

APPENDIX 1

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0164/RET 11.03.2013	Mr & Mrs Moody Nant-Y-Cwm Farm Cefn-Onn Farm Lane Rudry Caerphilly CF83 3EJ	Regularise mixed-use of the land for agriculture and residential purposes to include retention of dwellinghouse with proposed extension, retain farm workshop and barn with alterations, retain chicken house, 'roundhouse' for use as picnic shelter/classroom and the proposed erection of an ancillary dwelling, garden shed, implement shed and a maximum No. of 6 seasonal camping yurts Nant-Y-Cwm Farm Cefn-Onn Farm Lane Rudry Caerphilly CF83 3EJ

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Nant-Y-Cwm Farm, Cefn-Onn Farm Lane, Rudry.

Site description: The application site relates to a parcel of agricultural land of 6.5 hectares with varied land features and wooded areas. The land is defined by a stream along the north western boundary, which provides the main water source and hedgerows along the other boundaries. There are no mains services on the site and access is achieved via Cefn-Onn Farm Lane, which connects Rudry Common to the boundary shared with Cardiff City Council.

Development: Permission is sought to regularise a mixed-use of the land for agriculture and residential purposes to include retention of dwellinghouse with proposed extension, retain farm workshop and barn with alterations, retain chicken house, 'roundhouse' for use as picnic shelter/classroom and the proposed erection of an ancillary dwelling, garden shed, implement shed, polytunnel, shepherds hut and a maximum of 6 seasonal camping yurts.

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Dimensions: The structures that form part of this development and their dimensions are as follows:-

Main dwellinghouse - 19.8m x 6.7m x 3.6m.

Farm workshop - 6.1m x 7.2m x 3.9m.

Barn - 17.4m x 18.5m x 6m.

Chicken house - 2.4m x 2.2m x 2.2m .

Roundhouse (classroom accommodation) - 7m diameter x 4.8m.

Proposed Ancillary dwelling - 6.7m x 9.7m x 3.5m.

Garden shed - 2.4m x 3.0m x 2.3m.

Camping yurt - 6m diameter.

Proposed polytunnel - 28m x 11.6m x 2.4m.

Existing polytunnel - 6m x 4.5m x 2.2m.

Proposed implement shed - 11.6m x 3m x 2.3m.

Shepherds hut - 3m x 3m x 2.5m.

Materials:

Main dwellinghouse - recycled timber construction, clad in cedar.

Farm workshop - reclaimed concrete block/timber with portable container incorporated into building fabric.

Barn - recycled dutch barn construction, clad in timber with portable container incorporated into building fabric.

Chicken coop - recycled timber construction.

Roundhouse (classroom accommodation) - recycled timber.

Ancillary dwelling - recycled timber construction, clad in cedar.

Garden shed - recycled timber construction.

Camping yurt - canvas.

Proposed polytunnel - recycled polytunnel frame and horticulture grade plastic.

Existing polytunnel - recycled steel/wood and horticulture grade plastic.

Proposed implement shed - recycled timber construction with tin roof.

Shepherd hut - former luton van body.

Ancillary development, e.g. parking: Parking facilities are proposed.

PLANNING HISTORY

There is no previous planning history.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside settlement boundary with a visually important local landscape.

Policies: CW2 (Amenity); CW4 (Natural Heritage Protection); CW6 (Trees, Woodland and Hedgerow Protection); CW15 (General Locational Constraints); CW19 (Rural Development and Diversification); SP5 (Settlement boundary); SP6 (Place Making); NH 2.4 (Rudry Visually Importance Local Landscape);

NATIONAL POLICY The relevant policies and guidance are set out in Planning Policy Wales (Edition 5, November 2012), Technical Advice Note (TAN) 6 - Planning for Sustainable Rural Communities (July, 2010) and the associated One Planet Development Practice Guidance (October, 2012).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Cardiff City Council - No representations have been received.

