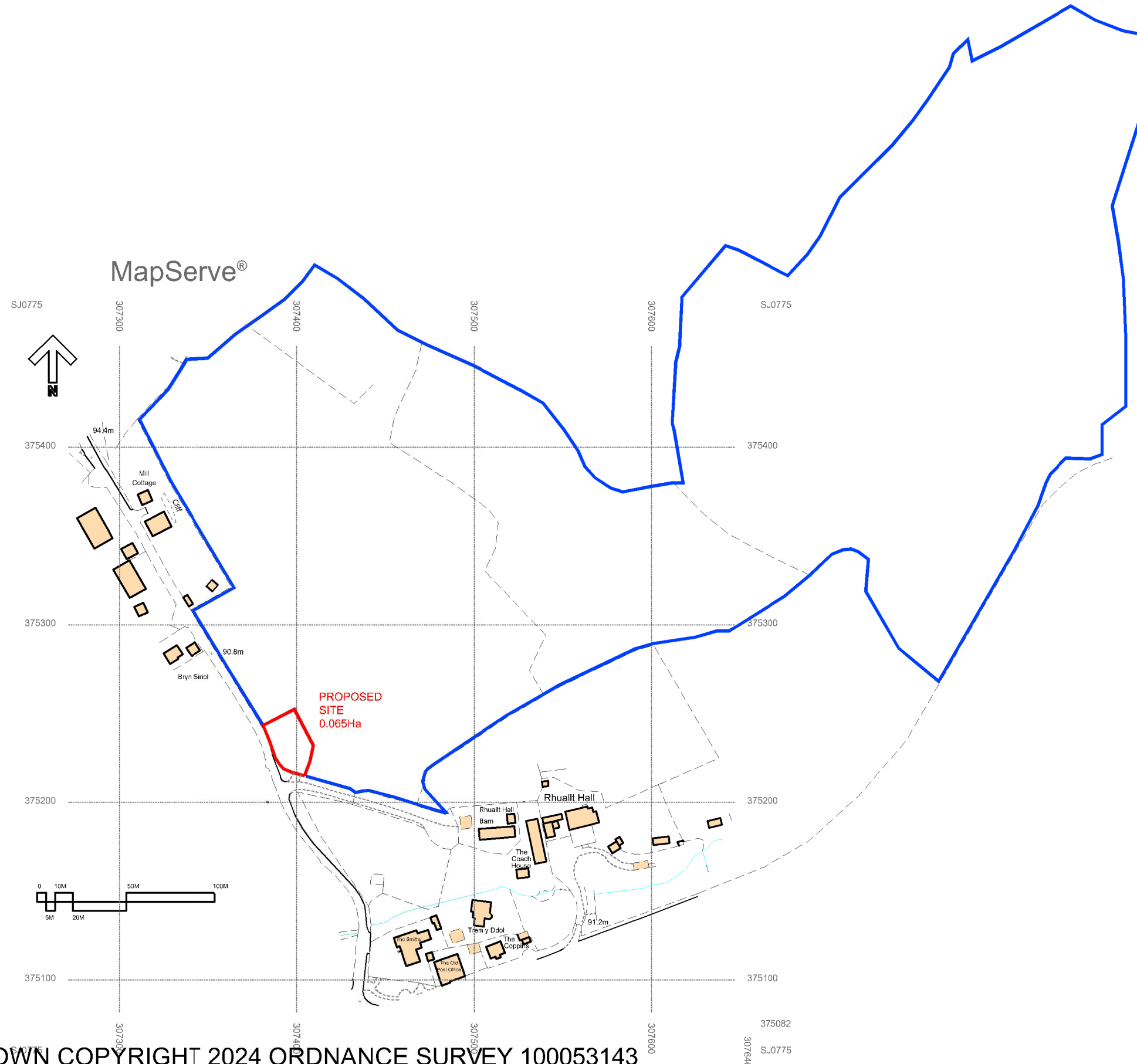


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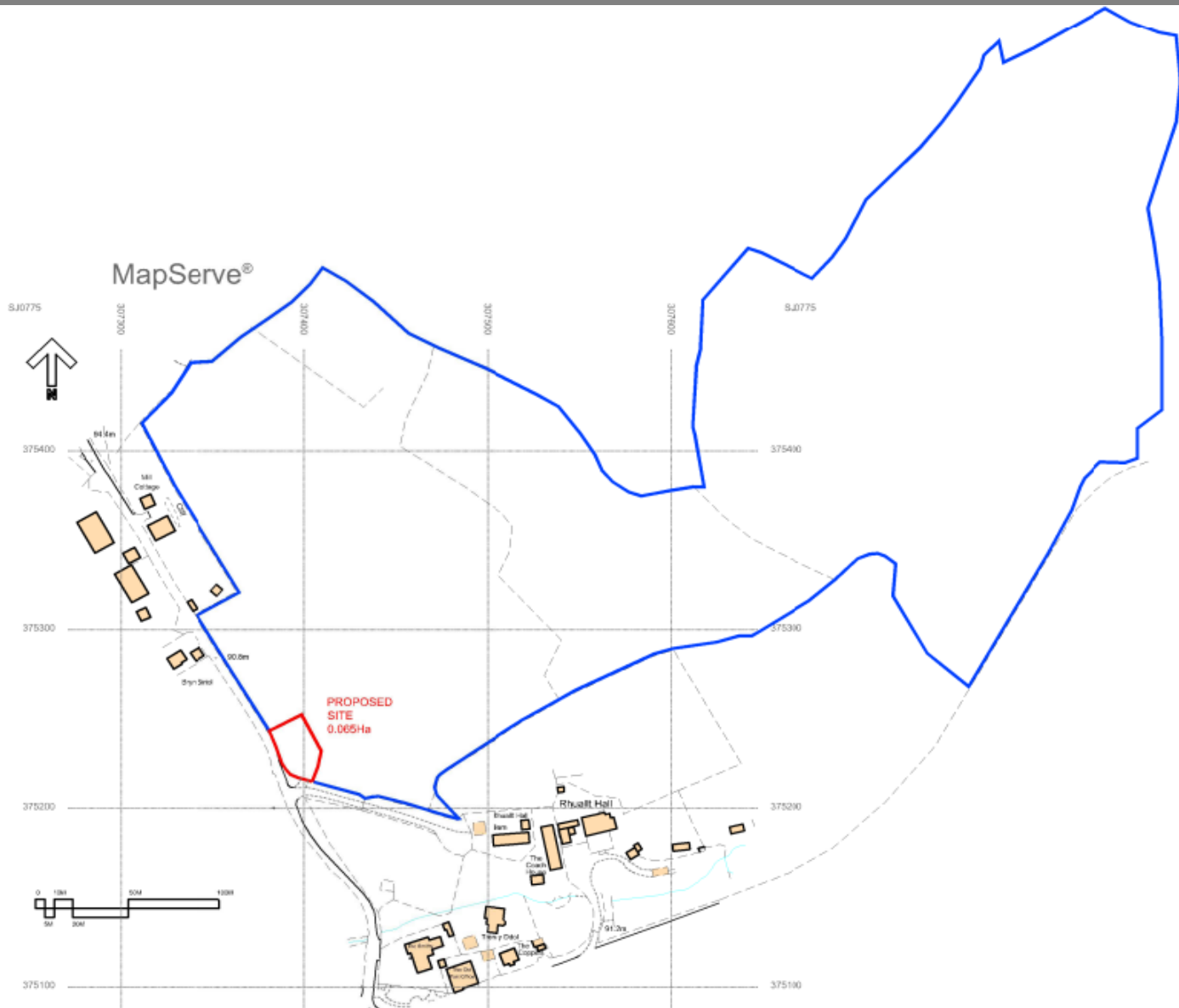


