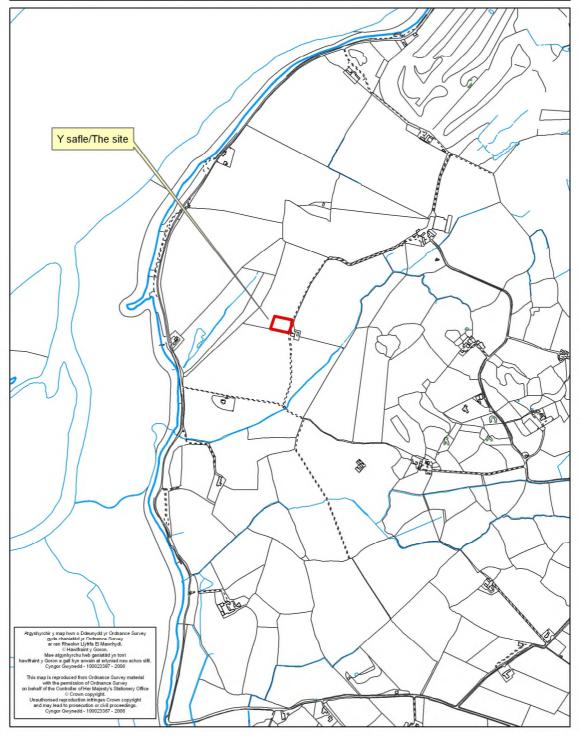
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Number: 11



Rhif y Cais / Application Number: C14/1011/19/LL

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Application Number: C14/1011/19/LL
Date Registered: 16/10/2014
Application Type: Full - Planning
Community: Bontnewydd
Ward: Bontnewydd

Proposal: Construction of a dwelling for a key agricultural worker together

WITH ERECTING A GARAGE AND ASSOCIATED SEPTIC TANK

Location: LAND ADJACENT TO YSGUBOR FAWR, LLANFAGLAN, CAERNARFON, GWYNEDD,

LL54 5RA

Summary of the Recommendation:TO REFUSE

1. Description:

- 1.1 This is an application to erect a single-storey dwelling for a full-time agricultural worker at the agricultural holding of Plas Llanfaglan, situated south of Caernarfon. It is proposed to site the house approximately 500m south-west of the holding's centre that comprises the existing farmhouse together with a number of new and traditional agricultural buildings. The majority of the holding's machinery is also stored at the centre. The application site is currently linked to the centre by a driveway, however, recently application no. C14/0199/19/LL was approved for a new driveway to this holding off a class III county highway Ffordd yr Aber. Thus far, this consent has not been implemented. Plas Llanfaglan itself comprises 360 acres (145ha) with 40 acres (16ha) of land at Menai Bridge which is in the applicant's ownership. Currently, the applicant lives at Menai Bridge and travels daily to Plas Llanfaglan.
- 1.2 It is proposed to locate the house 32m west from the existing agricultural building in the form of a barn called Ysgubor Fawr, with the drive and the proposed parking areas situated between both buildings. The application site's area is approximately 1,292m² with the house floor area of 145m² together with a separate garage and floor area of 24m². Internally, the house facilities will include 3 bedrooms, office, hall, kitchen, living/dining room together with a bathroom. Externally the materials will be a natural slate roof, natural stonework on the walls together with timber panel work as architectural features, dark grey doors and windows together with black rainwater goods. The height of the house will vary from 3.6m (porch ridge) to 5.2m to the main ridge.
- 1.3 The house is set approximately 1m into the side of a hillock on the south-eastern corner of the field in order to reduce its impact on the visual amenities of the landscape. A hedge runs along the site's southern boundary and it is proposed to add to it, as well as creating a new hedge along the site's western and northern boundaries.
- 1.4 The application site is described as a site located in open countryside. North are open fields and the existing driveway; east stands the old barn (Ysgubor Fawr) and a new agricultural shed recently approved under agricultural notification no. C14/0189/19/YA on the existing agricultural remains site; south is a hillock and open fields as well as the Church of St Baglan, which is an ancient monument and a grade I listed building and west are open agricultural fields leading down towards the class III county highway (Ffordd yr Aber) with the Estuary (designated as a Local Nature Reserve of Special Scientific Interest and a Special Protection Area) situated further west.

