

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

3 APRIL 2014

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.4.4

**SITE MEETING
APPLICATION NO. 13/0890 – NEW
MOBILE HOME – LAND NORTH OF
GELLIFENDIGAID TRANSMITTER,
COED Y CWM**

Author: Mrs.Z.Maisey, Principal Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To refuse the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

3.1 In accordance with Minute No.193 (Development Control Committee, 6 March 2014) a site inspection was undertaken on Wednesday, 19 March 2014 to consider highways, public health and planning issues concerning the proposal.

3.2 The meeting was attended by the Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald) and the Local Member (County Borough Councillor S.Pickering). Apologies for absence were received from County Borough Councillors D.Weeks and E.Webster.

- 3.3 Members inspected the application site located at Gellifendigaid Farm, to the north of the Gellifendigaid transmitter mast above Coed y Cwm. The site comprised bare ground enclosed by gates and stock proof fencing and was currently used in connection with the adjoining stables.
- 3.4 Members were informed by the Development Control Officer that full planning permission was being sought for the erection of a single storey log cabin structure with a pitched tiled roof measuring 15m in length, by 6.8m in width, by 4.3m in height to the ridge of the roof. The building would comprise a living room, three bedrooms, a bathroom/WC and a kitchen and would be located immediately to the West of an existing stable block. The length of time it was intended to site the temporary dwelling at the site had not been specified.
- 3.4 Members were also informed that the site was located in the countryside beyond the settlement limits of Ynysybwl and Coed y Cwm where new residential development was not normally permitted unless adequately justified as an exception to countryside protection policies and although the need for the new dwelling appeared to be on the basis of intent on the part of the applicant to establish some kind of rural enterprise associated with stabling of horses, countryside stewardship and land management activities, evidence of these activities either being or likely to become a sustainable rural enterprise was both insufficient and lacking. The proposal, therefore, failed to demonstrate a need for a new dwelling at this location.
- 3.5 The Transportation Officer confirmed objections to the proposal. He stated that the proposed development would be located at the northern end of a single width track which is metalled for some of its length and rough track for its remainder. The access track leading to the site was sub-standard in terms of width for safe two-way vehicular movement, structural integrity, drainage, street lighting and geometry. As the access track became un-metalled at the mid point, it was not passable by private motor vehicles, emergency service vehicles and delivery vehicles. Any intensification of use of the traffic would be of major concern in terms of highway safety. Also, the proposal would be solely reliant on private motor vehicles for access/egress and given its relatively remote location, it was considered unsustainable and not in accordance with national advice and policy on transport.
- 3.6 The Public Health Officer expressed concerns as to how the proposed development would be served by basic amenities and water supply.

APPENDIX 1

APPLICATION NO: 13/0890/10 (PB)
APPLICANT: Mr P Carr
DEVELOPMENT: New mobile home.
LOCATION: LAND NORTH OF GELLIFENDIGAID TRANSMITTER,
COED Y CYM
DATE REGISTERED: 03/09/2013
ELECTORAL DIVISION: Ynysybwl

RECOMMENDATION: Refuse

REASONS:

This is a proposal for a temporary mobile home to be sited next to existing stables at Gellifendigaid Farm. The site lies outside settlement limits where new residential development is not normally permitted unless adequately justified as an exception to countryside protection policies. Although the need for the new dwelling appears to be on the basis of intent on the part of the applicant to establish some kind of rural enterprise associated with stabling of horses, countryside stewardship and land management activities, evidence of these activities either being or likely to become a sustainable rural enterprise is both insufficient and lacking. The proposal therefore fails to demonstrate a need for a new dwelling, albeit temporary, at this location. Additionally, the access to the site is substandard and any intensification of its use would be a hazard to highway safety. The proposal is therefore unjustified and unsustainable development that conflicts with Local Development Plan policies AW2, AW5 and AW6.

APPLICATION DETAILS

Full planning permission is sought for the erection of a mobile home on land north of the Gellifendigaid transmitter, Coed y Cwm. Whilst described in the application submission as a mobile home, the building will be a single storey log cabin structure with a pitched tiled roof, and will measure 15m in length, by 6.8m in width, by 4.3m in height to the ridge of the roof. The building will accommodate a single unit of residential accommodation comprising a living room, three bedrooms, a bathroom/WC, and kitchen. It is proposed to site the new dwelling immediately to the west of an existing stable block at Gellifendigaid Farm. The length of time it is intended to site the temporary dwelling at the site is not specified.

