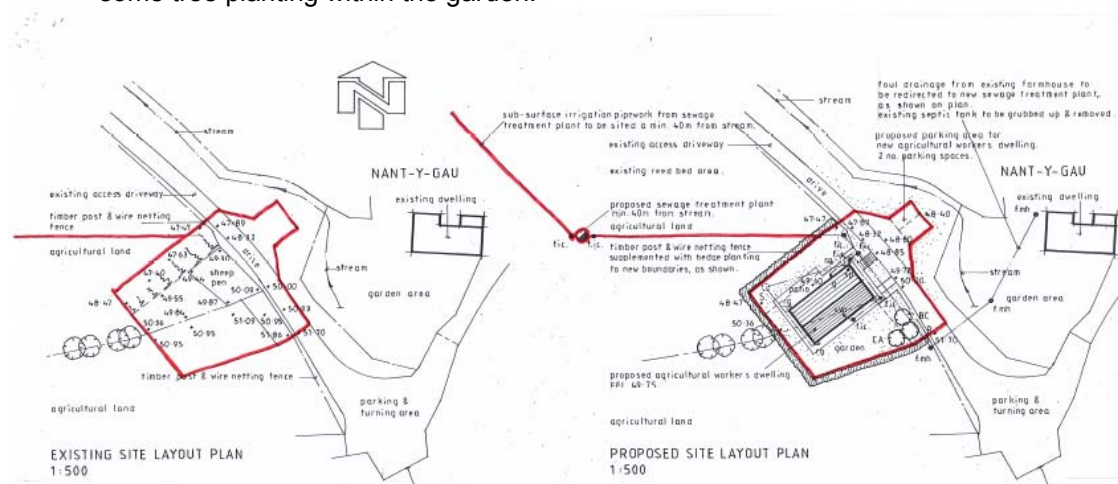
Trials Champions and alongside Grace work with a small number of training clients. Cropping on the unit is mainly grass.

The results of the business review and forward budget show that the business is in a good financial position and indicates a viable future operation.

A key objective is to construct a dwelling house on the unit at Nant y Gau for occupation by Arwyn Davies who needs to live on site to accomplish his work effectively. Arwyn works full time on the unit and is now in the process of taking over the day to day running of the unit from his father Bryn who has stepped back from the business in preparation for semi-retirement. It is proposed that for the welfare of the livestock, security and the successful handover of this family business, the provision of a further permanent dwelling at the unit is essential'.

- 1.1.4 Arwyn will become the Head of Holding with at least a 51% share of the business, which is planned to increase over time as his parents gradually retire. Arwyn will become the lead partner with day to day operational responsibility for the farm.
- 1.1.5 Marian and Grace both support the farming business and also work off farm on a part time basis.
- 1.1.6 The main farmhouse is currently occupied by Bryn and Marian Davies, their son Arwyn and his partner Grace. This is a modest 3 bedroom property. Whilst this has been acceptable for a short period of time, it is now important that Arwyn and Grace have their own space in an independent dwelling on the farm.
- 1.1.7 Arwyn previously worked partially at home and as a self-employed contract shepherd. Arwyn is now responsible for the full time day to day management of the farm including lambing ewes, calving and breeding cows, feeding stock, veterinary operations, mechanical operations, management of the forage operations, various management tasks and day to day strategy and decision making (in conjunction with Bryn) involved in running a full time mixed livestock farm.
- 1.1.8 Bryn is keen to reduce his input into the farming business and succession to Arwyn is part of this process. Construction of an agricultural workers dwelling house at Nant y Gau for Arwyn is a key component of this.
- 1.1.9 The proposed dwelling would consist of a single storey two-bedroom bungalow. It would have a ridge height of 6m and eave height of 2.5m, and would have a length of 14.2m by a depth of 8m. The overall footprint would measure approximately 113m². All of the rooms would comply with the minimum floor space standards set out within the Residential Space Standards Supplementary Planning Guidance Note.
- 1.1.10 The dwelling would include a living room, kitchen-dinner, utility with shower, two bedrooms and a bathroom.
- 1.1.11 The proposed materials for the bungalow are:
 - Walls: White or Off-White smooth painted or self-coloured render.
 - Roof: Natural blue/grey mineral slate.
 - Windows: White or coloured upvc windows.
 - Doors: White or coloured upvc windows.
 - Boundary treatments: Existing and new timber post and wire netting fencing. Fencing to be supplemented with native species hedge planting, as shown on the plans.
 - Hardstanding: Concrete surface finish
 - Rainwater goods: Black upvc gutters and downpipes.
- 1.1.12 The proposed location is adjacent to the main farm yard in an area that is currently occupied by sheep pens. The proposed parking would be adjacent to the site in a level area. The site is detailed to be enclosed within a proposed timber post and wire

fence with a new proposed native hedge surrounding this. The proposals also show some tree planting within the garden.



