

DELEGATED REPORT

Application No: P/21/0330

Site Address: Pencoedcae Farm
Cwmblacs
Merthyr Tydfil
CF48 4AJ

Development: Erection of a rural enterprise dwelling

Case Officer: David Cross

Site Visit: 28th September 2021

Application Expiry Date: 17th May 2022

Consultation reply date expired: 13th October 2021

APPLICATION SITE

This application relates to an area of farmland measuring approximately 0.1 of a hectare. The site itself comprises an area of disturbed grassland and a mound of earth with scrub vegetation. In the immediate vicinity, there are three agricultural buildings, two of which are of a typical sheet metal construction and one is of a block work construction with a rendered finish. These structures generally appear to be in a poor condition and it was noted during the site visit that there are other dilapidated structures. There are also a number of storage containers, skips, a damaged caravan, various bits of scrap metal and wood, as well as construction vehicles, including two diggers and a small dumper truck.

The site is situated in a countryside location with a dense woodland area and steep embankment to the north and open fields on all other sides. The main access to the site is from the A4060 to the west and then via an unmade gravel track, which also serves an existing residential property (Robin's Nest to the south-west). It is noted that there is also an track that extends to the south of the site, which provides access to the nearby fields and the common land to the north-east.

PROPOSED DEVELOPMENT

Outline planning permission is sought for the construction of a new rural enterprise dwelling, with associated amenity space and parking area, which is suggested is required in connection with the farming business. It is noted in the supporting statement that Pencoedcae Farm has a 15 hectare holding with grazing rights on Merthyr Common (over 3,200 hectares).roberh

An indicative layout plan has been provided, which illustrates the dwelling could be located in the northern part of the farm between the woodland area and existing farm buildings. It is suggested that the property would be enclosed with a post and wire fence and a native hedgerow planted along the garden boundaries. It is noted that the dwelling could be a

two-storey three bedroom property with a floor space of approximately 150sqm comprising the following dimensions:

Minimum width of 6.5m and a maximum width 7.5m

Minimum depth of 7.5m and a maximum depth of 10m

Minimum height of 6.5m and a maximum height of 7.5m

The site plan indicates two parking spaces could be accommodated to the front of the dwelling with an associated turning facility and the existing access track serving the site could be utilised.

PLANNING HISTORY

There is no relevant planning history relating to this application site.

CONSULTATION

Head of Engineering	-	No objection
Planning Division's Ecologist	-	No objection subject to conditions relating to a lighting scheme and bat box details.
The Coal Authority	-	No objection
Welsh Water	-	No objection, although it is noted that there is no public sewerage system within the immediate vicinity of the site.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and a site notice was displayed within the vicinity of the site.

No representations were received as a result of the publicity exercise.

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW), Edition 11, February 2021:

Para 3.38 considers the countryside to be a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for

the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 3.60 highlights 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. 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.

Para 4.1.43 – 4.1.56 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 4.2.36 The purpose of 'rural enterprise dwellings' is to enable rural enterprise workers to live at or close to their place of work, including encouraging younger people to manage farm businesses and supporting the diversification of established farms. Rural enterprise dwellings represent one of the few circumstances in which isolated new residential development in the open countryside may be justified.

Para 4.2.37 highlights that all applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need and that the planning guidance in TAN 6 sets out the need for rural enterprise dwelling appraisals.

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Technical Advice Notes (TAN):

- TAN 5 Nature Conservation and Planning, September 2009
- TAN 6 Planning for Sustainable Rural Communities, July 2010
- TAN 6 Rural Enterprise Dwellings – Practice Guidance, December 2011
- TAN 12 Design, March 2016

Local planning policy

Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031:

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy EnW1 - Nature Conservation and Ecosystem Resilience

- Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species.
- Policy EnW4 - Environmental Protection
- Policy EnW5 - Landscape Protection

Supplementary Planning Guidance (SPG):

- SPG 4 Sustainable Design, July 2013
- SPG 5 Nature and Development, May 2015

PLANNING CONSIDERATIONS

Land use and rural enterprise justification

The application site is located outside of the settlement boundary as defined by policy SW4 of the LDP and therefore the proposed dwelling would constitute countryside development. Typically, residential development outside of the settlement limits would present a departure from the LDP. However, in exceptional circumstances policy SW4 sets out, amongst other criteria, that development *‘associated with a rural enterprise or the winning and working of minerals’* may be permitted where such locations can be fully justified and satisfies other relevant plan policies.

