

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE
4 SEPTEMBER 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.6
APPLICATION NO: 13/0890/10 - NEW MOBILE HOME, LAND NORTH OF GELLIFENDIGAID TRANSMITTER, COED Y CYM, YNYSYBWL	

1. PURPOSE OF THE REPORT

Members are asked to consider the report below and determine the application in accordance with the advice given.

2. RECOMMENDATION

To **REFUSE** the application in accordance with the advice given

3. BACKGROUND

This application was originally reported to a meeting of the Development Control Committee on 6 March 2014 with a recommendation that it be refused planning permission (see **APPENDIX A**). At that meeting Members deferred determination of the application for a site visit which was held on 19 March 2014 to consider highways, public health and planning issues concerning the proposal. Subsequently, the application was reported back to a meeting of the Development Control Committee on 3 April 2014 (see **APPENDIX B**), at which it was reported orally that following the site inspection, the applicant had indicated a wish to submit a justification statement to support the application. Accordingly, it was resolved to defer determination of the application to consider the additional information to be provided by the applicant regarding the proposal (minute 218 (2) refers).

4. AMENDED REPORT ON PLANNING APPLICATION

Since Committee's deferral of determination in April the applicant has submitted a Planning Appraisal for an Agricultural Workers Dwelling at the site. An amended report is presented below that incorporates details of the applicant's submitted Planning Appraisal and a revised assessment in light of its content.

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. Although the proposed development is described as a mobile home, and hence potentially to be sited on the land for a temporary period, such a period is not specified in the application and supporting documents. Therefore, for the sake of clarity the application is taken as seeking permission for a permanent agricultural workers dwelling on the site.

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’

Also, the application is accompanied by a Planning Appraisal for an Agricultural Workers Dwelling at Land North of Gellifendigaid Transmitter, Coed y Cwm, prepared by Graham Lever (Consultant) of Egis Consultancy Ltd. This appraisal seeks to justify the requirement of an agricultural dwelling at this location in accordance with the requirements of Planning Policy Wales (PPW) and Technical Advice Note 6 Planning for Sustainable Rural Communities. The content of the Appraisal is summarised as follows.

The applicant’s business farms a total of 35 acres around the existing building, split between 26 acres of permanent pasture and 9 acres of woodland. Currently, there are two main farming enterprises and they are a small flock of 7 ewes and the making of haylage for sale. The ewes are a mountain breed and the lambing percentage sold is 100%. All the lambs are sold as finished and ewe lamb replacements are home reared.

The farm business closes off 7 acres of grassland for making haylage for the ewes and for sale. The total number of conventional bales made is approximately 400 and most of these are sold for £5 per bale. The trees in the woodland were planted in the last 12 months as part of the Glastir Woodland Creation Scheme which lasts for 15 years and for which the business receives an annual payment of £1630.

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

There are proposed changes to the farming practice on the holding. The ewe flock is to be increased to 20 ewes with the lambs sold as finished and all replacements home bred. One of the new enterprises is a herd of 10 sows with the pigs sold as pork either privately or to a local butcher. The expectation is that the sows will have 2 litters per annum and all replacements will be bought in. The other new enterprise is planting 2 acres of Christmas trees in the first year and a further acre each year for 4 years, which gives a total of 6 acres of these trees. Once they are mature an acres will be sold each year, which is expected to be a total of 1900 trees. The Appraisal states that, as it is unrealistic to sell that number of trees in a year without an established customer base, the business will purchase 500 trees at wholesale price in the first year to be sold and this number is expected to rise to 1700 within 4 years. The applicant will also sell Christmas trees in pots from the first year and it is anticipated that 250 will be sold. These will be bought wholesale, and most will be sold through local retail outlets and not from the farm.

With the intensification of the current farm practices and the new enterprises proposed by the applicant the appraisal expresses the view that the business will require an essential permanent presence at the farm in order for it to maximise income and profit from the area farmed. The Appraisal concludes there are no buildings on the holding that are redundant and available for residential conversion.

The Appraisal sets out in detail a justification for a permanent dwelling at the farm to support the enterprise based on functional need, security, labour requirement, financial viability, and lack of availability of other suitable dwellings.

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 Ynysybwll	Extension of unused stabling to allow for sheep care/lambing shed	Granted 02/01/07
---------	----------------------------------	--	---------------------

03/1604	Gellifendigaid Farm	Stable block, barns,	Granted
---------	---------------------	----------------------	---------

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

	Ynysybwl	feed/tack store (resubmission)	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, including tree planting, 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 unsustainable in terms of national advice and policy on transport.

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

Public Health and Protection - expresses concern about how the development would be served by basic amenities and water supply.

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 dwelling at this location

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 stock and equipment in an isolated location and in order to enable the occupiers to protect and properly manage proposed investment in current and new enterprises at the holding. In general terms the current and proposed activities are those 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.

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.

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

Taking into account these criteria, the applicant's Planning Appraisal indicates that the current level of the farm business is very small scale and clearly it neither warrants the need for nor is capable of sustaining a dwelling. Looking beyond the current position, on the basis of the Appraisal submitted, there is evidence of a firm intention and ability to develop the farm business at this location. Also, it is not disputed that the proposed business probably will need a greater degree of on-site presence in order to properly manage the proposed enterprise and particularly to ensure security of stock and equipment.

