

41-2024-0115



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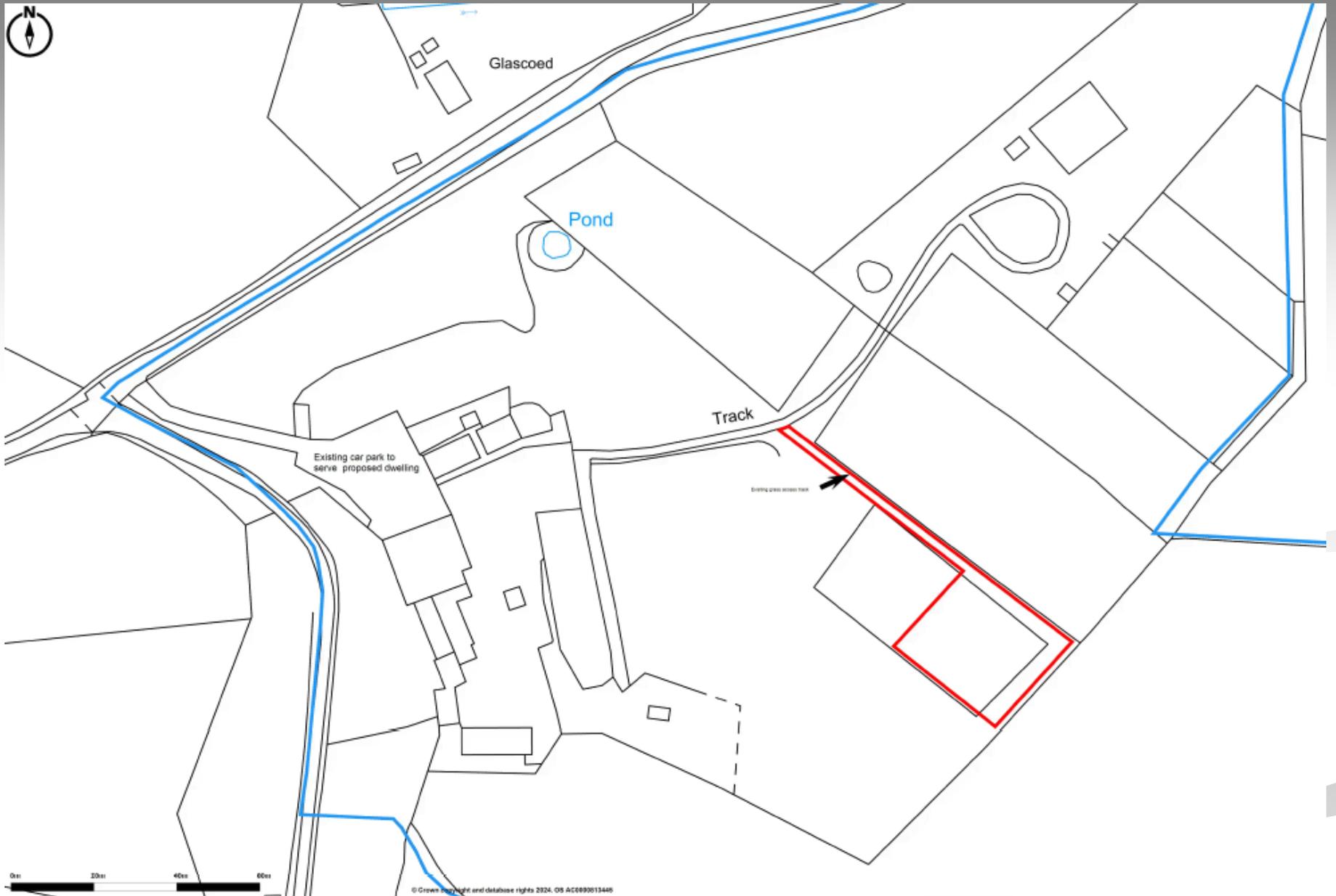
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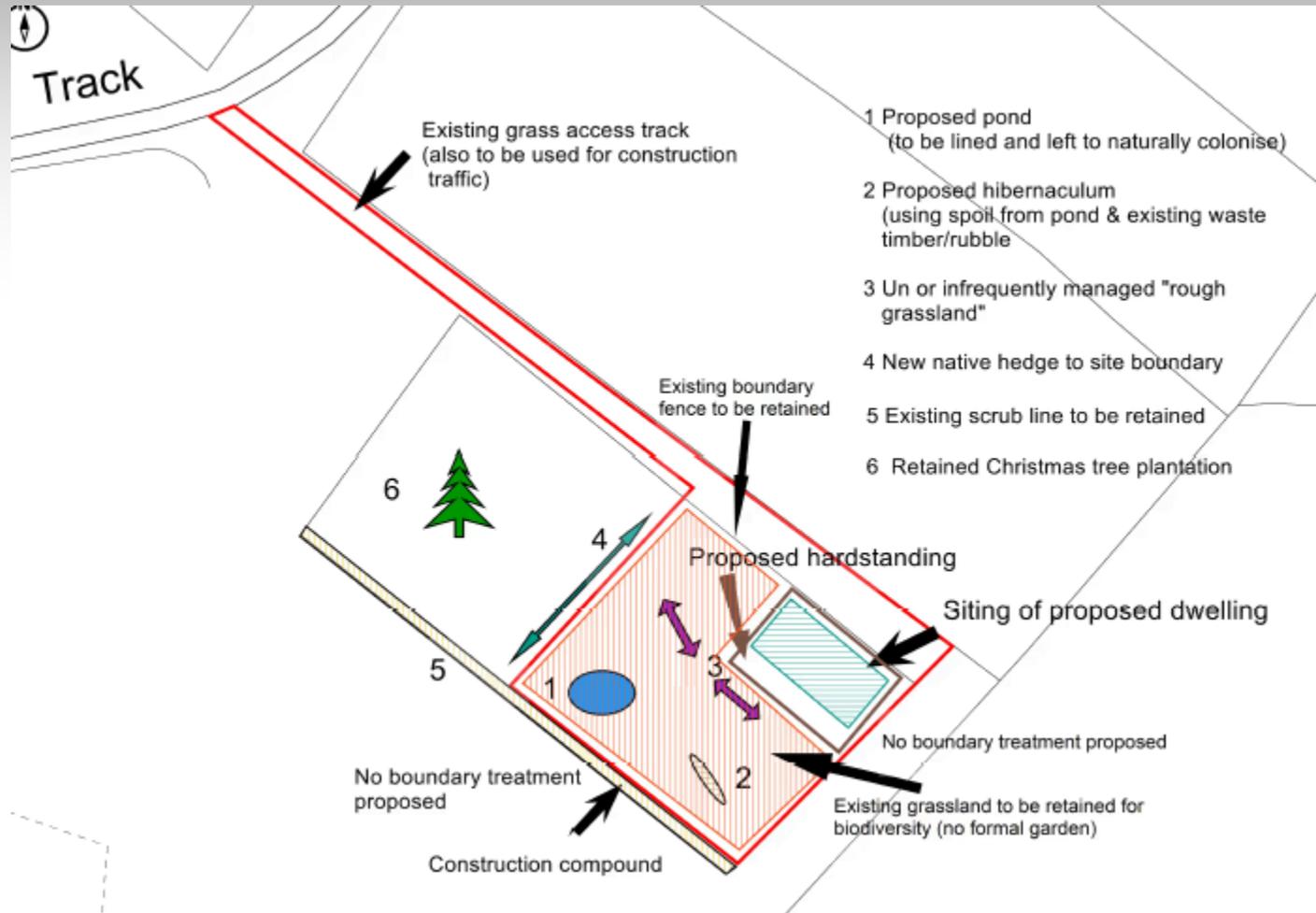
41/2024/0115/PF – The Warren, Bodfari

