

Location Plan





Site Plan





Front Elevation 1:100



Side Elevation 1:100



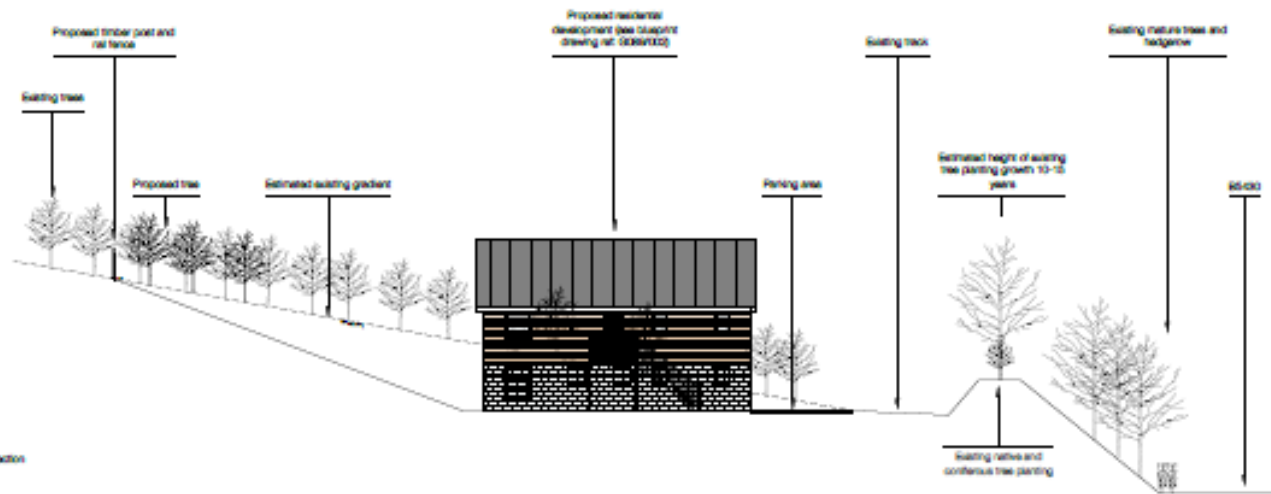
Rear Elevation 1:100



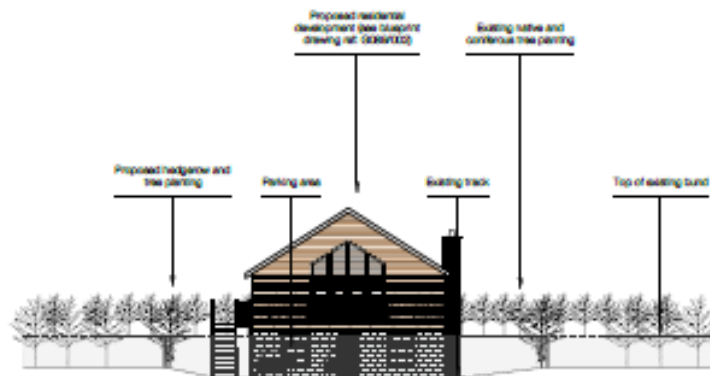
Side Elevation 1:100

Proposed elevations





Section - 000001  
 Type - East-west section



Section - 000002  
 Type - North-south section

# Site section







Site of proposed dwelling





Access track to site





Bund between site and highway

**WARD :** Alyn Valley

**WARD MEMBER(S):** Councillor Terry Mendies (C)

**APPLICATION NO:** 15/2022/0154/ PF

**PROPOSAL:** Erection of a rural enterprise dwelling, installation of a package treatment plant and associated works

**LOCATION:** North Hills Farm, Graianrhyd, Mold, CH7 4QS

**APPLICANT:** Simon Garrett

**CONSTRAINTS:** Phosphorus Sensitive SAC

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

**REASON FOR DELEGATED DECISION**  
**Scheme of Delegation Part 1, Section 1.1**

**CONSULTATION RESPONSES:**

**COMMUNITY COUNCIL**

Couldn't comment due to need for clarification and more information regarding the development of a rural enterprise dwelling therefore not supported.

**Llanarmon and District Conservation Society**

The Conservation Society thank DCC for allowing us to comment on this application but as we understand that the Planning process for a Rural Enterprise Dwelling is more complex we will leave it in the hands of the planning department to determine this application.

**NATURAL RESOURCES WALES**

*We have no objection to the proposed development as submitted and provide the following advice.*

*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.*

*However, recognising the specific nature of the application submitted e.g. private sewage treatment system which meets the screening criteria set out in our Planning Advice (May 2021), we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.*

*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**

No comments.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Traffic, Parking and Road Safety
- Highways Officer
- No objection.

Flood Risk Engineer  
SAB approval required.

**Reading Agricultural Consultants (12.04.2022)**

*Thank you for your instruction dated 24th February 2022 requesting Reading Agricultural Consultants' Ltd (RAC) comments on the above application. Additional information was requested by RAC and this was received on 24 March 2022.*

*In preparing this response I have had regard to:*

- the 'Rural Enterprise Dwelling Appraisal' by Cadnant Planning, dated February 2022;
- the associated plans; and,
- an email from Georgia Crawley, dated 24 March 2022, containing the agent's response to RAC's query re grazing and calving.

Background

1. North Hills Farm was purchased in 2007 with approximately 5.7ha (14 acres) and a farm house. A family farm was established in 2011 and the associated dwelling was sold to provide investment to grow the business. The farm now extends to 25ha (63 acres) on separate sites with the largest (16.7 ha/41.3 acres) being rented on a 10-year lease at Cae Glas, Llanfynnydd, approximately 5 miles away from the application site.

2. Currently, the applicant, Simon Garrett, and his family live in temporary accommodation, at the North Hills Farm site, which is the subject of an enforcement notice.

3. Mr Garrett is identified as the principal worker of the business with his partner Domini McMillan, providing support, primarily through administration. The submitted statement mentions seasonal assistance from their children, family, friends and students on a voluntary basis.

