

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0803/FULL 06.12.2013	Mr T Jones Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT	Erect agricultural workers 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

P/04/1124 - Construct additional barn and extend farmyard with associated engineering & landscaping works - Appeal lodged for non-determination - Allowed on Appeal 11.03.05.

06/0239/OUT - Erect agricultural workers dwelling - Refused 04.01.07.

## 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 (ED. 7, 2014), TAN 6 (Planning for Sustainable Rural Communities).

### 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 - raises no objection subject to the imposition of conditions relating to highway safety being attached to any consent granted.

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Head Of Public Protection - originally raised objection to the application on the basis that there was an undetermined appealed decision awaited for a wind turbine within the vicinity of the site.

That decision was subsequently received and the appeal was dismissed. On this basis the objection was removed.

Senior Engineer (Land Drainage) - had no adverse comments to make but required the imposition of a drainage condition on any consent granted.

Dwr Cymru - confirms that as the applicant will be using a private drainage facility they have no comment to make.

Countryside And Landscape Services - objects to the application on the basis that the need appraisal submitted is insufficient to justify the dwelling.

Minerals Officer - has made no comment on this application.

Penyrheol Trecenydd & Energlyn Community Council - object to the application on the basis of its impact on the amenity of its surroundings, including the common land. Also they consider that the access is unsuitable for emergency vehicles.

Glam/Gwent Archaeological Trust - comment that the proposal would require archaeological mitigation due to its nearness to an old Roman road. On this basis a condition was recommended requiring a watching brief to be imposed on any permission granted.

Agricultural Consultant - The Council's external agricultural adviser's conclusion was that the proposal failed to provide the robust justification that was required to satisfy the tests for a second dwelling on an existing enterprise contained in TAN 6.

### ADVERTISEMENT

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

Response: One letter of objection was received.

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Summary of observations: The basis of the objections received are as follows:-

1. It would have a negative visual impact on the landscape.
2. Emergency vehicles would have difficulty accessing the site.
3. It would also have a possible impact on the adjoining common land, which the site adjoins.

## 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  $117 \times £40.00 = £4,680.00$ .

## ANALYSIS

Policies: The main policy consideration of this proposal is the assessment of agricultural need for a dwelling in accordance with the requirements 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 section on Rural Enterprise Dwelling Appraisals, contained in the TAN. These tests are as follows:-

1. The functional test to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise.
2. The time test to provide evidence of the labour requirement for the worker who is working on the justifying enterprise.

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3. 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.
4. 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.
5. 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. In his view he felt that the projected business plan and the affordability of the proposed dwelling versus renting or buying a property at Energlyn has not been made, and as such the tests have not all been satisfied.

Since that original response was provided a considerable amount of correspondence has taken place between the Council's adviser and the applicant's agent in an attempt to find a means of complying with the requirements of the tests in TAN 6. The most recent response received on this matter from the Council's adviser is that the case has not been robustly enough made and he retains an objection to the proposal on the basis of its failure to comply with the requirements of TAN 6, in that firstly he feels a worker could reside at a property in Energlyn whilst the applicant considers that he must live on site. Secondly issues of the farm's viability and sustainability have not been satisfactorily answered.

This Welsh Government guidance dovetails with policies CW15 of the Local Development Plan, which deals with general locational constraints and SP5, which defines settlement boundaries. The former clarifies when development will be permitted outside of settlement limits. The first exception the policy makes in this regard is where the development is necessary in the interests of agriculture.

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To comply with this exemption however it must be shown that the development is required for that purpose and can justify that position in respect to the relevant guidance. In this instance it is considered that the proposed dwelling cannot satisfy the tests specified in TAN 6 and consequently it fails to comply with policy CW15.

SP5 is a key mechanism in achieving resource efficient settlements and indicates where growth will be permitted. One of its criteria refers to the prevention of inappropriate development in the countryside. As the current proposal fails to comply with the TAN 6 requirements it is considered that it therefore represents such inappropriate development.

In conclusion it is considered that in respect to the policy position the application is unsuccessful primarily on the basis that the second dwelling appraisal under TAN 6 was not robust enough to conclusively prove its need.

The applicant commented that he wished the matter to be brought to Committee as soon as possible as he felt that sufficient information had been provided to the Council to make a decision. As such the decision is based on that information and no further detail would be provided by him, albeit clarification has been requested on certain matters by officers.

Comments from Consultees: Of the comments of the consultees the report of the Council's external agricultural adviser was crucial in the consideration of this proposal. These comments were also supported by those of the Countryside and Landscape Manager.

The remaining consultees made a range of comments which would have required the imposition of detailed conditions to be imposed on a consent if permission were to be granted; however, the policy position, relating to such a proposal, could not be addressed satisfactorily.

Comments from public: With regard to the comments received your officers responses are as follows:-

1. The dwelling is a bungalow which is sited as part of the group of existing farm buildings. It is therefore not an isolated structure and was not considered to have a sufficiently adverse impact as to raise objection in this regard.
2. The lane to the site is in a relatively poor condition but is one that can be readily accessed by vehicles. It currently serves a number of properties and is the access to the common land beyond the farm. As such it is used regularly by pedestrians and vehicles.

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3. The basis of this objection is very general but proximity to common land would not preclude a development from a planning point of view.

Other material considerations:

This is CIL development and so the decision notice even if the application is refused should not be released until the appropriate forms have been completed.

RECOMMENDATION that (A) that the applicant submits appropriately completed CIL forms after which (B) Permission be REFUSED

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

- 01) The proposal fails to satisfy the tests for a second dwelling contained in Welsh Government TAN 6, particularly test (c) and (d) relating to robust 5-year financial projections and the provision of an alternative dwelling respectively.
  - 02) The proposal conflicts with Policy CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 in that it represents development outside settlement limits which has not robustly justified the reason for such a location.
  - 03) The development is contrary to Policy SP5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 criterion D which seeks to prevent inappropriate development in the countryside. Without the necessary justification the dwelling at this location represents such development.
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