

**ITEM NO:** 2

**WARD NO:** Llanfair Dyffryn Clwyd / Gwyddelwern

**APPLICATION NO:** 20/2011/1138/ PF

**PROPOSAL:** Demolition of two redundant stone buildings and erection of an agricultural workers dwelling

**LOCATION:** Land at Tyn Y Celyn Llanfair Dyffryn Clwyd Ruthin

**APPLICANT:** Mr Gwynfor Elfyn Hughes

**CONSTRAINTS:** AONB

**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

**CONSULTATION RESPONSES:**

**LLANFAIR D.C. COMMUNITY COUNCIL**

"This application was discussed in depth by members. They considered that the fabric of the existing building should be retained and therefore be converted and not demolished. They were of the opinion there was no reason for demolition. County Councillor Bobby Feeley did not participate in the discussions or vote on this application".

**COUNTRYSIDE COUNCIL FOR WALES**

No objections.

**ENVIRONMENT AGENCY**

No response.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**HEAD OF VALUATION AND ESTATES**

Concludes it is difficult to justify the need for an additional dwelling at Tyn y Celyn Farm. Notes that the application form, filled in by the applicant, clearly states that "G.E. Hughes farms a dairy unit on a self-employed basis without any labour assistance". On this basis, it seems that the existing 3 bedroom house is sufficient for the existing enterprise at this time.

**AONB JOINT ADVISORY COMMITTEE**

"The JAC has no objection in principle to an additional dwelling on this holding providing the local planning authority is satisfied that there is an essential agricultural need.

However, the JAC consider the existing range of redundant stone buildings it is proposed to demolish add to the traditional character and appearance of the AONB and would prefer these to be retained and converted to an agricultural workers dwelling rather than the substantial, entirely new building which is currently proposed. It is noted that the structural report prepared by the applicant suggests that considered works are required to restore and convert these buildings, but the JAC would suggest

that this appears to be comparable to many other similar conversions which have been granted permission and would recommend that the local planning authority secure an independent structural appraisal.

The JAC also has some concerns about the scale and design of the proposed new dwelling which has a suburban appearance unsuited to its countryside setting”.

**SENIOR CONSERVATION OFFICER**

Considers it is a shame that good farm buildings are being demolished to be replaced with a suburban house.

**BUILDING CONTROL MANAGER**

Notes the structural report concludes the building would be difficult to convert to provide modern living accommodation.

**HEAD OF HIGHWAYS AND INFRASTRUCTURE**

No objections.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 15/12/2011**

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

- additional information required from applicant

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the demolition of two redundant outbuildings, and the erection of a single, two storey detached agricultural workers dwelling.
- 1.1.2 The buildings to be demolished are constructed of natural stone with slate roofs. One of the buildings to be demolished is the former farmhouse, which it is understood was replaced by the current dwelling Tyn y Celyn in the 1930's. Photographs at the front of this report show the buildings in question.
- 1.1.3 The proposed dwelling would be a two storey unit with a maximum ridge height of 8 metres. The front of the dwelling would be 17 metres wide, with a depth of 9.5 metres. Internally, there would be a living room, dining room, utility/wc, office, kitchen, family room, 4 bedrooms (one with en-suite), and bathroom. It would be constructed of natural stone (reclaimed from the demolished outbuildings), and a slate roof.
- 1.1.4 Access to the dwelling would be via an existing entrance off the B5429 which serves the farm yard.
- 1.1.5 Submitted with the application is a Design and Access Statement, A Code for Sustainable Homes report, a structural report into the condition of the outbuildings, a protected species survey, new agricultural dwellings questionnaire and a Rural Enterprise Dwelling Appraisal (as carried out by Parry Davies Architects). The submitted information includes the following:-

