

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0676/FULL 09.08.2016	Mr T Jones Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT	Construct an agricultural worker's dwelling Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located north of the existing farm yard at Pen Yr Heol Las Farm, Energlyn. The farm is sited on the hillside overlooking the southern part of Llanbradach. It is accessed via the mountain road off Heol Las. The site is totally contained within the boundary of the existing farm holding.

Site description: The dwelling is proposed to be built on relatively flat, undeveloped ground which is at a slightly higher level than the adjoining farm buildings.

Development: The proposed dwelling is a bungalow which provides for three-bedrooms, a kitchen/diner/living room, toilet and bathroom along with a utility room. The dwelling is proposed for the accommodation of an additional farmworker to assist in the operation of this agricultural enterprise. The submission included an "Essential Needs Appraisal", which seeks to address the policy requirements of Technical Advice Note 6, Planning for Sustainable Rural Communities.

Dimensions: The dwelling has a footprint measuring 117 square metres approximately. It has a height of 2.5 metres to eaves and 5 metres to the apex of the roof. The curtilage of the property is shown as being roughly 0.3 hectares in area.

Materials: The building is indicated as being finished in rendered blockwork with composite roofing tiles.

Ancillary development, e.g. parking: The drawings do not show specific on-site parking arrangements however the curtilage of the dwelling allows for the provision of three car-parking spaces within its boundary.

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PLANNING HISTORY 2005 TO PRESENT

06/0239/OUT - Erect agricultural workers dwelling - Refused - 04.01.2007.

11/0575/FULL - Replace planning permission 09/0043/FULL for a 5 kwhr wind turbine with an application for a 500 kwhr turbine (the existing planning permission is for a turbine with a 12m tower, this application is for a turbine with a 50m tower) - Withdrawn - 31.10.2012.

13/0803/FULL - Erect agricultural workers dwelling - Refused - 11.09.2014.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located in the open countryside well outside the settlement boundary identified in the plan. It is therefore not specifically allocated for any defined purpose. It is however positioned within a Special Landscape Area and abuts the southern corner of a Site of Interest for Nature Conservation.

Policies: The policies of particular relevance to this application are as follows:-

1. SP5 - Settlement Boundaries;
2. CW15 - General Locational Constraints;
3. NH1 - Special Landscape Areas.

NATIONAL POLICY Planning Policy Wales, TAN 6 (Planning for Sustainable Rural Communities) and TAN 12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions in respect of parking.

Head Of Public Protection - No objection.

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Senior Engineer (Land Drainage) - No objection subject to a drainage condition.

Dwr Cymru - No objection.

Countryside And Landscape Services - No objection.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of a site notice.

Response: None.

Summary of observations: None.

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. The site is disturbed ground that lies within an existing agricultural use and is therefore of low ecological value.

Is this development Community Infrastructure Levy liable? Yes. It is subject to the rate of £40.00 per square metre. This gives a total of $102.01 \times £40.00 = £4,080.40$.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main policy consideration of this proposal is the assessment of agricultural need for a Second dwelling on an established enterprise in accordance with the requirements of Paragraph 4.5 of TAN 6. In this regard the applicant provided a supporting document in the form of an Essential Needs Appraisal. This sought to confirm that the proposal for a second dwelling complied with the tests contained in the TAN. These tests are as follows:-

1. The financial test to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification.

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2. The other dwellings test to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need.

3. Other normal planning requirements test to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment.

The submitted appraisal was considered by the Council's external agricultural adviser, who concluded that TAN 6 offers greater support for established enterprises to provide a second dwelling, but the justification for a second dwelling has to be robustly made. His assessment also had regard for the decision of the Planning Inspector in respect of application 13/0803/FULL, who considered the merits of the proposal prior to dismissing that appeal. In his view he felt that the projected business plan and the affordability of the proposed dwelling are now acceptable and a justification for a second dwelling is financially justified. The enterprise will pay the required 50% of a full time workers salary and there is a need for such provision in relation to the needs of the farm.

However, he did raise concerns in respect of the ongoing financial stability of the enterprise with particular regard for the ability to afford the construction and maintenance of the dwelling. In response to this the applicant has stated that he is more than capable of constructing the dwelling himself whilst complying with Building Regulations as he would carry out much of the work himself with expert craftsmanship provided at cost in lieu of shooting rights on his land. In that regard he claims that the dwelling could be constructed for in the region of £50,000. Whilst the Planning Inspector disputed this figure, and the applicant has not provided a detailed breakdown of the projected costs, it is considered that it would be more than possible to construct a modest dwelling of the size and design shown in the submitted plans for that cost. In that regard it is considered that the financial tests are met.

With regard to the other dwellings test it should be noted that the Planning Inspector accepted that the needs of the enterprise could not be met by any other dwellings in the area and there are no other buildings on site that could be converted.

In conclusion it is considered that in respect to the policy position the application is successful on the basis that the second dwelling appraisal under TAN 6 has proven that there is a need for the dwelling at this location and that the farming enterprise can support the construction of the dwelling and the wages for the worker. In that regard the proposal complies with National Planning Guidance contained in TAN 6 and Local Plan Policy contained in the Caerphilly County Borough Local Development Plan.

Comments from consultees: No objections raised.

Comments from public: None.

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Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: O.S. Location Plan, Design and Access Statement, Accounts for the Year Ended 31st March 2013, Unaudited Financial Statement for the Year Ended 31st March 2014, Unaudited Financial Statement for the Year Ended 31st March 2016, Balance Sheet 31st March 2015, Balance Sheet 31st March 2016, The Agricultural Budgeting & Costing Book, Proposed Elevations Plan, Proposed Layout Plan, Essential Needs Appraisal and Letter from Applicant Dated 8th October 2016.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The occupancy of the dwelling shall be restricted to those:
 - a. solely or mainly working or last working on a rural enterprise in the locality where there is or was a defined functional need; and the widows, widowers or civil partners of the above and any resident dependants; or if it can be demonstrated that there are no such eligible occupiers, to those:
 - b. who would be eligible for consideration for affordable housing under the Local Authority's Housing Policies; and the widows, widowers or civil partners of the above and any resident dependants.REASON: An unrestricted residential occupation would be contrary to local and national policy.
- 04) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.

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- 05) Notwithstanding the approved plans before the dwelling hereby approved comes into beneficial use 3 off-street parking spaces shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 06) The development shall not be occupied until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 07) Notwithstanding the submitted plans, prior to the commencement of works on site a detailed plan of the exact location of the proposed dwelling at a scale of 1:200 or 1:500 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON: For the avoidance of doubt as to the location of the dwelling hereby approved.
- 08) No development or site/vegetation clearance shall take place until a detailed reptile Mitigation Strategy/Reptile Method Statement has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.
- 09) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at Pen Yr Heol Las, Energlyn, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning policy Wales and Tan 5 Nature Conservation and Planning.

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- 10) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow or Swift) in the new property at Pen Yr Heol Las, Energlyn, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.

REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

Please find attached comments from the Council's Ecologist and Senior Engineer (Land Drainage).