4. The enterprise comprises a forestry and Christmas tree business with a herd of 15 reindeer, seemingly kept for seasonal tourism purposes centred at North Hills Farm. There are also four pigs on site. Planning permission was in 2015 granted for holiday accommodation, although the this has not yet been constructed and appears to have now expired. The site is used for camping in the summer months.

5. The statement mentions other buildings on the farm, although these seem to be used either for storage or as field shelters and not suitable for conversion to a habitable dwelling.

6. The statement considers that there is a functional requirement for the applicant to be present on the site to attend to the valuable livestock. The business plan shows an increase the number of animals and refers to additional land (at Cae Glas) to increase the Christmas tree side of the business.

Proposal

7. The application seeks full planning permission for the erection of a dwelling at North Hills Farm, Graianrhyd. The site is immediately adjacent to the B5430, with the access located to the south. The site of the proposed dwelling is in an area identified within the submitted appraisal as a Christmas tree plantation area.

Relevant Planning Policies

8. One of the Welsh Government's main objectives for rural areas, as set out in 'Farming, Food & Countryside - Building a secure future' (May 2009), is the promotion of a:

"...sustainable and profitable future for farming families and businesses through the production and processing of farm and forestry products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to

*the vitality and prosperity of our rural communities. The planning system can play an important part in supporting the future sustainability of agriculture.”*

9. *The Welsh Government’s Technical Advice Note 6 (TAN 6) Planning for Sustainable Rural Communities (July 2010) is broadly supportive of a strong rural and agricultural economy. It states:*

*“The Welsh Assembly Government’s objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities. The planning system can play an important part in supporting the future sustainability of agriculture.”*

10. *TAN 6 also indicates that permission may be granted for permanent dwellings on well-established rural enterprises for essential workers who need to live on the unit where it can be demonstrated that:*

- 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.*

11. *The Denbighshire County Council Local Development Plan 2006-2021 Policy PSE 5 Rural Economy states:*

*“In order to help to sustain the rural economy, tourism and commercial development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising the special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty. Appropriate employment proposals for both conversions and 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; and*
- iv. within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.”*

#### *Appraisal Functional Need*

12. *The primary test set out in TAN 6 is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In this case, there is a herd of 15 reindeer, 4 pigs and Christmas trees.*

13. *An assessment of the essential need for a rural worker to live at or near their place of work requires:*

- an evaluation of the risks involved;*
- the frequency and type of out-of-hours emergency that might arise;*
- the scale and loss that could be incurred should that emergency situation occur;*
- the potential for an on-site worker to identify the problem; and,*
- the ability of that resident worker to rectify the problem.*



14. The applicant considers it essential that a full-time worker lives on site at North Hills to supervise the animals throughout the year and ensure that livestock welfare needs are not compromised.

15. 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.

16. Considering the small size of the herd, the number of emergencies and out of hours requirements would be commensurately low and the functional test cannot therefore be met.

Time Test

17. As stated within the submitted appraisal, there is no corresponding standard of labour requirements for reindeer, The animals are not farmed per se but bred for tourism/leisure purposes. The nearest comparable livestock is deer, found in the ABC Budgeting and Costing Book 92nd Ed (May 2021), where the labour requirement per animal is much lower than detailed within the submitted statement. For consistency the standard figure for labour for pigs and grass cutting from the ABC book has been applied, quoting the 2ha of land available for grazing at the farm. The more generous figure for sows has been applied, whereas piglets and finishing and rearing pigs command lower labour requirements (0.2 and 2.3 hours per head per year respectively). Since there is no comparable figure for Christmas trees, the figures included in the submitted appraisal have been used. Furthermore, the figures for maintenance and 'farm building' have been removed and the standard 15% 'management and maintenance' figure applied. The resultant labour requirements are summarised in the table below:

	Size	SMH	Total SMHs
<b>LIVESTOCK</b>			
<b>Deer (from ABC)</b>			
	number	Hours per Head per Year	
Deer	15	15	225
<b>Pigs</b>			
Pigs (sows?)	4	28	112
<b>Grass/Fodder Crops</b>			
	Hectares	Hours per Ha per Year	
Grassland	2	1.3	2.6
<b>Forestry</b>			
			437.05
<b>Christmas labour</b>			
			222
<b>Sub-Total</b>			<b>998.65</b>
<b>+ 15% for Farm Maintenance</b>			<b>149.8</b>
<b>Total</b>			<b>1,148.45</b>
<b>Overall Total Labour requirement</b>			<b>0.52</b>

18. These figures demonstrate that the business requires 0.52 full-time workers. However, it is worth noting that in terms of labour for livestock i.e., the functional element, only 0.15 of a full-time worker is required, even when applying a generous figure for pigs, and therefore the time test has been failed. Even if a more labour-intensive livestock equivalent value is applied to reindeer (horses for example incur a requirement of 40 hours per head per year) then the functional requirement is still only 0.27 or 0.69 overall and the test is still failed.

### Financial Sustainability

19. 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...”*

20. 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.”*

21. The farm business has been established since 2011 and RAC has had sight of the accounts for the business as well as business plan with financial forecast for the next 5 years. The summary of accounts in Appendix G of the submitted appraisal indicates an average profitability of £14,841 over the last three years with a profit of £31,065 in the year ended 2021. These figures include the payment of £12,000 wages per year, although given the low labour requirement and high proportion of voluntary work it is not clear why there is such a wage being paid or to whom. The average annual wage of a full-time agricultural worker is £16,777.1 which will need to be deducted from annual profit. Given the average profit of £14,841 then the applicant has an annual shortfall and cannot meet the minimum wage from the available profit.