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- 1.5 In accordance with the requirements of Technical Advice Note (TAN) 12 'Design' (June, 2009) a Design and Access Statement was submitted with the application. In addition, in accordance with Policy CH9 of the Gwynedd Unitary Development Plan (GUDP) and the TAN 6 'Planning for Sustainable Rural Communities', (July 2010) guidance, an assessment to justify an agricultural building for a key/full-time worker was submitted (including a functional and financial justification) and the conclusion of the assessment is that there is a genuine need for a second agricultural house on the holding for a key/full-time worker taking into consideration the business accounts and the scale of activity of the agricultural holding.
- 1.6 The application was submitted to the Committee at the Local Councillor's request.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY B3 – DEVELOPMENTS AFFECTING THE SETTING OF LISTED BUILDINGS Ensure that proposals have no effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

POLICY B13 - PROTECT THE OPEN COASTLINE

Protect the open coastline by ensuring that proposals are not permitted unless they conform to a series of criteria aimed at avoiding significant damage to recognised features.

POLICY B16 – PROTECTING NATIONALLY IMPORTANT NATURE CONSERVATION SITES

Refuse proposals that are likely to cause significant damage to nature conservation sites of national importance unless they conform to a series of criteria aimed at protecting, enhancing and managing recognised features within the sites.

POLICY B17 – PROTECTING SITES OF REGIONAL OR LOCAL SIGNIFICANCE

Refuse proposals that are likely to cause significant harm to sites of regional or local significance unless they conform to a series of criteria aimed at protecting, enhancing and managing recognised features within the sites.

POLICY B22 - BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 - AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aiming to safeguard the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or

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the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY C1 - LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY CH9 - NEW DWELLINGS IN OPEN COUNTRYSIDE

Refuse proposals for new dwellings in rural areas unless they are for individuals who must live on the site due to their work and a number of other criteria relevant to the location and the type of dwelling, and restrictions on ownership of the dwelling.

POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

Supplementary Planning Guidance (SPG): Building new houses in the countryside (November, 2009)

2.3 National Policies:

TAN 6 on 'Planning for Sustainable Rural Communities', (July, 2010).

TAN 12 'Design', (June, 2009).

Planning Policy Wales, (PPW), Edition 7, (July 2014), Chapter 9 'Housing'.

3. Relevant Planning History:

- 3.1 Several applications have been submitted adjacent to this site in the centre of the agricultural holding:-
 - Application No. C10A/0205/19/LL erecting an agricultural shed of 369m² in size, was approved in June, 2010.
 - Application No. C12/1021/24/LL erecting an agricultural shed of 668m² in size, was approved in August, 2012.
 - Application No. C14/0199/19/LL creation of access and new drive off Ffordd yr Aber was approved in April, 2014.
 - Agricultural development notification under reference no. C14/0189/19/YA for an agricultural shed was approved in March, 2014.

In addition to the applications and the above notification, enquiries have been received under ref. Y12/004572, Y13/002977 and Y13/003119 regarding the principle of erecting a new dwelling or the option of converting the barn known as Ysgubor Fawr into an agricultural dwelling.

4. Consultations:

Community/Town Council: Support the application in principle, however, an effort should be

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made to use the existing building and convert into a residential

dwelling before a new building is erected.

Transportation Unit: No recommendation as it is believed that the proposal would not

have a detrimental impact on any road or proposed road.

Natural Resources Wales: No objection but observations regarding the statutory protected sites

and protected species.

Welsh Water: Advise the applicant to contact Natural Resources Wales regarding

the sewage treatment equipment.

Public Protection Unit: No response.

Biodiversity Unit: Recommend that any new hedge is designed and constructed in the

traditional way.

Public Consultation: Notices were posted around the site and nearby residents were

informed. The advertisement period has expired and a letter was

received supporting the proposal on the following grounds:

• From the information and evidence submitted with the application it is evident that there is a need for a house for a farmer on the holding.

• Erecting a house on the holding would be of assistance to run the business more efficiently.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle for siting new developments is based on Policy C1 of the GUDP that states that land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments, except for development approved by another policy in the Plan. As a result of the need to maintain and protect the countryside, special justification is needed to approve the construction of new dwellings in the countryside and this will only be approved in special circumstances. The types of developments that could be approved in the countryside, including developments associated with agriculture or forestry are listed, including houses for workers of agricultural or forestry industries or other land-based industries and where workers have to live where they work or near their workplace. To this end, the proposal has been submitted as an application for a new house in the countryside for a full-time worker and the following assessment assesses the principle in the context of Policy CH9 of the GUDP and the criteria in Technical Advice Note 6: Planning for Sustainable Rural Communities.
- As referred to above, the applicant has submitted a supplementary assessment provided by ADAS Wales 'Farming Connect' to justify having an agricultural dwelling for a full-time worker on this agricultural holding. The contents of the assessments include the following details:-
 - The site of the proposed house near Ysgubor Fawr, has been chosen as it is essential to supervise cattle calving and sheep lambing and the existing buildings (together

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with the proposed shed approved under notification no. C14/0189/19/YA) offer facilities to isolate the livestock (on the grounds of quarantine requirements) and offer treatment areas with the minimum intrusion to the livestock themselves.

