

DELEGATED REPORT

Application No:	P/22/0218
Site Address:	Pencoedcae Farm Cwmblacs Merthyr Tydfil CF48 4AJ
Development:	Siting of a rural enterprise dwelling (3 years) with dependent relative's annex and the erection of a general purpose livestock building and associated works
Case Officer:	David Cross
Site Visit:	26th August 2022
Application Expiry Date:	12th October 2022
Consultation reply date expired:	15th December 2022

APPLICATION SITE

This application relates to an area of farmland measuring approximately 0.15 of a hectare. The site itself comprises part of a field, an unsurfaced access track, 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 via an unsurfaced 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

Full planning permission is sought for the siting of a rural enterprise dwelling for a temporary period of 3 years and the erection of a general purpose livestock building with associated works.

The proposed dwelling (log cabin) would be of a timber construction located in the eastern part of the site. It would measure 9m wide by 9m deep and 4m high with a pitched roof. The building would accommodate 3 bedrooms (one with en-suite) a bathroom and an open plan living/kitchen area.

The proposed agricultural building would be located in the field in the western part of the site. The building would measure 30m wide by 15m deep and 6m high with a pitched roof. It would be of a portal frame construction with a concrete upstand and timber boarding on the upper half of the elevations. The roof would be covered using green profiled metal sheeting. There would be a single large opening on one side to provide access into the building.

PLANNING HISTORY

P/21/0330 - Erection of a rural enterprise dwelling

REFUSED permission on 04.04.2022 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.

CONSULTATION

Head of Engineering
and Highways

- 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 and agricultural building would constitute countryside development. Whilst the provision of an agricultural building in the countryside would be acceptable in principle, residential development outside of the settlement limits would normally 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.'*

In support of the application, a Planning Statement and Business Plan have been provided to demonstrate the need for the development and its viability, together with two further supporting statements dated December 2022 and January 2023.

Background

Pencoedcae Farm comprises a 14 hectare (35 acres) holding with grazing rights on Merthyr Common, which is managed by the applicant on a full-time basis, who resides in a caravan in Heolgerrig, which also includes an area of land (2 hectares) that is used for the keeping of horses as part of the rural enterprise. It has been highlighted that there is an intention to sell the land in Heolgerrig and move all of the elements associated with the equine enterprise to Pencoedcae Farm. However, this has not been directly addressed in the submission and there is no proposal to sever it from the enterprise or cease the occupation of the caravan. Indeed, a separate planning application has been submitted (P/23/0031) by the applicant for the construction of a new dwelling to replace the existing caravan at the site.

The existing enterprise has been established for a number of years, which includes mainly the pedigree breeding of ponies and coloured horses and the keeping of pedigree Hereford suckler cows, with youngstock reared through to sale as yearlings. The Business Plan indicates 8 Welsh Section A mares are kept out on the common land all year round and are brought in for a few days in the autumn to be wormed, have their feet trimmed and then returned to the common. Alongside this, 5 Welsh Section C Mares and 1 Welsh Section D mare are kept at Pencoedcae Farm and are stabled/rugged up during the winter. Usually, 7 large cob mares (coloured horses) are kept at Pencoedcae Farm, with the most valuable ones kept in the fields adjacent to the applicant's place of residence in Heolgerrig. The Business Plan also indicates that fouling takes place at the site in Heolgerrig, where the applicant can better supervise the horses. Typically, there are a total of 13 mares and 2 stallions stabled at night and let out during the day in the winter period.

The applicant has indicated that the suckler cow element of the business is a conventional upland cattle enterprise, with as many as 61 cattle of various ages present at the site, which would include breeding heifers, bulls and young calves. The young stock is mainly

reared and sold on as forward store cattle. Calving is undertaken within the existing farm buildings at Pencoedcae Farm from January through to June with some in the autumn.

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 that may otherwise substantiate this point.

It is acknowledged that the dwelling adjacent to the site (Robin's Nest) historically formed part of Pecoedcae Farm, which replaced the original farmhouse. 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. At the time it was established through the enforcement case (PE/12/0123) that Mr Harris (applicant's partner) previously owned the farmhouse, which was sold in 2011/2012. The dwelling was more recently sold at auction in 2019 for approximately £90,000. Although the applicant considered purchasing the 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 the applicant (Rhoswell Marshallsea) and Mr Harris, although there is only reference to the essential need of Ms Marshallsea to live at the site to readily attend to the livestock. The supporting information also notes that the dwelling would accommodate the applicant's dependant mother. However, the circumstances are not entirely clear pertaining to the current living arrangements.