22. The Cadnant statement references the construction of the proposed dwelling under paragraph 4.40, no further details of the construction cost or how it will be financed are included within the appended business plan. In fact, the business plan dedicates finances to expanding the business as a priority and acknowledges that the build costs of developing the tourism side of the business is will not be financially viable initially. The business projection shows losses in 2024 and 2025, assumedly due to investment, with the business returning to profit in 2026 and 2027. It is not clear, given the current level of profit, how the investments will be financed and indeed how the proposed property will be financed.

23. The submitted plans show a two-storey dwelling with a total floor space of 218 square metres. This is in excess of what would normally be considered affordable to a farm worker and particularly unaffordable to this business given the level of profit not even able to cover the applicant's nominal wages. The maximum size of an affordable dwelling, as dictated by appeal decisions, is 200 square metres.

24. Overall, RAC considers the applicant has not demonstrated that the rural enterprise is sufficiently sustainable with adequate levels of profitability to be able to afford the construction of the proposed dwelling. The proposal therefore fails the financial test.

### Other Dwellings

25. The appraisal states that there are no other dwellings or buildings suitable for conversion on the holding which can be used as alternative accommodation to the proposal. The previous farmhouse was sold to fund investment in the business. This sale demonstrates the lack of need of a dwelling on the unit.

26. A search of [www.rightmove.co.uk](http://www.rightmove.co.uk) on 6th April 2022 has confirmed that there are three dwellings for sale within 1 mile of the application site which would provide an alternative solution to the proposed dwelling. However, all of these dwellings are in excess of £500,000 which is not affordable to a rural enterprise worker on below minimum wage.

### Proposed Siting

27. the location of the proposed dwelling is detached from the existing built development and located within an existing tree plantation, sterilising the surrounding land. The site of the enterprise at North Hills is small and animals calve in the field in the main with no dedicated animal housing shown on the submitted plan. However, in order to minimise its impact on the landscape of the AONB to proposal should be located within close proximity to the existing built development and the LPA should apply normal considerations associated with amenity.

### Conclusion

28. A full planning application has been submitted for a rural enterprise dwelling at North Hills Farm to replace that which was sold to fund investment in the business. The applicant and his family currently live in temporary accommodation on the site, which is the subject of an enforcement notice. The sale of the original dwelling is seen as an absence of need for a dwelling.

29. Although it is accepted that some aspects of the care of the livestock on site may need rapid intervention, given the low numbers of animals, it is not accepted that this requires a full-time employee to live at the site as the functional need of the existing livestock represents a very small proportion of the labour requirement.

30. Furthermore, although demonstrating profit in the last three years, the applicant is not able to pay himself minimum wage. The level of profit is inadequate to meet the investments needs of the business to grow and remain financially sustainable whilst funding the construction of a new dwelling. Insufficient information has been provided as to how the proposed dwelling would be funded and the building size exceeds what can be considered affordable. It has therefore been concluded that the dwelling would not be affordable to the business and the financial test has been failed.

31. The siting of the dwelling away from existing built development would sterilise land currently used for farming and it would be better repositioned close to the existing buildings on the site.

### **RE-CONSULTATION RESPONSES:**

#### **READING AGRICULTURAL CONSULTANTS - 17/01/2023**

Thank you for your instruction dated 28th December 2022 requesting Reading Agricultural Consultants' Ltd (RAC) further comments on the above application. Additional information received with the consultation and follows an online meeting which occurred between RAC, Ms Crawley, Sioned Edwards (agent) and the applicant on 15th August 2022 and includes:

- Doc EN1 which provides a detailed description of each of the processes necessary in the care of the reindeer;
- A five-year budget for the business up to 2027; and,
- Summary accounts for the years ended 2019 to 2021 inclusive, with partial figures for 2022.
- Table detailing applicant's response to my appraisal of 12th April, received July 2022.

The following response is based on discussions during the meeting held on 15th August 2022, to assist with the understanding of the labour involved in the reindeer element of the enterprise, as well as the additional information recently provided and listed above. A full appraisal was previously provided in my formal response of 12th April 2022. Given the updated detail provided with regard to the care provided for the reindeer herd, we do, however, consider that the functional and time elements of the assessment in particular require revisiting.

### Assessment

1. In light of additional information provided by the applicant RAC accepts there is a functional need to live on the site and that due to the unique nature of the reindeer herd, standard data cannot be applied in this instance.

2. In the most recent tranche of information (dated 28th December 2022), the applicant provides a detailed description with typical hours accrued for each element of work associated with the reindeer. I am satisfied that the high labour requirement stated for the reindeer at North Hills Farm has been sufficiently justified. As such, this assessment of the labour requirement has been adjusted to take into account these figures, which includes an increase in the number of reindeer from 15 to 20. The figures in relation to sows, grassland and Christmas labour remain unaltered as the figures in the original submission do not suggest there is any double counting between those operations and hours accrued to the reindeer. A more generous, 20%, uplift for management and maintenance accounts for the unique nature of the functional element and the extent of the maintenance requirements for the herd

	Size	SMH	Total SMHs
<b>LIVESTOCK</b>			
Reindeer (derived from data submitted by applicant)			
	number	Hours per Head per Year	
Reindeer	20	73.66	1,473.2
Pigs			
Pigs (sows?)	4	28	112
Grass/Fodder Crops			
	Hectares	Hours per Ha per Year	
Grassland	2	1.3	2.6
Forestry			
			437
Christmas labour			
			222
<b>Sub-Total</b>			<b>2,246.8</b>
+ 20 for Farm Maintenance			449.36
<b>Total</b>			<b>2696.16</b>
Hours provided per worker			1867
<b>Overall Total Labour requirement</b>			<b>1.23</b>

3. These figures demonstrate that the business requires 1.23 full-time workers. Labour requirement for livestock alone is 0.86 of a full-time worker. Paragraph 4.4.1b of TAN 6 states that the functional need should relate to a “full-time worker and does not relate to a part-time requirement.” The revised labour calculation indicates that there is a requirement for a full-time worker on the holding and that a substantial proportion of that relates to the care of the reindeer.

