



PLANNING & DEVELOPMENT COMMITTEE

19 APRIL 2018

SITE MEETING - APPLICATION NO. 17/0922 – PROPOSED DEVELOPMENT IS FOR A TEMPORARY AGRICULTURAL DWELLING ON THE LAND THAT IS OWNED BY THE APPLICANT, TOP YARD, TIR Y GELLI FARM, GELLI- WRGAN ROAD, MOUNTAIN ASH, PONTYPRIDD.

REPORT OF THE SERVICE DIRECTOR, CABINET & PUBLIC RELATIONS

Author: Emma Wilkins, Executive & Regulatory Business Unit.

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 approve the application in accordance with the recommendation of the Service Director Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No 137 (Planning and Development Committee - 8th March 2018) a site inspection was undertaken on Tuesday 27th March 2018 to consider the access to the dwelling and the visual impact of the development to the surrounding area.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors D Grehan, D Williams & S Powell.
- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors, S Rees, G Caple, J. Bonetto, A. Davies – Jones, G Hughes, W Owen and J. Williams.

- 3.4 In accordance with Minute No 132 (Planning & Development Committee- 8th March, 2018), County Borough Councillor P Jarman did not attend the meeting due to the personal and prejudicial interest that she had previously declared at the Committee meeting in respect of the application.
- 3.5 In the absence of the Chair, County Borough Councillor D Grehan chaired the meeting.
- 3.6 At the site visit, Members were provided with an overview of the application by the planning officer in attendance, advising Members that the application seeks to erect a temporary dwelling on the site for the applicants to provide the close care and attention of the chickens, ducks and pigs to establish a business. The temporary dwelling would compromise a 3 bedroom static caravan, which extends to 10.8 metres in length, 3.7metres in width and 3.0 metres in height. Members were permitted to inspect the caravan which was already sited on the land, which is currently being utilised as a rest area by the applicants.
- 3.7 Members queried the proposed duration of the siting of the dwelling and the planning officer advised that the application was for a temporary dwelling only with the recommended condition that the temporary mobile building and any paraphernalia associated with it should be removed from the land in its entirety and the land shall be restored to its former condition following a 3 year period.
- 3.8 Members sought clarification in respect of the access to the dwelling and were informed that access is through a private shared access that serves the site.
- 3.9 Members commented on the visual impact of the temporary dwelling to the other neighbouring properties and the planning officer advised that the two dwellings that did have sight of the dwelling had not raised objections to its siting.
- 3.10 Members sought clarification in respect of PPW Technical Advice Note 6: Planning for Sustainable Rural Communities and the planning officer advised that an independent specialist Agricultural Consultant had been engaged in respect of the application, as detailed within the original report to Committee.
- 3.11 The Chair thanked the officers for the report and closed the meeting.



PLANNING & DEVELOPMENT COMMITTEE

8TH MARCH 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below

APPLICATION NO: 17/0922/10

APPLICANT: Mr & Mrs Bunford

DEVELOPMENT: The proposed development is for a temporary agricultural dwelling on the land that is owned by the applicant.

LOCATION: TOP YARD, TIR Y GELLI FARM, GELLI-WRGAN ROAD, MOUNTAIN ASH, PONTYPRIDD, CF37 3PG

DATE REGISTERED: 18/09/2017

ELECTORAL DIVISION: YnysybwI

RECOMMENDATION: Approve subject to conditions

REASONS:

The proposal meets the requirements and tests as set out within national planning policy, specifically Technical Advice Note 6: Planning for Sustainable Communities. As such, the proposal provides an adequate justification, in functional and financial terms, for the development of a new unit of residential accommodation on a temporary basis, outside of settlement limits, in an unsustainable location.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Pickering for the application to come to Committee in order that Members may consider matters relating to the potential impact of the development upon the character of the countryside and upon the amenities of neighbouring residents.

APPLICATION DETAILS

Planning permission is sought for the development of a temporary agricultural workers dwelling on a parcel of land known as Top Yard, Tir y Gelli Farm, YnysybwI.

The application seeks to erect a temporary dwelling on the site for the applicants to provide the close care and attention of the chickens, ducks and pigs and to establish a business. The temporary dwelling would comprise a 3 bedroom static caravan, which extends to 10.8 metres in length, 3.7 metres in width and 3.0 metres in height. The mobile home is already sited on the land and is currently available for use as a rest area by the applicants.

The Enterprise

The applicants enterprise comprises two main elements which would operate from the site:

- i) egg production from 2,500 chickens and 500 ducks; and
- ii) pig production from six sows.

The reports submitted in support of the application indicates that there are presently 1,650 laying hens and some 250 laying ducks on the site, in addition to six Pietrain sows. It is reported that 975 dozen eggs are sold each week with any lull in egg production being covered by the purchase of eggs from other producers and then re-selling.