**Erection of a rural enterprise dwelling,
installation of a septic tank and
associated works**

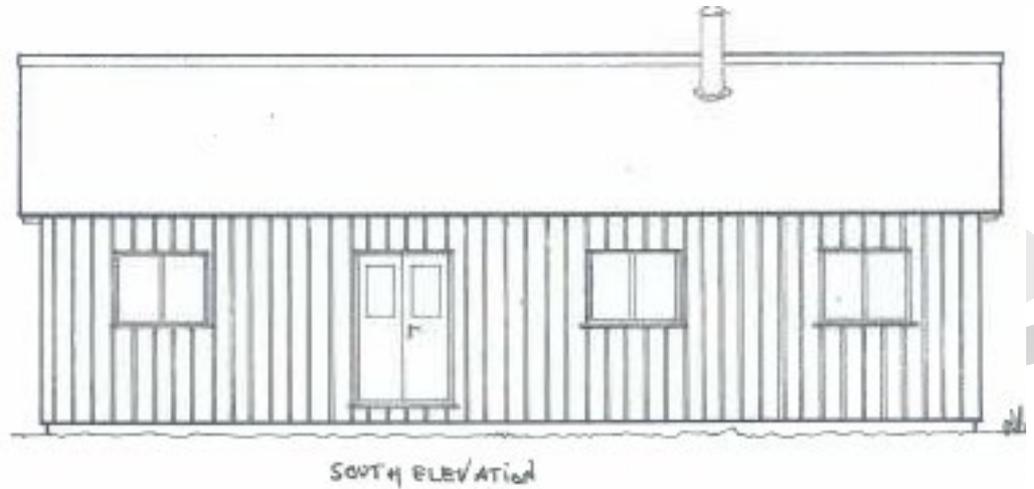
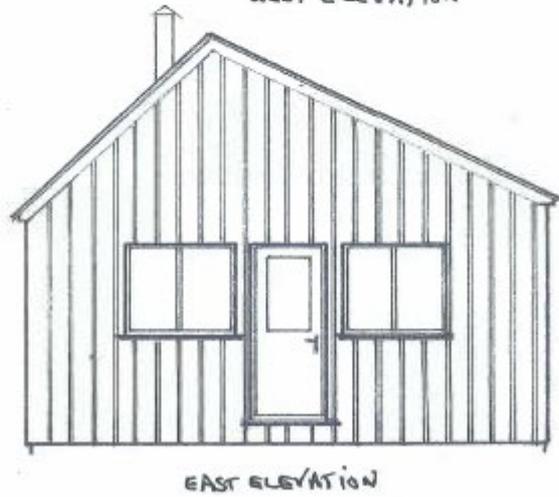
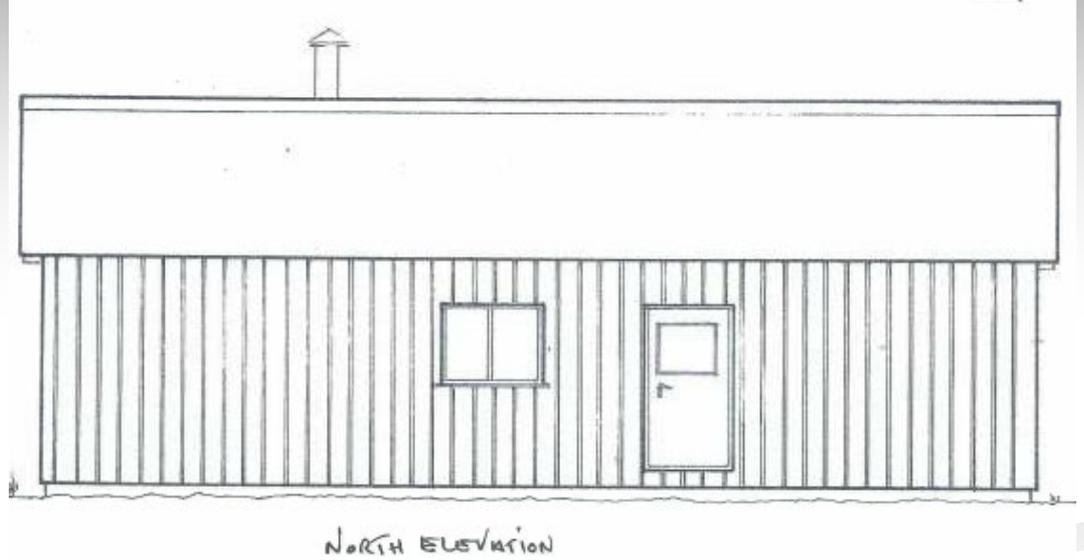
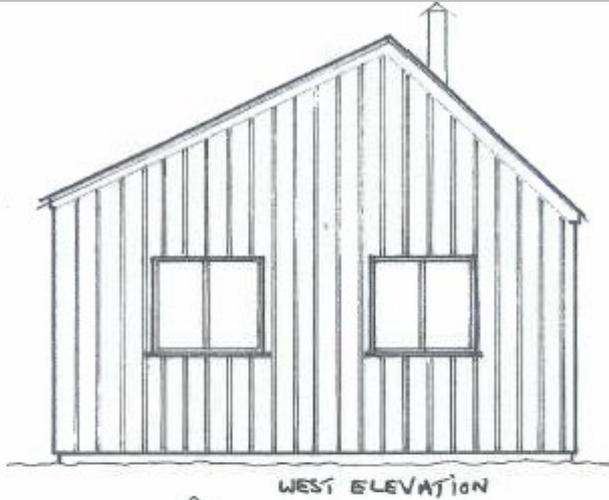


