

PWYLLGOR CYNLLUNIO	DYDDIAD: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

Number: 8

Application Number: C17/0505/25/LL

Date Registered: 25/05/2017

Application Type: Full - Planning

Community: Pentir

Ward: Pentir

Proposal: Erect a new dwelling for an essential agricultural worker and an agricultural building and vehicular access

Location: Bryn Gwredog Uchaf, Lôn Bryn Gwredog, WAEN WEN, Bangor, Gwynedd LL57 4UF

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1. This is an application to erect a dwelling for an essential agricultural worker and an agricultural building and vehicular access on the agricultural holding of Bryn Gwredog Ganol, Waen Wen, Bangor. This application follows the refusal of a previous application to erect a dwelling for the holding at a location close to the village of Waen Wen because the Local Planning Authority was not convinced that the applicant had a genuine functional need for an agricultural dwelling on the site (application ref. C16/1167/25/LL).
- 1.2 This application site is located in open countryside outside any development boundary and the location is approximately 400m to the west of the previous site application. The proposal involves erecting a three-bedroom dormer bungalow as well as an agricultural shed that would be 6.3m in height and would have a floor surface area of 233m². The house would have cream coloured render walls and a natural slate pitched roof. The shed would have walls made of dark green steel sheets on concrete panels with a grey fibre cement pitched roof. It is also proposed to modify the existing agricultural access off the unclassified road which runs past the site.
- 1.3 The following information was submitted with the application:
- Design and Access Statement
 - Housing Needs Assessment
 - Business Accounts (confidential)
- 1.4 The application is submitted to the Committee following the receipt of more than three items of correspondence that are contrary to the officer's recommendation.

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 made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) 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 making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.
- 2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY B7 – SITES OF ARCHAEOLOGICAL IMPORTANCE

Refuse proposals which will damage or destroy archaeological remains of national importance (whether scheduled or not) or their setting. It also refuses any development that will affect other archaeological remains unless the need for the development overrides the significance of the archaeological remains.

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POLICY B22 - BUILDING DESIGN - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting 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 aimed at safeguarding the recognised features and amenities of the local area.

POLICY B25 - BUILDING MATERIALS

Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY B27 – LANDSCAPING PLANS

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY B32 – INCREASING SURFACE WATER

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

POLICY B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

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 HOUSING 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 can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

Supplementary Planning Guidance - Building new houses in the countryside

2.4 **Gwynedd and Anglesey Joint Local Development Plan. (July 2017) (As amended by the Inspector's Report, 30 June 2017)**

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

STRATEGIC POLICY PS 17: SETTLEMENT STRATEGY

TRA 4: MANAGING TRANSPORT IMPACTS

AMG 3: PROTECTING AND IMPROVING FEATURES AND QUALITIES THAT ARE UNIQUE TO THE CHARACTER OF THE LOCAL LANDSCAPE

AT 4 PROTECTION OF NON-DESIGNATED ARCHAEOLOGICAL SITES

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2.5 National Policies:

Planning Policy Wales - (Edition 9, November 2016)
 Technical Advice Note 6 - Planning for Sustainable Rural Communities
 Technical Advice Note 12 – Design (2016)

3. Relevant Planning History:

No recent history on this site.

4. Consultations:

Community/Town Council: No objection

Transportation Unit: No objection

Natural Resources Wales: No objection

Environmental Health: Not received

Land Drainage Unit: Not received

Welsh Water: Standard observations regarding sewerage disposal.

Biodiversity Unit: Not received

Gwynedd Archaeological Planning Service: Draw the Council's attention to the fact that there is evidence of a Roman road running through this area and archaeological remains of activity associated with this road could exist on the application site. They recommend the need for an archaeological mitigation work programme and propose appropriate conditions for this, including ensuring that an archaeological inspection of the site is carried out before the development of the site commences.

