



## Appeal Decision

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by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 21.02.2023

Appeal reference: CAS-02135-J9B0B7

Site address: The Rhos Farm, Kinnerton, Presteigne, Powys, LD8 2PD

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Hurst against the decision of Powys County Council.
  - The application Ref 21/2258/FUL, dated 30 November 2021, was refused by notice dated 29 July 2022.
  - The development proposed is the proposed extension of a commercial premises to provide a live work unit.
  - A site visit was made by the Inspector on 7 February 2023.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether a dwelling (live/work unit) in the countryside, outside any settlement would be acceptable in principle.

### Reasons

3. The site is located in the open countryside in a complex of farm buildings located down an access track off the B4372. There is a farmhouse at the end of the track and a bungalow closer to the road opposite the farm buildings.
4. The proposal relates to a former agricultural workshop building (approximately 18m by 9m). Planning permission was granted for the retention of a change of use to Class B1 (C) light industrial in September 2021. The proposal involves a side extension to provide an office, a kitchen/living room and bedroom with ensuite facilities. The appellant's main business is stated to be a general builder, although oak timber frames are also produced. The building is used as a workshop and storage facility. The appellant lives 7 miles away from the site.
5. Section 5.4 of Planning Policy Wales (PPW) deals with economic development. Paragraph 5.4.14 states that development (plan) policies and Supplementary Planning Guidance should support mixed use developments, including flexible live/work units and commercial premises where these are appropriate. This guidance relates to local plan policy. It does not specify any locational criteria or provide any explicit support for development in the countryside. There is no relevant live/work policy in Powys Local Development Plan (LDP) that supports units in the countryside. Policy E3 provides for mixed use employment sites and some mixed uses on non-allocated sites. In the context of the policy, this appears to refer to other employment sites in the Plan.

6. The LDP strategy is to concentrate development into towns and large villages. The open countryside is to be protected from inappropriate development i.e., strict control will be exercised over new development proposals. Policy H1 applies a restrictive approach to housing development in the open countryside in line with national policy. The only types of residential development that will be permitted include: a rural enterprise dwelling under Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN6) or One Planet Development (under TAN6) or the re-use or adaptation of a rural building or former dwellings. The appellant acknowledges that the proposal would not meet the tests for a rural enterprise dwelling or be One Planet Development. The proposal does not involve the re-use of a building. As such it would be contrary to LDP and national policy for residential development in the countryside.
7. The appellant states that the need for the dwelling is related to securing the long-term viability of the business. It is hoped to expand the business but without a dwelling on the site the appellant is considering selling the unit. The business has received planning permission in recent years. No detailed information to justify the proposal on the need to locate at this site or on the basis of the existing and any proposed expansion of the business has been supplied. I have considered the extracts from TAN6 and Policies E2 and E3 referred to by the appellant. The need for affordable rural housing and support for mixed use development is acknowledged in policy. However, this is subject to the requirement to comply with other development plan policies and national planning guidance. Of critical importance in this regard is the restrictive policies for housing development in the open countryside.
8. The other issues raised are the sustainability benefits from the appellant living at his place of work and that a dwelling is essential for security reasons. The appellant's travel to and from work would be reduced, which would be a sustainability benefit. However, trips for other purposes such as deliveries, shopping, education and leisure would potentially increase.
9. There could be security benefits for the appellant by living on site. No evidence of any incidents of theft or damage has been supplied. The building does not advertise the presence of equipment and it appears secure. There are existing dwellings and other businesses nearby. The Local Planning Authority points out that measures such as fencing, alarms and CCTV would deter crime, which has been acknowledged by the appellant.
10. The claimed benefits of the proposal would not outweigh the policy objections to the proposal as outlined above. I conclude that the proposal does not warrant an exception to the strict controls on new development in the countryside based on the evidence supplied in this case.

### **Other Matter**

11. The Local Planning Authority did not receive any information to assess whether the proposal would have an adverse effect on the River Wye Special Area of Conservation. by reason of an increase in the amount of phosphates entering the river catchment. This formed a reason for refusal. The appellant has provided drainage information that claims to demonstrate that the proposed development complies with the latest guidance published by NRW and would not therefore have any adverse impacts on the River Wye Special Area of Conservation. However, as the appeal is being dismissed for other reasons, I do not need to conduct an Appropriate Assessment under the Habitat Regulations.

**Conclusion**

12. Having taken all relevant matters into account, I conclude that the appeal should be dismissed for the reasons given above.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives

*A L McCooey*

**INSPECTOR**