4. Updated summary accounts have been submitted which show that the business is able to cover the cost a full-time rural enterprise worker. The most recent financial year (2020-21) is only provided in summary and I have not had sight of detailed accounts for that period. It is worth noting that the minimum wage for such a worker has now increased and the relevant experience and qualifications should be applied to the proposed wage. However, summary of accounts and projections shown indicate that the cost of a full-time worker can be met. The projected income would allow for a worthwhile return to be obtained in the near future.

5. Further information regarding the cost of construction of the dwelling and financing have been provided. It details that the 218 square metre dwelling would cost approximately £158,500 to build and would be financed via a self-build mortgage at a repayment cost of up to £860 per month. The submission maintains this is affordable to the business. An assessment of affordability should be shown in the five-year budget, with an indication of monthly mortgage costs – this has not been provided. This would be useful in understanding if the dwelling is truly affordable to the business, as would detailed accounts for the most recent financial year. It is not clear how the other investments upon which the business growth depends will be financed. It is also unclear whether the size of the proposed dwelling has been amended and so previous comments in relation to size and linked affordability stand. At this time, the submitted information is not sufficiently clear in justifying whether the business is able to fund and sustain the dwelling without prejudicing the continued viability of the business. The financial test is therefore failed.

6. RAC’s previous comments in relation to the siting of the dwelling also remain unchanged.

7. The original dwelling was sold in 2017. The functional need would have been met by the original dwelling if it had been retained as part of the business but at that time the applicant states a difficult decision was made to sell the family home and invest the money into the business to ensure its survival since the renovation of the property had incurred a level of debt they could not afford. Paragraph 6.12 of TAN 6 states:

*“Where enterprises have experienced changed circumstances, particularly in the recent past, and land, buildings and dwellings have been severed from them by sales or transfers of ownership, applicants should fully explain the background for these changes in the Rural Enterprise Dwelling Appraisal. Local planning authorities will need to be assured that the need for a new dwelling has not arisen from circumstances of poor business decisions or attempts to manipulate the rural enterprise dwelling exceptions.”*

*8. The fact the applicant and has continued to live on the site with his family in unauthorised accommodation indicates a commitment to develop his business into a success. However, the LPA would be correct in critically examining this sale. Figure 1 of the submitted Dwelling Appraisal by Cadnant Planning details the timing of investment within the business and shows considerable investment following the sale of the main house. It does however seem that the intention was to eventually apply for a new dwelling on the land, making the sale of the family home, which would have met the functional need on the holding, worth the risk and this does represent a manipulation of the planning system, whether the applicant was aware of it or not, and is contrary to TAN 6 policy.*

#### Conclusion

*9. On examination of the additional information, it is accepted that the business is a unique one and the labour estimate provided by the applicant is realistic. The functional need and full-time worker tests are met.*

*10. Accounts have been updated to include the summary of accounts for the year ended 2021, which showed a greater level of profit than previous years. At this level the wage of a full time rural-enterprise worker could be met with predicted worthwhile returns over the next five years. However, the financial forecasts still fail to consider the construction costs of the proposed dwelling and so it cannot be concluded that it would be affordable to the business. The financial test is not met.*

*11. The original dwelling was sold off the holding in 2017 and so demonstrates a lack of need. The applicants subsequently introduced an unauthorised dwelling onto the site to cover the functional need to live on the site. This is indicative of an abuse of the planning system as it was clear at the time of disposal that a dwelling was required on the holding.*

*12. The LPA should be satisfied that the need for a new dwelling has not arisen from circumstances of poor business decisions or attempts to manipulate the rural enterprise dwelling exceptions.*

*13. It remains for the LPA to consider the appropriateness of the overall size and siting of the dwelling. It should meet the needs of the enterprise but it should be capable of being affordable to those eligible for affordable housing in line with the Council's own policies. RAC has previously indicated that the dwelling may be of an inappropriate size for the needs of the business.*

#### **Reading Agricultural Consultants response - (01/03/2023)**

*The updated financial forecast (source unknown) now takes account of the cost of the self-build mortgage. However, the projections for future profit are grossly inconsistent with those previously provided (appendix 5 of Cadnant Appraisal). The accuracy of the financial information is therefore in doubt and has not been justified.*

*Furthermore, The TAN 6 guidance states that:*

*“ the level of actual financial performance in established enterprises must be able to provide a i(realistic return to unpaid labour and sustain the build cost of the proposed dwelling”*

*The figures provided in the submitted information indicate this cannot be achieved and only the cost of the full-time worker is affordable. As such, the financial test has not been met.*

*I would reiterate my previous comment in relation to the sale of the previous dwelling and size of the proposed one.*

**Reading Agricultural Consultants final response following a meeting with the applicant, their agent and financial advisor - (19/06/2023)**

*Previously (17 January 2023 response), I acknowledged that the financial accounts showed a good level of profit in 2021. The forecast has been updated to reflect the cost of the dwelling and likely costs and profit associated with the business going forward and these also show a good, and increasing, level of profit. The information in the business plan is now consistent with the other figures provided and these would appear to demonstrate that the cost of a full time worker and the dwelling are affordable to the business and can be sustained in line with the requirements of the TAN.*

*Notwithstanding this, some level of profit does appear to rely on the use of "lodges" for accommodation and I am of the understanding that this element of the business has not obtained planning permission. Even so, if removing the costs/income associated with this element, profit still appears to be good. However, I would question the profit associated with 'Christmas cabin sales' as this represents a significant proportion of the income for the business. I do not know if this is a lawful element of the business and so it cannot be said with certainty whether it can be expected to continue to generate income for the enterprise or not. If the profit associated with this element was to be removed then this would have a significant impact on the net profit to the extent that the business would be at a loss.*

*As stated previously, my comments in relation to the sale of the original dwelling remain unchanged.*

**RESPONSE TO PUBLICITY:**

In support

Representations received from:

- Richard Rogers, Cae Ffynnon, Llanarmon yn Ial
- Sue Brand, Abertairnant, Rhydtalog Road, Graianrhyd
- Huw Davies, 13 Osborne Street, Rhos, Wrexham
- Kerry Mehra, Tyddyn Isa, Back Road, Llanarmon yn Ial
- Lynsey Hyslop, Pantyterfyn, Rhydtalog Road, Graianrhyd

Summary of planning based representations in support:

- The site contributes to local businesses and support employment.
- A family home there would be a great fit and the way Simon attention to detail the addition of this to the area would only enhance the area.
- The family contribute local and children attend the local schools.
- Great to see the family developing their business and reindeer herd. It is essential for them and their family and future generations to put down roots and have a permanent home.
- Fantastic natural looking structures well thought out and obviously in touch with the natural environment of the area.

