

DELEGATED REPORT

Application No:	P/22/0215
Site Address:	Land off Cardiff Road A4054 and to the north of 21 Mount Pleasant Cardiff Road Merthyr Vale
Development:	Erection of a dwelling
Case Officer:	Caroline Pulley
Site Visit:	23rd August 2022
Application Expiry Date:	7th October 2022
Consultation reply date expired:	13th September 2022

APPLICATION SITE

The application site relates to a sloping parcel of land situated on the hillside in Merthyr Vale. The site is located outside the settlement boundary and forms part of a Special Landscape Area (SLA). It is accessed from the highway of Cardiff Road (A4054) to the west via a field gate, a small tarmac drive and a steeply sloping grass track. The area of land to the north and north-east form part of the steeply sloping hillside. To the south-east, there is a terrace of houses and on the opposite side of the road and at a lower level to Cardiff Road are several linked houses. The site itself is currently occupied by a small dilapidated stable building and a small greenhouse.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of a new dwelling, with associated amenity space and parking area, which is suggested is required in connection with a 6-acre small holding.

The proposed dwelling would be positioned in a northerly/southerly direction on the site with its front elevation facing north-west and its side elevation being parallel to Cardiff Road. It would have a maximum width of 8.42m (including a roof overhang), a maximum depth of 13.7m and a height of 6.2m (to the ridge of its hipped roof). The property would comprise a single level of accommodation consisting of a porch, a kitchen, lounge, a bathroom, two bedrooms and a spare room. The front elevation would include a gable projection featuring an open porch and a small enclosed room with no access door. The side elevations of the dwelling would have three roof gables set above three window openings. Externally (as indicated on the application form) the dwelling would have a grey outer stone wall and a slate roof with solar panels and a large chimney on the side (eastern) elevation measuring 0.6m wide, 1m deep and 2.9m high. No section details have been provided. However, it is indicated on the submitted drawings that the development would be set on a slope and a 1m high gabion wall would be constructed to the rear of the

dwelling. Also, a rectangular gravel drive measuring approximately 13.5m wide by a maximum of 8.21m in depth, would be provided to the north of the dwelling.

The application is supported by the following documents/information:

- Preliminary Ecological Appraisal
- Covering letter
- Photographs of the site with the proposed development overlaid on top.
- Indicative images for the appearance of the dwelling
- Rural Enterprise Business Plan for a Micro Horticulture Business

The information provided in a covering letter points out that the plot was previously used for grazing horses and is now used by the applicant for horticulture. The applicant states that a dwelling is required on the land as he requires a *'longer term solution for accommodation on the site to allow me to work on the land.'* He notes *'Currently I live 80 miles away in Powys and have a long commute and have to use uncomfortable temporary accommodation in the stable when I work on the land.'*

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Head of Engineering and Highways:	No objection subject to conditions relating to the provision of a 2.4m x 22m vision splay, a footway and the retention of the proposed parking/turning.
Planning Division's Policy Officer:	Raises an objection.
Environmental Health Manager:	No objection subject to conditions.
Welsh Water:	No objection subject to a condition.
Ecologist:	Highlights that additional information is required to assess the ecological impact of the proposed development.

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National 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) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

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

Section 4.2.36 states that 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.

Section 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.

Section 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.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

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 Policy

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

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy SLA4 – Special Landscape Area

- 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
- Policy EcW10 – Sustainably Supplying Materials
- Policy EcW13 - Minerals Safeguarding

Supplementary Planning Guidance (SPG):

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

PLANNING CONSIDERATIONS

Principle of the proposed development and rural enterprise justification

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

TAN 6 Planning for Sustainable Rural Communities provides National Guidance on rural development. It allows for dwellings to be built in the countryside to accommodate workers for a wide range of rural enterprises in addition to farming and forestry businesses provided an essential need for those workers to live close to the enterprise can be demonstrated. This includes a new dwelling on an established rural enterprise 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 4.3 of TAN 6 sets out the criteria to establish when a new dwelling on a new rural enterprise may be justified and sets out the criteria to be satisfied by proposals. It highlights that whether a new dwelling is essential will depend on the needs of the enterprise and not the individual circumstances or preferences of the applicant.