The existing rural enterprise currently operates across two sites, being Pencoedcae Farm and the land in Heolgerrig where the applicant currently resides in a caravan. The land in Heolgerrig forms part of the equine enterprise, where a number of the most valuable horses are kept, along with other machinery and equipment. The site also includes an agricultural building/stables and ménage. This would mean that a second dwelling would be provided on land that forms part of the rural enterprise. In such cases, the qualifying criteria for second dwellings are set out under Section 4.5.1 of TAN 6, which does not allow for a second 'temporary' dwelling. The applicant has indicated that there is no intention to seek a second dwelling and that the site in Heolgerrig would be sold in the future. Be this as it may, the rural enterprise is currently operating across two sites and could continue to do so until the site in Heolgerrig is no longer available to the applicant.

A certificate of lawful development was submitted (P/15/0334) by the applicant and granted in 2015, for the siting of a caravan for residential use on the land in Heolgerrig for a period in excess of 10 years. Accordingly, given the length of time that the applicant has resided at the site, being their main residence, the caravan is deemed to constitute a dwelling. No evidence has been provided to justify the need for a second dwelling. Accordingly, the proposal fails to meet the tests as set out in TAN 6. Notwithstanding this, the proposal has been assessed against the following criteria.

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 management for the enterprise, the applicant considers it essential that a farm worker lives on site at Pencoedcae Farm in order to supervise the herd of cows, to ensure their welfare needs are not compromised and to manage the horses and ponies on the common and farmstead. It is not entirely clear how many horses are currently kept at the site in Heolgerrig but what is clear is that those requiring most attention are often kept there.

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. The overall responsibility for Duty of Care for animal welfare currently lies entirely with the applicant and for the majority of the time the care is provided solely and successfully by Ms Marshallsea, who lives approximately 5.9km away by road.

There is no doubt that the cattle generally require a degree of out-of-hours care with associated emergency requirements during calving, 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 applicant has managed this herd successfully for a number of years living remotely from the site. The same is the case for many of the horses, with the exception of those which are considered to be more valuable (some in excess of £25,000) and stabled at the site in Heolgerrig, where the applicant currently lives.

Generally, stallions should be kept separately from other horses and may not be suitable for mixing in fields. Horses due to foal will need additional supervision but only during foaling season. Limited detail has been provided in this respect and a significant amount of the justification relies on the security of the animals. In the applicant's statement (dated December 2022) reference is made to a small number of incidences of unauthorised access, which were reported to the police in 2019 and more recently incidences of damage to the former farmhouse Robin's Nest in 2020. This does not appear to indicate a significant security issue, relating to incidents some 4 years ago. Furthermore, there appears to have been no attempt to improve the security at Pencoedcae Farm i.e. CCTV, flood lights with motion sensors or security alarms etc. Indeed, there appears to be no attempt to provide secure units with two of the agricultural buildings having open front access.

The applicant has noted in the Business Plan that foaling and stabling of stallions takes place at the Heolgerrig site, where sufficient supervision and security can be provided. The welfare needs of the animals, including security of those considered most valuable, is adequately met through regular daily checks and there is no requirement for a worker to be available most of the time at Pencoedcae Farm. In contrast to the initial information provided, the applicant has subsequently indicated in their statement (dated December 2022) that the majority of the calving and fouling takes place at Pencoedcae Farm and that the cattle are no longer wintered on the common. This raises some concerns on the accuracy of how the enterprise currently operates.

Whilst the applicant wishes to move all of the stock associated with the equine enterprise to Pencoedcae Farm, this by itself, does not provide sufficient justification for the functional need for a new dwelling in the open countryside. The business is already operating successfully across the two sites and already includes a dwelling in a sustainable location within the settlement boundary.

It has been highlighted in the Business Plan that the applicant has aspirations to expand the equine enterprise, to include a livery/show horse B&B facility and stud service at Pencoedcae Farm. However, planning permission has not been granted for this use at the site. Full details relating to the livery/show horse B&B have not been provided, nor have the merits of such a proposal been properly assessed at this stage. Therefore, little weight can be given to these future plans.

It has not been demonstrated whether or not the existing site at Heolgerrig could accommodate the proposed livery/stud service alongside the stabling of their most valuable horses.

Currently there does not appear to be sufficient justification for a person to be present at Pencoedcae Farm all of the time. The proposal in part relies on the delivery of the proposed livery/show horse B&B facility to bolster the need for someone to be present on site more often. In this regard, limited details have been provided to demonstrate how this element of the business might operate and the submitted plans illustrate a large general purpose agricultural building, which does not adequately reflect a stabling business.