Project : PROPOSED TEMPORARY RURAL ENTERPRISE DWELLING, LAND OFF CWM ROAD, RHUALLT
Client: CADNANT PLANNING

Dwg : AL0001 - LOCATION PLAN
Date : JUNE 2024
Rev : A
Scale : 1/ 2,500 @ A3

47/2024/1288/PF

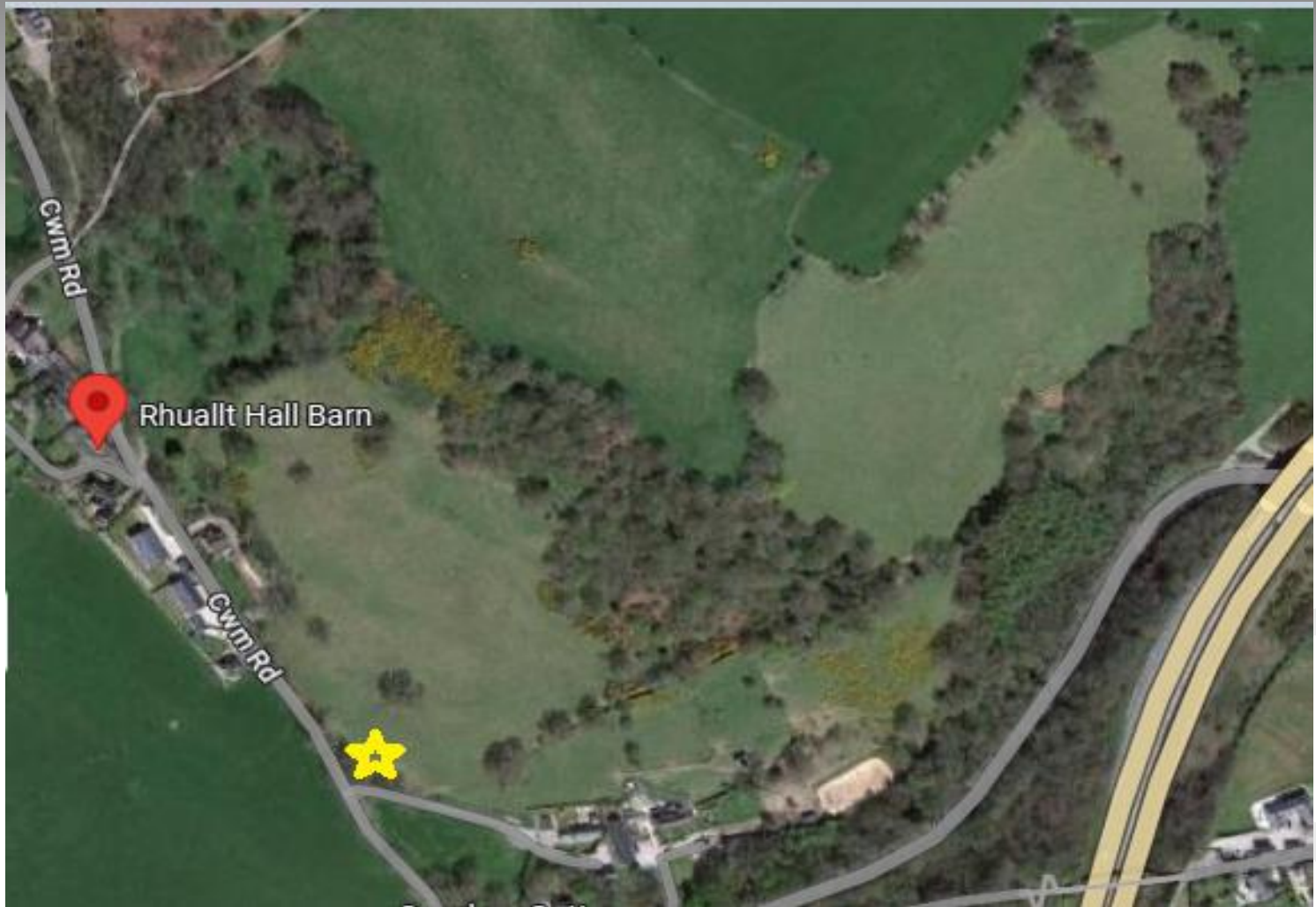
**Land between Rhualt Hall Barn & Mill
Cottage, Rhualt**