The application is accompanied by a Design and Access Statement in which it is stated by the applicant that:

'The dwelling is required at this location given the need to live on the site to ensure effective care and maintenance of the land, horses and proposed planting of 4 hectares of mixed woodland planting under the Tir Cynal Woodland Scheme. With lack of a full time physical presence on site the land has been the subject of vandalism and trespass and has included arson to the surrounding land and sabotage to the water supply for horses. The horses have also suffered injury during times when weather conditions have made it impossible to get to the site. The owners are not prepared to continue to take the risk of investing energy and finance into continuing to improve and manage the land without having more secure and better access to the land holding'

SITE APPRAISAL

The application site is located at Gellifendigaid Farm, to the north of the Gellifendigaid transmitter mast above Coed y Cwm. It is accessed via a public highway that links to Heol y Parc at Coed y Cwm. The site, including the access, extends to approximately 868 square metres and is generally flat, and lies to the west an existing block of large stables. The site comprises bare ground enclosed by gates and stock proof fencing and is currently used in connection with the adjoining stables.

The applicant owns an adjoining area of land comprising 35 acres of land that runs broadly north to south in direction. The land surrounding the application site is characterised by open countryside and farmland, with associating farm houses and other agricultural buildings.

PLANNING HISTORY

06/2183	Gellifendigaid Farm Ynysybwl	Extension of unused stabling to allow for sheep care/lambing shed	Granted 02/01/07
03/1604	Gellifendigaid Farm Ynysybwl	Stable block, barns, feed/tack store (resubmission)	Granted 19/12/03
03/1228	Gellifendigaid Farm Ynysybwl	Stable block with access from highway, attached tack/feed store/barn	Refused 08/09/03

PUBLICITY

Neighbouring properties have been notified of the application which also has been the subject of site notices.

Two letters of support have been received from residents of Glyncoch on the following grounds:

- The proposals are environmentally friendly and beneficial to the countryside;
- The applicants work to improve the land and have the equipment to maintain and conserve it;
- The applicant spend most of their time travelling back and forth their house and the farm;
- Site is attractive to wildlife and has a pond;
- The applicants can grow their own fresh fruit and vegetables.

CONSULTATION

Transportation Section - objects to the proposal for the following reasons:

1. A satisfactory means of access cannot be provided to serve traffic generated by the proposed development.
2. The proposed additional use of the sub-standard access in terms of width, structural integrity, street lighting, drainage and geometry will create increased traffic hazards to the detriment of highway safety.
3. The proposed development will create additional vehicular reversing movements creating further traffic hazards to the detriment of highway safety and free flow of traffic along the sub-standard access lane.
4. The use of private vehicles as the only mode of transport to and from the proposed development site would result in the site being un-sustainable in terms of national advice and policy on transport.

Land Reclamation and Engineering - no adverse comment subject to drainage conditions.

Public Health and Protection - reply waited.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy AW14.2 – safeguards sandstone mineral resources.

Policy NSA12 – permits residential development outside but adjoining the defined settlement boundary subject to criteria being met.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Paragraph 9.3.6 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, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation.

Other relevant policy guidance consulted:

PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
PPW Technical Advice Note 18: Transport;

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main issues

The need for a temporary dwelling and the effect proposed development on the character and appearance of the surrounding area

The application proposal is located in the countryside beyond the settlement limits of Ynysybwl and Coed y Cwm and its surroundings as defined in the Rhondda Cynon Taf Local Development Plan where residential development, including the erection of temporary mobile homes, is the subject of strict planning control and is normally only permitted where it is demonstrated to be sustainable development that contributes to the rural economy.

Paragraph 4.3.2 of TAN 6 (July 2010) indicates that a qualifying rural enterprise comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site. These amongst other things include land management activities and support services, tourism, and leisure enterprises. In this regard the applicant has indicated that the new mobile home is required in order to safeguard the welfare of the existing horses that are stabled in an isolated location and in order to enable the occupiers to protect the forthcoming investment in planting mixed woodland via a countryside stewardship scheme and other land management activities on the holding. In general terms these are activities that could reasonably be associated with the rural enterprise for the purposes of TAN 6, therefore could fit into the broad exceptions to planning policy which seek to protect the countryside from unjustified development. However, there is no evidence submitted with the application to suggest that the proposed use of the land, which the applicant considers justifies the need the temporary mobile home, derives its primary input from the site.

Housing in the countryside requires special justification, where it is essential to enable a rural enterprise worker to live at or close to the place of work. Planning Policy Wales indicates that it is important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time and, that it is located within or adjoining the existing farm or related enterprise. In this case the development is a temporary timber dwelling on a potentially new enterprise.