Time test

It appears that the labour requirement calculation in the Planning Statement is based on aspirational figures. There is currently no show horse B&B service and there are no details of an existing livery or stud service apart from within the Business Plan.

Given the current stock levels, there is a labour requirement of 1.29 full-time workers. This is mostly accrued from the equine element of the business. However, the submitted information confirms that at present those horses, which require the most monitoring are kept at the site in Heolgerrig. This would suggest that the time required at Pencoedcae Farm would be reduced. The figures in relation to cattle confirm that only 0.17 of a full-time worker is required. Therefore, in terms of labour requirement, currently this is split between the two sites with the greater time apportioned to animals at the site in Heolgerrig. This suggests that Pencoedcae Farm does not generate the need for 1 full time worker at present.

In the scenario where a livery and stud services were to be introduced with all of the animals kept at Pencoedcae Farm as suggested in the Business Plan, then the labour requirement may likely increase as suggested in the submission. However, the merits of the livery and stud service have not been fully examined at this stage and therefore has little weight in the determination of this application. Indeed, the location of a proposed livery facility in a countryside location would similarly need to be fully justified.

Given the low stock levels and the successful management of the animals across the two sites, it has not been adequately demonstrated that there would a role for a full-time worker at Pencoedcae Farm.

Financial test

Financial details have been provided for Pencoedcae Farm for the years ending 31st March 2019 to 31st March 2021 inclusive. No further details prior to this date have been provided and it is not known how long the business has been trading altogether, although Pencoedcae Farm was purchased by the applicant in 2011. The farm records have also been reviewed as part of the previous application (P/21/0330) for a rural enterprise dwelling. Section 5.10 of TAN 6 – Practical Guidance states *‘where local planning authorities grant planning permission for temporary accommodation, the performance conditions required for a subsequent permanent dwelling may be related to the outcomes of the business plan’*. Additionally, Section 4.10.1 of TAN 6 indicates *‘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’*.

In this instance, the submitted Business Plan does not provide any projections for the proposal extending to five years from the anticipated completion of the development, or indeed five years from the anticipated completion of the permanent dwelling, should it be approved after the expiry of a temporary permission.

The submitted Business Plan details an intention to expand the business and generate additional income through the provision of a livery and stud services in addition to the existing beef and horse breeding enterprises. The evidence and basis of the financial assertions within the business plan is lacking and, although sensible figures for the likely income per animal from the proposed services have been included, no regard has been had to the current level of demand for the proposed business structure or indeed, whether it would provide a viable source of income. Furthermore, only the final year’s aspirational net profit figures for the business are provided. It is not clear whether these aspirational figures are realistic in terms of demand.

In the applicant’s statement (dated December 2022) additional information (emails from clients) was provided to demonstrate that there is some demand for a livery/stud service. Whilst this is useful, as it indicates a potential demand for the services, additional evidence could be provided in the form of identifying similar available services within the area and their capacity to establish sufficient demand. Additional evidence to justify the anticipated sales figures and costs as well as evidence of past stud fees obtained would also add to the soundness of the evidence on which the figures in the Business Plan are based. Notwithstanding the above considerations, little weight can be given to the additional income generated from the livery/show horse B&B, given that this potential use does not form part of the considerations of this application.

The 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, and in this case the cost of the proposed agricultural building as well.

Limited details have been provided in relation to the construction costs for the proposed agricultural building, log cabin and the associated fixtures. It is not clear how the figures provided have been derived and there is no breakdown of the anticipated costs to ensure they are sufficiently robust. Therefore, it has not been adequately demonstrated that such costs are reasonable.

Additionally, the proposed 'general purpose agricultural building' is not commensurate with the proposals to develop the business in the manner set out in the Business Plan. It would be expected that a purpose-built stable facility would be required to enhance the existing stabling provision available or quality of the site at Pencoedcae Farm. There is no evidence to suggest that the existing, sub-standard facilities have been improved, or that there is an intention to improve such facilities. It would be unlikely that customers would be willing to livery their horses in the current condition of the site.

The applicant has indicated in their statement (dated December 2022) that specialist stabling is not required and the proposed building will be flexible in terms of its internal arrangement. However, it is difficult to understand how the livery and stud facilities can be provided without specialist infrastructure. Indeed, the absence of suitable stabling demonstrates a lack of intent to develop the business in the suggested manner. It is notable that there is no reference to new stabling *per se* within the proposed building at all, or indeed how the existing buildings will be adapted, to ensure safe and suitable accommodation for stabled livery horses, of which, the applicant would have a duty of care. Furthermore, no evidence of market research or the level of demand for the applicant's facilities and stallions have been provided. On that basis, the proposal does not provide clear evidence of a firm intention and ability to develop the rural enterprise, contrary to Section 4.6.1 a of TAN 6.