Location plan

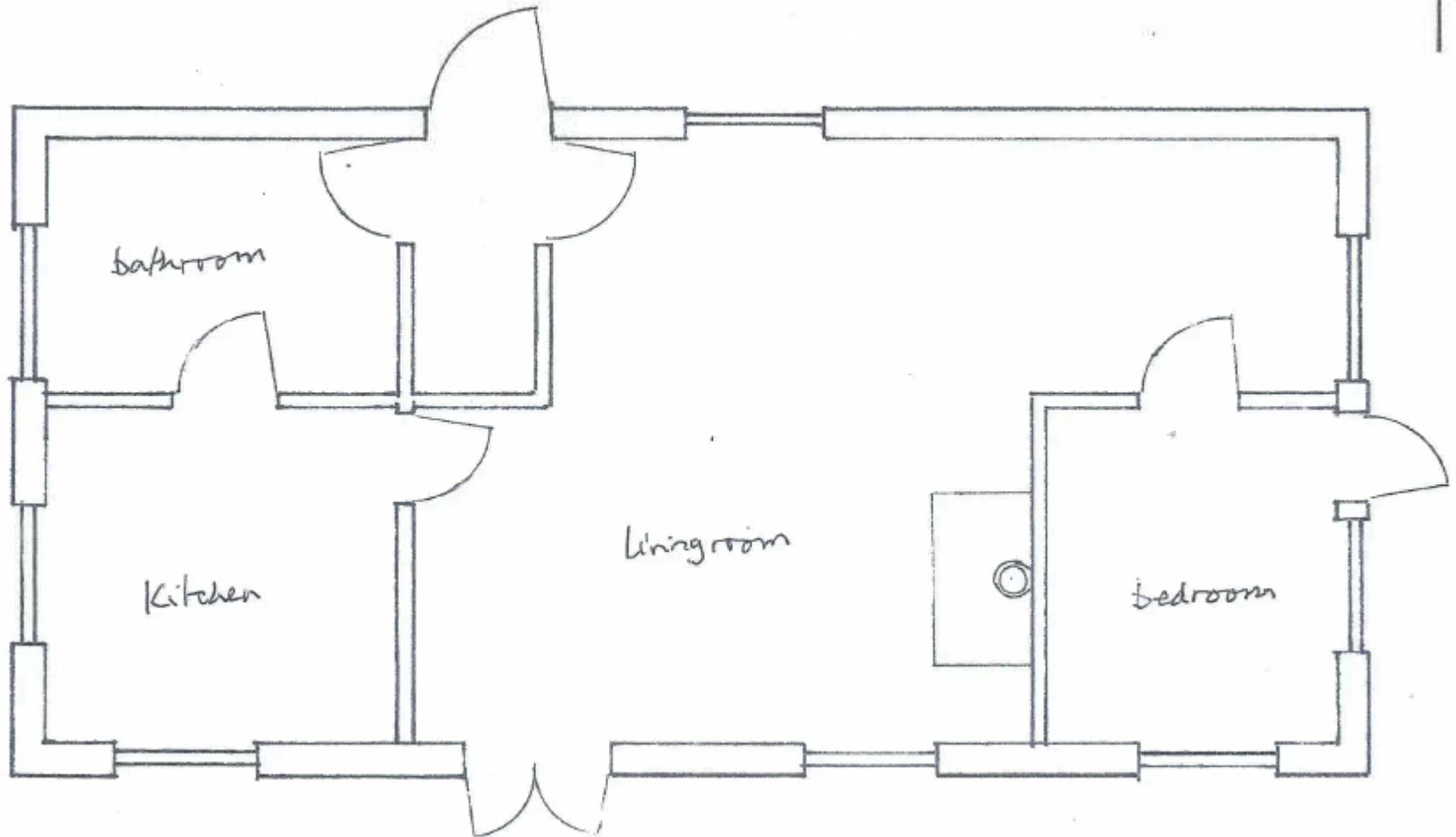
Proposed site plan



Elevations of proposed dwelling



Floor plan of proposed dwelling



Site photographs



Some existing buildings at The Warren



WARD : Tremeirchion

WARD MEMBER(S): Cllr Robert Chris Evans (c)

