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Reference: 748LlewellynB1  
Date: 27 February 2023

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Merthyr Tydfill CBC  
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Pentrebach  
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CF48 4TQ

**Reinstatement of Farmhouse for Rural Enterprise Worker Pendducae Farm,  
Treharris, CF46 6UE – Mr B Llewellyn**

This is a full application for reinstatement of a disused farmhouse for the benefit of a rural enterprise worker.

The on line application comprises:

Application form and certificate

Application fee of £460

Plan PF10 Site Plan

Plan PF20 Layout Plan

Plan A Plan and Elevations of replacement dwelling

Planning statement

Business Plan Commercial in Confidence

Yours sincerely

**BRIAN GRIFFIN FRICS FAAV**  
**Chartered Surveyor**  
pp Bernard Llewellyn

**Reinstatement of Farmhouse for Rural Enterprise Worker Pendducae Farm,  
Treharris,CF46 6UE**

**PLANNING STATEMENT AND TAN6 WALES APPRAISAL**

The appraisal addresses the need for the dwelling. It is laid out as follows;

Paragraph 1 – Introduction

Paragraph 2 – Size and type of dwelling

Paragraph 3 – Sitting and access

Paragraph 4 - Sustainability of the enterprise and BREXIT

Paragraph 5 – The rural enterprise

Paragraph 6 – Existing labour

Paragraph 7 – Dwellings

Paragraph 8 - Farm buildings and equipment

Paragraph 9 – The development plan

Paragraph 10 - Local Context and Constraints

Paragraph 11 – The future

Paragraph 12 – Relevant development plan policies

Paragraph 13 - Assessment of sustainable development (TAN6 tests)

Paragraph 14 – Minerals

Paragraph 15– Conclusion

Forwarded as separate document - Business Plan – Commercial in Confidence

1. **Introduction** – The dwelling that formerly served Pendducae Farm was lost in a fire and it has gone beyond a repair or conversion to return it to a farm dwelling. This application is for a reinstated dwelling to allow the holding to be managed to the required standard and to meet the essential functional need to manage livestock.

1.1 It is an existing established farm business and in effect this is a first dwelling on an established hill farm.

1.2 TAN6 gives support for farm dwellings and it advises at 4.6:

#### 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<sup>22</sup>. 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).

1.3 In respect of permanent dwellings tan6 goes onto 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).
- . 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).

1.4 With regards to rural appraisals TAN6 says:

#### 4.7 Rural enterprise dwelling appraisals

4.7.1 Planning applications for new permanent and temporary rural enterprise dwellings in the open countryside need to be supported by robust evidence. A Rural enterprise dwelling appraisal must accompany planning applications for this type of development and include information sufficient to enable the planning authority to make a full and effective assessment. The appraisal should address the following tests:

- The functional test to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise. (See paragraph 4.8.1).
- The time test to provide evidence of the labour requirement for the worker who is working on the justifying enterprise. (See paragraphs 4.9.1).
- The financial test to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification. (See paragraphs 4.10.1 - 4.10.3).
- The other dwellings test to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need. (See paragraphs 4.11.1 - 4.11.2).
- Other normal planning requirements test to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment. (See paragraphs 4.12.1 - 4.12.2).

*4.7 Rural enterprise dwelling appraisals 4.7.1 Planning applications for new permanent and temporary rural enterprise dwellings in the open countryside need to be supported by robust evidence. A Rural enterprise dwelling appraisal must accompany planning applications for this type of development and include information sufficient to enable the planning authority to make a full and effective assessment.*

*The appraisal should address the following tests:*

- The functional test to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise. (See paragraph 4.8.1).*
- The time test to provide evidence of the labour requirement for the worker who is working on the justifying enterprise. (See paragraphs 4.9.1).*
- The financial test to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification. (See paragraphs 4.10.1 - 4.10.3).*
- The other dwellings test to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need. (See paragraphs 4.11.1 - 4.11.2).*
- Other normal planning requirements test to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment. (See paragraphs 4.12.1 - 4.12.2).*

1.5 The Farm Consultancy Group (FCG) has undertaken a rural dwelling assessment using the TAN6 tests, reference to which we make further on.

**2. Size and type of dwelling** – The proposed dwelling is a 2 story, three bedroom property with a footprint of 54.5 m<sup>2</sup> giving a gross floor area of 109 m<sup>2</sup> which is well below the 150 m<sup>2</sup> size used by many Councils. It is a modest dwelling to allow the stockman and his family to live on site and ensure the continued success of the rural business which has an isolated location.

- 3. *Siting and access*** – The site for the dwelling is to be on the cleared site of the fire ruined former dwelling. It is close to the modern farm buildings which were also fire damaged and have been made functional again so that stock can now be winter housed again.
- 3.1 The access is existing and once living on site will save the stockman travelling to and from the site 2 – 3 times per day. Overall there is little increase in use of the access. Access is via the single track road which also serves a couple of other properties and extends further onto Merthyr Tydfil itself.
- 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<sup>23, 24</sup>. 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 required for this application as we do not have the interim tenant's financial accounts. The Farm Consultancy

Group has therefore prepared a forward looking business plan which is forwarded on a commercial in confidence basis.