The submitted financial information does not include the cost of upgrading the existing site and facilities, which is likely to be required. Nor does it suggest the timing for the provision of any new facilities and how this is linked to profit. For example, when is the new building to be provided? Are existing facilities to be upgraded? If so, when? As such, the Business Plan is insufficiently robust in this respect and does not appear to have been planned on a sound financial basis. Therefore, it does not meet the test in Section 4.6.1 c of TAN 6.

It has not been adequately demonstrated that the rural enterprise would be able to cover the wage of 1.7 full-time workers at minimum wage, particularly when the income contribution from the applicant's partner is discounted. This is relevant in terms of assessing the future income where existing parts of the business are to be incorporated into the future enterprise and whether the anticipated profits can be achieved. Despite this, figures (adapted for reduced labour cost) have been provided, which show an anticipated profit of £19,627 for the business at full operation. This adapted figure does meet the minimum wage (£19,332) for a rural enterprise worker but is not commensurate with the applicant's skills and qualifications and does not meet the minimum wage for the full labour requirement specified as being required (although some of this does seem to have been included as a cost). There is no evidence of when the stated profit is expected to be achieved or indeed, whether it can be achieved within the three-year period. It would therefore appear that the proposal is unable to cover the notional wages required.

It is noted that Section 5.16 of TAN 6 – Practical Guidance advises that *'the labour cost must relate realistically to the skills of the individual concerned. The absolute lowest threshold of remuneration will be the statutory minimum wage but, in the majority of cases, higher levels of remuneration will be appropriate'*.

The applicant has indicated in their statement (dated January 2023) that the ability of the existing business to cover the wages of the proposal is not relevant, as the application is for a temporary dwelling to support the future business. If this were the case, there would be little merit in the submitted Business Plan, which clearly seeks to diversify the existing enterprise. Despite the fact that planning permission has not been granted for the livery/show horse B&B, the Business Plan relies on the provision of the livery and stud service in order to justify the proposed temporary dwelling. Therefore, the performance of the existing rural enterprise is crucial to the assessment of its financial viability and sustainability.

The TAN 6 Practice Guidance advises that where the business plan is not planned on a sound financial basis, then this would not be a suitable case for a temporary dwelling. In this instance, there is insufficient robust evidence provided to demonstrate the viability of the business model or indeed the intention and ability to develop the proposed enterprise at Pencoedcae Farm.

Other dwellings

It has been indicated by the applicant that the land at Heolgerrig is to be sold and is currently in the ownership of the applicant and her siblings. However, the fact remains that it is currently utilised as part of the existing enterprise and provides the applicant's permanent home. The Planning Statement indicates all the stock is to be kept at Pencoedcae Farm. However, until a time when the site in Heolgerrig is severed from the business, which is not actually proposed in the submission, it must be considered available. It is not clear whether the applicant pays rent to her siblings in respect of its use as part of her business. At present, the enterprise is split over two sites and operates successfully with adequate on-site surveillance over the highest value animals' over-night at the Heolgerrig site. To grant permission for the proposal could potentially allow two dwellings to form part of the rural enterprise. With the exception of the caravan at the Heolgerrig site, there are presently no other dwellings on the holding and none of the farm buildings are suitable for conversion.

The applicant has carried out a search of www.rightmove.co.uk on 26th January 2022, which indicated 15 dwellings were available for sale within 0.5 miles of the application site ranging between a one-bedroom ground floor flat at £56,000 to a detached 5-bedroom home at £575,000, which would normally be considered as beyond the affordability range of a farm worker. Notably, there were a number of 2–3-bedroom dwellings between £105,000 and £160,000. At the same distance, a three-bedroom house and a one-bedroom flat were found as available to rent between £725-750pcm.

Based on the information provided, there are a number of properties closer to Pencoedcae Farm that could be occupied that would provide shorter journeys to the farm. These properties have been discounted in the submission as they are deemed to be small suburban plots with no capacity for parking farm tractors or secure storage for a workshop, tools, fuel or foaling horses. Notwithstanding this, no attempts appear to have been made to provide secure facilities at Pencoedcae Farm, which may address this concern.

Should the entirety of the operations be moved to Pencoedcae and developed in line with the submitted business plan, then it may well be that a stronger case could be put forward, to demonstrate a functional need for a worker to live on site. However, in this instance, the proposal relies on the provision of a stabling/stud service, which in itself requires separate planning permission. Furthermore, the rural enterprise already accommodates a dwelling that successfully forms part of the business and remains available to the applicant. Therefore, it does not meet the test in Section 4.6.1 d of TAN 6.