Public Consultation: A notice was posted on the site and nearby residents were notified. The below observations were received in response to the original consultation relating to material planning considerations:

- Concern regarding highway safety, especially the road's narrowness and the lack of passing places
- The site is in a prominent location within the landscape
- The development would be detrimental to the privacy of the Tyddyn Hir house nearby, and the shed would dominate the neighbours' land
- Concerns regarding land pollution and odours and a lack of information regarding how to dispose of animal sewage (including slurry and foul water)
- Concern regarding the flow of water towards Tyddyn Hir land

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- Houses are available at reasonable prices in the local area which could meet the need

Other observations that are not material planning considerations were also received, for example:

- There has been an objection in the past by the Highways Department to another plan to use a nearby access for residential purposes
- Contractors working on the applicant's land have damaged the walls of the highway with agricultural machinery.
- The applicant does not own all the land that needs to be managed as part of the application
- Nothing has changed in terms of the policy since the first application

5. Assessment of the material planning considerations:

- 5.1 In line with the presumption in favour of sustainable development, applications for planning permission or to renew planning permission should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Policies in an emerging development plan are material considerations. Planning Policy Wales states that all applications should be considered in relation to current policies. In terms of an emerging plan, there is no certainty regarding its contents until the Inspector presents his final report. The Inspector's binding report was received on 30 June 2017. The Inspector's recommendations for amendments are binding. The policies and proposals of the Plan will not be further amended. On this basis, the policies and proposals of the Plan, as amended by the Inspector, are material considerations that carry substantial weight.
- 5.2 The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001 - 2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the Unitary Plan in its entirety as the 'development plan' once it is formally adopted. It is likely that the JLDP will be submitted to the Council to consider its adoption during July 2017.
- 5.3 The statutory test should be the first consideration at all times when dealing with any planning application, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other material considerations state otherwise. The JLDP is now a significant planning consideration for the purposes of development control. Paragraph 3.1.3 of Planning Policy Wales states:
- 5.4 *"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ..."*
- 5.5 Paragraph 2.14.1 of Planning Policy Wales states:
"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

The principle of the development

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- 5.6 Policy C1 in the UDP states that *“land within town and village boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in open countryside will be refused with the exception of a development which is permitted under another policy within the Plan.”* This is reflected in policy PS 15: The LDP's Dwellings Strategy, which states that only development that comply with Planning Policy Wales and Technical Advice Note (TAN) 6, namely Rural Enterprises Housing, would be allowed in the Open Countryside. Therefore, in terms of local and national planning policies, new houses in countryside areas, as proposed here, are only approved under very special circumstances.
- 5.7 Policy CH9 of the UDP is consistent with the requirements of TAN 6 and is relevant to the principle of developing housing in the countryside. This policy states that new dwellings in rural areas will only be approved under exceptional circumstances i.e. when the dwelling is required as a home for a full-time worker mainly employed in agriculture, forestry or other rural land-based industry; or a person who earns a living through a full-time activity that provides an essential service to the agricultural or forestry sector within the county. It must also be proved that it is essential for the person requiring a house to live on that specific site.
- 5.8 Paragraph 4.3.1 of TAN 6 notes that one of the few circumstances in which a new isolated residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or be close to, his workplace. Proving whether a permanent dwelling is essential or not in any specific case depends on the needs of the rural enterprise in question, and not on the personal preference or circumstances of any of the individuals involved. TAN 6 also notes that Local Planning Authorities should carefully assess applications for planning permission for new rural enterprise dwellings 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.
- 5.9 In accordance with the requirements of TAN 6, which is reflected in Policy CH9 of the LDP, information must be submitted that relates to the appropriate tests relating to the matters below in order to prove a need and justification for the construction of a dwelling in open countryside:
- The Functional Test
 - The Time Test
 - The Financial Test
 - The Alternative Dwelling Test
- 5.10 The way this proposal meets the above tests is discussed in the following paragraphs:
- The Functional Test and the Time Test**
- 5.11 An essential functional need relates to a specific management activity or a combination of activities which means that a worker needs to be at hand for the majority of the time, and throughout the year, so as not to harm the normal operation of the existing business, and where this cannot be achieved in any other practical way such as electronic supervision, or making use of permitted development rights. The time test ensures that there is a full-time requirement for the worker.
- 5.12 In the information submitted with the application, it was stated that the applicant farmed 97 hectares, of which six hectares were within his ownership and the