Section 4.4.1 of TAN 6 states:

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

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

e. *Other normal planning requirements, for example siting and access, are satisfied.'*

A covering letter and business plan has been submitted in support of the application, which sets out the general background to the proposed development. It highlights that the land forms part of a newly acquired 6-acre small holding managed solely by the applicant to provide a sustainable income from horticulture, primarily through the sale of garden plants. The information contained within the business plan highlights that land was recently purchased by the applicant in 2020 and the current business is in year 2 of a 5-year plan. This encompasses Phase 1 of the applicant's plan/timeline which involves setting up food production and growing infrastructure. Phase 2 of the plan, which covers years 3 to 5 of the business would involve plant sale operations. The evidence provided reveals that the business is very young and has not been established long enough to demonstrate that it has been established for at least 3 years and has been profitable for at least one of these years. Accordingly, it cannot be justified that the business is financially sound and has a clear prospect of remaining so, in line with category c of Section 4.4.1 of TAN 6. Additionally, there is further concern, given the topography of the land, that this site has limited growth potential for any business to thrive and the business as it stands, is not of a scale which would cover the cost of the proposed development.

Turning to whether there is a clear established functional need for a dwelling on the site, again, the applicant has not provided any justification to demonstrate why it is essential for a worker to live on the site to support the needs of the enterprise. The business plan highlights that work is estimated to encompass a 240-day working year. It highlights that some work would be highly concentrated in the growing season and weekend work would be a necessity. It is estimated that daily tasks on the land (i.e. checking for pest damage, checking moisture levels of plants) would involve 1.5 hours per task. Weekly tasks would involve handling and dispatching customer orders and returns, delivering local orders and handling local pickups. No evidence has been provided to demonstrate that it is essential, for the proper functioning of the enterprise, for a worker to be readily available on the land at all times. As pointed out in paragraph 4.8 of TAN 6, a functional need *'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'*. It provides the example for which workers are needed to be on hand day and night to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. There is no evidence from the information contained in the covering letter or business plan to suggest that this may be the case.

The applicant in his covering letter states that *'the creation of a dwelling on the site has more impact on the long term configuration of the enterprise rather than the horticulture. It may be that I just keep the business at a part time level of change the strategy.'* The information provided indicates a personal preference or circumstances rather than an essential requirement for a dwelling on the enterprise. The applicant notes that living on the land would greatly improve the efficiency of the business and reduce costs. Several long term options for accommodation are noted, including buying a new build house in the area, buying a small terraced house and renting locally, all of which are available options as while the proposal is regarded as 'countryside development', it is not isolated. It is located directly adjoining a row of terraced dwellings. It is in close proximity to the settlements of Merthyr Vale and Aberfan within 2 miles of Edwardville and Treharris, and within 5 miles of Merthyr Tydfil town centre. Research of a well known website (i.e. Rightmove), featuring properties for sale, reveals a range of dwellings currently on the market in these areas. The applicant acknowledges that this is a potentially viable option within the submitted business plan, but due to financial costs, states a personal and

financial preference for constructing a new dwelling on the site. The supporting documents provided with the application clearly fail to adequately demonstrate that there is a requirement for a full-time worker to live on the site. There is also insufficient information to justify that there must be a full-time requirement for the worker for which there is a functional need. In addition to this, it is noted that the application site, while being outside the settlement boundary and therefore regarded as 'countryside development', is not isolated and there are suitable dwellings in the area which are available to meet the needs of the applicant.

Overall, the information provided with the application clearly fails to adequately demonstrate why it is essential to the proper functioning of an enterprise for a worker to be housed in close association with it or why an existing dwelling in the surrounding area cannot meet the needs of the enterprise. Accordingly, the development would be contrary to policy SW4 of the LDP and the justification tests set out in TAN 6.

Impact on character and appearance of the area

The application site is located within a Special Landscape Area (SLA) where maintaining its landscape character is of high importance. It also forms part of a valuable area of open green space that provides a scenic value to this part of the county borough. While it is noted that the land is situated in close proximity to existing houses, the construction of a new dwelling and associated hardstanding areas would adversely impact on the character and appearance of the Special Landscape Area through the intensification of built development on the land.