In conjunction with this, Section 4.3 of TAN 6 sets out the key considerations in respect of new rural enterprise dwellings. This may include a new dwelling on an established rural enterprise (including farms) where there is a functional need for a full time worker and that a business case demonstrates that the employment is likely to remain financially sustainable. Section 4.4.1 of TAN 6 states:

‘New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. There is a clearly established existing functional need;*
- b. The need relates to a full time worker, and does not relate to a part-time requirement;*
- c. The enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for a job, is currently financially sound, and has a clear prospect for remaining so;*
- d. The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned;*
- e. Other normal planning requirements, for example siting and access, are satisfied.’*

A planning statement has been submitted in support of the application, which sets out the general background to the proposed development. It acknowledges that Pencoedcae Farm, managed by the applicants (Rhoswen Marshallsea and Andrew Harris), is a 14ha (35 acre) holding with grazing rights on Merthyr Common. It is noted that the enterprise is located approximately 7km from the applicants residence in Heolgerrig. Whilst Ms Marshallsea works full-time on the holding, it is understood that Mr Harris works part time in addition to his separate full-time, self-employed role as a plant operator/contractor. Often Mr Harris works as far away as Scotland and is not available locally to assist with the farm when undertaking his other work.

In terms of livestock, it is understood that pedigree Hereford suckler cows are present on site with youngstock reared through to sale as yearlings. During a site visit there were seven pedigree Hereford cows, 16 calves and a bull on the mountain. The farm records (statutory documents) were inspected during the site visit. These records indicate that there are typically 20-25 suckler cows each year and not the 45 as highlighted in the planning statement. At the time, the applicant was not able to explain where the figure of 90-100 cattle referenced in the statement had been derived from.

In addition, there are 20 horses/ponies, consistent with the figures provided in the statement, that graze on the common land as part of the conservation management. These comprise of mostly Section A Welsh Mountain ponies (smallest grade) with six Section C, one Section D and some coloured cobs. It is understood that the majority of these horses are simply reared extensively and sold, and with the exception of four in stabling, they are kept out all year.

It is indicated in the planning statement that the proposed dwelling would be located in an area where a previous farmhouse stood that has since been lost through dereliction. It is not apparent that a dwelling previously occupied the site, nor is there any evidence of any building remains on site that may otherwise substantiate this point. It is noted that the existing dwelling (Robin's Nest) to the south-west of the site replaced the former farmhouse that was previously used in connection with Pencoedcae Farm. The access serving this property is also in the applicant's ownership. Although it was intended that this property would be tied to the agricultural holding, it was later established that the planning conditions that sought to impose such restriction could no longer be enforced. As such, the dwelling was later sold and has been used independently from the farm. It is noted that the dwelling was more recently sold at auction in 2019 for approximately £90,000. Although the applicant considered this dwelling, the sale price was deemed to be excessive owing to their knowledge of subsidence issues in the immediate vicinity of the dwelling. Although no evidence has been provided to demonstrate the dwelling is subject to ground stability issues.

It is presumed that the dwelling would be occupied by both applicants, although there is only reference to the essential need of Ms Marshallsea to live at the site to readily attend to the livestock. The planning statement indicates that the enterprise has a requirement for one full-time worker plus a part-time worker. However based on the stock numbers, the actual requirement is likely to be less than one full-time worker.

Section 4.7.1 of TAN 6 sets out the need for a rural enterprise dwelling appraisal to be undertaken, which should address the following tests:

- The *functional test* to provide evidence of whether there is a functional need for a resident worker for the proper functioning of the enterprise;
- The *time test* to provide evidence of the labour requirements for the worker,
- The *financial test* to provide evidence of the economic sustainability that justifies the size of dwelling that the enterprise can sustain, which should be commensurate with its functional need and financial justification;
- The *other dwellings test* to identify whether there are existing dwellings or buildings suitable for conversion on the enterprise or a dwelling within the locality that could meet the identified functional need.
- *Other normal planning requirements test* to demonstrate the dwelling is suitably located and to minimise any impact on the wider environment.

Functional need

In order to provide appropriate supervision for the enterprise, the applicant considers it essential that a farm worker lives on site in order to supervise the herd of cows to ensure their welfare needs are not compromised, as well as, to manage the horses and ponies on the common and farmstead,

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 or injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour. The issue of security owing to the location of the farm is also acknowledged to be an increasing problem and such risks can only be adequately managed with on-site supervision.

The overall responsibility for Duty of Care for animal welfare currently lies entirely with the applicants and for the majority of the time, the care is provided solely and successfully by Ms Marshallsea, who lives approximately 7km away by road.

There is no doubt that the herd will require a degree of out-of-hours care with associated emergency requirements during calving and related metabolic disorders and possible physical injuries, which may need rapid intervention on grounds of animal welfare. However, the herd is small and a large proportion is located on the mountain, some distance from the application site. The same is the case for the horses. On this basis it is considered that it has not been adequately demonstrated that there is a requirement for a full-time worker to live on the site. The out-of-hours essential care is currently met by the applicants living off site and there is no indication that the welfare of the stock is compromised at present, despite the detached living arrangements.

