

**PLANNING & DEVELOPMENT COMMITTEE**

**20 DECEMBER 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

**2. RECOMMENDATION**

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No. 15/0275 - Conversion of a disused barn to single residential unit. (Revised Supporting Statement received 29/05/15) (Additional information has been submitted by the applicant in relation to this application), Trefechan Farm, Cilfynydd, Pontypridd.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**PLANNING & DEVELOPMENT COMMITTEE**

**20 DECEMBER 2018**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

**MR J BAILEY  
(Tel: 01443 281132)**

**See Relevant Application File**

**PLANNING & DEVELOPMENT COMMITTEE**

**20 DECEMBER 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 15/0275/10  
**(BJW)**  
**APPLICANT:** W R & R U Miles  
**DEVELOPMENT:** Conversion of a disused barn to single residential unit.  
(Revised Supporting Statement received 29/05/15)  
(Additional information has been submitted by the applicant in relation to this application)  
**LOCATION:** TREFECHAN FARM, CILFYNYDD, PONTYPRIDD,  
CF37 4HN  
**DATE REGISTERED:** 21/05/2015  
**ELECTORAL DIVISION:** Cilfynydd

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**RECOMMENDATION:** Refuse.

**REASONS:**

The proposal does not comply with the relevant policies of the Local Development Plan and fails to meet the various requirements and tests as set out within national planning policy. It is considered that the proposal would amount to unjustified, insensitive and inappropriate development beyond the settlement boundary. Consequently, the proposal is considered to be contrary to the requirements of local and national planning policy and is therefore recommended for refusal.

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**APPLICATION DETAILS**

Full planning permission is sought for the conversion of an existing barn at Trefechan Farm into a single unit of residential accommodation.

The application was submitted following a complaint to the Council that the building, previously used as a kennels and cattery was being converted into a residential dwelling. Following the receipt of initial complaint the applicant submitted a planning application for the change of use of the building on.

The application has been under consideration by the Council for a considerable period of time due to the submission of additional details. Following the initial consideration of the application, the applicant was provided advice with regard to

requirements for rural enterprise dwellings under Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (July 2010). As a result, additional information was submitted in support of the application and has required detailed assessment by officers.

The application specifically seeks retrospective permission for the change of use of the property to a two bedroom dwelling. Accommodation would consist of an entrance lobby; lounge; farm office with shower room; kitchen/dining/day room; laundry and plant room and a utility room at ground floor and master bedroom; bathroom and guest bedroom at first floor level.

Details submitted included the following:

Planning Justification and TAN 6 statement

Farm partnership accounts – (not published due to financial sensitivity)

Letter from accountant – (not published due to financial sensitivity)

Farm business plan – (not published due to financial sensitivity)

Pet Lodge account 2012 – (not published due to financial sensitivity)

The planning justification and TAN 6 statement that accompanies the application provides the following details in support of the application:

### **Functional Test**

As is required by TAN 6 the applicant has submitted a TAN 6 statement detailing the functional need for the proposed building conversion. The full details are contained within the submitted details, however a précis of the information is as follows:

- The application is to allow the applicant's daughter to take over the management of the farm which has become too onerous for the applicant due to his advancing age and failing health.
- The applicant claims that they currently farm 53 hectares plus 137.23 hectares of common land grazing rights a great deal of which is on challenging sloping land. This has not been substantiated with any land registry plans in support of this claim.
- The farm incorporates three main business aspects including sheep rearing and diversification into horse livery and breeding.
- The applicant claims that if the farm is to be maintained at its current levels an additional agricultural worker living on site is required as the applicant has reached a stage where he needs lighter involvement in the farming business.
- The applicant's health has deteriorated recently which has resulted in a reduction in his capability of managing certain aspects of the farm business. His eye sight, in particular, has resulted in a very limited ability to drive vehicles. This affected the farm activities but also his ability to transport animals to market. It is therefore necessary for the applicant's daughter and son in law to be on site for this purpose.
- The farm is predominately a sheep farm and the holding requires constant attendance at all hours of the day with varying lambing patterns throughout the year. There is also the requirement for constant attendance during foaling.