The eggs are sold at six local weekly farmers' markets alongside the sale of ducklings hatched in an incubator on the site. The progeny from the sows are finished at 16-20 weeks of age and sold to local butchers or for hog roasts.

The applicants intend to increase the number of birds (to the figures stated above) through the provision of a lean-to extension to the existing agricultural building. A separate planning application (ref. no. 17/1098/10) has been submitted for the 252 square metre building, however this is yet to be determined.

The current incubator on site has the capacity to hold 340 duck eggs at one time. The applicants intend to purchase two additional incubators to increase sales capacity to 2,500 ducks/year, however this is partially dependent upon the provision of the new building to enable adequate housing space for the poultry. In the absence of the proposed new building the poultry numbers would be limited to 2,000 hens, and 500 ducks.

The chickens and ducks are a mix of barn-housed and free-range. The applicants registered the egg enterprise in 2015 with 1,500 barn-laying hens and 500 free-range hens. It is generally the case that free-range eggs can command a 20-25% price premium over barn-laid eggs.

Farm unit

The farm unit consists of 1 acre of land owned by the applicants and a further 4 acres which are rented. The 1 acre of owned land comprises yard, livestock building, separate store building, which includes a grading and packing area, and a small area of grassland.

The 4 acres which are rented are grassland and adjoin the site. It is understood that this land is to be rented from the applicant's sister and brother-in-law (Mr & Mrs

G Davies) under a five-year Farm Business Tenancy FBT, a signed copy of the FBT document accompanies the planning application, although at the time of the site inspection the land was not yet in use for ranging.

The planning application is accompanied by;

- Rural enterprise dwelling appraisal prepared by Egis Consultancy Ltd
- A 3 Year budget for the farm business for the years 2017 – 2019 prepared by Egis Consultancy Ltd.
- a Farm Business Tenancy (FBT) agreement in respect of four acres of grassland at Tir y Gelli between Mr & Mrs G Davies and Rhys Bunford.
- Design and Access Statement.
- Various supporting documents – including stock purchase receipts; and invoices for physical works undertaken on the site, including the provision of a water supply by borehole.
- Confirmation of the business' full approval as a Food Business Establishment.
- A letter from the Animal & Plant Health Agency confirming the adequacy of the land and buildings for their purpose and confirming that the applicants have obtained their free range status.
- A number of letters of support including letters from Farmers Union Wales and a local business that the applicants supply.

SITE APPRAISAL

The application site is a parcel of land located within the farm unit known as Top Yard, Tir Y Gelli Farm, Ynysybwll. The farm unit consists of 1 acre of land owned by the applicants and a further 4 acres of grass land which are rented. The 1 acre owned by the applicant accommodates a 41m x 15m steel portal-framed building, which accommodates the livestock. A second wooden building is located at the north of the site, this is used for grading and packing the eggs. Access to the site is gained via a track that connects with Llanwonno Road. The unit sits within a small group of buildings, these include three dwellings, which each lie in private ownership. One of these is the farmhouse associated with Ysgubor Fawr Farm. This is an operational farm and includes a livery business. The site as a whole lies in open countryside, with the closest settlement of Perthcelyn being located approximately 900 metres north east of the site.

PLANNING HISTORY

17/1098	Top Yard, Tir Y Gelli Farm, Gelli-Wrgan Road, Mountain Ash, Pontypridd, CF37 3PG	The proposed development is to construct a lean to on the south side of the existing livestock shed that will be used for housing ducks and hens.	Not yet determined
16/0829	Top Yard, Tir Y Gelli Farm, Gelli-Wrgan Road, Mountain Ash,	The proposed development is for a temporary agricultural worker's dwelling on the land that is owned by the applicant (<i>Amended site layout</i>	Withdrawn 06/07/17

	Pontypridd, CF37 3PG	<i>plan and certificate of ownership provided 01/11/16)</i>	
15/1379	Top Yard, Tir Y Gelli Farm, Gelli-Wrgan Road, Mountain Ash, Pontypridd, CF37 3PG	Timber building to accommodate office, food store and packing area in connection with egg business (amended site location plan received 14/03/16).	Granted with conditions 14/04/16
14/0557	Top Yard, Tir Y Gelli Farm, Ynysybwl, Pontypridd, CF37 3PG	Lawful development certificate for seasonal caravan accommodation for agricultural workers	Refused 07/07/14
09/0529	Tir Y Gelli Farm, Gelli-Wrgan Road, Ynysybwl, Pontypridd, CF37 3PG	Determination as to whether planning permission is required for 2 farm roads.	Permission Required 11/06/2009
90/0473	Tir Y Gelli Farm, Gelli-Wrgan Road, Mountain Ash, Pontypridd, CF37 3PG	Agricultural building for sheep housing	Granted 21/09/1990

PUBLICITY

The application was advertised by direct neighbour notification and site notices. Three letters of objection (from two authors) and five letters of support have been received.