Time test

Using reference data for standard labour requirements for suckler cows and youngstock as noted in the John Nix Pocketbook (51st Edition 2021) and horses from the Equine Business Guide (7th Edition 2017) and based on the farm's actual livestock numbers, the current labour requirement would appear to be more than two full-time workers. These calculations are very different to those included in the planning statement, which considers there to be a labour demand of 1 standard full time worker and 1 part-time worker.

However, these figures need further qualification as the number of SMDs (Standard Man Days) per animal are taken from the nearest category in the relevant guides. For horses, the SMDs refer to horses in livery whereas in reality those on site are kept outside, reared extensively and sold. This requires very little maintenance and consequently a lower level of labour input is required. For example, a figure of 112 SMD per stallion is hugely misrepresentative in the instance of Pencoedcae Farm due to the low level of labour associated with each horse.

There is a small stable building where approximately four horses are kept and the applicant confirmed on site that approximately three foals are born per year. However, the non-stabled horses roam free for the majority of the time and graze the farmland and

common. They are not ridden and are not groomed. Of those horses that are not stallions, brood mares or foals, the category of grass livery has been considered. However, even this category assumes a level of maintenance over and above that associated with the horses at Pencoedcae Farm. In reality, the requirements for 2 full time workers is likely to be a gross over-estimate. In relation to the cattle, it is estimated (using the guides referenced above) that 0.15 of a full time worker would be required.

Given the low stock levels and the nature of the management of the animals, it is unlikely that there would a role for a full-time worker on the site under the current management regime.

Financial test

The financial test in TAN 6 requires that:

“the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so...”

Para 4.10.2 of TAN 6 also 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.”

In support of the application, financial details for Pencoedcae Farm, for years ending 31st March 2019 to 31st March 2021 inclusive have been provided. No accounts prior to this date have been submitted and it is not known how long the business has been trading altogether, although Pencoedcae Farm was purchased by Ms Marshallsea in 2011.

TAN 6 – Practice Guidance states that in order for a farming business to demonstrate viability, it should be generating sufficient profits to reward the owner for any unpaid labour – equivalent to the national minimum wage and provide for the build cost of the proposed dwelling.

During the site visit, Ms Marshallsea confirmed that the off-site, self-employed income of Mr Harris was included in the business accounts submitted as part of the application. It is not known what proportion of the overall income (sales) this accounts for but it is likely to be a significant one and if extrapolated from the income of the farm itself, the profit generated by the farm business would be significantly reduced. However, if Mr Harris' off-site role were to be discounted from the accounts, they would have a positive impact in terms of reducing the overall business expenses.

Ms Marshallsea sells a maximum of 20 calves per year as yearlings. In addition, although no subsidies are claimed for the business, they do receive funding under the Glastir scheme for the Common, although this is due to be phased out. The sales income stated in the submitted accounts is therefore mainly generated from non-rural enterprise work, which has taken place remote from the application site. It has not, therefore, been demonstrated that the business is financially sound and could cover the cost of the manual labour requirement.

The application for the proposed dwelling has been submitted in outline, however, the planning statement reveals it would have a 75sqm footprint and be two stories in height. This would create a dwelling of 150sqm. Given the inaccurate nature of the accounts and the anticipated low level of income generated by the business, it is not possible to conclude that the construction of this dwelling would be affordable to the business.

Overall, it is concluded the applicant has not sufficiently demonstrated that the farming enterprise has good levels of profitability when discounting the separate income of Mr Harris and therefore, the financial test has not been met. The submitted accounts show that the business does make a profit, despite a decline between 2019-2020 and this appears to be increasing. However, there are concerns with the inclusion of Mr Harris' off-site generated income in the financial accounts submitted as justification for the proposal. This income should be discounted from the sales of the farm, as should any associated expenses for the purposes of this assessment. Without this income, it appears the business is unlikely to be profitable and it is therefore unable to cover the cost of a full-time wage for a rural enterprise worker, or finance the construction of a new dwelling.

Other dwellings

There is a house immediately adjacent to the farm (Robin's Nest) which is accessed via a track owned by Ms Marshallsea, sold at auction in 2019. It is not, however, currently on the market and not available for purchase as a farm dwelling, although its siting is ideal to serve Pencoedcae Farm, notwithstanding any stability issues. There are no other dwellings located on the agricultural holding and none of the farm buildings are suitable for conversion.

The applicant has indicated that a search on the 'Rightmove' website has revealed that within 0.25 miles of the site there were no properties for sale. When this search was extended within 0.5 miles of the site, 9 properties were for sale which ranged from building plots to large detached properties. Contrary to the information provided by the applicant, a more recent search on Rightmove has indicated 11 properties for sale within 0.5 miles of the site, typically 2-3 bedroom terraced properties, ranging from £60,000 to £167,000. There were no suitable dwellings found to be available to rent within the same distance.