Further concerns exist in relation to the design, scale and appearance of the proposed development. The proposed dwelling and driveway/parking area would, due to their elevated and prominent siting, be highly conspicuous from the road. A significant proportion of the site consists of vegetation and this provides a visual contribution to the character of the local area. The proposed access road, driveway/parking area and potential retaining walls serving the dwelling would form dominant and unsympathetic features to the front of the site. As a result, a large proportion of the road frontage vegetation would be lost and the land would become over engineered in appearance. This would be to the detriment of the visual amenities of the surrounding area. Also, it should be noted that in order to achieve the required vision splays, the hedge-line illustrated to the front of the dwelling would need to be set back or removed from the development to satisfy highway requirements.

In addition to the above, the overall design and orientation of the proposed dwelling would relate poorly to the existing properties along Cardiff Road. While it is acknowledged there are a number of detached properties of varying scale and design along parts of Cardiff Road, the majority of houses have a simple appearance and there is concern that the layout, design and scale of the proposed dwelling would look out of place within this context. For this reason, the proposal would have a harmful visual impact on the area, contrary to Policies SW11 and EnW5 of the LDP.

Impact on the amenities of neighbouring properties

Having regard to the siting and height of the dwelling and its relationship with surrounding dwellings, it is considered that due to the location of the dwelling and the 17m separation distance from the boundary of the closest residential property (21 Mount Pleasant), the proposal would not be detrimental to the amenities of neighbouring properties. It is also

noted that no letters of objection or representation have been received as a result of the publicity exercise carried out with the application.

Highway Safety

The Head of Engineering and Highways has raised no objection to the application subject to a 2m footway and a 2.4m x 22m vision splay being provided onto the junction of Cardiff Road. These comments acknowledge that the dwelling would be served off the A4054 Cardiff Road at the location of the existing gate to the land. It is noted that the hedge-line proposed along the roadside boundary would limit vision to the left to around 2.4m x 11m and as such, a condition is recommended requiring the hedge-line to be set back to allow for a 22m vision splay to be provided. In terms of parking, it is noted that the gravel drive proposed to the north of the dwelling would be sufficient in size to accommodate 2 parked vehicles whilst still allowing space for access and egress of the property in a forward gear. Taking this into account, no highway objections are raised to the proposal.

Other issues

Ecology

Having regard to the nature of the site, the proposal has the potential to impact upon priority and protected species and/or their habitats. A Preliminary Ecological Appraisal (PEA) has been provided with the application and this has been assessed by the Council's Ecologist. His comments highlight that the report incorrectly refers to a different proposal (the creation of a barn and three greenhouses). In considering the impact of the development on bats, it is noted that the existing stable block has been assessed in the report as having negligible suitability for roosting bats. However, it is noted that insufficient information has been provided in the report to assess the impact of the proposal on reptiles and invertebrates. Additional information is also requested in connection to on-site lighting, the impact on other near SINC's in the area and the habitats which would be impacted by the proposed development. Having regard to this, the PEA does not provide sufficient information to allow the local planning authority (LPA) to fully assess the potential ecological impacts of the proposed development, or to identify whether further survey work is required.

Planning Policy Wales (PPW) clearly sets out that *"planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity"* (para 6.4.5 refers). As highlighted above, the LPA are not able to ascertain whether the scheme would have any impact on Protected or Priority Species. As such, the application does not accord with Policies EnW1 and EnW3 of the LDP.

CONCLUSIONS

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

For the above reasons, the proposed development fails to demonstrate a functional and viable need for a new rural enterprise dwelling. Consequently, the development would be inappropriately located outside of the settlement limits, contrary to the LDP policies and national planning policy. The proposed development, by virtue of its siting, elevated position and design would have an adverse impact on the character and appearance of the area. In addition, insufficient information has provided to assess the potential ecological impacts of this scheme. Accordingly, the following recommendation is made:

Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following REASONS:

1. The proposed development fails to justify a permanent need for a new rural enterprise dwelling on the site, in that it does not adequately demonstrate a functional need or the viability of the business. As such, the development is contrary to policy SW4 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031 and it fails to meet the tests set out in Section 4.7.1 of Technical Advice Note 6: Planning for Sustainable Rural Communities.
2. The proposed development, by virtue of its unwarranted intrusion in the open countryside, would have an adverse impact on the character and appearance of the Special Landscape Area. As such, the proposal is contrary to policies SW11 and EnW5 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
3. The development by virtue of its design, siting and scale would have a harmful impact on the character and appearance of the area. As such, it would be contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
4. Insufficient information has been submitted to fully assess the ecological impact of the proposed development. As such the proposal is contrary to Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

5/10/22