The three letters of **objection** (from two authors) are summarised as follows:

Nature of the business

- It is claimed that the business is a 'means to an end' to enable a house to be built on the site.
- It is commented that the applicants are already living on the site without planning permission.
- It is claimed there is a lack of detail and many of the claims appear to be unsupported.
- It is questioned whether the business actually operates at the scale suggested in the supporting documentation.
- They comment that they do not believe the land refers to as ranging land is actually being rented.
- They comment that there is a ménage on the ranging area which is used in connection with the adjoining Livery Business.
- It is claimed that the applicants now have CCTV installed at the site so can

monitor it from a distance. As such, they question the need for the applicants to live on site.

- It is suggested that the applicants could re-locate to a site that already has a dwelling on it.
- It is commented that there are many affordable properties available for sale within a three mile radius of the site.
- Concerns are raised with regard to the condition of some of the land on site.
- Questions are raised with regard to the number and density of birds kept on the site and whether this meets welfare standards.
- It is claimed there is no evidence to support the livestock numbers, profits of the business or income from farmers markets.
- It is claimed the applicant also operates a second business 'Farmersyard Pantry Animal Feeds' which takes up a proportion of their time.
- It is commented that much of the labour associated with the business occurs at farmers markets, rather than on site.
- It is noted that the proposed extension would be located over an area that is currently used as ranging for ducks.

Visual Impacts

- It is commented that the caravan is not appropriate to the local context which is a rural setting with some stone buildings. It causes an intrusion in the landscape that is visible from the access road and Ty'r Gelli Farm.
- It is commented that the site can be seen from a number of vantage points.

Access

- The access road which serves the site is already in a poor state of repair and has limited passing areas.
- The development of a dwelling on the site would increase the risks associated with traffic movements at the site.

Drainage

- Questions are raised with regard to how waste will be dealt with and whether a septic tank will be installed.
- It is commented that problems already exist with regard to surface water run-off from the wider site onto the access driveway.

Amenity Impacts

- A window in the static caravan would look directly into the front bedroom and bathroom window of Ty'r Gelli Farm, affecting their privacy.
- It is commented that noise and odour are generated from the poultry kept on site and these are a nuisance. It is feared that an expansion in the business would worsen these factors.
- It is claimed that the business is not registered at Companies House.

General

- Concern is expressed that there has been a pattern of activity which disregards the formal planning process. This includes the fact that the caravan is already on site and that a touring caravan is now also kept on site. It is also claimed that the family are now occupying the caravan in advance of the determination of the

application.

- In bringing the caravan to site a stone wall on the access drive was damaged.

The five letters of **support** are summarised as follows:

- One letter comments that over the last three years the applicants have invested a lot of time and money into successfully growing their business. They now need to live on site to provide high welfare and husbandry standards. They also need to provide a stable home their children. It is commented that they are a business that produce food to supply local people and businesses with low food miles and traceability.
- The business contributes to the local economy supplying eggs to farmers markets and supplying pork to a butchers at Whitchurch. It is commented that farming is the backbone of Wales and it is vital that families are helped to maintain their livelihood and in turn help the local economy. To reach their goal and for the security and welfare of the animals the family needs to be on site 24/7.
- A letter from one of business's which they supply confirms that the applicants have been supplying their company, a Whitchurch based Butchers on a weekly basis over the last three months (letter dated October). They comment that they are very happy with the quality of the porkers and they provide a very good service. They comment that they are in support of their business and the fact that they provide fresh Welsh produce. They comment that the applicant is the only Welsh pig farm that can supply them with the amount of porkers that they need to keep up with their demand for Welsh pork. They comment that customer feedback is also high as customers appreciate the fact that the produce is locally sourced. They comment that an agreement is in place to supply chicken and duck eggs (from January 2018). They believe the applicants have worked hard to get to where they are with little funding behind them. They comment that farms are often at risk from theft and security is also important.
- A letter of support from a Dairy Farmer, located in the Vale of Glamorgan comments that;
 - They understand the vital necessity of being able to live on site when you keep livestock.
 - Animal welfare is the top priority and this can only be achieved by being on site at all times to deal with the unexpected.
- Security is equally a concern as rural crime is on the rise.
- They note that although his site is currently limited in size, increasing efficiency, which will be assisted by living on site, will present opportunities for the business to grow. They also comment that the sector which the applicant is involved in is, pig and poultry, is not a high land usage sector, making it very efficient on a protein/hectare scale.
- They comment that the agricultural industry of Wales needs young blood coming through. Reference is made to an independent survey which found that for every

£1 invested in UK agriculture the economy gets £7.40 back.