Transportation Engineering Manager - Raises objection to the proposal as the lane network leading to the site is unsuitable to serve the development by virtue of its narrowness, lack of forward visibility, steep gradients and lack of street lighting. Any increase in traffic movements along this network would be to the detriment of highway safety.

Head Of Public Protection - Raises objection on the basis that the accommodation fails to meet the minimum housing standards as stated in the Housing Act 2004. Concern is also raised in respect of the water quality; however, this is a matter that can be made acceptable by monitoring and sampling.

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Senior Engineer (Land Drainage) - Raises no objection subject to a condition being imposed showing how surface water and land drainage flows from the site will be dealt with.

Dwr Cymru - No representations have been received.

Rights Of Way Officer - Raises no objection and notes that Bridleway 51 Rudry passes through the site and must not be obstructed.

Gwent Wildlife Trust - No representations have been received.

Team Leader Sustainable Development And Living Environment - Raises objection on the basis that the level of information included in the applicant's management plan is insufficient to meet the tests set out in Technical Advice Note 6 (TAN 6) - Planning for Sustainable Rural Communities.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and neighbouring properties consulted.

Response: One letter has been received.

Summary of observations: No objection raised.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: Planning Policy Wales and Technical Advice Note 6 (TAN 6) - Planning for Sustainable Rural Communities are the main sources of policy consideration for One Planet Development (OPD) in the countryside. One Planet Development is a new area of rural policy.

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It is a justified exception to the strict control of residential development in the open countryside and shall only be permitted if the demanding requirements of TAN 6 and its practical guidance listed in the One Planet Development Practice Guidance (October, 2012) are met.

TAN 6, reflecting Planning Policy Wales, sets out a list of essential characteristics that all One Planet Developments in the open countryside must have. One Planet Developments must:-

1. Have a light touch on the environment - positively enhancing the environment wherever possible through activities on the site.
2. Be land based - the development must provide for the minimum needs of residents in terms of food, income, energy and waste assimilation in no more than five years.
3. Have a low ecological footprint - the development must have an initial ecological footprint of 2.4 global hectares per person or less with a clear potential to move to 1.88 global hectares per person over time.
4. Have very low carbon buildings - these are stringent requirements, requiring that buildings are low in carbon in both construction and use.
5. Be defined and controlled by a binding management plan, which is reviewed and updated every five years.
6. Be bound by a clear statement that the development will be the sole residence for the proposed occupants.

TAN 6 also says that planning applications for OPD need to be supported by robust evidence. In particular, it says that a management plan produced by a competent person or persons should accompany applications and that this should be the basis of a legal agreement relating to the occupation of the site. It also states that the management plan should cover the following areas; a business and improvement plan, ecological footprint analysis, carbon analysis, biodiversity and landscape assessment, a community impact assessment, and a transport assessment and travel plan. In accordance with the requirements of TAN 6, the applicants have submitted such a plan. The management plan sets out the applicants' objectives and defines the design strategy/proposals to create the infrastructure necessary to support a one-planet lifestyle. An ecological footprint analysis is also included.

As with all such proposals in the countryside the advice of an agricultural consultant was sought and the following analysis takes account of the comments received.

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The submitted management plan is broken down into individual elements. From the information submitted, the applicants purchased 6.5 hectares of agricultural land at Nant-Y-Cwm Farm in 2008 and have been farming the land since this time. They claim to have lived on the land since 2009 in a variety of structures ranging from a yurt to a caravan. The move to a more permanent place of residence took place in 2011 when the applicant constructed a log cabin, which is now the main dwellinghouse. Other unauthorised buildings that have been constructed on the site include a barn, farm workshop, roundhouse, domestic/chicken sheds, and a polytunnel. This retrospective One Planet Development application seeks to regularise the unauthorised mixed-use of the land for agricultural and residential purposes. In addition to the buildings listed above, the applicant proposes to construct further agricultural buildings over a 5 year period as well as the siting of 6 camping yurts between the months of April and October.