1.2 Other relevant information/supporting documents in the application

1.2.1 The application is supported by a drainage strategy that includes porosity tests that found that the ground has suitable porosity.

1.2.2 The application is also supported by a confidential Rural Enterprise Dwelling Appraisal carried out by Ainsley Baker from Kite Consulting (dated 1st November 2021) which seeks to set out the justification for the proposed agricultural workers dwelling. Additional information was also subsequently submitted including Accounts (28th March 2022), Strategic Business Plan (13th June 2022), Response to comments raised by RAC (13th June 2022), Partnership Agreement (13th June 2022), Accounts (13th June 2022), and Budget projections (13th June 2022).

1.3 Description of site and surroundings

1.3.1 The applications site forms part of an existing field adjacent to the existing farm yard and dwelling. The area is currently occupied by sheep pens. The site is well related to the existing farm house and buildings, being on the adjacent side of the main farm track.

1.3.2 The land slopes down from the east to the west. There is a good backdrop of trees and hedges and the topography beyond the site behind where the proposed dwelling would sit. There are also mature trees and hedges along the highway and track which will help assimilate the site into its setting from public views from the highway and footpath.

1.4 Relevant planning constraints/considerations

1.4.1 The application site is located in the open countryside. The site is located within the Area of Outstanding Natural Beauty. The application site is on agricultural land of grade 3b and 4. The site forms part of the Phosphate Sensitive Special Area of Conservation Catchment Area (Bala Lake and River Dee). A Public Right of way is located to the south of the application site/farm and along the access track. The site is within the 10m buffer and proposes access off this.

1.5 Relevant planning history

1.5.1 None.

1.6 Developments/changes since the original submission

1.6.1 Additional information was received regarding the business, accounts and Partnership Agreement.

- 1.6.2 The drainage plans were amended to discharge to ground in order to comply with the Natural Resources Wales guidance regarding phosphate within a phosphate sensitive catchment area (Special Area of Conservation – River Dee and Bala Lake).

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 10/2002/0648 Erection of livestock shed. Granted 09/08/2002.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Agricultural and Forestry Workers Dwellings

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Planning for the Dark Night Sky

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 2 Planning and Affordable Housing (2006)

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2016)

TAN 18 Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that

planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Area of Outstanding Natural Beauty

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 Welsh Government's priorities for rural areas, and 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."*

Paragraph 4.5.1 considers second dwellings on established farms and states:

"The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be fully satisfied. The two exceptions to the policy are:

- Where there are secure and legally binding arrangements in place to 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; or,*
- There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business."*

This is further qualified in paragraphs 4.5.2 and 4.5.3:

“4.5.2 In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out above and in paragraph 4.4.1 c-e are met. These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after this TAN comes into force and not to subsequent dwellings.

4.5.3 It must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. In addition, where all the criteria specified above are met the planning authority should ensure that the new dwelling is tied to the holding by way of a legal agreement.”

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 TAN 6 make provision for the development of rural enterprise dwellings, subject to the key tests outlined above being met. The tests are reviewed in the following sections of the report.

Tests for rural enterprise dwellings

In assessing the case for the dwelling in respect of the TAN 6 tests, Reading Agricultural Consultants were instructed to carry out an independent agricultural appraisal to consider whether there is sufficient agricultural justification for the dwelling on the basis of the tests set out in Technical Advice Note 6 (TAN 6).

In summary, in relation to the TAN 6 tests, the independent agricultural appraisal concludes the following :-

(a) The Functional Need Test

The functional test examines whether it is essential for a worker to live on the site to meet any out-of-hours emergency requirements which could be anticipated and which, if there were no presence, the viability of the business could be jeopardised.

The test of functional need is based upon the existing operations, as emphasised in paragraph 4.4.1a of TAN 6.

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

a. there is a clearly established existing functional need;.....”