- There has, during the past three years been a number of incidents reported to the police for criminal damage to road fences and interference to horses and livestock. A restraining order has been obtained against an individual preventing him from coming within 500 yards of any farm buildings.
- In order to allow for further diversification and meet modern farming standards as well as provide adequate insurance and animal welfare for the farm there is a clear need for an additional agricultural workers dwelling.

### **Time Test**

- There are already two existing dwellings on the farm. The applicant has had to take up accommodation of one of the dwellings with his wife, who required suitable accommodation for her serious health problems. This dwelling was previously used to partially accommodate a dog and cat sitting business. However, this use has ceased and the purpose of this application is to enable the whole of the two bedroom accommodation to be used for residential purposes.
- The applicant's daughter has moved into the original three bedroom family farmhouse with her family. It is the intention that her children will continue the farming business into the next generation.
- The main farm enterprise of sheep requires, under DEFRA, that animals on the farm should be inspected daily. Therefore it is necessary for a support worker to be present at all times throughout unsocial hours, sometimes without notice.
- Also when emergencies occur there is a need for a support worker to be on site at all times.
- During lambing periods sheep are housed and have to be monitored for some time prior and during lambing – 24 hours every day over a considerable period of time.
- This period also covers harsh weather conditions which leaves the farm inaccessible for periods of time during winter.
- The majority of activities on the farm require the need for two agricultural workers. This work often involves anti-social hours and requires full time family support throughout such operations.
- In order to comply with health and safety legislation it is necessary in numerous operations for a support worker to be present at all times. Therefore without that support worker the farm cannot operate safely and effectively and the expansion of the farm will be prevented.
- Support is also required at times of illness and injury. Such support needs to be on hand at all times.

### **Financial Test**

- The Farm is a viable financial holding and has been for generations. Details of the financial performance are enclosed in the confidential information that accompanies this application.

- The farm has provided a wage without detrimentally affecting performance and impacting on profitability of the holding.
- The applicant is employed full-time in the Farm business and his earnings are generated from the business. It is also intended that the applicant's daughter will be employed full-time in order to take on the onerous duties in the farm enterprise.
- It is not feasible to house the agricultural worker within the nearby settlement due to the nature of the tasks required at the farm.
- The applicant has been substantially involved in the Farm all his life and is entitled to live and retire on the holding which he has contributed to.
- The building (which is the subject of this application) has been used predominantly as a dwelling for the past 18 years which was partially used for a pet sitting business for a period of 16 years.
- Without the current two dwellings the farm business would fail to function and will result, not only in the failure of the expansion of the business, but also the current viability of the business.
- It is the intention for the farm enterprise to substantially expand the sheep flock size and to specialise in pedigree rare breeds with the added labour which will require increased on site labour.
- The farm has further diversified into providing stabling and breeding of high value thoroughbred horses.
- Further diversification in the form of school visits and the provision of herbs for local business would all benefit from the presence of an additional agricultural worker on site.
- The current enterprise and the business need for the job is financially sound and has a clear prospect of remaining so as required by paragraph 4.4 of TAN 6. .
- The current building, the subject to this application, represents "an existing suitable building" on the land holding for conversion to another dwelling at the site.

#### **Other dwelling test**

- The requirement for a suitable existing building is already met by the building which is the subject of this application.
- This building is suitably located within the current farm stead. In order to fulfil its identified need the dwelling has no impact whatsoever "on the wider environment".

#### **Other considerations under TAN 6**

- Paragraph 4.12 of the Technical Advice Note 6 requires rural enterprise dwellings to satisfy the usual planning requirements in terms of design, sustainability and access.
- There is also a need to site the proposed dwellings in close proximity to local dwellings and not to be isolated from the farm stead as well as satisfying the usual planning requirements in terms of design, sustainability and access.

- The building has been in existence for more than 100 years and during the past 20 years has had no structural alterations. The location is within the original farm settlement and the rear of the building opens on to the farm yard, stables and agricultural buildings where stock is housed.
- Officers can provide adequate conditions to cater for any landscape concerns in order to ensure that the dwelling is maintained for the sole use of the farm enterprise and for the purpose of family members or farm employees. The applicant has no objection to such conditions.