- The agricultural business is a holding of 400 acres (162ha) and comprises a mixture of livestock and crops and is part of the Welsh Government's Tir Cynnal Scheme.
- The applicant finds it inconvenient to travel daily from his home in Menai Bridge to the farm at Plas Llanfaglan in order to enable him to supervise the agricultural holding efficiently.
- According to the recognised guidance of the 'Wye College Business Management Handbook' two full-time workers are required to live on the holding permanently and there is currently only one farmhouse. The applicant is considered to be a key/essential worker and there are no suitable dwellings nearby for him and no farm buildings on the holding that are suitable to be converted for residential use as they are already being used for agricultural purposes.
- The agricultural holding is a viable business taking into consideration the scale of activity on the current holding together with plans to expand the business in the near future based on expanding the beef herd and establishing lowland sheep flock. The agricultural holding was established back in 1952 and from that period to the present day the business has been viable and has diversified as required in response to market requirements which means that the enterprise is more intensive with an additional need for a full-time worker to be conveniently available.
- 5.3 The principle of erecting a house for a key/full-time agricultural worker is based on Policy CH9 of the GUDP that states that it will be necessary to comply with a number of criteria in order to approve such a proposal in the countryside. Parallel to this policy is the SPG: Building New Houses in the Countryside which offers further guidance to assess such applications. The criteria of Policy CH9 include:
 - 1. That the dwelling is required to house (a) a full-time worker or one employed mainly in agriculture, forestry or other land-based rural industry use, or (b) someone that makes a living through full-time activity that provides an essential service to the agricultural or forestry sector within the county.
 - 2. That the person who requires the house must live on the site and the dwelling is necessary to manage and run the existing activities of the unit or agricultural or forestry unit or enterprise or, in the case of 1b) above, that the nature of the business means that it is essential to live on such a site:
 - 3. That the business is well established.
 - 4. That there is no existing house on, or near, the unit that could be used nor suitable buildings nearby that could be converted into a dwelling;
 - 5. In the case of 1a) above, that the site is in a suitable location to accommodate the named working need and relates well to the existing buildings on the unit and is acceptable to the Local Planning Authority and, in the case of 1a) and 1b), that the Local Planning Authority is of the opinion that the location is suitable and that the justification for the location is acceptable;
 - 6. That the size and type of dwelling proposed is consistent with the requirements of the existing business or enterprise and that it can be maintained;
 - 7. That satisfactory arrangements are in place to restrict the occupancy of the house to those who make a full-time living or who are mainly employed from 1a) or 1b).
- 5.4 Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) also proposes a criteria to deal with applications to erect new rural enterprise dwellings which endorses the above criteria. Since the agricultural holding already

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exists this current application should be dealt with under the heading 'Second dwellings on established farms (para. 4.5). The criteria under this heading state:-

- Secure arrangements are required to be in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling; or
- Where there is an existing functional need for an additional 0.5 or more of a full-time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary from the farm business.
- 5.5 In the context of this current application, it is the second criterion that is relevant. The assessment submitted with the application states that the agricultural holding requires 644 usual hours annually of 'worker days' in order for it to operate efficiently. person for a mixed livestock farm will be required to work 275 'worker days' with additional hours that is equivalent to the need for 2.34 key/full-time workers on the holding itself. A task such as dealing with the stock requires at least 2 full-time workers. The wage figure of the second worker on this holding is over double what is recommended in the latest version of the Agricultural Wages Order for a Grade 2 Standard Worker salary which is evidence that the minimum salary level (for the applicant) has been reached and improved in this case. To this end, it is believed that the proposal complies with the second criterion above regarding the salary grade of the second worker together with criteria nos. 1, 2 and 3 of Policy CH9 of GUDP and the guidance included in Chapter 9 'Housing' of Planning Policy Wales regarding the need to locate a second agricultural dwelling on the holding for a key/full-time worker in an established rural enterprise.
- 5.6 TAN 6 states that a rural enterprise dwelling can be considered favourably as long as some of the criteria noted in paragraph 4.4.1 are satisfied i.e.:-
 - That the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
 - 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 the occupation by the worker concerned.
 - That other normal planning requirements, for example siting and access, are satisfied.
- 5.7 The assessment submitted with the application also states that the current farm business is viable and financially sound and the forecast reflects the current situation with the intention of the business to diversify to include lowland sheep stock and to increase the existing beef herd. The assessment states that there is no other suitable building available to meet with the applicant's family needs due to the high prices of dwellings in this part of the locality together with the fact that the current structures on the holding are used for agricultural requirements. In the context of the two first criteria in paragraph 5.6 above, together with criteria 4 and 6 of Policy CH9 of the GUDP it is believed that the proposal is acceptable, on the grounds that there is no suitable dwelling available to meet the needs of the applicant's family to enable him to operate the agricultural holding efficiently. In addition to this, there is no suitable building located on the holding that may be converted into a residential dwelling either because it does not conform to the other relevant policies in the Development Plan or that the building is already being used for agricultural purposes.