There is a legal responsibility under the Animal Welfare Act 2006 to ensure that all animals are kept in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter, the prevention or rapid diagnosis and treatment or injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour. The issue of security is also acknowledged to be an increasing problem and such risks can only be adequately managed with on-site supervision.

There is no doubt that large numbers of sheep and cattle require a considerable amount of out-of-hours care with associated emergency requirements during calving and lambing as well as associated metabolic disorders and physical injuries which need rapid intervention on grounds of animal welfare. It is not clear when the cows calve and it could be that in isolation there is little functional need for the remainder of the year if the calve in spring. However, notwithstanding this, there is a large number of sheep and potential for problems to occur during the remainder of the year.

(b) The Labour Requirement

Using the John Nix Pocketbook (52nd t Edition, 2022) and based on the farm's livestock numbers the current labour requirement would require 3.45 full-time workers and the functional test has therefore been met.

(c) The Financial Test

The financial test in TAN 6 requires that:

“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;...”

Paragraph 4.10.2 states:

“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.”

The TAN 6 Practice Guidance states that in order for a farming business to demonstrate viability, it should be generating sufficient profits to reward the owner for any unpaid labour – equivalent to the national minimum wage and provide for the build cost of the proposed dwelling.

The five-year cashflow projections indicate drawings per annum which would be below the average annual wage for a full-time worker and no additional family labour costs are shown in the overhead costs. However the five year projected profit & loss account does identify a profit level that would support a wage to reflect the annual average cost for a full-time worker.

The financial information provided indicates that the business has made a small average profit over the last three years but is not financially sustainable. It would appear to be unable to support the notional wages of a single full-time worker and be capable of covering the mortgage charges for the proposed dwelling and as such the proposal is not affordable to the business and the financial test is therefore not met.

Overall, RAC considers the applicant has still not demonstrated that farming enterprise has good levels of profitability and is not therefore considered to be financially sustainable in the medium to long term. The proposal therefore fails the financial test at 4.4.1.

d) Other Suitable and Available Accommodation

There is an existing farmhouse on the site which is currently occupied by the applicant, his partner and parents, who are working toward retirement from the farm business. This is a short-term arrangement and not sustainable long-term for the needs of Arwyn and Grace. The Kite Appraisal states that there are no other dwellings available at Nant Y Gau or buildings capable of conversion. The existing three-bedroom dwelling is of modest proportions and the functional need for an additional worker to live at the farm has been met.

A search of www.rightmove.co.uk on 17th February 2022 has confirmed that there are no current dwellings for sale within 1 mile of the application site which would provide an alternative solution to the proposed dwelling. The applicant also confirmed that being off the farm would compromise the ability to manage the farm.

Having regard to para 4.11.1 of TAN 6, it is considered that there aren't other properties or buildings available in line with the national policy tests outlined in TAN6.

e) Siting and Access

The siting and access will be discussed in more detail in the report but RAC consider that the proposed dwelling is within close proximity to the existing farmhouse and buildings and from there Arwyn will be able to meet the functional needs of the housed cattle and sheep. It is to be sited in an existing field with access onto the main driveway. The siting is considered appropriate.

Para 4.12.1 of TAN 6 states *that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape.*

Having regard to the proposed siting and access arrangements, Officers consider that the siting adjacent to an existing farm complex is acceptable.

Transfer of Management

TAN 6 provides an exception where the tests for a rural enterprise dwelling under paragraph 4.5.1 cannot be satisfied, is:

“Where there are secure and legally binding arrangements in place to 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”

A copy of a professionally drafted legal agreement has been provided and is accepted as meeting the test. Any permission granted should be subject to a binding legal agreement which demonstrates the transfer of management to Arwyn Davies, who will have majority control over the business and decisions. This is considered to satisfy the first exception under 4.5.1.

Conclusions:

The Conclusions of the Agricultural Consultant against the TAN 6 tests are as follows:

- i) The dwelling would meet the essential needs of the enterprise and ensure the welfare of the livestock is not compromised.
- ii) The siting and access would be acceptable and appropriate for the farm business.
- iii) The financial information provided indicates that the business has made a small average profit over the last three years and is not financially sustainable. It would appear to be unable to support the notional wages of a single full-time worker and be capable of covering the mortgage charges for the proposed dwelling and as such the proposal is not affordable to the business and the financial test is therefore not met.
- iv) A draft version of a transfer of management agreement has been provided to confirm the majority control of the farm business being transferred to Arwyn Davies and is considered to satisfy the first exception under 4.5.1.
- v) There are no other suitable and available dwellings in the locality that can meet the essential needs of the business.