#### Other supporting statements

- The need for two dwellings for agricultural workers and their families is critical to enable the farm enterprise to survive.
- There are substantial extenuating circumstances in relation to the age of the applicant and ill health, particularly of his wife.
- The planning proposal will have no affect on visual aspects or accesses and there will be no changes to the structure of the building. In fact, the change of partial use from dog sitting will reduce volumes of traffic and noise from the building.
- The building has no practical use and other than a dwelling and would otherwise fall into disuse.
- The applicant was initially in partnership with his late father, but for the past 13 years has been the sole trader. Clearly the physical input from the applicant will reduce, but there is a need for the applicant's daughter to live on site in order to be actively involved in all the various activities and supervise new ventures.
- The farm has been in the family for four generations and in order for the next generation to take over it is imperative to the future that this planning application be approved.
- The evidence presented as part of the agricultural tests demonstrates the need for the farmer to live in close proximity to the holding.
- It should be further noted that no objections have been raised to this application from statutory bodies and consultees including the Highways Department and Welsh Water. No objections have been raised by the nearest properties to the dwelling. There is no issue concerning privacy as the nearest property is more than 100 meters away on the other side of the highway and surrounded by trees.

#### **SITE APPRAISAL**

The building is an existing farm utility building (a former barn) located within the main collection of farm buildings and to the north east of Trefechan farmhouse. The building would be accessed off an existing surfaced road that also serves the main collection of buildings on Trefechan Farm.

The site is within the larger 53 hectares of land that is farmed as part of Trefechan Farm and appears to be used for the grazing of sheep.

#### **PLANNING HISTORY**

|         |   |   |                                |
|---------|---|---|--------------------------------|
| 12/0470 | Trefechan Farm,<br>Cilfynydd,<br>Pontypridd | Outline application for an<br>agricultural dwelling | Refused<br>04/12/12            |
| 87/0118 | As above                                    | Extension   | Approved<br>10/04/87           |
| 85/0743 | As above                                    | Agricultural dwelling                               | Refused<br>No date<br>recorded |

## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site. Responses have been received from 5 parties objecting to and 1 in support of the application. Details of the responses are included below:

### Objections

- Effect of the development on the water supply to neighbouring properties.
- The kennels and cattery were operated without consent even though it was licensed by the Council.
- The access to the property, which is shared, is in a terrible condition and the applicant refuses to repair it or even to contribute to its repair.
- The conversion is going ahead despite not having consent.
- The applicant has carried out several developments within his property without planning permission.
- There used to be bats in this building which do not appear to be there anymore.
- The details provided are incorrect. The farm is 50 acres and not 53 hectares as stated, and 40 of that are used for stables.
- This is a Special Landscape Area.
- This is a Site of Nature Conservation.
- This site is already overdeveloped for its current use.
- The overdevelopment causes a detrimental effect on the local area.
- The area for residential buildings takes up almost half of the on-site development.
- The acreage and stock do not warrant additional housing for staff etc.
- Unsuitable transport links for both pedestrian and vehicular movement.
- No noted consideration for local flora and fauna.
- The building in question was not disused as suggested by the planning application and is confirmed in the application itself.



- Inadequate prior notification to neighbouring properties took place.

#### Support

- The applicant's family has farmed in this area for generations and the building is unchanged.
- Surely it is better to utilise an existing building than to build a new one that would look out of place and be a blot on the landscape?
- The proposed conversion is over 100 metres from the closest neighbouring properties so there would be no loss of light, privacy or additional noise.
- Services are already in place so the proposal would not effect these.

### CONSULTATION

Transportation Section – no objection.

Land Reclamation and Engineering – no objection.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction phase of the development.

Natural Resources Wales (NRW) – no objection.

Dwr Cymru/Welsh Water – no objection, subject to conditions.

Wales and West Utilities – no objection

Western Power Distribution – no response received.

South Wales Fire and Rescue Service – no response received.

Countryside, Landscape and Ecology – the objector's comments are noted and ideally a bat assessment should be undertaken in this regard.

### POLICY CONTEXT

The site is within the settlement boundary and unallocated.

#### **Rhondda Cynon Taf Local Development Plan**

Identifies that the site is outside of the defined settlement limits and within a Special Landscape Area (Policy SSA23.10 – Taff Vale Eastern Slopes, specifies).