**EXPIRY DATE OF APPLICATION: 14/04/2022**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

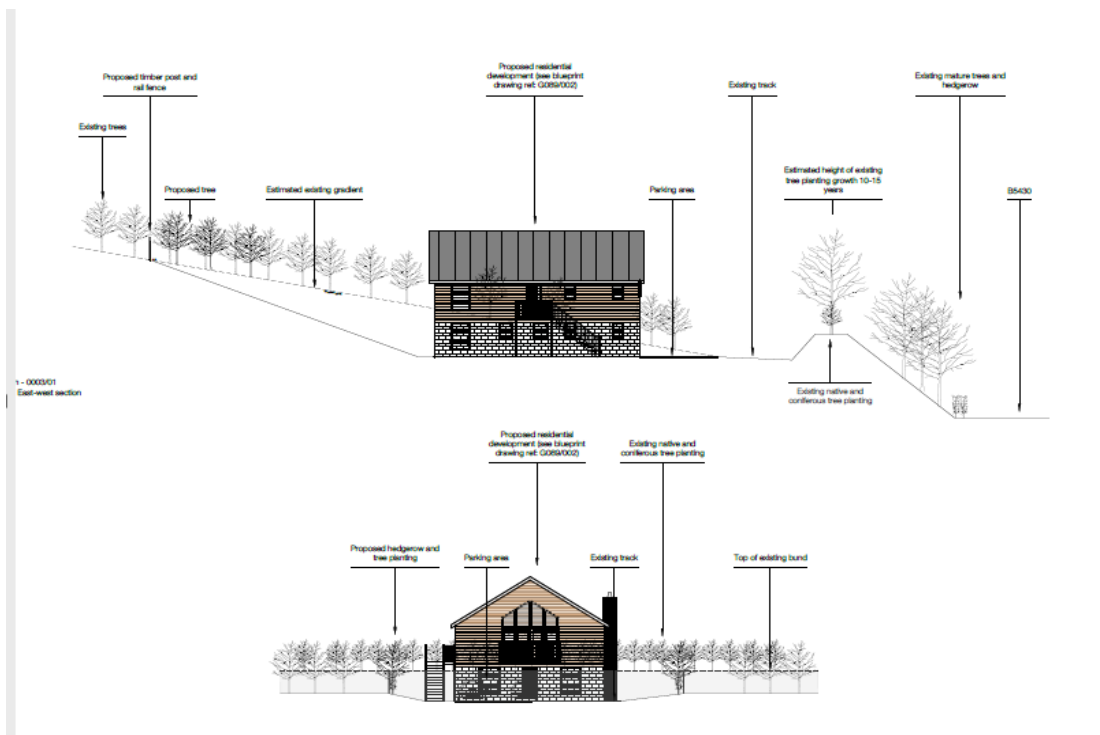
1.1 Summary of proposals

- 1.1.1 The proposed development is for the erection of a rural enterprise dwelling, installation of a package treatment plant and associated works.
- 1.1.2 The proposed dwelling is detailed to have timber cladding and blockwork walls, insulated corrugated steel sheet roof, double glazed aluminium frames with Anthracite Grey UPVC facias and soffits.

- 1.1.3 Foul waste would be directed to a package treatment plant and surface water to soakaways.
- 1.1.4 The application site is located within an area that is currently used for growing Christmas Trees.
- 1.1.5 The proposed dwelling would be a two storey property measuring 9.25m wide by 13m deep (240.5sqm). It would be 8m to the ridge and 5m to the eaves. There would be a Juliet balcony on the front and rear with a steps on the side and a double chimney stack.
- 1.1.6 The proposals would have 3 bedrooms and an office on ground floor and living accommodation on first floor.



- 1.1.7 Externally there would be an associated garden area surrounded by a timber and post fence. The proposals show two parking spaces but there is sufficient space for 4 vehicles to be parked.
- 1.1.8 The proposed section details how the property would sit within the sloping site and how the bunding/planting screens the site from public vantage points. The bund is already in place along the track.



## 1.2 Other relevant information/supporting documents in the application

### 1.2.1 The application is supported by the following descriptive documents:

- Confidential Rural Enterprise Dwelling Appraisal
- Treatment Plant Specification
- Confidential Additional information regarding reindeers requirements,
- Confidential 5 Year Financial Plan breakdown
- Confidential Breakdown of reindeer hours
- Confidential Financial table



### 1.3 Description of site and surroundings

- 1.3.1 The area proposed to site the dwelling is an area currently used for growing Christmas Trees. The proposed dwelling would therefore be surrounded by these trees to the north, south and west. There is an agricultural/forestry shed to the south, beyond a band of trees. An existing track runs along the east of this area with a bund between that and the B5430. To the north of the woodland area is a large car park, reindeer paddocks and field huts for the reindeers.

Photographs of application site where house is proposed:



Photographs of track:



Photographs of existing bund between track and road:



### 1.4 Relevant planning constraints/considerations

- 1.4.1 The application site is located in the open countryside. The site is located within the Phosphate Sensitive Catchment (River Dee and Bala Lake Special Area of Conservation).