- The proposal is for an additional dwelling for an established family business run currently by a mother and son, Mrs. Enidwen Hughes and Mr. Gwynfor Hughes. Mr. Hughes requires the dwelling for his own family.
- Mr. Hughes has majority interest in the farm. He is required for supervisory presence, is responsible for the management of the business and all decisions including financial decisions. Mrs. Hughes owns approximately 1/3rd of the business, and although she resides on site, is not fully equipped to meet the demands of the farm on a full time basis. Mrs. Hughes is heavily relied upon for the business running of the farm.
- Owing to the work requirements, in principle the functional tests are met.
- There are affordable units in the vicinity but none are sufficiently close to enable the maintenance of current levels of supervision. Conversion of existing buildings is not possible.
- The total existing stock is 170 dairy cattle and 60 sheep.
- The farm comprises 48ha owned by Mr. Hughes and a further 30ha tenanted by the applicant.
- The financial information submitted shows the enterprise to be a wholly viable and going concern.

- 1.1.6 The submission does not include a detailed labour assessment. However, it is to be noted that the application is not made on the basis of the need for an additional worker, nor is the argument made that the additional dwelling is to enable a transfer of control of the farm enterprise to Mr. Hughes.

## 1.2 Description of site and surroundings

- 1.2.1 The site is located to the east of the B5429 between Llanbedr and Graigfechan, 1km north east of Llanfair D.C., village.
- 1.2.2 The site for the dwelling is open, and level. To the north are the outbuildings to be demolished, and other outbuildings which are still in agricultural use. 45 metres to the west of the site is the existing dwelling, Tyn y Celyn. To the south and west of the site are open fields.
- 1.2.3 The existing dwelling was built in the 1930's, and is a two storey detached dwelling with hipped gable roofs, and a double fronted appearance. It is constructed of brick and render, and has a slate roof.
- 1.2.4 The nearest non related dwelling is Maes Hyfryd, located on the opposite side of the B5429, some 65m from Tyn y Celyn farmhouse.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside outside of any defined development boundary in the Unitary Plan and within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

## 1.4 Relevant planning history

- 1.4.1 None.

## 1.5 Developments/changes since the original submission

- 1.5.1 None.

## 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:

### 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

- Policy GEN 3 - Development outside development boundaries
- Policy GEN 6 - Development Control Requirements
- Policy HSG 6 - New dwellings in the open countryside
- Policy ENV 2 - Development Affecting the AONB
- Policy TRA 6 - Impact of New Development on Traffic Flows
- Policy TRA 9 - Parking and Servicing Provision
- Policy ENV 6 - Species Protection

### 3.2 Supplementary Planning Guidance

- SPG 9 - Agricultural and forestry workers dwellings

### 3.3 GOVERNMENT POLICY GUIDANCE

Planning Policy Wales 2011

Technical Advice Note 5 : Nature Conservation & Planning

Technical Advice Note 6 : Planning for Sustainable Rural Communities

Technical Advice Note 6 : Rural Enterprise Dwellings – Practice Guidance

Technical Advice Note 12 : Design

## 4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity/AONB
- 4.1.3 Impact on highway safety
- 4.1.4 Impact upon protected species
- 4.1.5 Inclusive access and Sustainability Code issues

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The Denbighshire Unitary Development Plan Policy GEN 3 relates to new residential development outside development boundaries. Criterion I states that development in connection with housing a farm worker may be acceptable subject to the provisions of Policy HSG 6. HSG 6 sets out the tests for development proposals relating to the erection of agricultural workers dwellings. These tests require a financial and functional need to be established to justify grant of permission.

Welsh Government planning policy on rural enterprise development is contained in Planning Policy Wales 2011, and Technical Advice Note 6 (July 2010) and a follow up Practice Guidance note to Technical Advice Note 6 in December 2011. These documents restate the need for general restraint on sporadic development in the countryside, and set out the requirement for applicants to fully justify new dwelling proposals. The TAN 6 documents outline four generally applicable tests which need to be applied:

- Functional test: It is necessary to establish whether it is essential, for the proper functioning of the enterprise for one or more workers to be readily available at most times.
- Time test: If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

- Financial test: The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining sustainable for a reasonable period of time, usually at least 5 years.
- Alternative Accommodation test: This requires assessment whether 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.