APPLICATION NO: 41/2024/0115/ PF

PROPOSAL: Erection of a rural enterprise dwelling, installation of a septic tank and associated works

LOCATION: The Warren, Bodfari, Denbigh, LL16 4DT

APPLICANT: Mr Rod Waterfield

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:

BODFARI COMMUNITY COUNCIL

“ Support - the supporting documentation to this application is thorough and the planned dwelling is secluded and will therefore have no visual impact”

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

National and local planning policy allows for the principle of a Rural Enterprise Dwelling subject to the criteria set out in TAN 6 and the adopted Denbighshire SPG note. The existing enterprise is well established and the supporting evidence robustly demonstrates adherence with both the required functional and financial tests to justify an essential need. The principle of a dwelling based upon this evidence is therefore accepted in this location.

In terms of the detail, the proposed building has been sensitively designed to ensure that it takes account of the surrounding area. The dwelling is quite modest in scale and proportions and the siting, design, layout and use of materials will help assimilate the development into its surroundings. The Joint Committee is satisfied that the proposed development will not cause unacceptable harm to the character and appearance of the landscape and accords with LDP policy VOE 2

Subject to an appropriate occupancy condition tying the dwelling to the existing business the Joint Committee raise no objections.

NATURAL RESOURCES WALES

No objections

DWR CYMRU / WELSH WATER

No comments

READING AGRICULTURAL CONSULTANTS (RAC) Dated 15/03/2024

The proposal before the Council is for the erection of a permanent rural worker's dwelling which will be occupied by a full time worker employed by Warren Woods Ltd, and as such the rural worker's dwelling will be occupied by a full-time worker employed in the applicants' rural business.

RAC does not consider that the labour requirements of Warren Woods Ltd amount to an essential need for a full-time rural worker to reside on site. The labour requirement for opening and closing tasks at the site have been met for a number of years by Rod Waterfield who lives 6 miles from the application site. No details of emergencies, unforeseen incidents or numbers of livestock and types of horticultural crops requiring an on-site presence have been provided.

The confidential Balance Sheets provided demonstrate that the applicants' business is viable and sustainable now and likely to remain so in the long term however RAC have not had sight of the Profit and Loss Accounts that would show the rent, labour and other income and expenses for Warren Woods Ltd.

There are likely to be other suitable and available dwellings in the locality (within three miles) that can meet the opening and closing requirements of the applicant's rural business.

Overall, RAC would conclude that the applicant's proposal is not compliant with TAN 6 or with Policy PSE 5 of the Denbighshire County Council Local Development.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Footpaths Officer

There are no public rights of way crossing the site. Path 10 runs from a point on the opposite side of the road to the site entrance and it would therefore appear the proposal will not impact on any public rights of way.

RE-CONSULTATION RESPONSES

BODFARI COMMUNITY COUNCIL

"No objection to the revised planning documents because as well as owning the site, all plans will be carried out well within the curtilage".

NATURAL RESOURCES WALES

No further comments

DWR CYMRU / WELSH WATER

No comments

READING AGRICULTURAL CONSULTANTS (RAC) Dated 20th May 2024 in response to the submission of additional information

The proposal before the Council is for the erection of a permanent rural worker's dwelling which will be occupied by a full time worker employed by Warren Woods Ltd, and as such the rural worker's dwelling will be occupied by a full-time worker employed in the applicants' rural business.

RAC does not consider that the labour requirements of Warren Woods Ltd amount to an essential need for a full-time rural worker to reside on site. The labour requirement for opening and closing tasks at the site have been met for a number of years by Rod Waterfield who lives 6 miles from the application site. The essential need for a labour requirement relating to animal welfare and crop protection are currently considered minimal and the number of livestock on site and area of crops grown under polytunnels remain unknown.

The confidential Balance Sheets provided demonstrate that the applicants' business is viable and sustainable now and likely to remain so in the long term however RAC have not had sight of the Profit and Loss Accounts that would show the rent, labour and other income and expenses for Warren Woods Ltd.

There are likely to be other suitable and available dwellings in the locality (within three miles) that can meet the opening and closing requirements of the applicant's rural business.

Overall, RAC would conclude that the applicant's proposal is not compliant with TAN 6 or with Policy PSE 5 of the Denbighshire County Council Local Development.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

Highways Officer

No objection

Ecology Officer

No objection subject to the inclusion of conditions

RESPONSE TO PUBLICITY:

In objection

Representation received from:

Alan Williams, 6 Bro Lleweni, Bodfari

Summary of planning based representations in objection:

The proposal does not comply with Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities and the related practice guidance with regard to the requirements for rural enterprise dwelling appraisals that state that applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling.