- 4.2 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.
- 4.4 Whilst subsidies linked to production will go over time, they will be replaced with environmental based payments the detail of which the Welsh Assembly has not yet released. Therefore at this stage we can only make assumptions based upon the information to date. The Welsh Assembly has yet to provide much detail on how the payments system will work.
5. **The rural enterprise** – Please refer to the FCG rural appraisal. The proposal is that the applicant will farm the land and stock in hand rather than the current practice of using a short term letting to allow the land to be used. Now that the buildings are back in use the farm can be managed in hand again for which the proposed dwelling is required.
6. **Existing Labour** - The land is let on a short term letting. Once a dwelling can be achieved the applicant will employ a full time stock person to run the unit for him. The FCG appraisal has undertaken a standard man day assessment which shows the enterprise is a full time unit.

7. **Dwellings** - There is no dwelling on the holding. The applicant lives across the valley to the east at Bedlinog, which by road is 5 – 6 miles. There was formerly a dwelling on the farm but it was lost following a fire, thought to be arson, when the dwelling was left unoccupied.
- 7.1 We have not undertaken a Rightmove property search. If we did a hundred or so properties flag up within a mile of the site. However, as can be seen from the Google Earth image below, due to the topography of the locality and the farmstead's position on a hill with valleys running either side of it, dwellings at for example, Aberfan and Bedlinog whilst being a half to one mile distant, are not within sight or sound of the application site and access to the site from those settlements is slow and at times difficult due to weather conditions.



Google Earth

Site

8. **Farm buildings and equipment** - The enterprise is supported by a modern range of farm machinery and equipment and a set of modern farm buildings comprising livestock and genera purpose buildings as shown on submitted Plan PF20.

Hardcored area for storing bagged silage and haylage

- 9. 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.
- 10. Local Context and Constraints** - The site is within the countryside, accessed off a single track road. The Council's policies plan shows the locality subject to a Special Landscape Area status and a mineral resource (sandstone) as well as some SSSI designations, presumably for hill type grazing land.
- 11. The future** – The enterprise having lost its dwelling and farm buildings through fire and fire damage is at a turning point. The land has been kept grazed to maintain the pasture and prevent scrub re-growth. The fire damaged farm buildings have been brought back into use. The next stage is to reinstate the farm dwelling so that the holding and its breeding livestock can be properly managed. The FCG business plan addresses the future stocking and management of the enterprise.
- 11.1 To achieve these aims and to enable the business to grow and be sustainable in the future a worker needs to be able to reside on site.
- 12. 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.

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

*12.2 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 its recommendation a Council should ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**13. Assessment of sustainable development** – The proposal is for a permanent rural dwelling on a hill livestock farm / rural enterprise In respect of permanent dwellings TAN6 says:

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).

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.

13.1 In addition to the above, security is also a relevant issue particularly on an isolated hill farm set amidst Valleys with urban housing. Trespass and vandalism are unfortunately a fact of life with the no through road attracting off roaders and wanton trespass. Without a dwelling the farmstead is open to trespass, and vandalism, as well as the breeding and rearing livestock being unsupervised at night. It is the norm for a full time hill farm to have a supervisory

dwelling to ensure the essential functional need and out of hours attention to any matters arising in terms of lambing, calving, rearing stock and on site security.

- 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).

13.2 The FCG has undertaken a labour assessment in their Planning Justification document. They confirm that the unit is full time.

- 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).

13.3 Please refer to the applicant's Business Plan which is forwarded separately.

- 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 - 4.11.213.6 T

13.4 As explained at paragraph 7.1 there are no dwellings suitable and available near or at the farmstead. There are many dwellings in the wider locality but they do not allow an occupier to be 'readily available' and the site is difficult to access in wintry conditions on account of the steepness and alignment of the access road.

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

13.5 The access is existing and a resident stockman on site will provide about the same level of vehicle movements as a stockman visiting the site. The site for the re0nstated dwelling is to be on the site of the ruined dwelling which will be cleared.

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

## **15. Conclusion**

- i) A permanent dwelling is sought to replace the lost dwelling to fire. The original dwelling had no occupancy condition whereas the new dwelling can be subject to such a condition, which is supported by PPW and TAN6 Wales when certain tests are met.
- ii) The farming enterprise is an upland type enterprise that carries a breeding herd of Hill cows and sheep which are the basis of a full time viable rural business but also to maintain the SSSI status of the grazed land and hay fields.
- iii) In order to effectively manage the livestock enterprises and the farming business it is essential for a stockman to live on site so that they are readily available to attend to any livestock or other matters that occur outside of normal working hours. The scale of the enterprise will be sufficient to employ a stockman on a full time basis.
- iv) The site for the dwelling (a 54 m<sup>2</sup> footprint is on the site of a former dwelling 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**

**Chartered Surveyor**

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