Design approach

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 and agricultural building 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. In contrast, the applicant's existing residence on land in Heolgerrig is deemed to be a sustainable location within walking distance of services and public transport.

The design of the proposed dwelling would be similar to that of a bungalow given its footprint and single storey height. Whilst it would be of a modest design with timber cladding on the elevations and a fibre cement slate roof, its overall design does not reflect a typical rural farmhouse. The submission indicates it would be a mobile home required for a temporary period of 3 years. However, the supporting documents indicate that the dwelling could be retained for a longer period, which suggest that there might not be an intention to construct a more appropriate dwelling in the future. It is not entirely clear in the information provided whether the dwelling would be brought on to the site partly constructed, or whether it would be entirely constructed on site. Nor has it been indicated what the foundation requirements might be and whether the development would be easily reversible in the event that a future planning permission for a permanent dwelling is not granted.

The proposed agricultural building would be of a typical design and construction that you might expect on a working farm, incorporating a portal frame with a combination of concrete panels and timber/metal cladding. Limited information has been provided to justify the scale of the building in the open countryside. The supporting documents indicate the building would be used to provide a livery/horse show B&B with stud service. However, this does not form part of the considerations of this application. Therefore, it is not clear what portion of the building would be required as part of existing operations of the farm as this element of the business would remain unchanged. On this basis, it has not been adequately demonstrated that there is a need for an additional agricultural building alongside the existing farm units. Furthermore, the siting of the agricultural building away from the existing farm units would result in a greater impact on the countryside landscape. This would also likely necessitate the need for a new access track and hardstanding area that further erodes the qualities of the area.

In this instance, there is insufficient justification to demonstrate that the functional need for the development outweighs the harm it would 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 is of an adequate size to accommodate the traffic movements associated with the proposed dwelling and the existing operations of the farm. The submitted plans indicate a new driveway serving the dwelling would be provided with access from the existing lane. At least 2 parking spaces would be accommodated to the front of the dwelling with sufficient room to enable vehicles to turn within the curtilage. This access and parking arrangement is deemed to be acceptable. Accordingly, this element of the development would not lead to any significant highway safety concerns.

The proposed agricultural building would be located in a field, which is presently used for grazing. There appears to be no existing tracks leading to this part of the site. Nor is it proposed that a new access lane would be provided from either the existing lane to the north (at a lower ground level) or from the existing hardstanding to the east. Furthermore, it would typically be expected that a hardstanding area would be provided to the front of the agricultural building for the parking and turning of vehicles associated with its use as part of the operations of the farm. No details have been provided to justify the siting of the building away from the existing group of agricultural buildings, where the existing access and hardstanding could be better utilised. This would in turn further reduce the environmental impacts by avoiding/minimising the need to construct a new lane and hardstanding area in the open countryside.

The supporting information indicates the agricultural building would be used to support a potential livery/horse show B&B and stud service in the future. This in itself would have the potential to attract a far greater level of traffic movement to and from the site. However, given that such uses are not being considered as part of this application, little weight is given to any impacts associated with this future plan.

Despite no formal access being proposed within the site to serve the agricultural building, the development would not give rise to any significant highway safety concerns. 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 is not 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 be sufficient room between the development and the nearby woodland not to 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.

Ground conditions

It has been highlighted by The Coal Authority, that part of the application site lies within an area that is deemed to be at high risk to past coal mining activities. As such, a Coal Mining Risk Assessment (CMRA) has been submitted in support of the application.

The CMRA acknowledges that the locality has experienced extensive mining for both coal and ironstone. The mining records show the site to be within the influencing distance of old workings in three coal seams and two ironstone veins. At least one of the coal seams, which is at a shallow depth may pose a risk to the development. Additionally, two disused mine adits have been noted (to the south-east) within 20m of the site. It is recommended in the CMRA that exploratory boreholes and drilling on the site be carried out to examine in greater detail the shallow old working to assess the risk it may pose on the development. If shallow old workings are found to present a risk, then the land will need to be stabilised by means of a drilling and grouting programme. In this regard, The Coal Authority has not raised any objection to development subject to conditions relating to a scheme of intrusive investigation and remediation works. Accordingly, it has been adequately demonstrated that the site can be development and any ground stability concerns could be appropriately mitigated. Therefore, the proposal complies with policy EnW4 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 dwelling and agricultural building. 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 the need for a temporary rural enterprise dwelling and agricultural building 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 County Borough 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 County Borough Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

14/4/23