### 1.5 Relevant planning history

- 1.5.1 There are permissions on the site for retention of hardstanding, some agricultural buildings and holiday accommodation.
- 1.5.2 The applicant has been living on site in a number of porta-cabins without the benefit of planning permission for the unit.

## 1.6 Developments/changes since the original submission

1.6.1 Additional information submitted regarding the principle of the development (financial and functional information).

## 1.7 Other relevant background information

1.7.1 None.

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

- 2.1.1 15/2011/1462 Retention of hard standing area for agricultural use (retrospective application). GRANTED 27/02/2012.
- 2.1.2 15/2012/0541 Details of landscaping submitted in accordance with condition number 1 of planning permission 15/2011/1462/PC. GRANTED 05/05/2012.
- 2.1.3 15/2013/1563 Retention of field access with splayed pull-in and new gates (Retrospective application). GRANTED 19/02/2014.
- 2.1.4 15/2015/0676 Replacement of agricultural store to provide holiday accommodation (Use Class C1). GRANTED 21/09/2015.
- 2.1.5 5/2015/1178 Erection of agricultural building for the storage of fodder and equipment. PRIOR APPROVAL REQUIRED 07/01/2016.
- 2.1.6 15/2018/0240 Replacement of agricultural store to provide holiday accommodation (Use Class C1). WITHDRAWN 23/05/2018.
- 2.1.7 15/2018/0759 Change of use of land to allow the erection of 6 holiday lodges, 10 camping pitches, toilet block, access road and associated works. REFUSED 21/02/2019.
- 2.1.8 15/2018/0968 Excavation works and the erection of agricultural building and associated works. GRANTED 13/02/2019.
- 2.1.9 15/2019/0250 Replacement of agricultural store to provide 4 no. holiday accommodation units, installation of a septic tank and associated works. GRANTED 04/12/2019.
- 2.1.10 15/2019/0765 Application to vary Condition 1 of planning permission Code No. 15/2014/0665 to allow a further 5 years for commencement of development of holiday accommodation unit. GRANTED 06/11/2019.
- 2.1.11 15/2020/0410 Details of hard and soft landscaping submitted in accordance with condition no. 4 of planning permission code no. 15/2019/0250. GRANTED 24/08/2020.

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

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

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

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC4** – Affordable Housing

**Policy PSE5** – Rural economy

**Policy VOE1** - Key areas of importance

**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: Conservation and Enhancement of Biodiversity  
Supplementary Planning Guidance Note: Parking Requirements In New Developments  
Supplementary Planning Guidance Note: Planning Obligations  
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:

- 4.1.11** Principle
- 4.1.12** Visual amenity/ Landscape
- 4.1.13** Residential amenity
- 4.1.14** Ecology
- 4.1.15** Drainage (including flooding)
- 4.1.16** Highways (including access and parking)

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

**4.2.11** Principle

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."*

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;..."*

An assessment of the essential need for a rural worker to live at or near their place of work requires:

- an evaluation of the risks involved;
- the frequency and type of out-of-hours emergency that might arise;
- the scale and loss that could be incurred should that emergency situation occur;
- the potential for an on-site worker to identify the problem; and,
- the ability of that resident worker to rectify the problem.

The applicant considers it essential that a full-time worker lives on site at North Hills to supervise the animals throughout the year and ensure that livestock welfare needs are not compromised.

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.

Based on additional information provided by the applicant RAC and the LPA accepts there is a functional need to live on the site and that due to the unique nature of the reindeer herd, standard data relating to hours of work cannot be applied in this instance.

The functional requirement test is, therefore, met in the sense of farming need. However, it must be noted that the dwelling Pant Terfyn (which is directly adjacent to the site) was sold by the applicants in 2017.



The applicant states in their response dated 11<sup>th</sup> July 2022 that *'despite selling the previous dwelling, the applicant and his family have lived on site since the sale of the dwelling and continue to do so due to the need for the applicant to be readily available on site, especially during calving and rutting seasons. Due to the specific requirements of the land to be suitable for the reindeer, the business cannot simply relocate elsewhere, especially given the investment to date in the site and the business'*.

The functional need would have been met by the original dwelling if it had been retained as part of the business but the applicant states a difficult decision was made to sell the family home and invest the money into the business to ensure its survival since the renovation of the property had incurred a level of debt they could not afford.

Paragraph 6.12 of TAN 6 states:

*"Where enterprises have experienced changed circumstances, particularly in the recent past, and land, buildings and dwellings have been severed from them by sales or transfers of ownership, applicants should fully explain the background for these changes in the Rural Enterprise Dwelling Appraisal. Local planning authorities will need to be assured that the need for a new dwelling has not arisen from circumstances of poor business decisions or attempts to manipulate the rural enterprise dwelling exceptions."*

The fact the applicant has continued to live on the site with his family in unauthorised accommodation indicates a commitment to develop his business. Figure 1 of the submitted Dwelling Appraisal by Cadnant Planning details the timing of investment within the business and shows considerable investment following the sale of the main house. It does, however, seem that the intention was to eventually apply for a new dwelling on the land, making the sale of the family home, which would have met the functional need on the holding, worth the risk. This does represent a manipulation of the planning system, whether the applicant was aware of it or not, and is contrary to TAN 6 policy.

### **(b) The Labour Requirement**

In the information dated 28th December 2022, the applicant provides a detailed description with typical hours accrued for each element of work associated with the reindeer. RAC and the LPA are satisfied that the high labour requirement stated for the reindeer at North Hills Farm has been sufficiently justified. As such, this assessment of the labour requirement has been adjusted to take into account these figures, which includes an increase in the number of reindeer from 15 to 20. The figures in relation to sows, grassland and Christmas labour remain unaltered as the figures in the original submission do not suggest there is any double counting between those operations and hours accrued to the reindeer. A more generous, 20%, uplift for management and maintenance accounts for the unique nature of the functional element and the extent of the maintenance requirements for the herd.

