

**BRIAN GRIFFIN PLANNING
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**Rural Worker's Dwelling Pencoedcae Cwmblacks Merthyr Tydfill CF48 4AJ
Rhoswen Marshallsea and Andrew Harris**

This is an outline application for a rural worker's dwelling with all matters reserved apart from access on behalf of Rhoswen Marshallsea and Andrew Harris. Rhoswen lives at Heolgerrig and the farmstead is at Pencoedcae, Cwm Blacks.

The on line application comprises:

Application form and certificate

Application fee of £380

Plan PF10 Site Plan

Plan PF20 Layout Plan

Plan PF30 Block Plan

Planning statement and appraisal of need.

Coal Report

Rightmove Property Search

Yours sincerely

BRIAN GRIFFIN FRICS FAAV
Chartered Surveyor
pp Rhoswen Marshallsea and Andrew Harris

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Background information

PLANNING STATEMENT AND TAN6 WALES APPRAISAL

1. Introduction – This outline application is for a rural workers dwelling with access to be considered. TAN6 gives support for farm dwellings and it advises at 4.3:

4.3 Rural enterprise dwellings 4.3.1 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. Rural enterprise dwellings include:

- A new dwelling on an established rural enterprise (including farms) where there is a functional need for a full time worker and the business case demonstrates that the employment is likely to remain financially sustainable. (See paragraph 4.4.1).*

1.1 The advice goes on to say:

4.4 New dwellings on established rural enterprises 4.4.1 New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. there is a clearly established existing functional need; (See paragraph 4.8.1).*
- b. the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).*
- 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 the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).*
- 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; (See paragraphs 4.11.1 - 4.11.2), and

e. other normal planning requirements, for example siting and access, are satisfied.

(See paragraphs 4.12.1 - 4.12.2).

1.2 This application is made under paragraphs 4.3 and 4.4.1 i.e. a first dwelling on an established farm unit.

2. ***Size and type of dwelling*** – The proposed dwelling is a 3 bed two storey permanent dwelling with a foot print of circa 75 m².

3. ***Siting and access*** – The site is where a previous farmhouse stood which has since been lost through dereliction (previous owner). The access is existing and once living on site will save the applicants travelling to and from 2 – 3 times per day. Overall there is little increase in use of the access. Access is via the A4060. The access track is stoned and is owned by the Earl of Plymouth on whom we have served Notice.

4. ***Sustainability of the enterprise and BREXIT*** –. TAN 6 at para.10 with regards to a possible financial test says:

4.10.1 The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years.

4.10.2 Evidence of actual or potential economic performance will be required. 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. This should be assessed on the basis of what is a realistic income for the skills of the operator^{23, 24}. A

financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate.

- 4.1 The need for a forward looking business plan is not an essential requirement of an application for a rural dwelling as para. 10.1 says '*Evidence of actual or potential economic performance will be required*' and at appeals Inspectors have taken differing views on what this means.
 - 4.2 Appeal decisions show that if actual performance data is submitted there is no need for a future business plan. With BREXIT, the UK will be taking back control over its agricultural and rural policies. The UK Government foresees a seven year transition period commencing in 2021 towards a UK controlled rural economy where secure home food production and provision of public goods and services by farmers becomes more central. The Welsh assembly using its devolved powers will tailor these objectives to the Welsh scenario.
 - 4.3 We know thus far that BREXIT has produced a weaker Pound which has increased demand for UK grown food by 7 % as Supermarkets now find it less expensive to buy UK grown food compared to importing food from abroad on the back of a strong Pound. We therefore consider that the provision of actual accounts satisfies the economic sustainability test.
 - 4.4 Rhoswen and Andrew have steadily built the farming enterprise up based on using pedigree Hereford cross suckler cows.
- 5. The farming enterprise –** Pencoedcae Farm is a 14 ha (35 acres) holding with Grazing on Merthyr Common (over 3,200 ha, 8,000 acres). The farming enterprise is based at Pencoedcae and comprises the main block at Pencoedcae, the Common Land grazing and an outlying field at Heol Gerrig where Rhoswen

Marshallsea lives in a Caravan (with consent through CLEUD). The enterprise is managed by Rhoswen Marshallsea and Andrew Harris which has the holding number 58/067/0195.

- 5.1 The main enterprise is suckler cows (Herefords) based on pedigree breeding stock. Currently there are 45 single suckle suckler cows and typically 90 – 100 young stock. The youngstock are reared through to finishing or are sold off as forward store cattle
- 5.2 In addition to the livestock there is a herd of 20 horses / ponies comprising breeding mares, two stallions and young stock grazed on the Common as part of conservation management. Winter fodder is made using bagged silage.
- 5.3 The business trades as a Partnership between Rhoswen Marshallsea and Andrew Harris who both work on the holding, with Rhoswen full time and Andrew part time.
- 5.4 There was formerly a dwelling on the farm but due to dereliction that dwelling was lost (when owned by a previous owner).
- 5.5 The enterprise is supported by a modern range of farm machinery and equipment and a set of modern farm buildings comprising:
 - 350 m² livestock shed
 - 95 m² livestock shed
 - 150 m² general purpose sheds (in four units)
 - Hardcored area for storing bagged silage and haylage
- 5.6 The enterprise has a good range of farm machinery and tractors much of which is kept at Heol Gerrig where Rhoswen lives in order to protect them from theft and damage. At Heol Gerrig Rhoswen has 0.6 ha of land, a residential Caravan and an 80 m² livestock building. Heol Gerrig is about 4.5 miles by road from Pencoedcae Farm.