- A letter from the Farmers Union Wales confirms that the applicants are members and states that they have worked hard to make the farm a viable business. It is commented that the supplies fresh produce to the local population, thereby reducing food miles and adding value to the community.
- They state that they support the need to live on site to ensure high standards of animal welfare are met and to increase security on the site. They comment that an unattended farm holding is extremely vulnerable.

CONSULTATION

Transportation Section – no objections raised, conditions suggested.

Public Health & Protection – no objections raised.

Land Reclamation & Drainage - no objections raised, condition suggested.

Dwr Cymru/Welsh Water - no objections raised.

Natural Resources Wales – no objections raised.

Ynysybwl Community Council – objections raised. The site is located outside of the development boundaries for Ynysybwl.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site lies outside of settlement limits, in a special landscape area and in a sandstone resources area.

Policy AW1 sets out the requirements for new housing development and the methods by which the provision of new housing will be met.

Policy AW2 promotes development in sustainable locations.

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

Policy AW6 sets out the criteria for new development in terms of design and place-making.

Policy AW8 provides a criteria for the protection and enhancement of the natural environment.

Policy AW14 refers to the Safeguarding of Minerals AW14.2 refers to sandstone resources.

Policy NSA12 sets out the criteria for development within and adjacent to settlement boundaries.

Policy NSA25 identifies a number of Special Landscape Areas, the site lies within Cwm Clydach SLA.

Policy CS1 promotes development within the northern strategy area that protects the cultural identity of the strategy area by protecting the natural environment.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 8 (Transport) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

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

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 application seeks to erect a temporary dwelling (caravan) on the site of Top Yard, Tir Yr Gelli Farm. It is stated that the dwelling is required in order that the applicant may be on site to establish their business and provide close care and attention to the chickens, ducks and pigs, which form the key part of their enterprise.

The application site is located in open countryside, outside of the defined settlement limits and within a special landscape area. As identified within the policy context detailed above, planning policy aims primarily to restrict development in countryside locations. However, it is noted that national policy sets out a number of permitted exceptions, these include development required for the purposes of agriculture and rural enterprise. Nevertheless, whilst the policy recognises the need to support appropriate economic activity in rural areas, it is also noted that the purpose of development limits are primarily, to protect the countryside from inappropriate, unsustainable development. As such, in line with the requirements of local and national planning policy, the key consideration in the determination of this application is to establish whether the current proposal represents a viable commercial venture and associated dwelling, which is justified in its countryside location. Further considerations include the impact of the proposal upon the character and appearance of the immediate area and its wider setting, any impact upon the amenities of adjacent landowners and finally the potential impact upon highway safety.

Planning Policy

Local Development Plan policies CS1 and AW2 steer new residential development to locations within settlement boundaries in order to promote and achieve

sustainable development and to protect the countryside from unjustified, sporadic and harmful development. Top Yard, Tir y Gelli Farm, falls outside the settlement limits of Ynysybwl therefore on first principles, new residential development there conflicts with the Local Development Plan.

However, as identified above, national planning policy recognises the need to support appropriate economic activity in rural areas. Nonetheless, it also states that applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need, that the rural enterprise would operate as a business and would continue to do so for a reasonable length of time.

It is first worthwhile noting that Planning Policy Wales promotes development in sustainable locations; such sites are defined as having good accessibility by a range of sustainable transport options, and good access to key services and facilities. In this respect the proposal fails to comply with policy requirements, since the site is relatively isolated and accessible only by private car transport. As such, it must be proven essential that the proposed enterprise must be situated in the countryside location proposed.

The full details of the business enterprise are set out in the 'application details' however in summary, there are two main elements to the proposed enterprise operating from the site, these being:

- i) egg production from 2,500 chickens and 500 ducks; and
- ii) pig production from six sows.

The reports submitted in support of the application indicates that there are presently 1,650 laying hens and some 250 laying ducks on the site, in addition to six Pietrain sows and a boar. It is reported that 975 dozen eggs are sold each week with any lull in egg production being covered by the purchase of eggs from other producers and then re-selling.

The eggs are sold at six local weekly farmers' markets alongside the sale of ducklings hatched in an incubator on the site. The progeny from the sows are finished at 16-20 weeks of age and sold to local butchers or for hog roasts.

The applicants intend to increase the number of birds (to the figures stated above) through the provision of a lean-to extension to the existing agricultural building. A separate planning application (ref. no. 17/1098/10) has been submitted for the 252m² building, however this is yet to be determined.

Since there is no '*established*' rural enterprise on the site the application falls to be considered under Section 4.6 of Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities, – 'new dwellings on new enterprises', which follows below.