EXPIRY DATE OF APPLICATION: 04/09/2024

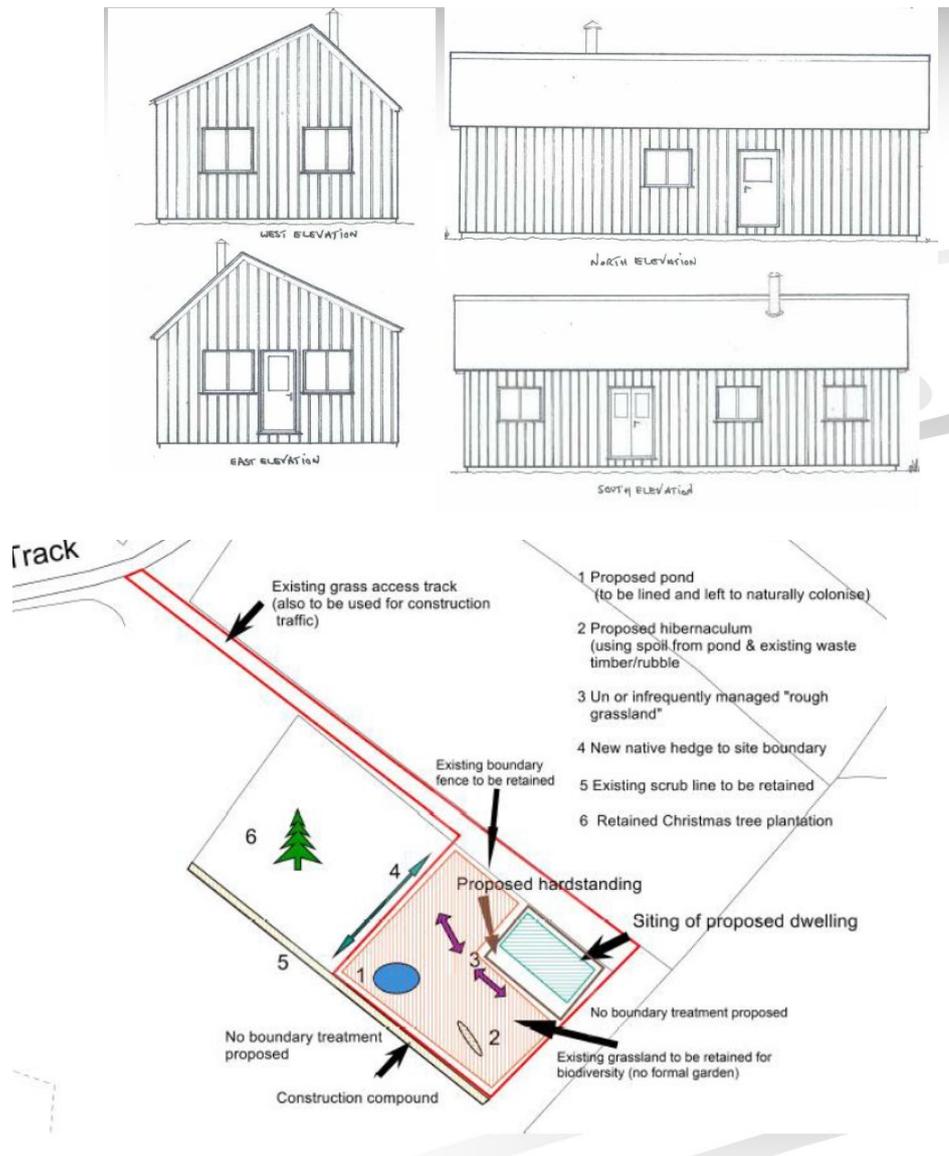
PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposal

- 1.1.1 Full planning permission is sought for the erection of a rural enterprise dwelling, installation of a septic tank and associated works at The Warren, Bodfari.
- 1.1.2 There are currently no dwellings on the site.
- 1.1.3 The dwelling would be located on an area of land approx. 0.08ha in area in the south east corner of The Warren which is associated with a mixed use of woodland based education and training, forestry and a landscape contractors business.
- 1.1.4 A single storey dwelling is proposed measuring approx. 6m by 12m to a height of 4.8m. The dwelling would provide 70sq metres of floor space consisting of a living room, bedroom, bathroom and kitchen. The dwelling would be constructed with a larch timber frame with larch cladding and a box profiled roof in juniper green. Proposed elevations and site layout details are shown below.
- 1.1.5 The submission explains that all materials will be locally sourced and the intention to achieve a high energy rating, utilising natural insulation materials such as sheep wool.

1.1.6 There would be no change to existing access arrangements.



1.2 Other relevant information/supporting documents in the application

1.2.1 A Rural Enterprise Dwelling Appraisal and accounts have been submitted.

1.2.2 A Planning, Green Infrastructure, Design and Access Statement has been submitted along with an ecological appraisal.

1.2.3 The Statement explains the current land uses at The Warren: -

Bodfari Environmental operate a woodland management and environmental contracting business from the site and employ an equivalent of 5 full time posts

Warren Woods Ltd who provide the social prescribing and traditional craft courses. The Woodland Skills Centre currently employs 2 full time and 6 part time staff.

A Heritage Orchard with over 60 trees

14 allotments

A medicinal herb garden

A small farm including 3 polytunnels and a market garden which are worked by the people attending the social prescribing programmes

Horticulture Wales

Training courses for Wellbeing in Nature Practitioner, Focus on Forestry First and National Botanic Garden of Wales and First Aid courses for those working in the outdoors.

A Certified Caravan Site.

1.3 Description of site and surroundings

- 1.3.1 The Warren is located in the open countryside some 1.5km to the north east of the village of Bodfari. Access is via a Class C County road which links to the A541 Mold Road.
- 1.3.2 The land at The Warren extends to 50 acres, 24 hectares. The use of the site is mixed, comprising land used for woodland based education and training, forestry and a landscape contractors business.
- 1.3.3 The site is surrounded by woodland and scrub.
- 1.3.4 The nearest properties to the site are Glascoed to the north (approx. 180m away), Warren House to the south (approx. 240m away) and Argoed House to the north west (approx. 360m away).