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- 5.8 It is also believed that the size of the proposed dwelling reflects, not only the size of the agricultural holding/business, but also the size of the affordable dwelling as defined in SPG: Affordable Housing, (2009). However, it can be accepted that the area will be a little larger than the affordable size in order to provide an office and a shower/multi-functional room for the farmer if this facilitates the activities of the holding. If the application is approved, it will be necessary to include a relevant condition that binds the occupancy of the property to those persons who work in a rural enterprise.
- 5.9 Criterion 7 of Policy CH9 can be complied with by including an appropriate condition if this application is approved, which will restrict the occupation of the house.
- 5.10 However, criterion 5 in Policy CH9 states that the site of any application for an agricultural dwelling has to be located in a suitable location to fulfil the functional need stated (namely the needs of Plas Llanfaglan farm in this case) and should marry well with the existing buildings on the unit and there is an acceptable justification for the location. The last criteria of TAN 6 referred to above in paragraph 5.6, supports the aims of the criteria in Policy CH9 by stating that the location of the agricultural dwelling has to be acceptable to the Local Planning Authority and no applications for rural enterprise dwellings should be permitted 'in locations that may encourage the fragmentation of the farm'. The advice given in Chapter 9 of PPW expands further by stating - "New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification ... New rural enterprise dwellings should be located within or adjoining the existing farm/business complex and access".
- 5.11 In the context of the above, the view is that no justification or robust evidence have been offered by the applicant or by ADAS Wales to totally convince the Local Planning Authority that there is a genuine need for this agricultural dwelling 500m south-west of the centre of the existing holding. Although the assessment has mentioned that this is the essential location to erect a second dwelling on the holding as it would be easier for the applicant to supervise the livestock, this work may be undertaken just as efficiently if the dwelling was located closer to the existing centre where the holding's traditional buildings and structures are situated (and where the majority of the holding's machinery and equipment is stored) and thereby avoiding the development of a parcel of land that is located a fair distance away from the centre itself.
- 5.12 The centre is linked to the application site by an established driveway where an agricultural building is located (Ysgubor Fawr) and the proposed agricultural building approved under notification no. C14/0189/19/YA. However, the fact that the application site is adjacent to these buildings alone is not sufficient reason to approve the dwelling on such a disjointed site and is 500m from the established centre of the agricultural holding. This stance is also relevant in the context of the new driveway that has recently received approval under application no. C14/0199/19/LL, namely the driveway that will serve the main centre as well as the buildings near the application site. It is considered that the application site (even with the dwelling located closer to Ysgubor Fawr) is an isolated site and siting an additional building here may create a fragmented and ragged development in the countryside by dispersing and spreading the presence of the structures out to the west and into open

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green land. The dwelling will not be integrated and will not marry well with the structures of the main centre at Plas Llanfaglan or the Ysgubor Fawr building or the proposed agricultural building nearby.

5.13 To this end, it is considered that the application site is not ideal for a dwelling for an agricultural worker and it is therefore not acceptable in principle on the grounds of criterion no. 5 of Policy CH9 together with relevant Welsh Government guidance and advice referred to above, as it is located far from the main centre of the agricultural holding on a dispersed site in open countryside. If the application is approved this may encourage a similar unnecessary precedent within the County and will undermine relevant local polices and national guidance.

Visual, general and residential amenities

- 5.14 The site's location is a sensitive location in the open rural landscape of this part of the coast, south of Caernarfon. The character of the landscape is described as rolling and comprises hedgerows, woodland and hillocks with a rural pastoral farming character. There are views and occasional views of the site especially west along Ffordd yr Aber and east along the county highway/public footpath that serves the agricultural holding, although the dwelling will be re-located closer to the existing buildings and sited in the side of the hillock.
- 5.15 The site is partly hidden bearing in mind that three hillocks are located to the north, the west and south of the application site and it is believed that the impact of the presence of a one-storey dwelling here will not unduly or significantly impair the character of the landscape nor on the setting of the ancient monument and the grade I listed building Church of St Baglan situated approximately 282m south and to the rear of a hillock. In addition, there will not be any impact on the amenities or the privacy of nearby residents and the dwelling would be some distance from the closest dwelling known as Cynifryn on Ffordd yr Aber.
- 5.16 To this end, and although we believe that the proposal is acceptable in terms of the requirements of Policy B3, B13, B22, B23 and B25 of the GUDP, this does not overcome the main planning concern regarding the unsuitable location of the dwelling in open countryside and approximately 500m from the main holding. Welsh Government advice is quite clear on matters concerning building residential dwellings in open countryside 'New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house (as in this case) on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area'.