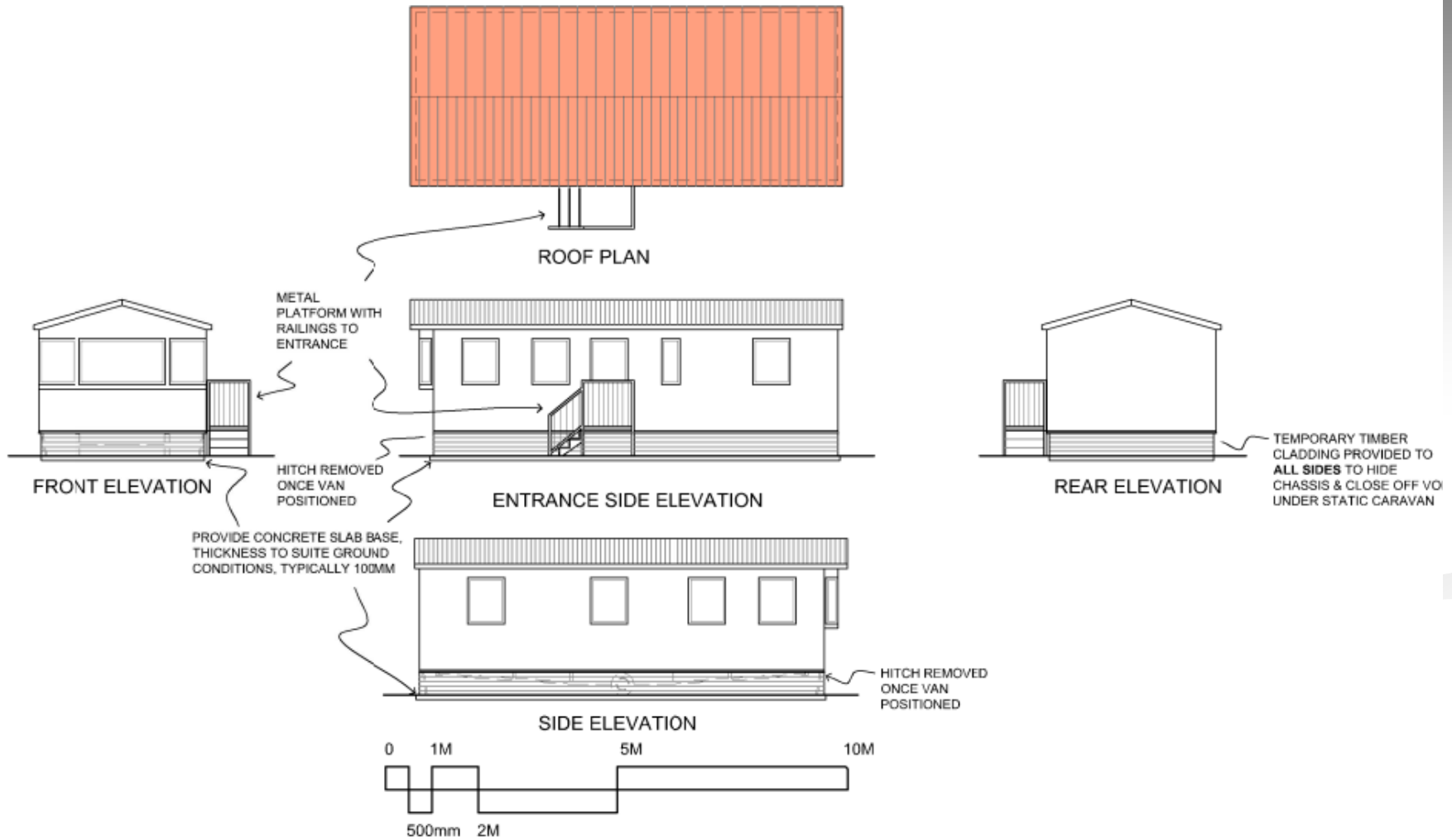
Location plan



Proposed Site Plan



Aerial image



Typical Static Caravan details



Approved Agricultural Building

47/2023/0408/PF

Site photographs



Officer - Sarah Stubbs

Ward - Tremeirchion

Ward Member(S) - Cllr Robert Chris Evans (C)

Application Number - 47/2024/1288/PF

Proposal - Erection of a temporary agricultural workers dwelling and associated works

Location - Land Between, Rhualt Hall Barn And Mill Cottage, Rhualt, St Asaph, Denbighshire

Applicant - Mr Bryn Jones

Constraints

Denbighshire Electoral Divisions	Tremeirchion
City Town and Community Councils	Cwm Community
Areas of Outstanding Natural Beauty - AONB	Clwydian Range and Dee Valley
Local Development Plan	Area of Outstanding Natural Beauty

PUBLICITY UNDERTAKEN:

Site Notice - No

Press Notice - No

Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

TREMEIRCHION/CWM/WAEN COMMUNITY COUNCIL

"Objections due to the lack of a business plan giving more details of the proposal and the size of the agricultural holding"

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY

JOINT ADVISORY COMMITTEE

The proposed case for a temporary agricultural workers dwelling satisfies the tests set out in TAN 6. The information provided demonstrates a functional need for a single worker to live on the holding. As the business is a relatively new enterprise its financial soundness is unproven. However, the financial information provided does appear to indicate a sound financial future. In these circumstances, it is reasonable in principle, to allow for some form of temporary accommodation on site. It is unfortunate the static caravan is 300m away from the previously approved agricultural building, but it is relatively well screened from the road and would not have a significant impact upon the character and appearance of the AONB. Any permission granted should be temporary to reflect the individual circumstances of this proposal. No objections raised.