In order to aid in the assessment of this aspect of the application, the Council has engaged the services of an independent specialist Agricultural Consultant, referred to in the report as 'Reading Agricultural Consultants' (RAC).

Intention and Ability

a. Point (a) requires the applicant to provide *clear evidence of a firm intention and ability to develop the rural enterprise concerned.*

In terms of intent and commitment to the proposal, the applicant:

- already owns the land and buildings at Top Yard where the mobile home is to be sited. This was purchased in 2012;
- has established and operated the trading business for over 12 months and invested in chickens, ducks and pigs. The applicants have also purchased an incubator at a cost of approximately £600;
- has invested £6,665 in the log cabin (which accommodates the incubator and is used for packing and grading eggs) and borehole for water; and
- has various certifications to operate a food business and keep laying hens with the purpose to sell eggs to the general public.

The agents appraisal also suggests that the proposal to construct an extension to the livestock barn also demonstrates intent, through the investment of some £15,000. It is acknowledged that an application for these works has been submitted, however as the scheme has not yet been approved, or erected, this carries limited weight at this time.

In their assessment RAC expressed some concern with regard to the adequacy of the livestock building, particularly in terms of pop hole provision and the accessibility of the birds' ranging area. The concerns relate to the fact that this land is only accessible (from the pop hole elevations) via a steeply sloping embankment. However, in response to this point, the agent has confirmed that there are no formal 'standards' in relation to the ranging areas available to free-range birds. Furthermore, they have provided a letter from the Egg Marketing Inspector for the Animal & Plant Agency (Welsh Government) which confirms that they are satisfied that the birds to have access to the ranging area on the FBT-rented land, stating that *"The chickens are let out at the West of the building, and freely roam the west and North side of the building, with the rental ground directly off the north side off the shed."* The letter also comments that the applicants were required to undertake certain works within the building, as a result of an increase in their flock size in September. These works involved formally dividing the space within the livestock barn, fitting nipped bar drinkers, communal nest boxes and more perch areas. The letter confirms that *"they have followed all the instructions I gave them to obtain their free range status, and have completed the works to a very high standard."* As such, the adequacy of the building and ranging area must be considered acceptable.

The applicants have engaged in a pilot programme of retailing eggs and pigs with some apparent degree of success, although no formal financial details have been supplied to date, but nevertheless, their capability and an intent to undertake the proposed enterprises has been demonstrated. As such, the consultant (RAC) concludes that, it appears that the applicants are making a genuine and substantive effort to develop the enterprise on the present holding through expenditure to date.

Alternative Location

b. Point b requires the submission of *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.*

The Practice Guidance document that accompanies TAN 6 states that;

“In addition to the general tests regarding alternative options, the policy in respect of new rural enterprises requires the inherent suitability of the site of the new enterprise to be tested. Clear evidence will be required in respect of site selection and the reasons why the enterprise could not have been accommodated on an alternative suitable site where an existing dwelling was likely to be available. This test is likely to be particularly important in relation to rural enterprises which are not engaged directly in primary production.”

In response to this point, the agent firstly notes that this test is of greater importance in relation to rural enterprises which are not engaged in primary (food) production. As egg production clearly is primary (food) production the relevance of this test carries less weight.

Nevertheless, they respond by confirming that the main reason why no other site was considered was due to the fact that the applicants already owned a livestock shed that has been proven suitable for egg production. Therefore, they comment that it would not represent good business practice to purchase or rent additional land and buildings. As such, it is considered that this point is satisfied.

The Financial Test

Point c requires the submission of *clear evidence that the proposed enterprise has been planned on a sound financial basis;*

Since TAN 6 policy allows rural workers to live close to, or at, their place of work as an exception to normal planning policy, it must be shown that the work relates to a genuine business which is, or is likely to be, profitable and sustained into the foreseeable future, and continuing to generate a functional requirement for the dwelling. This is examined in section 4.10 of TAN 6. Applications for temporary accommodation on new enterprises require evidence of potential economic performance over a three-year period.

In this case, since the business has been operating for 12 months, it would be expected to have some form of trading evidence in the form of formal accounts. It is noted that invoices of stock purchases have been provided, and screenshots of bank accounts have been provided. However, the screenshots do not clearly evidence the origin of the deposits. In response to this point, the agent has confirmed that this is due to the fact that at this stage of the business, most sales are cash sales derived from sales to the general public at farmer’s markets. The agent also states that, in applications of this type, where a dwelling is proposed in connection with a new enterprise, TAN 6 does not require the submission of formal business accounts for

trade conducted to date. Rather, it requires the Financial Test to establish whether a proposed rural enterprise is sustainable in the immediate short term and testing of their financial prospects derives from normal economic principles applied to business. Even in the absence of formal accounts, it is clear that trading experience has shown a demand for the eggs at farmers' markets.