Transport and access matters

5.17 The existing access/driveway that serves the agricultural holding at Plas Llanfaglan is off the III class county highway (Llanfaglan Road). The driveway itself is not ideal for the requirements of heavy vehicles that now serve the holding, due to its alignment and width. In order to improve the situation a planning application was approved in April 2014 to create a new access and driveway from the direction of Ffordd yr Aber to serve the centre itself and the application site if this proposal is approved. The Transportation Unit has no objection to the application as submitted. It is therefore considered that the proposal is acceptable based on the requirements of Policy CH33 of the GUDP.

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Biodiversity Matters

5.18 As referred to in the above assessment, the Local Nature Reserve, Site of Special Scientific Interest together with a Special Protection Area are situated west of the application site. In protected areas such as these, the main objective is to ensure that proposals are not likely to cause significant direct or indirect damage to these protected areas. To this end, it is believed that given the location of the proposed dwelling in the landscape and its design, it will not have a significant impact on the setting, integrity or the character of these areas and therefore we are of the opinion that it complies with the requirements of Policies B16 and B17 of the GUDP.

Relevant planning history

5.19 As mentioned above, the application and a notification were approved in 2014 to create a new access and driveway together with the location of a new agricultural building on the site of existing remains adjacent to the building known as Ysgubor Fawr. However, the fact that these permissions exist is not a reason to locate the new dwelling on this site.

6. Conclusions:

6.1 On the basis of the information to hand and on the basis of the above assessment, it is considered that the proposal does not meet with criterion 5 of Policy CH9 or the relevant criterion in paragraph 4.4.1 of Technical Advice Note 6 that deals with ensuring that the site of the proposed dwelling is in a suitable location to fulfil the functional requirement. Although evidence has been received that justifies erecting a second dwelling for an agricultural worker at Plas Llanfaglan, the Council is not convinced that there is a genuine need to site the residential dwelling 500m southwest of the holding's main centre on an isolated and dispersed site in open countryside south of Caernarfon. Having considered all the factors of the above assessment, we have to conclude that the proposal is contrary to criterion 5 Policy CH9 of the GUDP together with the advice in TAN 6 and PPW regarding the location of new dwellings in the countryside and therefore we recommend that the application is refused.

7. Recommendation:

7.1 To refuse – reason:-

1. The Local Planning Authority is not convinced that the location of the dwelling for an agricultural worker that is subject to this application is in the ideal and requisite site to enable the applicant to run the farm activities efficiently. It is therefore considered that the proposal is contrary to criterion 5 of Policy CH9 of the Gwynedd Unitary Development Plan, Supplementary Planning Guidance: Building New Houses in the Countryside, Chapter 9 Planning Policy Wales together with the Planning Technical Advice Note for Sustainable Rural Communities.