READING AGRICULTURAL CONSULTANTS (RAC) original response dated 19/09/2024

The proposal before the Council is for the siting of a temporary agricultural worker's dwelling which will be occupied by the applicant and his family.

RAC considers that the applicant has met the essential need of the cattle and sheep whilst continuing to live off site and the proposed increase in calves in winter 2024 to be reared on site does not generate a requirement for a full-time worker to reside on site.

The application does not include any projected cashflows based on the increase in calves on site and therefore it is not possible for RAC to conclude that the business has been planned on a sound financial basis.

RAC considers that dwellings within the locality have not been properly considered by the applicant as providing for a shorter journey time to site.

RAC considers that the animal welfare requirements relating to lambing and calving could be met by seasonal worker accommodation.

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

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

Highways Officer
No objection

RE-CONSULTATION RESPONSES

TREMEIRCHION/CWM/WAEN COMMUNITY COUNCIL

"Objections. Development in open countryside and within the AONB plus insufficient acreage to justify residential development"

READING AGRICULTURAL CONSULTANTS (RAC)

Responses dated 2nd December, 2024 and final response dated 18th December, 2024

Response dated 2nd December, 2024

In response to the additional information provided by the applicant/agent, I have the following comments:

RAC continue to consider that the cutting grass for the production of silage for livestock feed does not add to the essential need requirements for a full-time worker to reside on site.

RAC accepts that the care, attention and welfare of livestock is not restricted to normal working hours, however, it is evident that the applicant has been able to manage an increasing number of livestock on the farm whilst living off-site and no details of any emergencies which have required them to attend out of hours for animal welfare purposes have been provided. Lambing can be met by seasonal worker accommodation and the number of cattle on site currently and proposed are considered not to justify the requirement for a full-time worker to reside on site.

The additional information details that the applicant is living in rented accommodation 10 miles from the farm. RAC considers that there are rental properties available closer to the farm which would reduce the applicant's travel time to site if required. No details of the temporary arrangements have been provided, nor the circumstances that required the applicant to be closer to site.

RAC accepts that this application is for a temporary period to allow the business to develop, however as detailed in the appraisal the proposed livestock numbers are not considered to generate a justified essential need for a full-time worker to live on site.

RAC is unsure how the applicant's holding size will increase but again RAC considers that silage making and grassland works do not add to the essential need requirements to reside on site.

Final response dated 18th December, 2024

In response to the additional information provided by the applicant/agent:

The REDA (dated July 2024) set out the applicant's intention to increase livestock numbers on site to include 36 calves by winter 2024 in addition to the existing numbers as set out in the RAC Appraisal (dated 19 September 2024).

The latest information provided sets out the current livestock numbers on site which comprise the following:

185 breeding ewes (in lamb);

9 store lambs;

9 rams;

12 calves (outside feeding);

24 calves (housed until spring); and

2 miniature Hereford suckler cows (in calf)

The applicant intends to increase livestock numbers beyond that initially proposed in the REDA (July 2024) and it is detailed that these livestock numbers will be reached by the second year of the Business Plan.

The new proposed stocking on site will comprise the following:

220 breeding ewes;

250 store lambs;

9 rams;

24 calves (outside feeding);

28 calves (housed until spring); and

4 miniature Hereford suckler cows.

A revised labour calculation has also been provided based on the increased labour requirement relating to the agricultural holding from year two of the business plan onwards.

RAC consider that the livestock enterprises alone would generate an essential need for a full-time worker to reside on site. The additional information comments on the lack of availability of a property within one mile of the application site. RAC have carried out a search of

rental properties on Rightmove on 18 December 2024 and would agree that at the time of this latest appraisal the nearest dwellings available to rent are approximately 2 miles from the application site.

It is considered that the applicant has now demonstrated that there will be an essential need for the developing mixed livestock enterprises at the application site and there are no alternative properties available to rent or purchase.

Overall, RAC would conclude that the applicant's proposal is compliant with TAN 6 and Policy PSE 5 of the Denbighshire County Council Local Development.

RESPONSE TO PUBLICITY:

1. Peter Cook Hendre Sian, Cwm Road, Rhualt
2. Simon Kent, The Coach House, Holywell Road, St Asaph

Summary of planning based representations in objection:

General Comments:

Queries relating to the location of the static caravan; why is it not a touring caravan; insufficient evidence has been provided to support the application; using Rightmove as a source for rental property availability is not a valid source.

Drainage.

A septic tank is proposed but the application site is at the bottom of the hill; a great deal of water passes through and over this ground likely to overwhelm any drainage field and result in the outfall reaching the road largely untreated.

Visual Impact

Erection of a new building in an area of outstanding beauty; the dwelling will sit close to the lane and would not blend into the natural landscape.

Highway Safety

The access onto Cwm Road is not good and could be a traffic hazard, it is a narrow lane with poor visibility.