These figures demonstrate that the business requires 1.23 full-time workers. Labour requirement for livestock alone is 0.86 of a full-time worker. Paragraph 4.4.1b of TAN 6 states that the functional need should relate to a *“full-time worker and does not relate to a part-time requirement.”* The revised labour calculation indicates that there is a requirement for a full-time worker on the holding and that a substantial proportion of that relates to the care of the reindeer.

Whilst these figures are considered only a guide, and having taken into account economies of scale, it is clear there is an essential need for a full-time worker to be resident on site at North Hills farm in order for the livestock enterprise to be managed efficiently and effectively and to meet the welfare requirements of all the farm animals on the holding.

Reading Agricultural Consultants and the LPA would accept that there is a justified essential need for a rural worker's dwelling at North Hills Farm.

The labour requirement on site is therefore 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.

Further information regarding the cost of construction of the dwelling and financing have been provided. It details that the 218 square metre dwelling would cost approximately £158,500 to build and would be financed via a self-build mortgage at a repayment cost of up to £860 per month. The submission maintains this is affordable to the business. An assessment of affordability should be shown in the five-year budget, with an indication of monthly mortgage costs

Accounts have been updated to include the summary of accounts for the year ended 2021, which showed a greater level of profit than previous years. At this level the wage of a full time rural-enterprise worker could be met with predicted worthwhile

returns over the next five years. The updated financial forecast (source unknown) now takes account of the cost of the self-build mortgage.

Furthermore, The TAN 6 guidance states that:

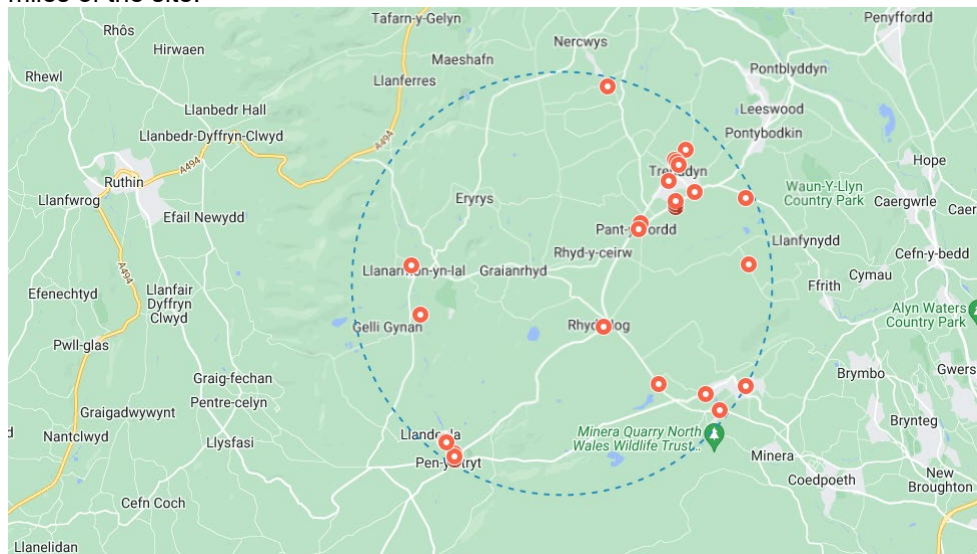
*“the level of actual financial performance in established enterprises must be able to provide a realistic return to unpaid labour and sustain the build cost of the proposed dwelling”*

The figures provided in the submitted information suggest this test can be met. It is noted that elements of the projected income derive from sources that require, but do not have, planning permission – in particular the holiday lodges located within the woodland area (it is noted that consent exists for holiday lodges to the west, but these have not yet been built). However, Reading Consultants consider that even if this element were removed from the financial calculations, the business would still be able to demonstrate it is financially sound.

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

The submission details that a search of property for sale in and around Llanarmon-yn-Ial showed that a 4 bedroom house was on the market at £400,000. Two other four bedroom properties nearby were £635,000 and £695,000 respectively. It is neither affordable nor practical to live away from the business of the farm and the livestock. A standard residential mortgage on the £400,000 property would be monthly repayments of £1,647 or as much as £2,845 for the higher priced house, assuming that a mortgage could be secured.

A search on 03/03/2023 confirmed that the following properties are available within 3 miles of the site:



These range between £145k in Treuddyn to £700k in Rhydylog. However within 1 mile of the site, there is only the £700k property. The affordable units in Treuddyn may be too far when considered against the justification provided in terms of the functional need.

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

Paragraph 4.11.2 of TAN 6 states that in cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to



dwellings have recently been sold. Such a sale could constitute evidence of lack of need.

The original dwelling was sold off the holding in 2017, suggesting a lack of need for a dwelling on site. The applicants subsequently introduced unauthorised residential accommodation onto the site to cover the functional need to live on the site. This is indicative of an abuse of the planning system as it was clear at the time of disposal that a dwelling was required on the holding.

Figure 1 of the submitted Dwelling Appraisal by Cadnant Planning details the timing of investment within the business and shows considerable investment following the sale of the main house. It does however seem that the intention was to eventually apply for a new dwelling on the land, making the sale of the family home, which would have met the functional need on the holding, worth the risk. This does represent a manipulation of the planning system, whether the applicant was aware of it or not, and is contrary to TAN 6 policy.

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

The siting and access will be discussed in more detail in the report but RAC consider that the siting of the dwelling away from existing built development would sterilise land currently used for farming and it would be better repositioned close to the existing buildings on the site.

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.

It remains for the LPA to consider the appropriateness of the overall size and siting of the dwelling. It should meet the needs of the enterprise but it should be capable of being affordable to those eligible for affordable housing in line with the Council's own policies. RAC has previously indicated that the dwelling may be of an inappropriate size for the needs of the business.