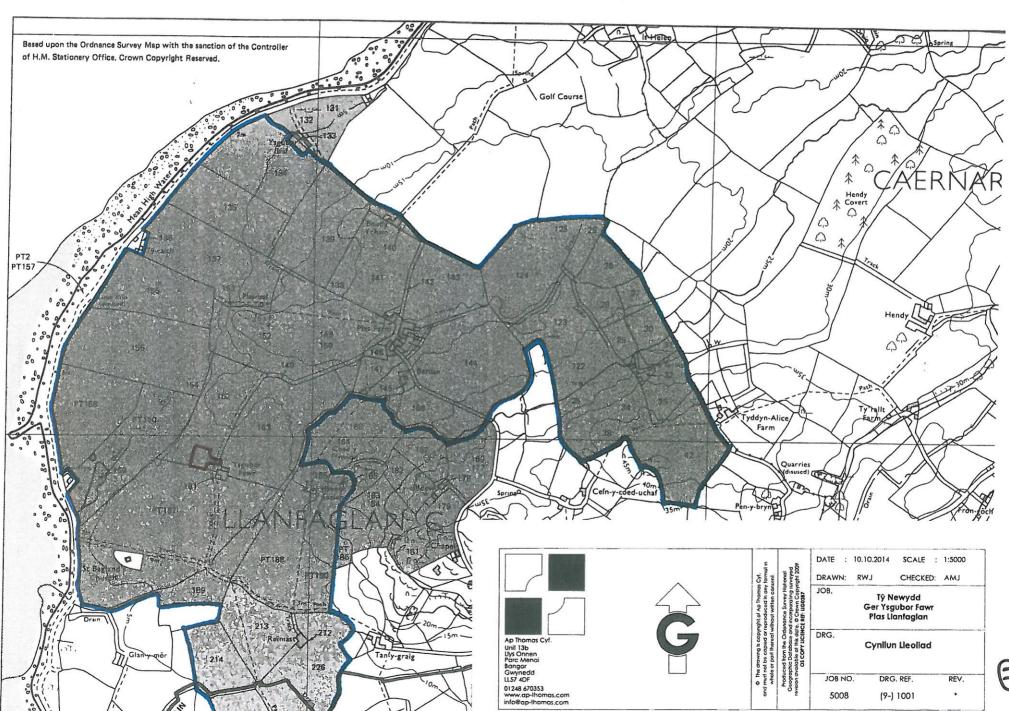




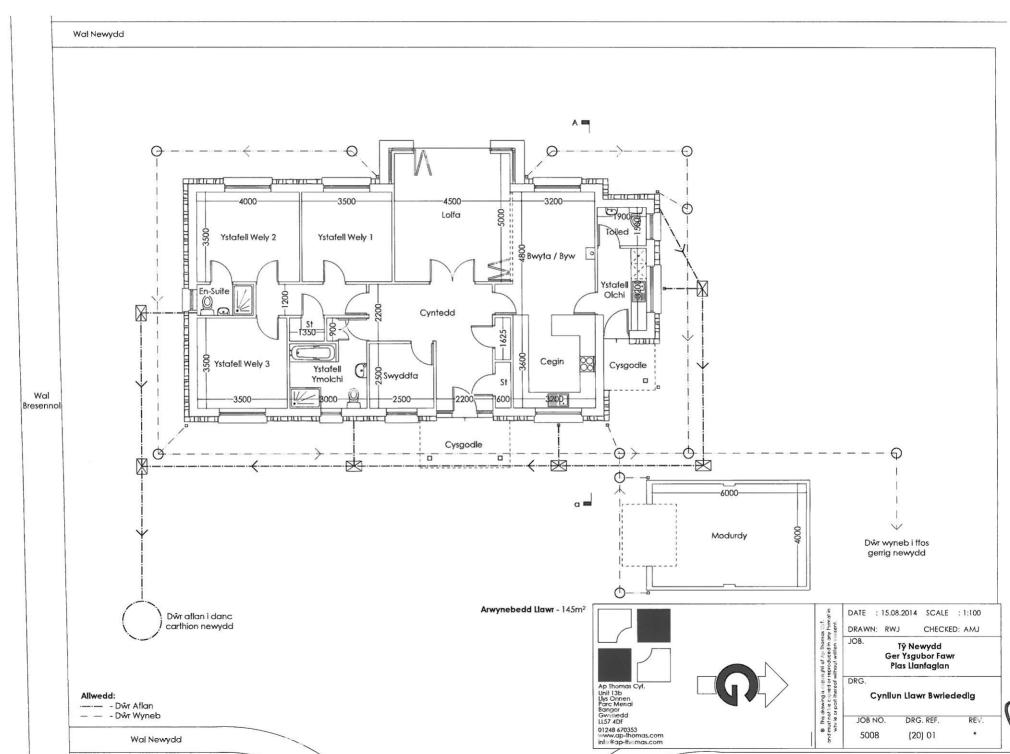
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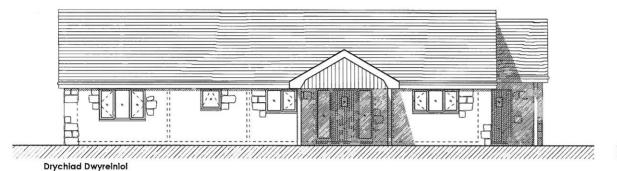