EXPIRY DATE OF APPLICATION: 12/02/2025

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

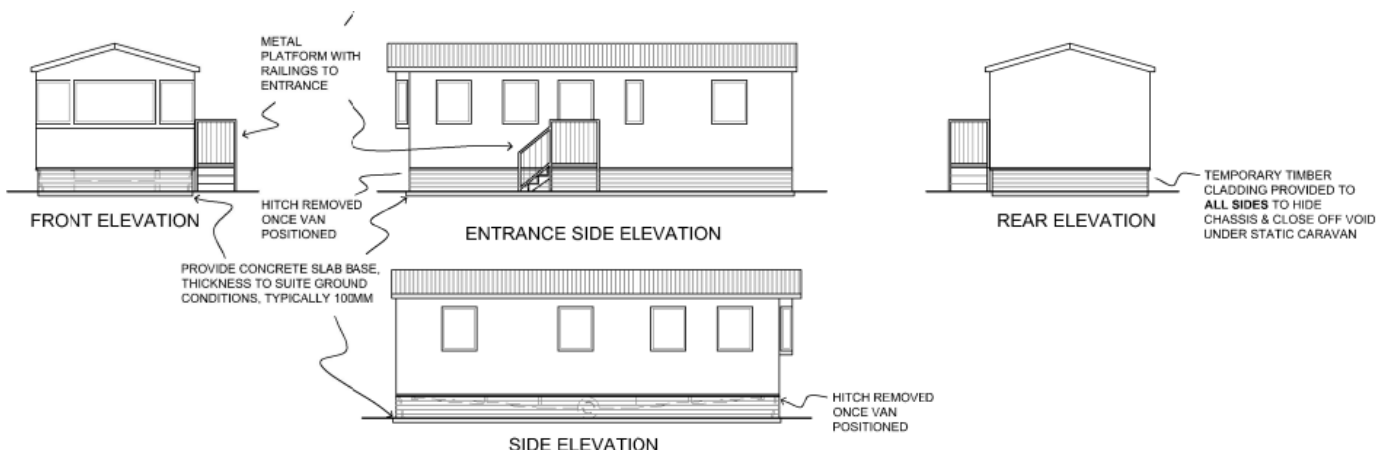
1.1.1 Full planning permission is sought for the erection of a temporary agricultural workers dwelling and associated works on land between Rhualt Hall Barn and Mill Cottage in Rhualt.

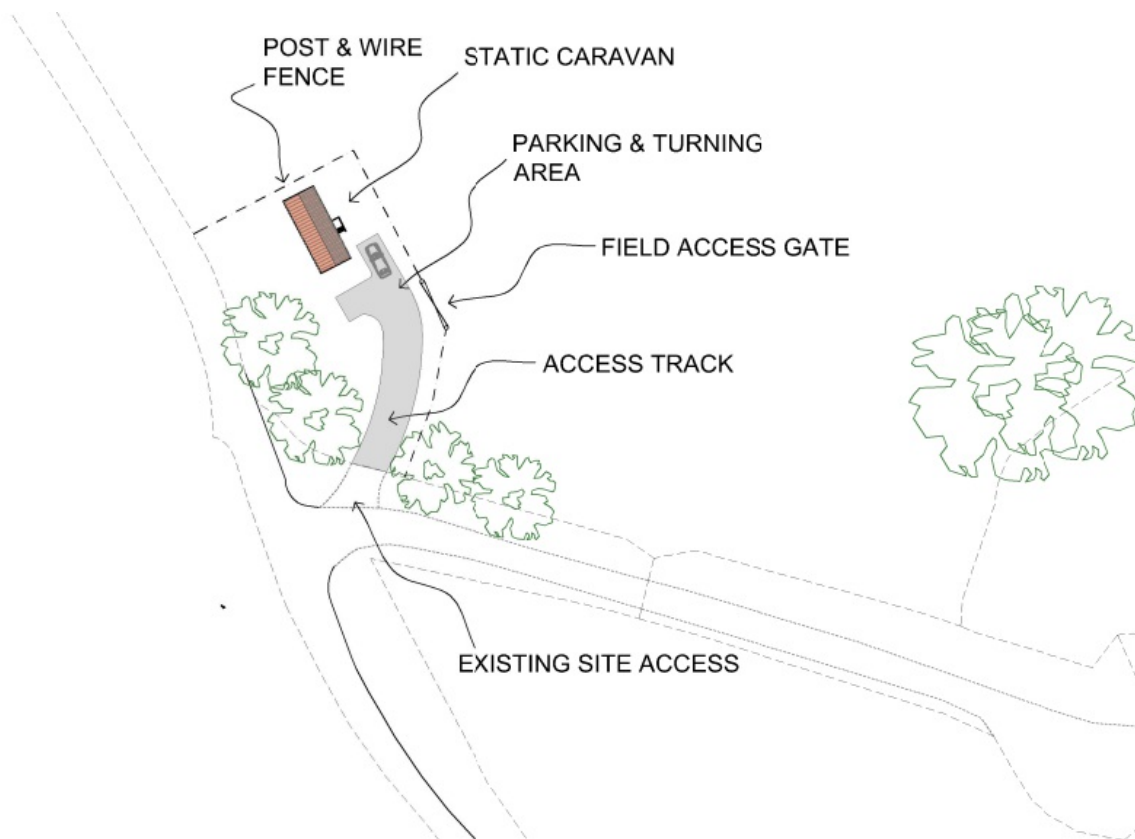
1.1.2 There are currently no dwellings on the site.

1.1.3 A temporary dwelling is proposed on an area of land approx. 0.07ha in area in the south east corner of the holding which was established in October 2022.

1.1.4 Consent is sought for a temporary dwelling in the form of a static caravan measuring approx. 3.6m by 9.3m to a height of 3.4m. A small metal platform is shown to form an entrance to the caravan, which would sit on a concrete base with temporary timber cladding provided on all sides to hide the chassis and close off the void under the caravan.

1.1.5 There is an existing access off Cwm Road and there would be no change to existing access arrangements, a short access track with parking and turning area would be formed to access the dwelling. Proposed elevations and site layout details are shown below:





1.2 Other relevant information/supporting documents in the application

1.2.1 A Planning Statement with Rural Enterprise Dwelling Appraisal has been submitted along with a Green Infrastructure Statement.

1.2.2 The Planning Statement and Appraisal explains the farming background with all the necessary detailed information also provided. Some key points and conclusions are summarised below: -

The temporary dwelling relates to the farming enterprise at Cwm Road, Rhuallt. The temporary dwelling would comprise of the siting of a static caravan which would be occupied by the applicant and his wife.

The holding has only been established since October 2022 when the applicant bought the land at Rhuallt. The rented/ leased land are not on a short term lease. All the land are rolling from one year to the next but it is hoped that as the enterprise continues to develop at the site, that there will be an opportunity for the leased land to be secured on a longer term basis or that additional land can be purchased by the applicant.