With regards to the proposed activities, the applicants have provided a business plan, which provides a broad indication of the current business and how it is to be developed. Their aim is to live a sustainable lifestyle and to have a light touch on the environment. To achieve this, they currently provide themselves with meat, vegetables, eggs and fruit and if the application is successful, they aim to develop this further by supplying the locality with fresh produce using local markets and horse and cart.

The One Planet Development Practice Guidance (OPDPG) recognises that it is not feasible for all the food needs of occupants to be produced on site and suggest that realistically, at least 65% of basic needs should be met, which the applicants confirm is their objective. The figures submitted with the application indicate that the proportion of food produced on the farm for 2013 is 50% and by 2017, this figure rises to 79%. Despite this, the OPDPG states that the proposals have to be land based and provide the minimum income necessary to meet the applicant's needs, within 5 years of first habitation of the site. As the occupants are already living on site and as the management of the site took place as early as 2010, concern is raised as to whether this criterion is now capable of being complied with as 5 years from the date of first habitation ends in 2014.

With regards to the size of the holding, it is accepted that it could, in principle produce/sustain the levels of production shown, e.g. number of sheep, cattle, fruit, vegetables, grains etc. However, the starting point for assessing whether or not the figures can be achieved is the baseline assessment. The baseline assessment that forms part of this application lacks details on the list of requirements set out in the OPDPG.

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For example, with regards to the physical attributes of the land (geology, topography and soils), the applicants claim to have analysed and limed the soil, however, without the provision of basic soil information and its productive capacity and management needs, the lack of evidence casts doubt as to whether the proposed agricultural activities/figures are achievable. It also fails to adequately demonstrate whether projects such as the sales of produce via horse and cart are viable.

OPDPG states that the development must have an initial ecological footprint of 2.4 global hectares per person or less with a clear potential to move to 1.88 global hectares per person over time. Many of the submitted figures included in the footprint calculation are unverifiable, however, there is one clear discrepancy and that relates to the size of the plot for the growing of the family's own food. The applicants have since confirmed that the figure of 90,000 sq. m. should actually read 34,000 sq.m. The net effect of this is that by year 5 (2017), the footprint per capita reduces dramatically in favour of the applicants from a total shown of 1.75 per capita to 0.98. As the figures are not quantified in the management plan and bearing in mind the applicants already claim to have an exemplary ecological footprint, the shift to 0.98 casts considerable doubt over the accuracy of the figures used to calculate their footprint per capita.

With regards to the current activities at the site, it is evident that the applicants operate day to day as part of a linked group of family and friends, sharing trips and some outside resources such as freezing facilities and biomass fuel (timber). The energy at Nant-Y-Cwm Farm is off grid with solar, wind, water and biomass available as the main sources of energy. Biomass fuel is the main source of heat for the existing and proposed dwelling, which comes from existing hedgerows, branches overhanging the application site and coppiced hazel from within. There is also an agreement in place with two neighbours to selectively thin and manage woodland areas outside of the application site, which supplement their biomass needs. Although this way of sustainable living is to be applauded, the OPDPG specifically states that the energy needs of inhabitants must come from the site.

To achieve this, the applicants make reference to the carrying out of additional planting of hedgerows and mixed coppiced areas as well as an area of up to 6,500 sq. m. of woodland. Not only would there be a cost to this, there is considerable concern that because of the limited baseline assessment, the loss of land for the growing of biomass willow will result in the inhabitants being less able to provide for themselves in terms of food/income, adversely impacting on their ecological footprint results. Furthermore, the management plan also refers to the use of a methane digester to replace the use of LPG but it fails to mention where the organic matter will come from.

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Although the submitted management plan refers to a one family residence, the application proposes a second dwelling for the applicants' eldest child. On this matter, it was noted during the application site visit that the Luton type van body is already being used by the eldest child as a residential caravan in breach of planning control. If this application is successful, this van body will be used as a shepherds hut and an ancillary dwelling constructed of similar materials to the main dwellinghouse. It would also be off grid and share the same compost toilet as the main dwellinghouse, which is situated outside the main building. With regards to the proposed living arrangements, both dwellings lack internal toilet facilities and therefore, fail to meet the minimum housing standards.