The application is accompanied by a budget, which indicates that the budgeted profit by the third year would be £53,060, although there is some variation in figures in the Egis Appraisal, which creates some confusion. These figures are largely based upon chicken eggs sold at £2.40/dozen and duck eggs sold at £3.40/dozen, both of which are free-range. However, if the barn extension is approved and constructed, then the duck eggs would be barn laid. The production system is said to be split between barn egg and free-range egg production, although the budgeted proportions are not clear (as The licensed proportions are 1,500 barn layers and 500 free-range layers). Clearly income figures have to be realistic and if trading has already been undertaken for up to 12 months, it would have been helpful to use these figures as an indicator of potential earning capabilities.

It is stated that there is likely to be 1.5 workers employed within the business at the end of the three-year period, which would equate to a combined notional salary equivalent of £25,144, rather than the £23,400 in the Egis Appraisal. This would leave a budgeted profit of approximately £27,900, based upon the Egis budgeted profit. However, this budgeted profit would be eroded if the free-range premium for the eggs did not exist – a fall in egg income of 23% would negate any profits after allowing for the notional wages for 1.5 workers. However, at this stage in the process, the applicant has provided evidence that they have obtained their free-range status and furthermore that Egg Inspector, appointed by the Animal & Plant Agency (Welsh Government), is satisfied with the buildings and ranging land available for use in connection with the business.

Therefore, whilst the case would be assisted by verifiable evidence demonstrating actual income and prices received to date, it is acknowledged that this information is not presently available and is not a formal requirement of the TAN for applications where a dwelling is required in connection with a new enterprise. As such, the success or otherwise of the business, and of the assumptions used, will be tested and determined over the next three years. If Members are minded to approve planning permission for a dwelling on the site, then this should be a temporary period to enable the applicant's to test the business. At the end of this period the applicants would then be required to apply again at which point the application would need to be accompanied by detailed accounts and verifiable evidence that demonstrates the actual profit for the business over its trial three year trading period.

The Functional Test and Full-Time Worker

The functional test (d) is necessary to establish whether, in terms of paragraph 4.8.1 of TAN 6, that:

“it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working

hours for the particular enterprise. Such a requirement might arise, for example, if workers are needed to be on hand day and night to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.”

The Practice Guidance states at paragraph 4.2:

“An essential functional need relates to a specific management activity or combination of activities which require the ready presence of a worker at most times if the proper functioning of an existing enterprise is not to be prejudiced and which cannot be achieved by any other practical means such as electronic surveillance.”

The livestock numbers are low compared to most farms. The six sows will produce 12 litters *per annum* in total – an average of one farrowing per month. Compared to most other farm livestock, problems encountered during parturition (farrowing) are relatively uncommon. Similarly, 2,500 chickens and 500 ducks would have relatively few emergency out-of-hours requirements which may jeopardise the financial sustainability of the business. None has been identified as having occurred since the introduction of poultry to the site. The closing of pop holes is a daily routine requirement and would not be considered a functional need. It is noted however that the applicants did report an incident which occurred on 28th November 2017. They explained that one of their sows had farrowed in the morning, they left the farm briefly in the late afternoon and on their return found that she had knocked over a heat lamp (used to keep the piglets warm), which had set alight bedding straw.

There may be some element of justification for a dwelling with regards to the failing of electricity supply to incubators, but this could be overcome through provision of an emergency generator which would start-up if the mains power fails. This would be far cheaper than the construction of a new dwelling. Furthermore, security is rarely seen as an over-riding issue governing the functional need for a dwelling on a rural enterprise. The fact that there are three additional dwellings within 50m of the building, and on the approach to the building off the public highway, provides additional security and a deterrent to trespassers. CCTV can also assist in providing security. There are cameras already in place. These can easily be upgraded to provide remote monitoring on mobile phones or streamed to off-site dwellings. It could also be used to monitor sows farrowing and general surveillance of the poultry. However, it is accepted that this is reliant upon mobile phone signals, which may be variable in the area.

In their assessment RAC conclude that whilst in isolation, the various individual elements identified would not amount to a functional need to live on site, the combination of factors is of significance and on balance RAC considers that there is a functional need to live on the site.

Time Test

If a functional need is established, there has to be a significant proportion of the worker's time associated with that need. Paragraph 4.6.1d of TAN 6 also notes that

the functional requirement should relate “to a full-time worker.” Hence, it is necessary to consider the ‘time test’ in paragraph 4.9.1 of TAN 6. The time test states:

“Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. With the exception of second dwellings on established farms, it must not relate to a part-time requirement, or a requirement that does not relate to the enterprise. If this is a second (or further) dwelling, all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons, or by workers and their dependents last employed in a rural enterprise.”