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

#### **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 labour requirements are demonstrated.
- iii) The projections for future profit are accepted as demonstrating the business is financially viable even after unauthorised elements are removed from the projections.
- iv) The functional requirement is therefore met in the sense of farming need. However, the original dwelling Pant Terfyn which is directly adjacent to the site was sold in 2017. The functional need to would have been met by the original dwelling Pant Terfyn if it had been retained as part of the business but the applicant states a difficult decision was made to sell the family home and invest the money into the business to ensure its survival since the renovation of the property had incurred a level of debt they could not afford. Paragraph 6.12 of TAN 6 states:

*“Where enterprises have experienced changed circumstances, particularly in the recent past, and land, buildings and dwellings have been severed from them by sales or transfers of ownership, applicants should fully explain the background for these changes in the Rural Enterprise Dwelling Appraisal. Local planning authorities will*

*need to be assured that the need for a new dwelling has not arisen from circumstances of poor business decisions or attempts to manipulate the rural enterprise dwelling exceptions.”*

Paragraph 4.11.2 of TAN 6 states that *‘In cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of lack of need’.*

The original dwelling was sold off the holding in 2017 and so demonstrates a lack of need. The applicants subsequently introduced an unauthorised dwelling onto the site to cover the functional need to live on the site. This is indicative of an abuse of the planning system as it was clear at the time of disposal that a dwelling was required on the holding.

- v) The siting and access would be acceptable and appropriate for the farm business, despite sterilising land used for part of the forestry area.

Given the above assessment of the proposal, the dwelling to accommodate an agricultural worker is not considered to be acceptable in principle as the scheme would not satisfy the tests set out in paragraph 4.4.1 of TAN 6.

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

#### **4.2.12 Visual amenity/ Landscape**

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 two storey three-bedroom dwelling. It would have a ridge height of 8m and eave height of 5m, and would have a width of circa 9.25m by a depth of 13m (240.5sqm). This is a relatively large dwelling. 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 materials would be timber cladding and blockwork walls, insulated corrugated steel sheet roof, double glazed aluminium frames with Anthracite Grey UPVC fascias and soffits. It is considered that these would be in keeping with the site and other buildings and final material samples could be required through condition.

The proposed unit would be located on a plateau adjacent to the track and based on the same level. The topography rises to the west with trees behind this as a backdrop. There is a good backdrop of trees and hedges and the topography beyond the site behind and to the east of 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.

Even if the trees are felled, it is considered that the ridge would be in line with this topography. It is considered that the use of proposed materials would be in keeping with the site..

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.

#### **4.2.13 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 355m away from the nearest dwelling which is far in excess of all minimum distance standards. 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 four 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'.

Although it is noted that the property is very large to be an affordable dwelling, the cost of building the property is against the farming business which the appraisal has demonstrated that they are more than capable of constructing. The price of the dwelling as an affordable dwelling would be lost by the farm if no longer required and therefore capped at the affordable level. The applicant accepts this, and there are no maximum standards for affordable homes, therefore it is considered that this is acceptable.

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.

#### **4.2.14 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.

It is not considered that there are other impacts, other than normal pollution prevention measures and control of light to prevent impacts upon nocturnal wildlife which can be secured through condition.

A condition will be required to secure biodiversity enhancement measures.

#### **4.2.15** Drainage (including flooding)

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 (m<sup>3</sup>).

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 would 40m from any surface water feature. The drainage field from the sewage

treatment plant is not in the vicinity of a SSSI and SAC boundary (70m away). There are no other properties with a private septic tank/sewage treatment plant discharge to ground within 200m of the application site.

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; *'recognising the specific nature of the application submitted e.g. private sewage treatment system which meets the screening criteria set out in our Planning Advice (May 2021), we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC'*.

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

The proposed dwelling would be in excess of 100m<sup>2</sup> 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 100m<sup>2</sup>. 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.

#### **4.2.16** 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 proposals have sufficient room for the parking. The proposals would not impact upon the track used by the business.

The Local Highway Authority raise no objection to the proposed development.

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.

#### 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 dwelling at an established rural enterprise for a rural enterprise worker.

5.2 The Conclusions of the Agricultural Consultant and the Local Planning Authority 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 labour requirements are demonstrated.

iii) The projections for future profit are accepted and it is considered the financial test has been met.

iv) The functional requirement is met in the sense of farming need. However, the original dwelling Pant Terfyn which is directly adjacent to the site was sold in 2017. The functional need to would have been met by the original dwelling Pant Terfyn if it had been retained as part of the business but the applicant states a difficult decision was made to sell the family home and invest the money into the business to ensure its survival since the renovation of the property had incurred a level of debt they could not afford. Paragraph 6.12 of TAN 6 states: *"Where enterprises have experienced changed circumstances, particularly in the recent past, and land, buildings and dwellings have been severed from them by sales or transfers of ownership, applicants should fully explain the background for these changes in the Rural Enterprise Dwelling Appraisal. Local planning authorities will need to be assured that the need for a new dwelling has not arisen from circumstances of poor business decisions or attempts to manipulate the rural enterprise dwelling exceptions."*

Paragraph 4.11.2 of TAN 6 states that *"In cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of lack of need"*.

The original dwelling was sold off the holding in 2017 and so demonstrates a lack of need. The applicants subsequently introduced an unauthorised dwelling onto the site to cover the functional need to live on the site. This is indicative of an abuse of the planning system as it was clear at the time of disposal that a dwelling was required on the holding.

v) The siting and access would be acceptable and appropriate for the farm business, despite sterilising land used for part of the forestry area.

5.3 Given the above assessment of the proposal, the dwelling to accommodate an agricultural worker is not considered to be acceptable in principle as the scheme would not satisfy the tests set out in paragraph 4.4.1 of TAN 6.

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

1. It is the opinion of the Local Planning Authority that the sale of the adjacent dwelling Pant Terfyn by the applicant in 2017, despite declaring a functional need to be on the site is tantamount to a circumvention of the rural enterprise dwelling exceptions policy. The proposal is therefore for a dwelling in the open countryside which is not justified and not acceptable in principle. It is therefore contrary to Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) Paragraph 6.12 and 4.11.2, and Planning Policy Wales 11.