With regard to these tests and the submitted information with the application:

- **Functional test:**  
The Agricultural Appraisal identifies areas of activity which require or have the potential to require the ready availability of a key worker on a unit outside normal working hours. These include the management of the breeding programme, care of young animals and stock welfare, and milking duties. Officers would accept the requirements of the functional test are met, in that there is a need for a key worker to be available on site. However, it is to be noted that there is already a dwelling on the unit (Tyn y Celyn) which is capable of providing the accommodation for the key worker.
- **Time test:**  
The Agricultural Appraisal submitted in support of the application does not provide a detailed appraisal of the labour requirements for the farm. It states, in relation to the time test that, the additional dwelling will house Mr. Hughes and his family, with the existing dwelling continuing to house Mrs. Hughes. There is no case made that an additional worker is required based on Standard Man Days figures and it is understood that labour arrangements will stay the same. It is not considered that the Time Test has been adequately addressed in the submission to conclude on the labour requirement on the farm.
- **Financial test:**  
The Agricultural Appraisal states that the farm has been profitable for the years 2007, 2008, and 2009. It highlights that the profit for the past two years has been between 44.4% and 36.6%. A letter from the National Farmers Union confirms that the enterprise is viable and a going concern. Officers consider the information indicates the financial soundness of the enterprise.
- **Alternative Accommodation:**  
The Agricultural Appraisal states there is alternative accommodation available within the Llanfair area, however, the Agent discounts these as they would not be on site, and it is a functional requirement that the applicant lives on site.

In relation to the accommodation test, TAN 6 refers to the need to justify why labour or residential arrangements cannot be re-organised to ensure that existing accommodation meets the needs of an enterprise without the need for another dwelling. In this case, the option of extending the existing dwelling to provide additional accommodation has not been explored. Neither is it indicated why no consideration has been given to Mrs. Hughes relocating to one of the 'affordable' units identified in the locality, as the Appraisal suggests that she is not fully equipped to help on a day to day basis, and it does not advise if she undertakes any active work on the running of the enterprise. In addition, it is clear that there are redundant outbuildings on the site. The submitted structural report contends that they are not suitable for conversion to modern living standards, and that it would be difficult to undertake such a conversion. However, Officers would respectfully suggest these are factors which are common to the majority of applications to convert outbuildings to dwellings, and it is politely suggested that the resistance to conversion is based on convenience rather than practical or

structural reasons. TAN 6 is quite clear in its presumption of favouring conversion over new build in such situations,. The presence of a slurry tank close to the rear of the outbuildings is noted, but again, the inference in TAN 6 is that moving the slurry tank and converting the buildings would always be preferable to allowing a new dwelling to be built in the open countryside. It is not considered that the Alternative Accommodation test has been met, or that it is impractical to adapt existing buildings on the complex for residential use, contrary to Unitary Plan Policy HSG 6 (i).

TAN 6 includes a section on the Handover of management and outlines circumstances in which a second dwelling may be acceptable on an established farm as long as it is financially sustainable to support younger people to manage farm businesses and there is clear evidence of, for example, in the form of 'succession planning' , and a handover agreement.

In cases where succession planning is involved, TAN 6 practice guidance states that the general requirement to address alternative housing options still applies, as does the need to explore alternative management approaches which might avoid the need for an additional dwelling. In this instance, it is respectfully suggested that the existing dwelling could be occupied by a person who would, following the transfer of management responsibilities, no longer play a major functional role in the enterprise, and indeed may progress towards retirement. Where dwellings are allowed by this exception, it is necessary to provide legally binding documentary evidence which demonstrates that majority control of a farm business has indeed been transferred to the younger person concerned. The companion guide suggests this legal agreement be drawn up with professional support of legal and financial advisors and the agreement of all parties with an interest in the farm business or any of its assets and of the local planning authority. From the information submitted, it appears that the application is not being made on this basis.