Labour requirements on rural enterprises can be calculated by means of Standard Man Days (SMD) where one SMD equates to 8 labour hours a day and 275 SMDs equates to the labour provided by an agricultural worker each year.

The labour requirements for the proposed operation can be assessed using standard data from *The Nix Farm Management Pocketbook*, 48th edition (2018). The agent’s Appraisal has made use of the *Agricultural Budgeting and Costings Book (ABC)* May 2016 Edition, which uses similar data though both publications rely on data from large-scale enterprises which benefit from economies of scale, and may not be applicable in this case.

The appraisal undertaken by the agent concedes that the business generates a labour requirement of 0.3 full-time workers on the site, with the remainder of the full-time workload off-site, attending farmers’ markets. Clearly, if such a large proportion of the workload is off the site, there is not an overriding requirement to live on the site from a functional need perspective.

Headage will be based upon a projected 2,500 barn and free range hens; 500 barn ducks; six sows and their progeny; and the operating of the incubators. Based on this RAC calculates the labour requirement to be:

Enterprise	SMD/head	Standard Man Days
2,000 barn laying hens 1	0.02	40
500 free-range hens	0.06	30
500 laying ducks (barn) 2	0.02	10
6 sows and litters	2.25	13.5
120 bacon pigs	0.25	30
Livestock sub-total		124
Incubator related work – say ¼ hr/day		34
Sub-total		158
15% management and maintenance		24

Total	182
Standard Man Days/worker	275
Labour Requirement	0.66

- 1 An estimate is provided.
- 2 An estimate based upon chicken data.

Thus, it can be seen that there is a labour requirement of 0.66 full-time workers. This is significantly greater than the Egis estimate (0.27 full-time workers) but the RAC figure includes attendance on the incubators. The agent's assessment asserts that the other portion of the full-time worker's time would be taken up by attendance at farmers' markets. Clearly, when one-third of a full-time worker's time is taken up by work off the site six days each week, this negates the need to live on the site.

However, given the work associated with three incubators, the consultant (RAC) considers that the proposed dwelling would be occupied by an agricultural worker employed mainly or wholly on the holding and therefore, the test would be met.

Alternative accommodation

Point e requires the applicant to demonstrate *that the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality, which is suitable and available for occupation.*

In this regard it is accepted that there are no existing buildings within the site, which would be suitable for conversion to form living accommodation. The dwelling previously associated with the site was sold by the previous owners, the applicant's parents, and so is not available to the applicants.

A search of www.rightmove.co.uk on 27th November 2017 revealed that there were some 59 dwellings for sale within a 1.0 mile radius of the site, ranging from £36,000 to £225,000. Fifty of these were for sale at less than £85,000. The nearest of the affordable properties for sale was 0.9 miles distant by road, in Mountain Ash, which would be a journey time of 5-10 minutes. Given the fact that there is just one farrowing per month on average and 2,500 birds, it could be considered that one of these dwellings would be suitable and appropriate. These dwellings would be easily affordable at the indicated profit budgeted for the business.

However, when Mr Bunford attends the farmers' markets, the poultry and pigs are reliant upon Miss Merriman for the emergency care. They currently live six miles from the site. She has a medical condition which prevents her from driving and is reliant upon friends and neighbours for transport, coupled with her childcare commitments. She would only be able to meet all these roles by living on-site. Given her medical condition it is concluded that there is no suitable alternative accommodation.

Character and Appearance

As set out above, the application seeks a temporary consent at this stage, therefore,

the applicants would occupy a static caravan during this period. It is acknowledged that the site is located in open countryside and in an area defined as a special landscape area, within which standards of development are expected to be of the highest quality in terms of design, layout and materials. However, in this case, the site clearly forms part of a small group of existing dwellings and agricultural buildings.

It is also noted that the site provides a surveillance point for any visitors approaching the yard which is useful for both security and bio-security purposes. It is in close proximity to the ranging area associated with the enterprise and all of the buildings.

Whilst it is acknowledged that the caravan is basic and functional in terms of its design, it is located next to a far larger livestock barn and is read in the context of the farm yard setting. Furthermore, it is intended to be on site only for a temporary period, when considered in these terms; it is not regarded as having a significant harmful visual impact of the setting of the site and wider special landscape area.

It is however, worthwhile noting that as the land which rests in the ownership of the application only extends to 1 acre, the opportunities for developing a site layout for a permanent dwelling may be restricted. Any future application for a permanent dwelling would have to be carefully considered in order to ensure that the proposals do not compromise the space available and required in connection with the business enterprise.

However, overall, it is not considered that the temporary siting of a caravan on the land would result in a harmful impact upon the character and appearance of the area.