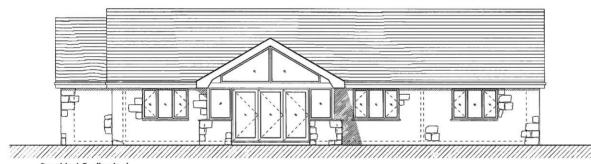




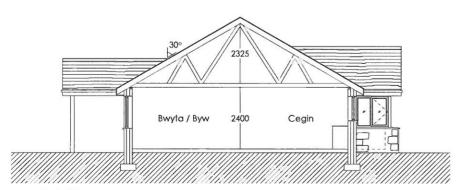




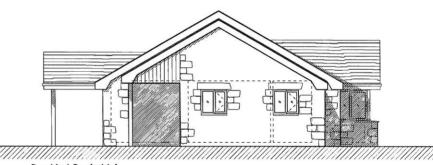
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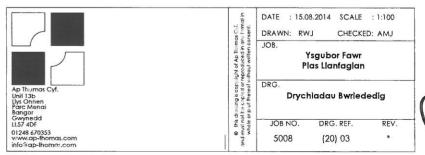
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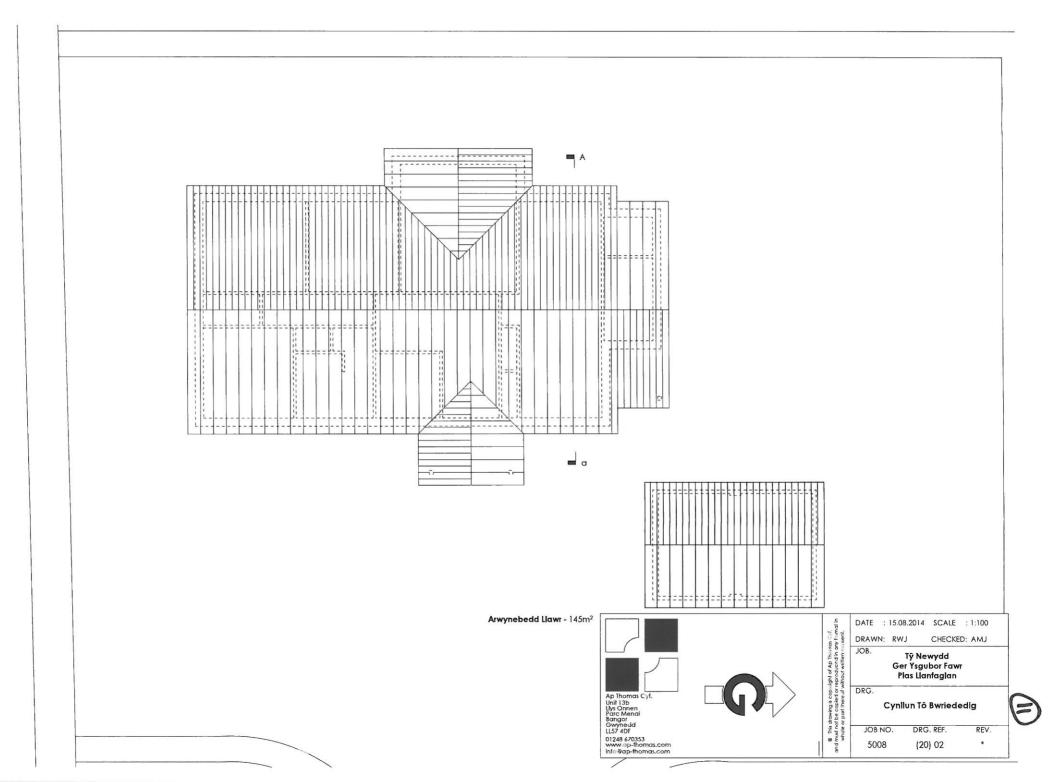