#### 4.2.2 Impact on visual amenity/AONB

Policy GEN 3 requires development in conjunction with agricultural uses do not impact unacceptably upon the natural or built environment. Policy GEN 6 contains a raft of criteria which aim to protect the character and appearance of the area from inappropriate development. Policy ENV 2 specifically aims to enhance and preserve the natural beauty of the area. Small scale development, such as that involved in the proposal, is only be permitted by Policy ENV 2 where it would not detract from the character and appearance of the AONB.

The proposed building would be sited some 60m from the public highway. There would be clear views of the building from the highway. The proposed dwelling would be 17 metres wide and 8 metres high. It would be constructed of natural stone and slate. Landscaping to the front is proposed, although there is only limited detail submitted. Indicative plans suggest trees would be planted around the front boundary.

In Officers' opinion, the scale and design of the building would make it a visible feature within the AONB landscape, although this would be balanced by the size and proximity of the existing agricultural buildings, and the reuse of the natural stone would help give some character to the building. The demolition of the stone barns would be an unfortunate loss, to the detriment of the character of the AONB. Overall, however, it is not considered that the proposal would significantly harm the character of the AONB and therefore it would not be in conflict with Policy ENV 2.

#### 4.2.3 Impact on highway safety

Policy TRA 6 seeks to ensure that proposals for new development do not

have an unacceptable impact upon the safe and free flow of traffic on the adjacent highway. Policy TRA 9 requires that new development provides adequate parking and manoeuvring space.

The proposed development would provide parking and manoeuvring within the site. Access would be via the existing farm entrance.

With regard to the impact upon highway safety, the proposal has been assessed by the Highways Officer who has not raised any objection to the proposal. It is considered that the proposal complies with Policies TRA 6 and TRA 9 and would not result in a detrimental impact upon the safe and free flow of traffic on the adjacent highway, and provides sufficient parking and manoeuvring within the site.

#### 4.2.4 Impact upon protected species

Policy ENV 6 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development.

A Bat and Bird survey has been submitted with the application. The survey found no evidence of bats in the outbuilding although bats were present in the surrounding area. Birds were found to be nesting in the building.

In the absence of any protected species it is considered that the ecological impacts of the proposal are acceptable and do not conflict with the requirements of Policy ENV 6.

#### 4.2.5 Inclusive access and Sustainability Code issues

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary Plan STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales 3, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene 1 – Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions can be included to ensure development is carried out in accordance with the requirements of Sustainability Code legislation.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The application is for the erection of an agricultural workers' dwelling on land associated with Tyn y Celyn Farm. The agents conclude that if permission is refused, the main worker would have to live away from site and this would have an unacceptable impact upon the business. However, it is the opinion of Officers that a case is not made to justify the principle of a second dwelling as key tests in current policy and guidance are not met: the alternative accommodation test has not been fully considered; no consideration seems to have been given to restructuring living arrangements to allow the primary worker, Mr. Hughes to reside in the existing dwelling with his family; and the justification given for not converting the redundant outbuildings to a dwelling is not considered to be strong. It is respectfully suggested, with regard to the policy tests, the case advanced is based on convenience and not essential need.

**RECOMMENDATION: - REFUSE** for the following reasons:-

1. It is the opinion of the Local Planning Authority that the case is not made for an additional dwelling at Tyn y Celyn Farm having regard to the key tests of Unitary Plan Policy and Welsh Government Policy and Guidance. The Authority consider there are redundant outbuildings which could potentially be converted to a dwelling, that the application fails to explore the alternative housing option test in TAN 6 as full consideration has not been given to re-organising existing labour arrangements, and there is no labour requirement information to assess the need for a second dwelling on the unit. It is considered the proposal would be contrary to the rural restraints policies of the Unitary Development Plan set out in Policies GEN 3 and HSG 6, and planning guidance set out in TAN 6 Planning for Sustainable Rural Communities, (2010), the TAN 6 Guidance Note (December 2011), and Planning Policy Wales, 2011.

**NOTES TO APPLICANT:**

None