- 6. The Development Plan** - The LPA has recently adopted (January 2020) its Replacement Local Development Plan. It does not have a specific policy for rural enterprise dwellings so we have used the tests in PPW and TAN 6 Wales.
- 7. Local Context and Constraints** - The site is within the countryside, accessed off a Bypass and via a no through farm road. The land to the north of the holding is bordered by the Nant Blacks stream which runs through a belt of ancient woodland. A property to the west (Robin's Nest) is shown on the Constraints Map as having TPOs and an area of land on the east side of the holding is a site of a former Iron Ore mining Village. Generally the Farm appears to be within an area of outstanding historic interest (although the whole Plan flags up with this designation) presumably linked to past mineral workings. The land further to the north and east is part of Merthyr Common.
- 7.1 The site and holding is not within a high risk flood zone or sensitive ecological sites.
- 8. Relevant Planning History** - The nearby property Robin's Nest has a complicated history. The applicants have without success tried to purchase the dwelling as it was thought to have a s.52 legal agreement linking it to agriculture. Subsequently although the applicants made the LPA aware of their interest in the property the s. 52 agreement was removed by its owners, possibly due to matters relating to it being built outside the approved site.
- 9. Relevant Planning Policies - Local Development Plan:** - Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031 and within which the following policies are of relevance:

Policy SW11: Sustainable Design and Place making Development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate new development will be required to: 1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density; 2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape; 3. not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design; 4. contribute to the provision of green infrastructure, including open space in accordance with the Council's standards, sustainable drainage systems where appropriate, and ensure that the County Borough's network of green infrastructure is accessible and connected; 5. allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards; 6. incorporate a range of inclusive/adaptable design specifications, a mix of house types, tenures and sizes to meet identified local needs; 7. incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques; 8. minimise the demand for energy and utilise renewable energy resources; 9. provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts; 10. incorporate measures to improve ground and surface water quality wherever possible; 11. provide adequate facilities and space for waste collections and recycling; and 12. promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

Policy CW1: The Historic Environment The integrity of our historic environment assets will be conserved and enhanced. Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. Development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance.

Policy EnW1: Nature Conservation and Ecosystem Resilience Development proposals will be required to promote the resilience of ecosystems. In particular, proposals will be required to maintain and enhance biodiversity interests unless it can be demonstrated that: 1. The need for the development clearly outweighs the biodiversity value of the site; and 2. The impacts of the development can be satisfactorily mitigated and acceptably managed through future management regimes.

Policy EnW4: Environmental Protection Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either: • Pollution of land, surface water, ground water and the air; • Land contamination; • Hazardous substances; • Land stability; • Noise, vibration, dust, odour nuisance and light pollution; or • Any other identified risk to public health and safety.

9.1 There are no suitable traditional buildings on the holding so a new dwelling is proposed and assessed under TAN6 Wales / PPW. There are also no Supplementary Planning Documents in respect of rural enterprise dwellings.

9.2 *para. 7.69 National policy contained in chapter 9 of PPW seeks to strictly control the development of new dwellings in the open countryside, where there is generally an absence of existing employment opportunities, services and public transport facilities. However, PPW acknowledges that there may be instances where sensitive infilling or minor extensions to groups of dwellings may be acceptable (in particular for affordable housing to meet local need). Proposals for such development will be assessed against this national policy framework. Where new development is justified in the open countryside. National policy also makes provision for new rural enterprise dwellings and 'one planet developments' as exceptions for residential development in the open countryside and clear guidance on these types of development is set out in TAN 6 Planning for Sustainable Rural Communities (July 2010)."*

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it.

Chapter 5 of PPW sets out the Welsh Government guidance for Productive and Enterprising Places and paragraph 5.6 addresses support for the rural economy and farm diversification. .

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

10. Assessment of sustainable development – The proposal is for a first dwelling on an established farming enterprise. Paragraph 4.3.1 supports the erection of dwellings in the open countryside where certain tests are met. These tests are at para. 4.4 of TAN6 Wales which gives the test for a permanent rural enterprise dwelling. The tests are:

4.4 New dwellings on established rural enterprises

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

- a. there is a clearly established existing functional need; (See paragraph 4.8.1).
- b. the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).
- 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 the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).
- 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; (See paragraphs 4.11.1 - 4.11.2), and
- e. other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).

10.1 a. *there is a clearly established existing functional need; (See paragraph 4.8.1).*

Para. 4.8.1 A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.