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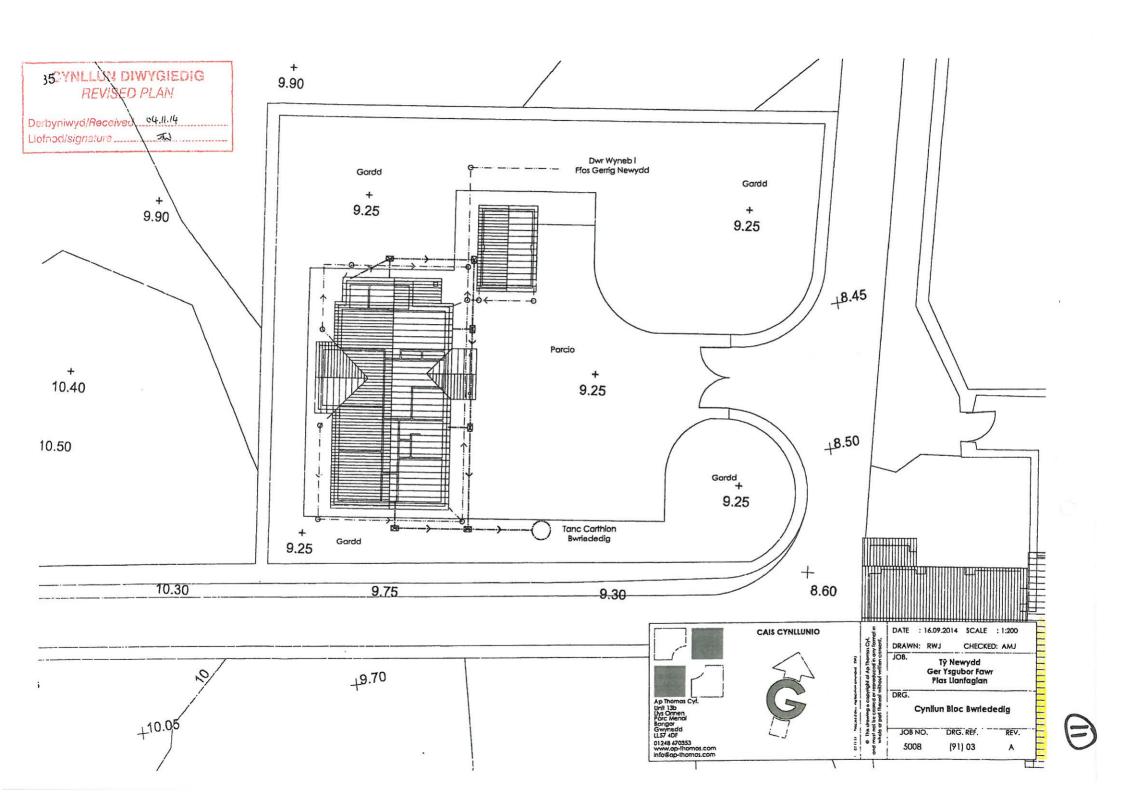
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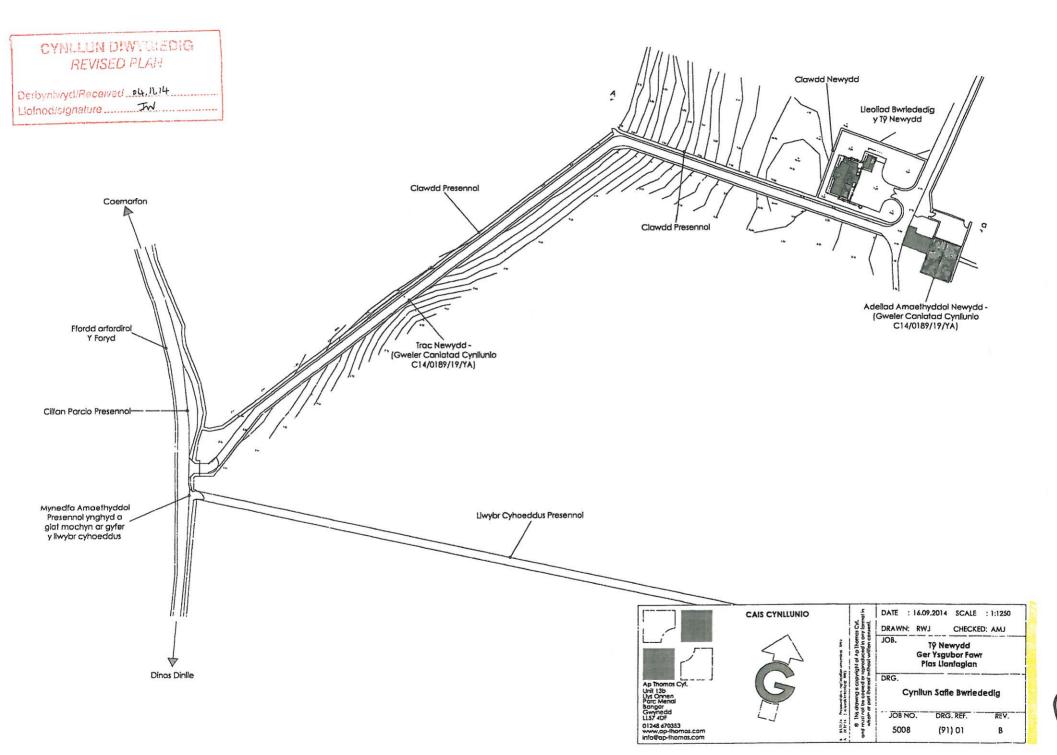
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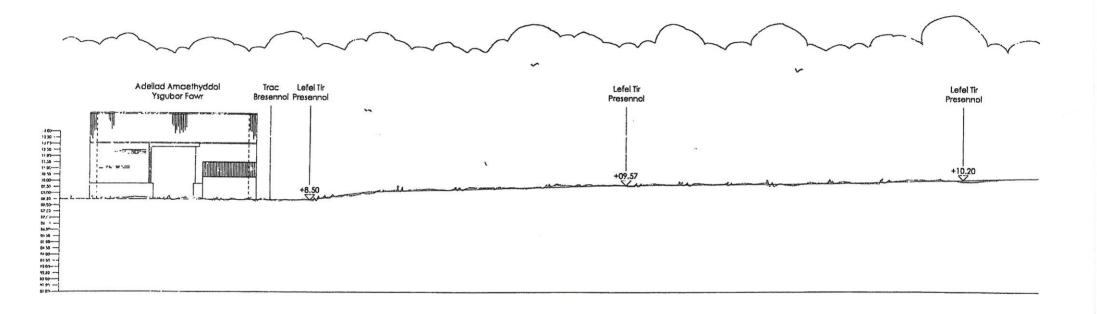


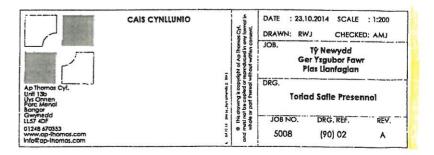




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