Given the availability of low-cost dwellings for sale within 0.5 miles of the site, it is concluded that there are suitable properties available for occupation, particularly given the low level of management input to the enterprise.

Notwithstanding this, it has been highlighted in the planning statement that a property located away from the farm would not enable the applicant's to be readily available to attend matters occurring outside of normal working hours, as they would not be aware of what is happening on site. Be that as it may, there are a number of deficiencies as identified above that fail to justify the need for a new dwelling and one that could be financial sustained by the enterprise. Accordingly, the development would be contrary to policy SW4 of the LDP and the justification tests set out in TAN 6.

Design approach

All matters relating to the general design of the development (access, appearance, landscaping, layout and scale) have been reserved for future consideration. An indicative layout has been submitted, which demonstrates a potential scheme. The plan suggests

the dwelling would be located close to existing buildings where it would be seen in the context of the wider farm and would enable the occupiers to attend the welfare of animals. The extent that building would integrate with its surroundings, in terms of its appearance cannot be fully assessed at this stage. The proposed scale parameters would be appropriate for a typical 3 bedroom dwelling.

The development would be located in a countryside setting where it would be visible from the surrounding area, including the open access common land. The site is also situated in a landscape of outstanding historic interest, where maintaining its character is of importance. The construction of a new dwelling has the potential to adversely impact on the character and appearance of the countryside through the intensification of development on the farmstead. The dwelling would also be located in an unsustainable location away from local services, including poor connections to public transport. However, a dwelling located close to the farm would potentially reduce the need for the applicant to travel from their current residence. In this instance, there is insufficient justification to demonstrate that the functional need for the development outweighs the harm it may have on the countryside. Consequently, the development would be contrary to policies SW11 and EnW5 of the LDP.

Highway implications

The initial section of the highway from the A4060 trunk road to the west of the site has a suitable surface with acceptable dimensions to accommodate two-way traffic movements. The existing private access track leading from the highway to the farm has an uneven gravel surface, which is of a typical construction in a countryside location. This track would be of an adequate size to accommodate the traffic movements associated with the dwelling. The existing access arrangement could adequately accommodate the development and would not lead to significant highway safety concerns. In this respect, it is acknowledged that the Head of Engineering has not raised any objection. Therefore, the proposal complies with policy SW11 of the LDP.

Ecological impact

Given the location of the site in a countryside setting with an ancient woodland area and watercourse to the north and the Glynmil Site of Importance for Nature Conservation (SINC 5) to the south-east, a Preliminary Ecological Assessment (PEA) was submitted in support of the application.

It was noted in the PEA that the site periphery offers foraging habitat for bat species along the woodland edge and open fields and roosting potential within mature trees and structures within the locality. During the site survey no reptiles were identified, nor was the site generally considered to provide a suitable habitat. Additionally, the PEA considers the site not to be suitable for nesting or foraging birds, although the surrounding area does present such environments. The PEA also indicates there to be no suitable habitats for Badgers, amphibians, Water Vole, Otter and Dormouse.

The PEA concludes that the proposed development would not have an adverse impact on any protected species or habitats and that the development would be confined to an area that is of little conservation importance. The PEA also notes that there would sufficient room between the development and the nearby woodland to not impose on the potential foraging environment for bats. Furthermore, it is noted that the proposal does not include any works to the existing farm buildings.

The PEA recommends that a lighting scheme needs to be agreed to ensure the development does not impact on nocturnal species, such as bats. It is recommended that 2 bird boxes, 2 bat boxes and 2 roost boxes be attached to nearby structures or trees to further mitigate any potential impacts. Additionally, the report indicates 2 hedgehog boxes and 2 insect houses could be provided within the site, which would offer further enhancements.

The Planning Division's Ecologist is satisfied with the survey work that has been undertaken and has indicated that further details of the proposed lighting scheme and the identified mitigation measures should be provided, which can be suitably addressed by condition. Therefore, the proposal complies with policies EnW1 and EnW3 of the LDP.

CONCLUSIONS

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered, as well as the Welsh Ministers well-being objectives set out in section 8 of the WBFG Act.

For the above reasons, the proposed development fails to demonstrate a viable need for a new rural enterprise. Consequently, the development would be inappropriately located outside of the settlement limits, contrary to the LDP policies and national planning policy. Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following **REASONS:**

1. The proposed development fails to justify a permanent need for a new rural enterprise dwelling on the site, in that it does not adequately demonstrate a functional need or the viability of the business. As such, the development is contrary to policy SW4 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031 and it fails to meet the tests set out in Section 4.7.1 of Technical Advice Note 6: Planning for Sustainable Rural Communities.

2. The proposed development, by virtue of its unwarranted intrusion in the open countryside, would have an adverse impact on the character and appearance of the surrounding landscape. As such, the proposal is contrary to policies SW11 and EnW5 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

31/3/22