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application site is part of this land. In addition, the unit farms 65 hectares at Pen Hower (which is under a 22 year tenancy), 22 hectares in Anglesey and a further five hectares in Caerhun (both on long term grazing licence).

- 5.13 The applicant and his family live in a caravan at Pen Hower and the farm's current main activities take place on the Pen Hower land (which is approximately 1.3km from this site). The purpose of the application is to establish the farm's main activities on land that is under the applicant's ownership. This would assist with ensuring the unit's future by locating the business' main investment within the permanent holding. There are a number of existing buildings at Pen Hower but there are no quarantine facilities to meet the new needs of cattle management. Developing such a facility on the Bryn Gwredog Uchaf site, with a residential unit nearby, would assist with the management of the new facility by ensuring permanent presence on the site in order to manage the facility itself, and the surrounding land.
- 5.14 The evidence submitted shows that the new building would also be able to hold between 30 and 40 cattle at a time during pregnancy and a permanent presence would be needed on the site in order to manage these animals in an appropriate way. It would not be sensible, in terms of ensuring the business' long term future, to make the necessary investment to provide these facilities on land that is not under the business' ownership and it is considered, from the evidence submitted, that the proposal is acceptable under the functional test i.e. there will be a need for a house at this location for the purpose of essential management of the agricultural business' activities in accordance with the business plan for the farm.
- 5.15 The information submitted to support the application shows that the labour input into the existing business equates to the need for 2.16 full time workers. The assessment was carried out by a competent person and it is considered that this analysis of the need for labour is reasonable. It is therefore considered that the development also satisfies the Time Test.

The Financial Test

- 5.16 As it is an existing business, the applicant must provide financial details for a period of at least five years, which means providing a copy of the accounts/end of year statement for this period. The financial test should also assess the size and cost of the proposed dwelling in relation to the enterprise's ability to fund and maintain it without damaging the ongoing viability of the enterprise, and demonstrate a reasonable likelihood that it will be able to fund the labour costs employed for the subsequent five years at least. In addition the figures provided for the Financial Test should show that the business can cope with paying workers' wages and that there is residual profit to maintain the business and to build the dwelling (figure 5.18 of the Practice Guidance for Technical Advice Note 6).
- 5.17 Unless it can be proven that the existing enterprise is sustainable in the immediate short-term, it is unlikely that planning permission will be granted for a dwelling, even if there is currently a functional need to accommodate a worker, as it is unlikely that this need will be maintained.
- 5.18 The applicant's agricultural business was established in 1998 and, by now, he works full-time in the business. The accounts included with the application show that the business has made a profit over the previous three years, and the profit had substantially increased over the previous financial year. The figures show a profit (before depreciation) of more than the £14,430 which is, according to the 'Housing

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Needs Assessment', recognised as the minimum wage for an agricultural worker. The figures therefore confirm that the farm can pay a salary that is higher than the minimum wage. Evidence was also received showing that a mortgage offer had already been made by one of the high street banks to meet the site's development costs.

- 5.19 In considering the accounts submitted, which were produced by a qualified accountant, along with the fact that these accounts were accepted by one of the high street banks for a mortgage offer, it is considered that the requirements of the financial tests have been met.