Paragraph 4.6 of TAN 6 sets out the policy for new dwellings on new enterprises and that of temporary accommodation for a limited period. The development in connection with a new enterprise should satisfy six criteria, which are as follows:

1. Firm intention and ability to develop the rural enterprise concerned;

2. Clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available;
3. Planned on a sound financial basis;
4. Functional need relates to a full-time worker;
5. Functional need could not be fulfilled by another dwelling or suitable building, or other accommodation in the locality;
6. Character and appearance and the other normal planning considerations.

In relation to these criteria it is considered there appears to be a degree of intent on the part of the applicant to establish some kind of rural enterprise associated with stabling of horses, countryside stewardship and land management activities. Also, there is some evidence on animal welfare and countryside stewardship grounds to suggest the enterprise needs to be established at the proposed location. However, clear evidence of a firm intention and ability to develop the rural enterprise concerned is lacking. For instance, there is no business plan to understand the nature of the enterprise and the indicate how it is intended to develop and sustain a livelihood taking into account factors such as income, investment, profit margins and financial forecasts. As a consequence, there is no evidence to show the business has a reasonable prospect of providing a market return for all the amount of management and manual labour involved, such that it would provide a realistic income for a full-time worker planned on a sound financial basis. Moreover, there is no evidence that the functional need of the enterprise could not be fulfilled by another dwelling or suitable building, or other accommodation in the locality.

Therefore, in relation to the first five of the six tests specified in TAN 6 there is insufficient evidence to conclude that the needs of the rural enterprise justify a temporary mobile dwelling at this location.

Turning to the consequences of the proposal for the character and appearance of the locality, it is acknowledged the mobile dwelling would be simple in design in accordance with its intended purpose and temporary nature, and could be relatively easily removed from the land. Whilst there would be some limited harm to the area caused by the dwelling and access, the building would be sited close to the existing stable so its visual impact would be somewhat mitigated when viewed from publicly accessible vantage points. To this extent the proposal meets the last of the six tests listed above.

Highway safety and sustainability considerations

The proposed development is located at the northern end of a single width track (2.5m to 3.1m wide) which is metalled for some of its length and rough track for its remainder. The access track leading to the site is sub-standard in terms of width for safe two-way vehicular movement, structural integrity, drainage, street lighting and geometry. As the access track becomes un-metalled at the mid point it is not passable by a private motor vehicle, emergency service vehicles and delivery vehicles. Any intensification of use of the track would be of major concern in terms of highway safety. Moreover, the proposal would be solely reliant on private motor vehicles for access/egress and given its relatively remote location is therefore considered unsustainable and not in accordance national advice and policy on transport. For these reasons the proposal has attracted a highways objection.

Conclusion

Whilst the applicant has made a strenuous attempt to justify the proposed development in his Design and Access Statement and although there is local support for the proposal, it is considered that the absence of adequate evidence in support of the need for a new dwelling at this location, the proposed construction of a mobile home, albeit for a temporary period, would comprise unjustified sporadic development in the countryside. Moreover, due to its relatively isolated location the proposed dwelling would not have a high level of connectivity to local facilities and a range of transport modes. Also, the highway access serving the site is considered substandard and hazard to highway safety. Consequently, it is concluded the proposal conflicts with policies AW2, AW5 and AW6 of the LDP in that it is sporadic, unjustified, unsustainable housing development beyond the settlement limits of Ynysybwl therefore as a matter of principle is unacceptable.

RECOMMENDATION: Refuse

1. The proposed development is contrary to policies AW2, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and in that it is sporadic, unjustified and unsustainable housing development outside development limits in the countryside.
2. The proposed development is contrary to policies AW2, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan for the following reasons:
 - (i) A satisfactory means of access cannot be provided to serve traffic generated by the proposed development;
 - (ii) The proposed additional use of the sub-standard access in terms of width, structural integrity, street lighting, drainage and geometry will create increased traffic hazards to the detriment of highway safety;

- (iii) The proposed development will create additional vehicular reversing movements creating further traffic hazards to the detriment of highway safety and free flow of traffic along the sub-standard access lane;

The use of private vehicles as the only mode of transport to and from the proposed development site would result in the site being un-sustainable in terms of national advice and policy on transport.

LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

3 APRIL 2014

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SITE MEETING

**APPLICATION NO. 13/0890 – NEW MOBILE HOME – LAND NORTH OF
GELLIFENDIGAID TRANSMITTER,
COED Y CWM**

Minute No. 193 (Development Control Committee, 6 March 2014)

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