On the other hand, the submitted Appraisal provides evidence that, even accounting for the investment and development in the ewe flock and proposed pig breeding enterprise, the business will generate a labour requirement equivalent to less than half of one full time member of staff. This does not include the establishment of or management of the land in the Glastir Woodland Management Scheme or the ground used for the Christmas tree enterprise, which may require additional man hours, but these are not specified in the Appraisal. The current farm business falls well short of the labour requirements sufficient to justify a dwelling on the holding, and there is insufficient evidence to conclude that the proposed business will generate additional labour requirements sufficient to justify a dwelling also.

In terms of the financial test, TAN 6 states that to justify a dwelling a rural enterprise should be financially sound and have reasonable prospects of remaining economically sustainable for a reasonable period, and there must be clear evidence that the proposed enterprise has been planned on a sound financial basis. In this regard the applicant has submitted a 5 year budget that projects the proposed enterprise will operate at a cash deficit, albeit a diminishing one, until the fifth year when it is projected to return a cash surplus including sufficient income to sustain the costs of one full-time employee. Until that point is reached the enterprise will be reliant upon the applicant's current off-farm income to generate a cash surplus in the intervening years. The applicant's business plan and financial projections evidently suggest the enterprise could be profitable, feasible and worthwhile, but these objectives are not going to be achieved until the fifth year when the business is projected to be capable of standing on its own feet. Thereafter, the applicant's Appraisal concludes the enterprise has a reasonable expectation of remaining profitable even allowing for factors such as falling product values, rising costs and an increase in bank base rates.

Turning to the other dwellings test it is accepted, on the basis of the applicant's evidence, that there appears to be no available, suitable and competitively priced dwellings, either for purchase or rent, that meet the functional needs of the proposed business within in a reasonable distance of the farm as an alternative to a new dwelling. Also, given the lack of suitable buildings on the site it is accepted that the option of meeting the functional need through re-organisation of the management of the enterprise is not an option in this case. However, there is no convincing evidence to explain why the existing arrangement, whereby the applicant manages the current business while living at a property just over a mile away, cannot meet the functional needs of the business at least in the short term until the new enterprise becomes firmly established.

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

The final test requires new residential development to satisfy the familiar planning considerations in terms of its effects on character and appearance of the locality and other factors, such as highway safety and accessibility.

Turning to the consequences of the proposal for the character and appearance of the locality, it is acknowledged the proposed mobile dwelling would be simple in design in accordance with its intended purpose and, if it is to be temporary, 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.

With regard to the 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 with national advice and policy on transport. Although these points are not accepted by the applicant, the proposal has nevertheless attracted a highways objection.

Conclusion

In summary, it is absolutely clear that the applicant's existing farm business at Gellifendigaidd is a small scale enterprise that does not have a functional need for a dwelling nor is on a financial basis capable of sustaining a dwelling. The proposed enterprise will significantly increase the scale, diversity and intensity of agricultural activity at the farm to a level that probably helps justify the need for a new dwelling to enable the enterprise to be properly managed and in the interests of animal welfare and safeguarding stock and equipment. However, the ewe flock and pig rearing enterprise will not generate a functional labour requirement in terms of man hours per annum equivalent to one full time worker. The proposed Christmas tree enterprise might well add significantly to the man hours totals but evidence of its effect is lacking. Also, the financial projections for the proposed enterprise do not expect the business to achieve a cash surplus (profit) to sustain an adequate income for a full-time worker. In addition to these concerns the proposal is considered substandard in terms of the safety of its highway access and sustainability. The proposal therefore fails to satisfy all of the TAN 6 criteria to justify a dwelling on a new rural enterprise.

Advice at paragraph 4.6.2 of TAN 6 states that:

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

'Where the case is not completely proven for a dwelling permission should, not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. Three years will normally be appropriate to ensure that the circumstances are fully assessed. If such a permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraphs 4.4.1 or 4.6.1 are met. The planning authority should make clear in planning conditions the period for which the temporary permission is granted and that the temporary dwelling will have to be removed when that period expires. It should also include an informative attached to the planning decision notice stating the requirements that will have to be met if a permanent permission is to be granted. It will be unsatisfactory to grant successive extensions to a temporary permission if that will result in a permission having a total duration of more than three years.'

Having regard to this advice it is considered that a temporary consent is not justified as the case is not proven, the proposal will not be profitable inside the normal three year period of a temporary consent recommended by TAN 6, and the highway access and sustainability shortcomings will remain substantive in any event.

Accordingly, the application is recommended for refusal for the reason specified below.

RECOMMENDATION

Refuse

REASONS

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;
 - (iv) The use of private vehicles as the only mode of transport to and from the proposed development site would result in the site being unsustainable in terms of national advice and policy on transport.

APPENDIX A

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: YnysybwI

RECOMMENDATION: Refuse

REASONS:

This is a proposal is 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 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:

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

'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;

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

- 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 unsustainable 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

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

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 Ynysyawl 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

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

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

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

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 Ynysyawl therefore as a matter of principle is unacceptable.

O:\Legal Offices\CMTEES\Development Control\Development Control 2014-2015\040914\2. 13 0890 PB.docx

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.

=====

This page intentionally blank

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.

**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

4 SEPTEMBER 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 13/0890/10 -
NEW MOBILE HOME, LAND
NORTH OF GELLIFENDIGAID
TRANSMITTER, COED Y CYM,
YNYSYBWL**

OFFICER TO CONTACT

**MR P BRISTOW
(Tel. No. 01443 494763)**

See Relevant Application File

This page intentionally blank