The labour input for the farming enterprise is provided principally by the applicant. His wife also helps out with duties on the farm, but this is on occasions. There is no existing dwelling at the site and the applicant currently resides in a property at Llanefydd where he has to travel to and from the site every day to attend to the stock and the farming enterprise.

The land at Cwm Road is a farming enterprise extending in all to 53ha comprising of the following:

- 17.24ha of owned land at Rhuallt and;
- 35.50ha of rented land at Rhuallt.

The application site lies some 300m to the south-east of the where the proposed agricultural shed has been approved. The proposed site was chosen due to its close proximity to the shed location and the ability to make use of the existing contours of the land and access. The proposed location lends the ability to position the proposed static caravan dwelling effectively on land against the backdrop of the roadside hedges to reduce its prominence on site and reduce the potential impact on the character of the designated Area of Outstanding Natural Beauty (AONB).

The proposed site already has an existing access which would need to connect to the existing lane nearby. Limited works will be required to formalise this access point to serve the development.

In conclusion, it is clear that the proposal satisfies the tests set out in TAN 6 and the corresponding criteria set out in adopted local planning policy. These include:

- a clear and demonstratable functional need for the applicant as a principal worker to live on the holding;
- a theoretical need for 1.05 full time worker to be at the site, which meets the requirement for a full-time worker on an new enterprise holding;
- the enterprise has not been established at this location for over three years therefore the proposal is assessed as a new enterprise; as the enterprise has not been established for more than three years is cannot be proven that the enterprise is financially sound and has good prospects of remaining economically sustainable for the foreseeable future. However, the financial information provided shows that

the financials of the business enterprises are increasing year on year. This together with applicants firm intention and ability to develop the rural enterprise it is reasonable to consider that the enterprise would have a sound financial future.

• no other alternative housing. No other buildings available at Cwm Road and no reasonable dwellings for sale or rent within one-mile radius of the farm.

This Rural Enterprise Dwelling Appraisal demonstrates that there is a sound case for a temporary rural enterprise dwelling at Cwm Road.

1.3 Description of site and surroundings

1.3.1 The application site is located in the open countryside and comprises of agricultural land located adjacent to Cwm Road in Rhualt.

1.3.2 The site has an existing access off Cwm Road and is bound by mature hedgerows and trees which form the boundary of the site with Cwm Road, with woodlands to the west of the site.

1.3.3 There are no residential properties located close to the siting of the proposed static caravan. Bryn Siriol is the closest residential property located on the other side of Cwm Road approximately 75m away to the north west, with Mill Cottage (north west) and Rhualt Hall Barn (south east) both of which are over 100m away from the site.

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 was given in 2023 for an agricultural building for the housing of livestock and storage of feed and machinery and associated works. The agricultural building has been constructed and has been in use since August 2024.

1.6 Developments/changes since the original submission

1.6.1 Further supporting information has been submitted by the applicant in response to queries raised by Reading Agricultural Consultants (RAC) along with a Green Onrastructure Statement and septic tank details.

1.7 Other relevant background information

1.7.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 47/2023/0408 Erection of an agricultural building for the housing of livestock and storage of feed and machinery and associated works GRANTED under delegated powers 8th September, 2023. (see plan at the front of the report for details of agricultural building)

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan Adopted June 2013

Policy PSE 5 - Rural Economy

Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE 5 - Protection

Supplementary Planning Guidance

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

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

Supplementary Planning Guidance - Parking Requirements in New Developments

Government Policy / Guidance

Future Wales: The National Plan 2040

Planning Policy Wales Edition 12, 2024

Development Management Manual 2017

TAN 6 - Planning for Sustainable Rural Communities (2010)

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."

TAN 6 provides detailed guidance to Local Planning Authorities for the consideration of applications for new agricultural dwellings to support a new rural enterprise, Section 4.6.1 of TAN 6 states that applications must provide: -

- a. clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions;
- b. clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available;
- c. clear evidence that the proposed enterprise has been planned on a sound financial basis;
- d. there is a clearly established functional need and that need relates to a full-time worker, and does not relate to a part-time requirement;
- e. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and

f. 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 rural enterprise dwellings on new enterprises, subject to the key tests being met.

In assessing the case for the temporary 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 temporary 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 a rural worker to live at, or near, their place of work. In this case, there is a developing mixed livestock enterprise run by Bryn Jones at the application site.

In order to provide appropriate supervision for the livestock enterprise, the applicant considers it essential that a rural worker's dwelling is provided for a full-time worker to reside in, being the applicant and his wife. The applicant considers the dwelling at the application site is essential in order to meet the necessary management and supervision of the livestock and to ensure that animal welfare needs are not compromised. RAC would note that the applicant has currently been meeting the essential need by travelling to site each day with additional trips required during the lambing and calving season.

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 of 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 the provision of on-site supervision. 16.

Under the Animal Welfare Act 2006 it is an offence to cause unnecessary suffering to any animal. The Act also contains a Duty of Care to animals which means that anyone responsible for an animal must take reasonable steps to make sure the animal's needs and its welfare are met. The overall responsibility for Duty of Care for animal welfare currently lies with the applicant.

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 latest information provided sets out the current livestock numbers on site (December 2024) which comprise the following:

- 185 breeding ewes (in lamb);*
- 9 store lambs;*
- 9 rams;*
- 12 calves (outside feeding);*
- 24 calves (housed until spring); and*
- 2 miniature Hereford suckler cows (in calf)*

The applicant intends to increase livestock numbers beyond that initially proposed in the original Rural Enterprise Dwelling Appraisal (July 2024) and it is detailed that these livestock numbers will be reached by the second year of the Business Plan.