**Policy CS2** - sets out criteria for achieving sustainable growth.

**Policy AW1** - focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary.

**Policy AW2** - supports development proposals in sustainable locations and includes sites that do not unacceptably conflict with surrounding land uses. Within the reasoned justification for this policy (paragraph 5.10) it is stated that applications for Rural Enterprise Dwellings will be considered in accordance with Planning Policy Wales and Technical Advice Note 6.

**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 AW8** - only permits development where it would not cause harm to features of the natural environment.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy SSA23.10** – states that development in Special Landscape Areas (SLA's) will be expected to conform to the highest standards of design, siting, layout and materials. The application site is located within the Special Landscape Areas defined as Taff Vale Eastern Slopes.

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal fails to meet the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has not been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is not consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also not consistent with the following inasmuch as they relate to the development.

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources, placemaking in rural areas)

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 5 (the rural economy)

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

### Planning Policy Wales Technical Advice Note 12 Design

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities - provides detailed guidance on planning for sustainable communities, in particular, sustainable rural housing and enterprises.

Section 4 provides detailed guidance for consideration of proposals for sustainable rural housing and provides a number of categories for such development proposals.

Section 4.4 provides criteria for the consideration of new rural dwellings on established rural enterprises.

Section 4.5 provides criteria for the consideration of second dwellings on established farms. In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out are met. These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after the TAN comes into force and not to subsequent dwellings.

Section 4.7 requires that development proposals for new rural enterprise dwellings must be supported by robust evidence in the form of a rural enterprise dwelling appraisal, which must demonstrate that the functional, time, financial, other dwelling and planning considerations tests are met.

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

## **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:**

#### **Principle of the proposed development**

The application is for the conversion of an existing farm building to residential accommodation to allow the current operator of the farm, the applicant, to remain resident at the site while taking a lesser role in the running of the farm that would be taken over by their daughter.

There is an existing dwelling at the site, which is currently occupied by the applicant's daughter who, it is stated, is a full partner in the farming business. Following the daughter's occupancy of the dwelling the applicant and his wife moved into the former kennels and cattery building at the farm and began converting it to fully residential use.

However, in order to be considered acceptable the need for an additional worker to live on site for the proper functioning of the enterprise must be demonstrated to be essential.

The supporting statement, in this regard, is considered to lack sufficient detail. While the size of the farming unit is provided as 53 hectares with a further 137.23 hectares of common grazing rights, no information is given as to the location. No information is given as to the extent of the horse breeding and livery business.

The business plan refers to a flock of 250 breeding ewes. At the time of the previous application for a dwelling on the farm [56/85/0743], the farm had 500 breeding ewes and 20 store cattle and at that time, the Welsh Office Agriculture Department commented that it was essentially a one man unit with assistance at busy periods and they considered that the farm required one dwelling to meet essential management duties.

Planning permission was refused on the ground that there was insufficient justification for an extra dwelling. Planning permission for an agricultural dwelling was also refused on 4<sup>th</sup> December 2012 on the basis that it constituted unjustified sporadic development.

Additionally, no reference has been made in the supporting statement to the fact that planning permission was granted and implemented for a large extension to the farmhouse to allow the applicant to reside at the farm and assist his late father in running the business. The extension was capable of being occupied as a separate unit, independent from the main dwelling. It is considered that this constitutes the "additional dwelling" referred to in TAN 6 and that the proposal would effectively allow a third unit of accommodation, contrary to the provisions of TAN 6.

Furthermore, no explanation has been given as to why the applicant couldn't occupy the existing extension in order to support his daughter in the running of the enterprise, as he has previously done.

The financial test referred to in TAN 6 requires the enterprise to have been established for at least 3 years, profitable for at least one of them and both the enterprise and the business need for the job is currently financially sound and has a clear prospect of remaining so.

Paragraph 4.10 states that the enterprise should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years. It then goes on to say that in order to assess economic sustainability it will be necessary to show that the business has a reasonable prospect of providing a market return for all operators for the amount of management and labour inputs, including the job for which the rural enterprise dwelling is being sought for at least 5 years.