Alternative Accommodation

- 5.20 Applicants for new dwellings to serve rural enterprises that already exist must demonstrate:

- why any other dwelling that exists on the land is not available or suitable to meet the functional need to accommodate a worker;
- why there are no alternative options to a new development on the land; for example, buildings that are suitable for conversion or opportunities to meet the functional needs by rearranging the work of managing the enterprise;
- why the other houses in the area are not suitable to meet the functional need of the enterprise, or why they are not available; for example, due to the isolated location of the enterprise, the high costs of houses on the open market, or the overall lack of suitable types of housing.

- 5.21 Each of these considerations must be dealt with by submitting a rational argument or clear and robust evidence. The 'Housing Needs Assessment' states that all farm buildings on the holding are in agricultural use and there is no dwelling available on the holding.

- 5.22 It is accepted that house prices in Waen Wen itself are much higher than the average in other areas within Gwynedd and, considering the proposal to build the quarantine / cattle care building on land under the business ownership, it is believed to be reasonable that a house is needed in close proximity to the site. Although there are a variety of houses available within the boundaries of the city of Bangor, which is within 2km of the site, due to the inconvenience of the journey to the site, it is not considered acceptable to attempt to care for stock and agricultural equipment from such a location.

- 5.23 Based on the information submitted, it is accepted that there is no suitable house on the holding's land or another building which is suitable for modification. In addition, house prices in the site's vicinity are very high and it is accepted that the current arrangements, namely the caravan in Pen Hower, are unsuitable as a long term dwelling for a family of four. Given the above, it is considered that the proposal meets the alternative accommodation test.

- 5.24 Considering the above paragraphs, it is considered that this proposal meets with all the requirements of criterion TAN 6 for justifying a new house for an essential rural worker and, consequently, the proposal is in accordance with the objectives of policy CH9 of the UDP and policy PS 17 of the LDP.

Design and visual amenities

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- 5.25 Policies B22, B23 and B25 of the GUDP and policies PCYFF 2 and PCYFF 3 of the LDP are relevant to this application and involve design, finishes, appearances and visual amenities. It is considered that the plan for the house, namely a two-storey unit with the first floor in the roof space, is relatively small and unobtrusive. It would be 6.7m in height and would have a pitched slate roof with cream coloured rendered walls. The house would have three bedrooms on the first floor, and a lounge and kitchen / dining room on the ground floor. The total floor surface area of this living space is 115m² (which is fairly consistent with the limitation set on a three bedroom affordable house, namely 100m²). In addition, there will be a 20m² interior garage and an office, utility room and a shower on the ground floor for business needs. These would have a total floor surface area of 30m².
- 5.26 The shed would be 6.3m in height and would have a floor surface area of 322m². Its design and materials would be consistent with agricultural buildings of this type.
- 5.27 On the whole it is considered that the design of the house and the shed are quite inconspicuous and reflect the expected design of such buildings. The development pattern of the area consists of individual houses scattered across the countryside and it is not considered that these buildings would look out of place in this location. It is accepted that this is quite a prominent location and the new development would be visible from nearby public areas but, that said, the site is not within a designated landscape and it is considered that this development would be typical of this area.
- 5.28 Considering the above, it is considered that the proposal is acceptable under policies B22, B23 and B25 of the UDP, and PCYFF 2 and PCYFF 3 of the LDP as they relate to the development's visual impacts.

General and residential amenities

- 5.29 Policy B23 of the UDP and PCYFF 2 of the LDP also require that consideration be given to the impact of the proposal on nearby residential amenities. On the whole, despite an objection from the residents of the Tyddyn Hir property, namely the closest house to the site, due to the distance between this site and their house, which is approximately 100m, and the 80m gap that will exist between the agricultural building and this dwelling, along with the fact that there are mature hedges between these site, it is not considered that the proposal would cause direct unacceptable harm to the amenities of the residents of nearby houses in terms of matters such as shadowing or over-looking. It is acknowledged that impacts, such as noise and odours, could derive from the agricultural activity on the site; however, given that the business will operate within the restrictions set under pollution regulations, and given that the applicant and his family intend to live on the site, it is considered that the development would create suitable circumstances for ensuring appropriate management of the facility and the land. It is considered, therefore, that the proposal is acceptable in relation to aspects of the above policies relating to protecting private amenities.