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located in the open countryside beyond any development boundaries within the Local Development Plan.
- 1.4.2 The site is located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

1.5 Relevant planning history

- 1.5.1 Planning permission for a single dwelling was refused and dismissed on appeal in 1999. The appeal was determined on the basis that it was for a forestry workers dwelling and the key issue was whether there was sufficient justification on forestry grounds for the proposed dwelling.
- 1.5.2 The conclusion of the Planning Inspector was there was insufficient functional need for the proposed dwelling on forestry grounds alone to outweigh the normal policy objections to new dwellings in the open countryside.

1.6 Developments/changes since the original submission

- 1.6.1 Further information submitted in response to Reading Agricultural Consultants original response submitted as follows: -

It is stated that no details of the type of livestock or numbers on site or area of crops within the polytunnels have been provided.

The livestock (pigs and chickens) are there as part of the Community Support programs which are run for adults and children with additional needs. Warren Woods have groups in on every week day, apart from Bank Holidays, for 50 weeks a year. The livestock needs to be checked and fed on all other days and outside of the hours

which the support programmes currently operate (Monday to Friday 9.30am to 4.00pm).

There are 2 allotments, a market garden and 3 poly tunnels which are used by the Community Support groups for a variety of purposes : growing fruit and veg which they take home or cook on site as part of their activities; to produce "surplus" food for sale to the public or to be donated to local food banks; to grow plants for sale; to grow wildflower plants for Denbighshire Countryside Services as part of the County's Roadside Verge Wildflower Programme; to grow plants to be donated to local schools and community groups; to grow heritage fruit trees for sale. These activities are to provide meaningful work situations for the people who attend the Centre which also benefit the wider community. The allotments, polytunnels and market garden need to be checked and watered on the days when the Community Support groups are not at the Centre (about 150 days a year) and outside of the hours which the support programmes operate (see above). The labour requirement for the operations also needs to include the social prescribing programmes.

In terms of out of hours emergencies, Rod Waterfield, for the last 20 years has been on site all day every day of the year. He has been able to deal with issues as they arise. These include dealing with issues relating to the caravan site such as fuses being tripped when they are overloaded, being able to provide first aid when needed, dealing with the situation when power or water fails, dealing with any storm damage and generally making sure that the site is secure.

I would like to provide further clarification of the duties of the "site manager" for which there already is or could be payment and the hours through a year. In brief

- opening up and closing buildings and workshops on weekdays - 2 hours a day, 5 days a week, 50 weeks a year - 500 hours
- cleaning all buildings twice a week - 2 hours a week, 50 weeks a year - 100 hours
- checking on stock levels of consumables and doing routine maintenance on the buildings - 100 hours
- opening up buildings and workshops for courses at weekends, greeting tutors and students, ensuring that there is tea, coffee and milk, taking any course fees that are outstanding, clearing up at the end of the day so that the buildings are ready for the next day - 80 days a year - 3 hours a day - 240 hours
- supporting groups who have booked to run courses - at the Forest School sites or in the buildings - which may include taking water and firewood to the sites - 100 days - 2 hours - 200 hours
- caravan site - being available to meet people who arrive, show them the facilities and take fees - 200 occasions - 1 hour - 200 hours
- caravan site - grass cutting etc - 50 hours
- checking and feeding livestock, checking and watering polytunnels - 150 days - 2 hours a day - 300 hours
- checking and dealing with routine site maintenance - litter, recycling, hedges, plants etc - 100 hours

This amounts to about 1790 hours a year but split into small items and spread over all 365 days.

RAC states that it is not possible to comment on the rental payment from Warren Woods Ltd to the Waterfield Family Trust, labour costs or the income or other expenses for the enterprise. To provide further clarification, the funding of this post comes from different sources. Warren Woods Ltd pays the Family Trust, which owns the site, around £15,000 a year as rent, part of which covers the expenses of this post. They also pay £50 a day per group for someone to be on duty for the courses that run at weekends - a total of about £4000 a year - all of which goes to fund this post. The Family Trust charges external groups who use the buildings, woodlands and Forest School sites a daily fee of £40-£50 - an annual total of around £5000, part

of which funds this post. The annual income from the caravan site is about £5000, part of which funds this post.

RAC considers that in order for a farming business to demonstrate viability, it should be generating profits sufficient to provide a return on the capital invested – in agriculture a figure of 2.5% is usually cited; reward the owner for any unpaid labour a notional return on land and provide for the build cost of the proposed dwelling. However, the enterprise at The Warren is not a traditional farm with 1 owner and a labour force solely employed in farming. It is a much more complex situation. It has already been explained that the established rural enterprise has social, environmental and sustainable objectives. There are 2 organisations who operate from the land, Bodfari Environmental Lys and Warren Woods trading as Woodland Skills Centre.

RAC seems to consider that the only role of the person whom would occupy the rural enterprise dwelling is to open and close the site at the beginning and end of day. This is totally incorrect as can be seen from the figures given above. This accounts for only part of the hours per year. As has been explained, the social prescribing programmes do not operate 24 hours a day for 7 days a week. The need to maintain, care for and feed crops and livestock does not stop once the programmes have finished for the day Monday to Friday. If these needs are not met, the viability of the enterprise would be compromised.

- 1.6.2 The submission of amended existing and proposed site plan to include details of boundary treatments, along with some photographs and plans of existing buildings on the site.