Officers consider the proposal fails the financial test at 4.4.1.

Given the above assessment of the proposal, the additional dwelling to accommodate an agricultural worker is not considered to be acceptable in principle as the scheme does not satisfy the financial tests of TAN 6.

Having regard to PSE5, Officers do not consider that criteria iii) is met regarding the appropriateness of the business case due to the proposals failing the financial tests of TAN 6.

Further assessment of the visual amenity impacts will be discussed further in the following section of the report.

4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

The proposed dwelling would consist of a single storey two-bedroom bungalow. It would have a ridge height of 6m and eave height of 2.5m, and would have a length of 14.2m by a depth of 8m. The overall footprint would measure approximately 113m². All of the rooms would comply with the minimum floor space standards set out within the Residential Space Standards Supplementary Planning Guidance Note.

The proposed unit would be located on a plateau adjacent to the access to the existing farm house and buildings. It is considered that the use of proposed materials would be in keeping with the site and that the proposed native hedgerow around the property would further integrate the property into its surrounding.

The land slopes down from the east to the west. There is a good backdrop of trees and hedges and the topography beyond the site behind where the proposed dwelling would sit. There are also mature trees and hedges along the highway and track which will help assimilate the site into its setting from public views from the highway and footpath.

Having regard to the design, siting, scale and appearance, including additional proposed landscaping, it is considered that the proposed dwelling would integrate with the existing built form of the farm and into the site. It is considered that this complies with criteria i) of Policy PSE5.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The site is 40m away from the existing farm house which is in excess of all minimum distance standards. The nearest unrelated dwelling is located 300m to the north west of this dwelling. It is considered that there would be no unacceptable residential amenity impacts such as privacy and overlooking given the separation distance between the properties.

The proposed dwelling would comply with all of the minimum residential standards for rooms and a two bedroom property in the Supplementary Planning Guidance Note: Residential Space Standards. Furthermore, the proposal would comply with the Welsh Development Quality Requirements 2021 Creating Beautiful Homes and Places for affordable dwellings which is necessary in any occupancy condition in the instance where the use for agriculture was no longer required:

'The occupancy of the dwelling shall be restricted to:

a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,
b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants'.

There is also an acceptable amount of external amenity area associated within the proposed dwelling.

It is therefore considered that the erection of a dwelling in this location as proposed is acceptable in respect of residential amenity.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The proposals include provision of a Vivaro Pro Woodstone Build in Bat box on the west gable (facing the fields), native tree planting and a native hedgerow which are considered to provide an ecological enhancement. Conditions could be used to require full implementation of these measures.

4.2.5 Drainage

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

The site is in the Phosphate Sensitive SAC Catchment. A Test of Likely Significant Effect (Habitat Regulations Assessment) was carried out that concluded that; *'the proposed development includes a private sewage treatment systems discharging domestic wastewater to ground more than 50m from a SAC boundary, and which has a maximum daily discharge rate of less than 2 cubic metres (m³), including the waste from the existing farmhouse foul drainage to the proposed new sewage treatment plant and the existing dated septic tank will be grubbed up and removed. The maximum rate of discharge of sewage from the existing dwelling and the new agricultural workers dwelling would be maximum of 11 persons x 150 litres per day = 1650 litres per day = 1.65 cubic metres per day (less than 2 cubic metres per day).*

The proposed sewage treatment plant would be installed to the relevant British Standards – BS 6297:2007 + A1:2008. The drainage field from the sewage treatment plant is 40m from the stream to the north-east of the application site. The drainage field from the sewage treatment plant is not in the vicinity of a SSSI and SAC boundary. The applicant has confirmed that there are no other properties with a private septic tank/sewage treatment plant discharge to ground within 200m of the application site and they understand that there is no other private septic tank/sewage treatment plant discharge to ground within a 4 ha area of the proposed site to the south-east of the stream/watercourse.

As a result, it is considered that there will be no likely significant effects'.

Natural Resources Wales were consulted on the application and advised that; *'We note the submission of the TLSE in relation to the above planning application (ref 10/2021/1173). We concur with the conclusion of the Assessment, that the proposed development will not result in likely significant effects alone, or in combination with other plans or projects'.*

It is therefore considered that the proposals are acceptable in terms of phosphate.