Transport and access matters

- 5.30 It is accepted that the road that services the site is quite narrow. However, although the proposal is likely to require agricultural vehicle movements in relation to the activities on the site, it is not anticipated that these would be any worse than the expected level of traffic with regards to the agricultural business should the land be farmed by an owner living outside of Waen Wen. In fact, by living on the site, where it is intended to centralise an important part of the farm's activity, it is likely that there

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would be a reduction in the need to travel around different lands within the holding. The Transportation Unit has expressed their satisfaction with the plan and, therefore, it is considered that it meets the requirements of policies CH36 in the UDP and TRA 4 in the LDP.

Slurry and foul water matters

- 5.31 Matters relating to pollution from agricultural activities are managed under a separate managerial procedure to planning. The main appropriate managerial body, namely Natural Resources Wales, have no objection to the planning application. However, they emphasise the need to comply with other regulations involving the management of foul water and the risk management of pollution. Accepting that the agricultural business will be acting in accordance with the relevant regulations, it is believed that the proposal is acceptable under policies B33 of the UDP and AMG 3 of the LDP.

Land drainage matters

- 5.32 Correspondence was received objecting to the application based on the fact that water can flow from the site of the proposed agricultural building to nearby land. A consultation was undertaken with Welsh Water, Natural Resources Wales and the Gwynedd Consultancy Land Drainage Unit. Neither Welsh Water nor Natural Resources Wales had any objection to the application and a response is expected by the other body. Therefore, it is considered, from setting an appropriate condition in accordance with the Welsh Water recommendations, that the proposal meets the requirements of Policy B32 of the UDP and PCYFF 2 of the LDP as it relates to the protection of land uses near development sites.

Archaeology Matters

- 5.33 Gwynedd Archaeological Planning Service reports that recent evidence suggests that a Roman road between Segontium (Caernarfon) and Canovium (Caerhun, Conwy) goes through this area and, although there is no clear evidence of a road going through this exact site, the evidence suggests that there might be potential on this site for findings that would improve our understanding of the direction of the road and the developments associated with it. As a result, in accordance with Planning Policy Wales and TAN 24, The Historical Environment, the Archaeological Planning Service asks that a condition be imposed in order to ensure that a programme of archaeological mitigation work is carried out before starting on the development. By doing so, the application would meet the requirements of policies B7 of the UDP and AT 4 of the LDP which relates to protecting sites of archaeological importance from harm.

6. Conclusions:

- 6.1 It is considered that the development of a new house for a worker in a rural enterprise, along with a new agricultural building on this site, is acceptable with respect to the relevant policies in the Unitary Development Plan and the Joint Local Development Plan, as well as Technical Advice Note 6. It is also not considered that it would have a significant detrimental impact on the amenities of nearby residents. Furthermore, it is considered that the location, design, finish and form of the development is acceptable and is in keeping with the context of its location. Having given full consideration to all the relevant planning matters, including the matters raised by objectors, it is considered that the development is suitable and acceptable

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for the site and that it complies with the local and national policies and guidelines noted.

7. Recommendation:

To delegate powers to the Senior Planning Manager to approve the application, subject to receiving favourable observations from Gwynedd Council's Land Drainage Unit.

Conditions

1. Five years
2. Only an agricultural worker to live in the house
3. Work to be in accordance with the plans
4. Materials / Slate on the roof of the house
5. Removal of general permitted rights
6. Agricultural use only for the shed
7. The shed must be erected before the house
8. Any additional relevant conditions associated with surface water drainage and pollution management
9. Archaeological mitigation work programme conditions

Notes

Note by Natural Resources Wales highlighting the relevant regulation with regards to dealing with foul water and pollution management.