With regards to the proposed external composting toilet, the Council has a duty to consider the implications of the Equalities Act (2010) when carrying out its function as a Local Planning Authority. As it is only accessible by ladder and bearing in mind the planned residential and educational courses, the proposal fails to address inclusive design and is considered to have a detrimental impact on those residents and visitors whose disability would make using the composting toilet difficult or impossible. Its design, therefore, is considered contrary to policies CW2 and criterion (D) of Policy SP6 of the Council's LDP.

Notwithstanding the acceptability or otherwise of these living and sanitary arrangements, the applicants have included their eldest child's consumption in the overall figures relating to 'proportion of food produced on farm' on the basis that they will be operating as one family, i.e. seven inhabitants. This is in effect, however, a two household application and there is also the prospect of a third household if the second eldest sibling stays. Whilst the OPDPG refers to the provision of a simple balance sheet based on projections of the anticipated income, in order to reach that point, the applicants must have worked out their enterprise budgets in terms of land area needed, labour requirement and the normal inputs and outputs. The OPDPG requires robust evidence to support the management plan and the baseline survey and the necessary detail to show how the outputs have been reached are absent from the management plan. The OPDPG requires an applicant to quantify how their minimum food and income needs will be derived from the site. That information is not given in sufficient detail and the projections, therefore, are not fully proven.

OPDPG also states that the produce grown and reared on the site (that meets the minimum food and basic income of the occupants) must be the result of the labours of the occupants of the site and not that of hired hands.

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With regards to the labour required to meet the One Planet Development requirements, the management plan fails to adequately establish whether the enterprise is reliant upon the labour of volunteer workers given that 3 and possibly shortly four adults will be working on the holding. Even though the proposed yurts are likely to be a useful income derived from the land, it is unclear from the submitted management plan about the role of volunteers within the proposal, including those on educational and rehabilitation courses and how their needs in terms of food, or their contribution to the food needs of the family would be allocated. Furthermore, if all six yurts are occupied, there could be as many as thirty persons on site including family members, all sharing the main dwelling's external compost toilet, which in practical terms is considered unacceptable.

With regards to the provision of water, the management plan states it is currently supplied from a piped spring, which has not been tested. With proposed educational courses involving the general public there will be a requirement for a potable water supply to be provided. There is no indication in the submitted management plan that the water supply has been tested for pathogens and any pollution from neighbouring land uses. In addition, given the soil type, irrigation will be very important in dry summers and an assessment of crop and livestock needs, need to be provided and how it will be supplied.

The spring may be reliable, but the polytunnels, crops and livestock will require a considerable amount of water in a dry year and use of the streams may or may not be required or possible. Currently, there is insufficient evidence in this regard and not enough information provided to evaluate the water supply, its reliability and suitability to meet stringent quality tests.

In order to achieve the One Planet Development status, the applicants propose a total of 11 buildings/structures and six seasonal yurts for siting between the months of April and October to serve those who volunteer and attend training courses. As the application site is within an area of open countryside which is designated in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 as a Visually Important Local Landscape (VILL), policy NH2.4 of the Council's LDP is of relevance which states that development will only be permitted where it conserves and where, appropriate, enhances the distinctive visual and sensory landscape or characteristics of the Rudry VILL.

Paragraph 7.3 of the Council Adopted Supplementary Planning Guidance LDP 10 - Buildings in the Countryside (January, 2012) is also relevant and states that if new buildings are allowed as part of rural development and diversification schemes, the number and size of buildings proposed to be used for the new or expanded business should be proportionate to the number of existing buildings on a site.