Amenity & Privacy

As set out above, the business and caravan form part of a small group of buildings and dwellings. This group is made of four separate ownership parcels, the former farmhouse Tir y Gelli Farm, Ysgubour Bach farmhouse, Ysgubour Fawr Farm house and holding (this includes the farm, livery and ménage) and Top Yard (the application site). As such, consideration must be given to the impact of the development upon the levels of amenity enjoyed by these existing residents.

Given the siting of the caravan, views of two of the three neighbouring properties are largely obscured by either buildings or intervening landscape features and vegetation. The exception being that of Tir y Gelli farmhouse. The front elevation of this dwelling can be seen from the 'living room window' of the caravan. Whilst this relationship is acknowledged, it is noted that a separation distance of approximately 45 metres exists between the two buildings. As such, overall, it is not considered that any loss of privacy, which would result, would be so great as to warrant the refusal of the application.

Highway Safety

In order to aid in this aspect of the scheme, consultation has been undertaken with the Council's Transportation Section.

Their assessment notes that the private shared access that serves the site is sub-standard in terms of width for safe two-way vehicular movement, dedicated turning area and vision splays. However, it is acknowledged that the siting of the dwelling is likely to create only limited additional movements, given that the applicants already attend the site on a daily basis to tend to the animals. Furthermore, it is noted that the business does not propose that produce be sold at the site, so no additional traffic movements would be generated by members of the public attending the site.

Overall, there are some concerns regarding the sub-standard access leading to the site. However, taking into account the application is for a temporary residential dwelling in connection with an existing business, that will attract minimal additional traffic in comparison to that which already occurs, on-balance the proposal is not considered to result in an adverse impact upon highway safety in the vicinity of the site.

Other Issues

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended), as the proposal represents the siting of a temporary building.

Conclusion

To conclude, the application proposes residential development, in an unsustainable location, outside of settlement limits. Whilst planning policy makes some provision for development that is required to support the rural economy, such proposals must be fully justified by reference to robust supporting evidence.

In favour of the proposal, it is acknowledged that the business has been operating for a trial period and the trading experience has shown a demand for the eggs at farmers' markets in the locality. Furthermore, there is evidence of both an intention and capability to develop the business, demonstrated by financial commitment. Furthermore, it is noted that a separate planning application is currently being assessed, which, if approved would further enable the growth of the business.

Whilst some concerns were expressed with regard to the adequacy and accessibility of the hens' ranging area, Welsh Government's Egg Marketing Inspector has confirmed that they are satisfied this meets the necessary Welsh Government Guidance.

Similarly, whilst some questions remain in relation to certain aspects the financial projections; the budget figures indicate that the business has been planned on a sound financial basis. Furthermore, should Members be minded to approve

planning permission, this would be a temporary consent for a period of three years. At the end of this period the applicants would be required to make a further application, at which point they would be required to provide formal accounts and evidence which verify that the assertions made in the projections have been achievable and that the business would continue to remain profitable and cover the wages associated with its staff for the foreseeable future.

Overall, having taken account of the various issues outlined above, it is considered that on balance, sufficient evidence has been provided to meet the various requirements and tests as set out within national planning policy. As such, the proposal is considered to meet the requirements of local and national planning policy and it is therefore recommended that a temporary permission be approved for the siting of a residential caravan on the land for a period of three years to enable the business to be tested in full.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The temporary mobile building and any paraphernalia associated with its use shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 1st March 2021.

Reason: Planning permission is for a temporary period only in order to enable the establishment of a rural enterprise in accordance with Planning Policy Wales TAN 6: Planning for Sustainable Rural Communities.

2. The development shall be carried out in accordance with the following approved plans and documents:
 - Location Plan scale 1:2500 dated 16/08/17
 - Site Layout plan dated 07/02/18
 - Site Plan (Drawing no: RAC/7117/2) dated June 2016
 - Footprint of temporary dwelling dated 25/08/17
 - Design and Access Statement dated 16/08/17
 - Planning Appraisal, Temporary agricultural workers dwelling at Top Yard Farm, Tir Y Gelli dated 16/08/17

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Details of the proposed foul and surface water drainage arrangements shall be submitted for the approval of the Local Planning Authority within 2 months of the date of this permission and the dwelling shall not be occupied until the drainage works have been carried out in accordance with the approved scheme.

Reason: To ensure adequate disposal of surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted layout plan, within 2 months of the date of

this permission, the design and details of turning area for vehicles including HGVs shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation and retained as such thereafter for use of all vehicles accessing the site.

Reason: In the interests of highway safety.

5. The occupancy of the temporary dwelling shall be restricted to:
- a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or if it can be demonstrated that there are no such eligible occupiers,
 - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason: The site is not in an area intended for general development. Permission is granted solely because the dwelling is required to house a person or persons employed or last employed in a rural enterprise. A dwelling in this location would normally be contrary to Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

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