1.7 Other relevant background information

- 1.7.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 41/31/98 – Development of 0.2 hectares of land by the erection of a single dwelling house and means of access and installation of septic tank (outline application) REFUSED 12/02/1998.

41/451/98 - Development of 0.2 hectares of land by the erection of a single dwelling house and means of access and installation of septic tank (outline application) – REFUSED and DISMISSED AT APPEAL 02/07/99

41/2002/0808 - Retention of hardstanding, and earth bund and continued use of land for mixed forestry-related uses incorporating storage of machinery/materials in connection with Landscape Contractor's business, timber storage, cutting, bagging & storage of fuelwood, charcoal production, tree nursery, coppice crafts, and woodland-based education and training. Erection of polytunnel. (Retrospective application). GRANTED 23/04/2003

41/2009/0016 Variation of Conditions No. 9 & 10 of planning permission Ref. No. 41/2002/0808/PC to allow storage of timber up to 300 tonnes (from 200 tonnes) and 12 deliveries annually (from 8). RREFUED 25/03/2009

41/2010/1177/PF Erection of a detached building to provide classroom, office, kitchen and WC and installation of new septic tank; and retention of use for woodland based education and training centre for up to 200 days per year and 2 no. forest school structures in woodland known as The Warren GRANTED 15/6/2011

41/2015/1229/PS Variation of condition number 2(a) of planning permission 41/2010/1177/PF restricting woodland based education and training centre use to a maximum of 300 days in any calendar year APPROVED 22/6/2016

41/2016/0027/PF Erection of classroom, store, wc and creation of passing places GRANTED 24/5/2016

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

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

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Agricultural and Forestry Workers Dwellings

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

Supplementary Planning Guidance Note: Planning for Dark Skies – SPG for lighting in the [Clwydian Range and Dee Valley Area of Outstanding Natural Beauty](#)

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Llangollen - Town Centre Design Guide

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 12, 2024)

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010) and Practice Guidance Note for

TAN 6 Rural Enterprise Dwellings.

TAN 12 Design (2016)

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 12, 2024) 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 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

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

- 4.1.1 Principle
- 4.1.2 Visual amenity/landscape
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales has limited content relevant to the consideration of rural enterprise dwelling applications. Paragraph 3.60 states that *Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.*

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.

TAN 6 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 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:-

The Functional Need Test

The functional test 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. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise.

The test of functional need is based upon the *existing* operations, as emphasised in paragraph 4.41a 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 the essential functional need relates to a combination of activities which require the ready presence of a worker on site at most times. Without this, the proper functioning of the existing enterprise would be prejudiced.

The application details that the Site Manager has been on site all day every day of the year for the past 20 years with him dealing with any issues as they arise. The issues which can arise are detailed as relating to the caravan site (fuses tripping), providing first aid when needed, dealing with power cuts and issues with water supply, dealing with any storm damage and ensuring the site is secure.

Information has also been submitted with the application detailing these activities and the time spent on them by the Site Manager, in summary these are as follows:

1. *opening up and closing buildings and workshops on weekdays - 2 hours a day, 5 days a week, 50 weeks a year*
2. *cleaning all buildings twice a week - 2 hours a week, 50 weeks a year*
3. *checking on stock levels of consumables and doing routine maintenance on the buildings*
4. *opening up buildings and workshops for courses at weekends, greeting tutors and students, ensuring that there is tea, coffee and milk, taking any course fees that are outstanding, clearing up at the end of the day so that the buildings are ready for the next day - 80 days a year - 3 hours a day*
5. *supporting groups who have booked to run courses - at the Forest School sites or in the buildings - which may include taking water and firewood to the sites - 100 days - 2 hours*
6. *caravan site - being available to meet people who arrive, show them the facilities and take fees - 200 occasions - 1 hour*
7. *caravan site - grass cutting etc - 50 hours*
8. *checking and feeding livestock, checking and watering polytunnels - 150 days - 2 hours a day*
9. *checking and dealing with routine site maintenance - litter, recycling, hedges, plants etc*

It is not detailed how often the incidents listed above have occurred and how often they occur out of hours and therefore requiring a residential presence. RAC considers that all requirements of the site are pre-arranged with bookings in advance and therefore the opening and closing routine requirements are known.

Based on the information provided by the applicant Reading Agricultural Consultants (RAC) and Officers cannot accept that there is a functional need to live on the site.

The functional requirement test is therefore not met.

The Time test is only applied 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).

In this case, based on the information provided RAC and Officers do not accept that there is a justified essential need for a rural worker's dwelling at The Warren.

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;..."*

TAN 6 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.

RAC have been provided with Financial Statements for Warren Woods Ltd and considers that in order for a farming business to demonstrate viability, it should be

generating profits sufficient to provide a return on the capital invested – in agriculture a figure of 2.5% is usually cited; reward the owner for any unpaid labour – equivalent to the national minimum wage; a notional return on land and, provide for the build cost of the proposed dwelling.

The Financial Statements do not include the Profit and Loss Accounts but further information is provided in the additional supporting letter. It details that the funding of the labour costs, income and other expenses comes from different sources.

Without sight of the Profit and Loss Accounts it is still not possible for RAC to comment on the sustainability and viability of the rural business. RAC would note that the Balance Sheet (assets minus liabilities) shows an increasing profitable Members Fund which would be able to support the build costs of the proposed dwelling.

Other dwelling test

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

There are no existing dwellings on the site.

The Supporting information comments on properties available for sale in the immediate area and the value of historic sales.