The unaudited accounts show a profit for the financial year ending 5<sup>th</sup> April 2014. Whilst it is also noted that the letter from the Accountants dated 15<sup>th</sup> August 2015 states that they are satisfied that based on the information provided to them by Mr Miles and his daughter the business continues to be viable, it would appear that that further consideration and justification would be required to be given to this aspect having regard to the advice in TAN 6.

TAN 6 provides for two exceptions to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be satisfied, namely:

- Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or that transfer is only conditional upon the grant of planning permission.
- on an established farm which is financially sustainable where there is a functional need for a further 0.5 or more of a full time worker and at least 50% of a Grade 2 Standard Worker Salary, as defined by the latest version of the Agricultural Workers Order, is obtained from the farm business.

It is considered that neither of these requirements have been met and therefore the proposal is considered to be unjustified in this regard and contrary to the stipulations of TAN 6.

Consequently, it is considered that the proposal would represent an unjustified dwelling in the countryside, the principle of which would be unacceptable.

### **Character and appearance of the area**

The application building is an existing farm outbuilding within the collection of farm buildings at Trefechan Farm. The building has the character and appearance of a farm utility building commensurate with its former use as a barn.

The proposed conversion would retain the majority of features of the existing building with little or no new openings and only minor alterations to the external appearance of the building.

Consequently, it is considered that the character and appearance of the existing building would be largely retained. Therefore, there is no objection to this aspect of the proposal.

### **Impact on amenities of neighbouring properties**

Having regard to the layout and design of the property and its relationship with surrounding dwellings it is considered that due to the location of the building and the distance to the closest neighbouring properties, the proposal would not have a detrimental impact on their amenities.

It is acknowledged that there have been no objections to the application on this basis from neighbouring properties. In terms of water supply and other services these concerns are acknowledged, however it is considered that the use of the building as a kennels and cattery would have had a greater impact than the currently proposed use. Additionally, no objections have been received from Dwr Cymru Welsh Water in this respect.

Consequently, it is considered that there is no objection to this aspect of the proposal.

### **Highway safety**

The Transportation Section has raised no objection to the application. These comments acknowledge that the proposed development, while being in an unsustainable location beyond settlement limits, would reduce the vehicle movements along the existing substandard road to that of its previous use as a kennels and cattery.

Consequently, it is considered that the alterations would have no detrimental impact on highway safety and there would be no objection to this aspect of the proposal.

### **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).

### **Other issues**

The comments of the Countryside section are acknowledged with regard to the issue of statutory protected species within the barn. It is considered that this issue could be addressed through a suitable survey of the upper floor and roof space of the building and suitable mitigation offered. It is unlikely that the works have caused detriment to the protected species in this regard as the upper floor of the building was being used for residential purposes when the building was converted to a kennels and cattery.

It is acknowledged that there was no valid planning consent for the conversion of the barn to a kennels and cattery. This was brought to the attention of the planning department through the current application. Other breaches of planning control have been investigated at the site and are ongoing.

The applicant has been advised to cease works to the development until the application has been determined. Any works that are undertaken are done so at the applicant's own risk and could be liable to enforcement action should the application be refused.

The maintenance of the existing access is a private matter between the parties responsible and is not a material planning consideration. The access is acknowledged as being substandard; however, there has been no objection to the application from the Council's Transportation Section.

The applicant's claims regarding the amount of land that they farm have been questioned as part of the assessment of the supporting statement and are considered to be vague and unsubstantiated. However, the claims of a lesser site area are equally without any supporting evidence.

The neighbour notification exercise that was undertaken included direct neighbour letters and the display of site notices and was carried out in accordance with the General Development Procedures Order.

## **Conclusion**

This application is a complicated matter that requires clear and unambiguous justification as required by TAN 6.

It is considered that the supporting statement in this regard fails to establish the need for an additional dwelling at the site and also to indicate the formal handing over of the farm undertaking from the applicant to his daughter.

Therefore, it is considered that without this clear supporting information that the proposal would represent an unjustified residential unit outside the defined settlement limits contrary to the provisions of TAN 6 and the policies in the Local Development Plan.

Consequently, the application is recommended for refusal.

### **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. The proposal represents an additional unjustified residential unit in the countryside, without an established need for the operational requirements of the farm which is contrary to Policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan and Sections 4.5 and 4.7 of Planning Policy Wales Technical Advice Note 6.

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