10.2 In addition to the above security is also a relevant issue particularly on an urban edge site. It is a pedigree based mixed livestock holding that operates for 365 days of the year. The functional need issues concern:

- Calving of the suckler cows mainly in Winter / Spring. Giving aid to calving when cows are struggling to present and deliver their calf(ves) .
- Attending to milk fever (calcium / magnesium deficiencies) in cows shortly before or after calving. Cows can die within a few hours if not promptly treated.
- Ensuring calves suckle within first few hours of birth so that they receive their vital supply of colostrum.
- Care and treatment of the young stock throughout the year – treating viral infections that can debilitate a young calf, or cause it to die.
- Housing of the beef cattle November – April when cattle will need attention at short notice at any time of the day and night in respect of detecting viral illness (e.g. pneumonia) which require treatment at short notice to avoid suffering and financial losses.
- Horse and pony management of the herd when out on the Common and when back at the farmstead for welfare treatments.
- Security is a real issue at this location being just off a Bypass, close to the Common and urban fringe and yet somewhat isolated. Theft of diesel, fire and general vandalism is a persistent problem.

b. the need relates to a full-time worker, and does not relate to a part-time requirement;
(See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).

10.3 The policy exemptions at 4.5.1 – 4.5.3 do not apply to this case so the test is relevant. The standard man day figure for this holding is given in table 1.

Table 1 Standard Man Day Assessment

The Agricultural Budgets and Costings Book 88th Edition

Enterprise	No / ha	Multiplier	Total Days
Suckler Cows with calves to weaning age incl. field work	45	2.25	101.25
Cattle 6 months to 18 months incl. field work	90	1.75	157.5
Horses / Ponies (2 Stallions, brood mares & young ponies)	20	1.5 (actual)	30
Total			288.75
Record keeping cross compliance etc	15%		43.31
Total Enterprise Labour Requirement			332

Total standard man requirement for the agricultural enterprises is 332 days per annum.

NOTES

1. 285 - 300 SMDs equal a full time worker. The agricultural enterprise has a labour demand of 1 standard full time worker plus 1 part time worker which is provided by Rhoswen Marshallsea (full time) and Andrew Harris (part time). The above SMD assessment does not include time currently spent travelling to and from the farmstead from Heol Gerrig which in due course would largely stop.
2. There are no standard man days for the type of horse enterprise undertaken, so far as we are aware, so we have used farm records / diary as a basis for the figure.

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 the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).

10.4 The enterprise accounts for the last three years are forwarded on a commercial in confidence basis which show that the enterprise is financially sustainable.

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; (See paragraphs 4.11.1 - 4.11.2), and e

10.5 A Rightmove Property search was undertaken in September 2021 with the result that at the sites Post Code, or within 0.25 miles no properties were for sale or rent. When the search is extended by 0.5 miles (which takes in the eastern outskirts of Merthyr Tydfil) 9 properties were for sale ranging from building plots to large detached houses. The rental property search returned nil properties at the Post Code and within 0.25 miles and 2 properties (a ground floor apartment and a detached house) within the 0.5 mile search.

10.6 The properties available at Merthyr Tydfil would not allow their occupier to be readily available to attend to matters occurring outside of normal working hours as they would not be aware of what was happening at the site.

e). other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).

10.7 The application site is close to the existing buildings and on the site of the former farmhouse (now lost). There is an existing access which would continue to service the farmstead. Once the applicants were resident on site it would save most of their travelling to and from Heol Gerrig (mainly by tractor). In effect a dwelling on site would generate similar vehicle movements to the current situation.

10.8 The application site is semi improved Hill land with no ecological features. An ecology Report has therefore not been undertaken.

10.9 A Mining report has been undertaken and is forwarded as part of the application.

11. Minerals - The site is within an area of a known mineral resource (Coal) and the locality bears the evidence of past workings. However the re-use of 0.1 ha of land to residential use will not undermine the protection for the mineral reserves.

12. Conclusion

- i) A first dwelling is sought on an established unit at Pencoedcae Farm, which is supported by PPW and TAN6 Wales when certain tests are met.
- ii) Historically the farmstead was served by a dwelling but previous owners have let the dwelling go, either through neglect or it would appear by not complying with the relevant planning consent.
- iii) The farming enterprise is an established upland type enterprise that carries a breeding herd of cattle (based on pedigree suckler cows) plus beef youngstock as well as a breeding herd of Hill horses and ponies.
- iv) In order to effectively manage the livestock enterprises and the farming business it is essential for Rhoswen Marshallsea to live on site so that she is readily available to attend to any livestock or other matters that occur outside of normal working hours. The scale of the enterprise is sufficient to employ her on a full time basis with part time help.
- v) The enterprise has been built up over a number of years and has now reached the stage where it is full time and it is a sustainable and profitable enterprise.
- vi) The site for the dwelling (a 75 m² footprint two storey dwelling) is by the farmstead in a non prominent location thereby allowing its occupier to be readily available and not detract from the character of the rural area.

BRIAN GRIFFIN FRICS FAAV

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pp Rhoswen Marshallsea and Andrew Harris