The new proposed stocking on site will comprise the following:

- 220 breeding ewes;*
- 250 store lambs;*
- 9 rams;*
- 24 calves (outside feeding);*
- 28 calves (housed until spring); and*
- 4 miniature Hereford suckler cows*

In the case of the livestock enterprises at the application site the proposed essential needs arise from:

- the general welfare and care of all livestock on the farm;*
- the general welfare and management of all breeding stock where assistance may be required at calving and lambing;*
- the general care and attention of the newborn calf or lamb ensuring they have received adequate colostrum, again assistance may be required to encourage suckling;*
- the reproductive requirements of the breeding stock, such as monitoring heat detection (oestrus) and its synchronisation;*
- the general care and attention of the young purchased calf ensuring they are able to drink or suckle milk substitute, assistance may be required to train the calf to drink from a bucket or milk dispenser;*

- close observation and monitoring of newly purchased calves for any health issues;
- the regular inspection of housed livestock for signs of disease or distress and to rectify the problem promptly;
- provision of security for animals from theft or malicious attack; and
- dealing with unforeseen emergencies.

A revised labour calculation has also been provided based on the increased labour requirement relating to the agricultural holding from year two of the business plan onwards. RAC consider that the livestock enterprises alone would generate an essential need for a full-time worker to reside on site.

Following the submission of updated information, RAC consider that the applicant has now demonstrated that there will be an essential need for the developing mixed livestock enterprises at the application site.

In this case, based on the information provided RAC and Officers accept that there is a justified essential need for a temporary rural worker's dwelling at the site.

The Financial Test

With regards to a temporary dwelling for a new farm TAN 6 requires:

“Where the case is not completely proven for a dwelling permission should, not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. Three years will normally be appropriate to ensure that the circumstances are fully assessed. If such a permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraphs 4.4.1 or 4.6.1 are met. The planning authority should make clear in planning conditions the period for which the temporary permission is granted and that the temporary dwelling will have to be removed when that period expires. It should also include an informative attached to the planning decision notice stating the requirements that will have to be met if a permanent permission is to be granted. It will be unsatisfactory to grant successive extensions to a temporary permission if that will result in a permission having a total duration of more than three years.”

The financial test is set out at Paragraph 4.10.2 of TAN 6 and 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.”

Financial accounts with Profit and Loss Accounts for the applicant's building and farm business, trading as Robert Bryn Jones, for the years ending 5 April 2021 to 2023 have been provided on a confidential basis.

The accounts show that the turnover created by the farming enterprise on its own has increased year on year (from 2021–2023), which shows that the enterprise is improving financially each year. The applicant has stated that projected cashflow based on the increase in calves on site can be provided if considered necessary however this has not been requested and it is accepted (as stated in the submission) that the financial soundness of the new enterprise cannot be completely proven at this early stage.

However, paragraph 4.6.2 of TAN 6 (and the matrix of the Rural Enterprise Dwelling Practice Guidance), allows for the grant of a temporary planning permission for a specific period (3 years will normally be appropriate). Any future permanent use of the site would then have to be proven fully to be financially sound and have good prospects of remaining economically sustainable for a reasonable period.

The financial information provided shows that the financials of the business enterprises are increasing year on year. Based on TAN 6 guidance, Officers consider a temporary permission for a 3 year period to be acceptable.

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 or buildings on the site capable of conversion, there is currently a single newly constructed agricultural building on the holding.

The applicant currently lives in Llanefydd and travels approximately 9.6 miles to the site. Given the demonstrated functional need, a property would need to be located close to the holding, it is suggested within 1 mile.

The Supporting information comments on properties available for sale and rent in the immediate area.

The properties for sale ranged in price from £295,000 to £620,000 and were above and beyond what the applicant actually required and considered to be unduly expensive to what the enterprise could afford to sustain.

In relation to rental properties, there is a lack of availability of a property within one mile of the application site, which was reviewed by the applicant again in December 2024. RAC have also carried out a search of rental properties on Rightmove in December 2024 and would

agree that at the time the nearest dwellings available to rent are approximately 2 miles from the application site.

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 siting and access arrangements for the proposed temporary dwelling (static caravan) is acceptable.

Conclusions:

The proposal before the Council is for the siting of a temporary rural worker's dwelling which will be occupied by the applicant.

It is considered that the applicant has now demonstrated that there will be an essential need for the developing mixed livestock enterprises at the application site and there are no alternative properties available to buy or rent.

Overall, Officers conclude that the applicant's proposal is compliant with TAN 6 and Policy PSE 5 of the Local Development Plan.

With respect to some local representations and the comments of the Community Council regarding the principle and extent of supporting information submitted, the application has been submitted with all the necessary detailed supporting information that is required by TAN 6. This type of application is one of the few circumstances where development in the open countryside will be allowed (subject to compliance with TAN 6) and the agricultural appraisal submitted has been assessed and accepted by Reading Agricultural Consultants.

Standard planning conditions are considered necessary to control the temporary time period of the permission (3 years is the standard time suggested in TAN 6) and also a condition relating to the occupancy of the unit.

Further assessment of the detailed impacts will be discussed further in the following sections 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.

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

This reflects guidance in Planning Policy Wales (Edition 12, 2024) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

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

The Community Council have raised concerns that the proposal is located in the AONB.

Due to its nature, the static caravan proposed is temporary and low key. 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 and states "*The proposed case for a temporary agricultural workers dwelling satisfies the tests set out in TAN 6. The information provided demonstrates a functional need for a single worker to live on the holding. As the business is a relatively new enterprise its financial soundness is unproven. However, the financial information provided does appear to indicate a sound financial future. In these circumstances, it is reasonable in principle, to allow for some form of temporary accommodation on site. It is unfortunate the static caravan is 300m away from the previously approved agricultural building, but it is relatively well screened from the road and would not have a significant impact upon the character and appearance of the AONB. Any permission granted should be temporary to reflect the individual circumstances of this proposal. No objections raised.*"

With respect to the concerns in the local representations and from the Community Council, permission is sought for a temporary unit which is sited in a location that is well screened and the AONB Officer raises no objections to the proposal. The site makes use of the existing contours of the land as well as an existing vehicular access with very limited development works required and it is considered that the proposed static caravan would be well screened from the roadside by mature hedges and trees.