A search of Rightmove shows two properties for sale within 1 mile of the site postcode. The two properties are a three bedroom detached house with a guide price of £595,000 or a four bedroom detached house with a guide price of £525,000. RAC would consider these beyond the affordability of a rural worker.

The applicant currently lives in Denbigh and travels approximately 6 miles to the site each day to carry out the opening and closing tasks. Without an essential need on site, RAC considers that the applicant could consider alternative dwellings slightly closer to the site with a lower sale guide price.

Other planning requirements test

Rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. The siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean 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. Careful consideration needs to be given to minimising the environmental effects of new rural enterprise dwellings.

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.

Having regard to the proposed details, Officers consider that the design, siting, sustainability and access for the proposed dwelling is acceptable.

Conclusions:

The proposal before the Council is for the erection of a permanent rural worker's dwelling which will be occupied by a full time worker employed by Warren Woods Ltd, and as such the rural worker's dwelling will be occupied by a full-time worker employed in the applicants' rural business.

RAC does not consider that the labour requirements of Warren Woods Ltd amount to an essential need for a full-time rural worker to reside on site. The labour requirement for opening and closing tasks at the site have been met for a number of years by the applicant who lives 6 miles from the application site. The essential need for a labour requirement relating to animal welfare and crop protection are currently considered minimal and the number of livestock on site and area of crops grown under polytunnels remain unknown.

The confidential Balance Sheets provided demonstrate that the applicants' business is viable and sustainable now and likely to remain so in the long term however RAC have not had sight of the Profit and Loss Accounts that would show the rent, labour and other income and expenses for Warren Woods Ltd.

There are likely to be other suitable and available dwellings in the locality (within three miles) that can meet the opening and closing requirements of the applicant's rural business.

Overall, RAC conclude that the applicant's proposal is not compliant with TAN 6 or with Policy PSE 5 of the Denbighshire County Council Local Development.

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

4.2.2 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 larch timber cladding with a juniper green box profiled roof. Windows would be timber and all materials are specified as being sourced locally and the property built to achieve a high energy rating.

The proposed dwelling is small in scale and has been designed in a sensitive manner to take account of its local environment. The site is well screened and would not result in an adverse impact on visual amenity or the landscape of the AONB. The AONB Officer has been consulted as states "*The proposed building has been sensitively designed to ensure that it takes account of the surrounding area. The dwelling is quite modest in scale and proportions and the siting, design, layout and use of materials will help assimilate the development into its surroundings*".

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

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The application site is 180m away from the nearest dwelling at 'Glascoed' to the north, 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 1 bed property as set out in the Supplementary Planning Guidance Note for Residential Space Standards.

There is also an acceptable amount of external space although no formal garden space is proposed.

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

4.2.4 Ecology

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

This reflects policy and guidance in Planning Policy Wales (Edition 12, 2024) within Chapter 6 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG 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 (Edition 12, 2024) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems" (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) 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).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- Green Infrastructure

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure

assessments and the submission of proportionate green infrastructure statements with planning applications.

- **Net Benefit for Biodiversity and the Step-wise Approach**

Clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach,

pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- **Protection for Sites of Special Scientific Interest (SSSI)**

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.

- **Trees and Woodlands**

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The proposal is supported by an Ecological Survey and concludes that the proposal would not have any adverse impacts. Reasonable Avoidance Measures (RAMs) are recommended within the report and concludes that provided the recommended mitigation and enhancement measures are undertaken, there should be a net gain in biodiversity, no net loss of roosting or nesting sites nor any danger of harm to any species.

Subject to the imposition of an appropriately worded conditions, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

4.2.5 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.

The proposal is to install a new septic tank for foul drainage, details have been provided on the septic tank and appear acceptable. Soakaways are proposed for surface water drainage disposal.

The floor space of the proposed dwelling would not be in excess of 100m² however the proposed layout plan indicates a hardstanding area which may exceed this. A note to applicant would be suggested to advise the applicant that the proposal may require SuDs Approval Body (SAB) approval. SuDS is a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m². The applicant would have to get SAB approval separately from planning permission and construction can only begin when SAB approval and planning permission have been granted.

4.2.6 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

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

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

The proposal would not impact upon the existing access track used by the business and there is sufficient space within the site for parking and turning.

There are no public footpaths affected by the proposal.

The Highway and Footpath Officer raise no objections 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.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is for a rural enterprise dwelling. The conclusions of the Agricultural Consultant and the Local Planning Authority against the TAN 6 tests are that the proposal is not compliant.
- 5.2 It is not considered that the labour requirements of Warren Woods Ltd amount to an essential need for a full-time rural worker to reside on site. The labour requirement for opening and closing tasks at the site have been met for a number of years by the applicant who lives 6 miles from the application site. The essential need for a labour requirement relating to animal welfare and crop protection are minimal and the number of livestock on site and area of crops grown under polytunnels remain unknown.
- 5.3 The Financial Statements do not include the Profit and Loss Accounts, without this information it is not possible to comment on the sustainability and viability of the rural business. However it is noted that the Balance Sheet (assets minus liabilities) shows an increasing profitable Members Fund which would be able to support the build costs of the proposed dwelling
- 5.4 The design, sustainability and access considerations are considered acceptable.
- 5.5 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 application fails to demonstrate key tests of TAN 6 and LDP Policy PSE5 are satisfied to justify the proposed dwelling, in terms of demonstrating that there is an essential need for the dwelling. The long term financial viability of the rural business is also unclear. The proposal is therefore considered contrary to criteria iii) of Policy PSE 5 and the rural restraints policies of Planning Policy Wales (Edition 12) including the advice and guidance contained in Welsh Government Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and the accompanying Rural Enterprise Dwellings Practice Guide (December 2011).