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Paragraph 8 of the same guidance recognises that new agricultural buildings, by virtue of their scale, may be prominent features on the landscape and they should be sited to ensure minimal visual impact and that it will not be appropriate for buildings to be domestic or industrial in character or standard. Similarly, the guidance in paragraph 6.7 of Technical Advice Note 12: Design (TAN 12) states that the appearance and function of a proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications.

A network of footpaths and bridleways surround the application site with views into the site easily obtainable, especially during winter months when there is less foliage on the trees. Although the materials proposed in the construction of the buildings at Nant-Y-Cwm Farm come from recycled sources, because of this, the development as a whole lacks cohesion as far as the general appearance of the built structures are concerned. For example, steel portable containers are incorporated into the fabric of the barn and farm workshop and the former Luton van body is to remain as a shepherds hut. The planned siting does not overcome the visual harm caused by these structures and they appear incongruous in this area of open countryside, which is characterised by open fields, trees and hedgerows.

Notwithstanding the harm caused through the unacceptable choice of materials, concern is also raised in respect of the overall number of buildings and structures required to facilitate this One Planet Development, which at anytime one could be as many as 17. Such a large number would impact adversely upon the general appearance of this area and severely compromise the VILL status of this land, contrary to the guidance listed in Policies NH2.4, CW2 and CW19 of the Council's LDP as well as that contained in the Council Adopted Supplementary Planning Guidance LDP 10 - Buildings in the Countryside and Technical Advice Note 12 - (Design).

With regards to the accessibility of the application site, the lane network that leads to Nant-Y-Cwm Farm is unsuitable to serve this One Planet Development proposal by virtue of its narrowness, lack of forward visibility, steep gradients and lack of street lighting and any increase in traffic movements along this network would be to the detriment of highway safety, contrary to criterion (A) of Policy CW3 of the Council's LDP.

Comments from Consultees: These have been included in the analysis above.

Comments from public: None.

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Application No. 13/0164/RET Continued

Other material considerations: As the mixed-use of the land for agriculture and residential purposes has already been carried out and as this application is not considered to meet the strict One Planet Development guidance criteria listed in the TAN 6, it is recommended that enforcement action be taken to require the cessation of the residential use and reinstatement of the land to its condition before the development took place to include the removal from the site of all ancillary residential and agricultural buildings. Although the applicants own a property in Trethomas, which is currently rented out, they will nevertheless lose their residential status on this land. As this is the family's main place of residence, it is recommended that an extended compliance period of 12 months be given to allow them the opportunity to make alternative accommodation arrangements.

RECOMMENDATION that (A) Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The level of information included in the applicants' management plan is insufficient to meet the stringent tests set out in Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010), Planning Policy Wales (5th Edition, 2012) as well as Policies SP5 and CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. In particular there is a lack of clarity about: the productivity of the site and its capacity to sustain the family; power generation; the use of neighbouring land for sourcing timber; other property in the applicants' ownership; and the implications of the proposed yurts and their occupants.
- 02) The unacceptable choice of materials and overall numbers of buildings would have a detrimental impact upon the visual amenity of this area of open countryside, which is characterised by open fields, trees and hedgerows, contrary to policies NH2.4, CW2 and CW19 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 as well as the guidance contained in paragraphs 7 and 8 of the Council Adopted Supplementary Planning Guidance LDP 10 - Buildings in the Countryside.
- 03) The lane network leading to the site is unsuitable to serve this One Planet Development proposal by virtue of its narrowness, lack of forward visibility, steep gradients and lack of street lighting and any increase in traffic movements along this network would be to the detriment of highway safety, contrary to criterion (A) of Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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- 04) The proposed living arrangements of the two dwellings fail to meet minimum housing standards and the reliance on an external compost toilet facility fails to provide full, easy and safe access for all, contrary to Policies SP6 and CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Technical Advice Note 12: Design (2009), and Planning Policy Wales (2012).
- (B) That Enforcement Action be authorised on the basis of the terms set out in this report including legal action if necessary.
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