Having regard to the design, siting, scale and appearance it is considered that the proposed temporary dwelling would integrate with its surroundings. A planning condition to control external lighting is suggested to minimise potential impacts on the AONB (and nocturnal wildlife). It is considered that the proposal 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 located approximately 75m away from its closest neighbour at 'Bryn Siriol' 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/or overlooking given the separation distances and screening.

It is therefore considered that the proposal 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 a Green Infrastructure Statement (GrIS). The GrIS recognises the rural location of the site (and within the AONB) and that any light spillage could impact on local wildlife (and the landscape). A lighting condition is therefore considered necessary to ensure if any external lighting is required that it is designed appropriately for the area and to minimise any potential impact on local wildlife. Due to the temporary nature of the proposal, biodiversity enhancements are to be provided in the form of additional nesting provisions on the site for bat and birds in nearby trees. Given the scale and temporary nature of the proposal this is considered to be a reasonable approach. It is therefore considered that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity net gain at the site.

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

4.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (Edition 12, 2024) at para 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*.

Planning Policy Wales ((Edition 12, 2024) at paras 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

A local representation has referred to the adequacy of the septic tank and referred to the topography potentially causing issues.

The proposal is to install a new septic tank for foul drainage to the west of the static caravan, details of the septic tank have been provided and appear acceptable for the temporary unit. Surface water drainage will be dealt with by sustainable methods.

The floor space of the proposed unit/concrete slab would not be in excess of 100m² however the proposed layout plan indicates an access track with parking/turning area which may exceed this. It is however noted that the surfacing proposed would consist of reclaimed and crushed material and gravel so that the land can be suitably restored to its former condition in the future if need be. A note to applicant is suggested to advise the applicant to contact the 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 works can only begin when SAB approval and planning permission have been granted.

4.2.6 Highways (including access and parking)

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

These policies reflect general principles set out in Planning Policy Wales (Edition 12, 2024) and TAN 18 – Transport, in support of sustainable development.

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.

A local representation has referred to the access onto Cwm Road being poor and could be a traffic hazard as it is a narrow lane with poor visibility.

There is an existing access off Cwm Road which is utilised by the holding and is typical of its use and rural location. The additional traffic generated by the proposal would be minimal.

The proposal is to form a narrow access track off the existing access to provide vehicular access to the proposed static caravan, and also provide a small space within the site for parking and turning. Given the temporary nature of the proposal, surfacing of the access track would consist of reclaimed and crushed material and gravel so that the land can be suitably restored to its former condition in the future if need be.

The Highway Officer has raised 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 temporary rural enterprise dwelling. The conclusions of the Agricultural Consultant and the Local Planning Authority against the TAN 6 tests are that the proposal is compliant and a temporary permission is considered acceptable.

5.2 All other detailed considerations are considered acceptable.

RECOMMENDATION: GRANT subject to the following conditions: -

1. The development to which this permission relates shall be begun no later than 2 years from the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
Green Infrastructure Statement Received 21-01-2025
Further-response-and-updated-Information Received 17-12-2024
Additional Information/response Received 20-11-2024
Typical Static Caravan details (Drawing No. AL0004) Received 22-07-2024
Proposed Site Plan (Drawing No. AL0003) Received 22-07-2024
Location Plan (Drawing No. AL0001) Received 22-07-2024
Existing Site Plan (Drawing No. AL0002) Received 22-07-2024
Appendix A - Farm maps Received 22-07-2024
Appendix B - Financial accounts (Confidential) Received 22-07-2024
Rural Enterprise Dwelling Appraisal Received 22-07-2024
Septic Tank details Received 22-01-2025

3. The residential caravan hereby permitted shall be removed from the land on or before 3 years from the date of this permission.

4. The occupancy of the caravan shall be limited to a person, solely or mainly working, or last working, in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, or a widow/widower of such a person, and to any resident dependants.

5. Following the removal of the caravan (on or before 3 years from the date of this permission) the site shall be restored in accordance with a site restoration plan to be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include the timescale for the sites restoration.

6. No new external lighting shall be permitted to be installed or operated, including emergency/security lighting, until the written approval of the Local Planning Authority has been obtained to the details thereof to include light spillage details and any mitigation measures which should be designed to avoid negative impacts on bats. The scheme shall be carried out strictly in accordance with the approved details.

Reasons: -

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development
3. To ensure the Local Planning Authority has adequate control over a temporary planning permission in the interest of maintaining rural restraint planning policies.
4. To ensure compliance with National Planning Policy on Rural Enterprise Dwellings.
5. In the interest of visual amenity and to protect the Area of Outstanding Natural Beauty
6. To maintain the favourable conservation status of protected bat species and to protect the Area of Outstanding Natural Beauty

Notes to Applicant

SAB Approval

Developments of more than a single dwelling, or those involving a construction area of more than 100sq.m may be subject to the Sustainable Urban Drainage approval process. Denbighshire County Council is the appointed SuDS Approval Body, contact 01824 706901 or email landdrainage.consultations@denbighshire.gov.uk

Detailed information and advice is available on the Councils website:

<https://www.denbighshire.gov.uk/en/planning-and-building-regulations/planning/sustainable-drainage-systems-suds.aspx>

COMPLIANCE WITH APPROVED PLANS AND CONDITIONS

Please be reminded that any permission or consent must be carried out strictly in accordance with the approved plans and conditions imposed which are clearly listed on this certificate of decision. Pre-Commencement conditions should be given particular attention. Failure to do so could result in enforcement action being taken by the Local Planning Authority.

Further detailed information on how to comply along with other relevant information relating to your decision is contained in the detailed Notes to Applicant attached to this certificate which you are strongly advised to consider.

If you are in any doubt about your obligations, including any obligation you may have to pay commuted sums, please contact the Local Planning Authority at planning@denbighshire.gov.uk quoting the reference of your planning permission.