The proposed dwelling would be in excess of 100m² and would therefore require SuDs Approval Body (SAB) approval. SuDs is a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m². The developer would have to get SAB approval separately from planning permission and construction can only begin when SAB approval and planning permission have been granted.

4.2.6 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

The application includes details of access and it is proposed that a new access to serve the property would be created off the existing driveway to the farm and parking provided adjacent to the access on the other side of the track for 2 vehicles.

Highways Officers have raised no objection to the proposed access arrangements. The existing access to the farm complex will remain as existing. It is not considered the additional traffic movements from the new dwelling onto the lane would increase. The parking provision would be appropriate to serve the number of bedrooms.

Path 8 (bridleway) Bryneglwys passes within the red line boundary of the development and will therefore need protecting. It appears the bridleway passes along an existing made up track that serves as the primary farm access to Nant Gau farm. The Footpaths Officer is therefore of the view that the developers have it in their own interest to keep this route open and safe during the construction phase and will continue to ensure it remains safe and available after. A note to applicant can be used to advise that if the developer has any proposals to install additional gates across the path or alter the surface then they will need contact Footpath Officers to gain consent.

Officers would therefore conclude that the proposal would not adversely impact on highway safety and the proposal is considered to be in compliance with the policies and guidance.

4.2.7 Area of Outstanding Natural Beauty

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (PPW 11) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Supplementary Planning Guidance (SPG) has been developed – ‘The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)’ along with a specific SPG for lighting in the AONB - ‘Planning for Dark Skies’. The SPG’s provide guidance and advice on design and lighting principles which should be followed to assist new development proposals in the area.

The Clwydian Range And Dee Valley Area Of Outstanding Natural Beauty Joint Advisory Committee were consulted on the application and advised that subject to the planning authority being satisfied of the agricultural need for the dwelling and that all necessary planning tests can be met, the Joint Committee has no objection to the

application. They commented that the simple design and materials are appropriate to the setting and the proposed landscaping is supported.

The only aspect that they consider required control is that no details of external lighting are shown but the committee would recommend that a condition be attached to any permission requiring further details of any proposed lighting to ensure it is designed and specified to conserve the AONB's dark sky and nocturnal wildlife.

Based on the foregoing, it is considered that the proposed development could conserve the AONB and the proposals do not warrant refusal on this basis subject to condition.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 for a second dwelling at an established farm for a farm worker. The dwelling is considered to meet the essential existing functional needs of the enterprise and ensure the welfare of the livestock is not compromised.
- 5.2 Given the labour requirement at the farm from existing livestock, it is considered acceptable that the proposed additional dwelling would be occupied by a full-time worker. In addition, a copy of a professionally drafted legal agreement which demonstrates the transfer of management to Arwyn Davies, who will have majority control over the business and decisions. This is considered to satisfy the first exception under 4.5.1.
- 5.3 It is considered that 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.
- 5.4 All other material considerations such as siting and access are considered to be acceptable.
- 5.5 However, RAC and Officers have concerns that the applicant has still not demonstrated that farming enterprise has good levels of profitability and is not therefore considered to be financially sustainable in the medium to long term. The business has not demonstrated that it is able to support the notional wages of a single full-time worker and be capable of covering the mortgage charges for the proposed dwelling and as such the proposal is not affordable to the business and the financial test is therefore not met. The proposal therefore fails the financial test at 4.4.1.
- 5.6 Having regard to PSE5, Officers do not consider that criteria iii) is met regarding the appropriateness of the business case due to the proposals failing the financial tests of TAN 6.

5.7 In summary, the additional dwelling to accommodate an agricultural worker is not considered to be acceptable in principle as the scheme does not satisfy the financial tests set out in TAN 6.

5.8 All elements of the TAN 6 tests for rural enterprise dwellings must be passed and in this case they are not. The application is therefore recommended to be refused.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority that the application fails to demonstrate key tests of TAN 6 and LDP Policy PSE5 are satisfied to justify the proposed dwelling, in terms of demonstrating that the enterprise is financially sound and capable of supporting the notional wages of a single full-time worker and capable of covering the mortgage charges for the proposed dwelling. The proposal is therefore considered contrary to criteria iii) of Policy PSE5 and the rural restraints policies of Planning Policy Wales (Edition 11, 2021) including the advice and guidance contained in Welsh Government Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and the accompanying Rural Enterprise Dwellings Practice Guide (December 2011).