

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 24/0553/OUT

Grid Ref: E: 309591
N: 300794

Community Council: Dwyriw Community

Valid Date: 16.04.2024

Applicant: Mr & Mrs David Wierzbinski

Location: Development at Argae Fields, New Mills, Newtown, Powys.

Proposal: Outline: Erection of an agricultural worker's dwelling with garage, installation of a septic tank and all associated works

Application Type: Outline planning

Reason for Committee determination

Professional Lead – Planning considers that the planning function should be dealt with by the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee

Received

Neighbouring Ward Councillor

24th Apr 2024

I am writing on behalf of the community of Rhiwcynon who, as you are aware do not currently have a County Councillor.

I wish to call in planning application 24/0553/OUT due to planning history raised with me from the community Council.

Community Council

The Council would like to support this application which would help to encourage a young, local couple with a growing business to continue to live and work in the area.

Environmental Protection

30th Apr 2024

Foul drainage

The application is accompanied by percolation test results which demonstrate that the ground conditions are suitable for a septic tank and drainage field, and there is sufficient space to implement the system. Therefore, I have no objection to the application.

Amenity

To avoid any future nuisance potential (e.g. associated with noise, odour etc.), it is recommended that Development Control consider the requirement for an appropriate land use tie between the existing and proposed land uses i.e. agriculture and residential.

PCC-Ecologist

No response received.

Powys Ramblers

27th May 2024

Powys ramblers wish to comment on this application please.

This is an outline application for an agricultural worker's dwelling close to existing agricultural buildings (one existing, another permitted). There is a public FP along the edge of the River Rhiw, close to the proposed site of the dwelling and within the applicant's ownership. The proposed dwelling would not appear to directly interfere with the FP. However good waymarking where the FP enters and leaves the application site should be provided.

In the event of permission being granted can the applicant please be advised of the importance of making sure that the FP is not obstructed during any development works and is kept open throughout.

PCC-(N) Highways

5th Jun 2024

The County Council as Highway Authority for the County Class II Highway, B4389

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority (HA) does not object to the principle of development at this site, however, we wish to make the following comments.

The proposed access is severely substandard in terms of access visibility in both directions, and contrary to Condition 11 attached to P/2014/1067, we have written to the LPA in this regard.

We note the access visibility splays are not in the redline application site, however, the land to which improvements would be required is within the blue line and therefore the applicant could make the necessary improvements to the visibility.

PCC-(N) Highways

15 July 2024

The County Council as Highway Authority for the County Class II Highway, B4389

**Wish the following recommendations/Observations be applied
Recommendations/Observations**

The Highway Authority notes the submission of the revised drawings; however, we understand that the applicant continues to wish for access to be reserved matter and is fully aware that additional works to the access shall be required to construct the visibility splays. We do not wish to make any further comments at this stage.

Hafren Dyfrdwy

2nd May 2024

With reference to the above planning application the Company's observations regarding sewerage are as follows.

As the proposal has no impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Asset Protection having no comment / no objection to an application does not mean there will be no comment from HD; I have passed this application onto the Catchment Team within HD, who will respond directly to yourselves if they have any comments they wish for you to take into consideration.

IMPORTANT NOTE: This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality

PCC-Rights of Way Senior Manager

No response received.

PCC-(N) Land Drainage

7th Jun 2024

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

Comment: The Authority holds no historical flooding information relating to this site. However, from the surface water flood mapping in our possession, there is a risk of surface water flooding to the access track. This flood risk information can be seen on NRW's Flood Map for Planning webpage, in particular, flooding from Surface Water & Small Watercourses, where it shows an area within Flood Zone 3. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

Alternatively, please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk.

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

PCC Land Drainage

10 Jan 2025

Thank you for the opportunity to further comment on this application. Having considered the additional information which has been submitted (FCA, reference KRS.0107.015.R.001 dated October 2024), the Lead Local Flood Authority (LLFA) would make the following recommendations.

Recommendation: No buildings, structures, fences, planting or changing of contours shall take place within the flood extent identified on NRW's Flood Map and referenced within the FCA without prior permission of the LPA.

The LLFA note that a Flood Warning & Evacuation Plan (FWEP) has been included as mitigation within the Flood Consequences Assessment (FCA). If not already done so, Emergency Planning should be contacted regarding this provision.

We would also reiterate the **SuDS Approval Body (SAB)** deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval. The SAB also note that no SAB application has been received for planning reference number: 23/0223/AGR. The two applications could be included on one application to make it easier. For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>. Alternatively, please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk.

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly. The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

PCC Civil Contingencies Department

16 Jan 2025

I visited the site at Argae Fields, New Mills, Newtown on Thursday 16th January 2025. The site is adjacent to the B4389 road between New Mills and Newtown and is level with the road surface. The site is on raised ground, approximately 10m above the level of the nearby River Rhiw.

To my knowledge, even during Storm Dennis in February 2020, this site experienced no flooding issues. Unfortunately, there are no NRW Monitoring Stations on the River Rhiw to be able to compare the highest river levels against any flooding issues experienced. Based on the previous history of flooding that I have experienced in the surrounding area, namely that flooding recedes quickly, my advice would be to evacuate at the premises. In the event of the need to evacuate the premises, for medical emergencies, there should be no issue with egress on to the B4389 either south towards Newtown or north towards New Mills village on towards Llanfair Caereinion.

Representations

Following the display of a site notice on 15 May 2024, no public responses have been received.

Planning History

App Ref	Description	Decision	Date
23/1171/OUT	Outline: Erection of an agricultural worker's dwelling with garage, installation of a septic tank and all associated works	Application Withdrawn	21st Dec 2023
23/0223/AG R	Erection of portal framed fodder and implement store (resubmission)	Permitted development	1 st March 2023
19/0995/OUT	Erection of an agricultural workers dwelling with garage. Installation of septic tank, drainage system and all associated works (all matters reserved).	Refused	13th Feb 2020
21/0322/OUT	Construction of an agricultural worker's dwelling with garage, installation of septic tank drainage system and all associated works (resubmission of 19/0995/OUT)	Refused	28th Jul 2022
P/2014/1067	Full: Erection of agricultural building (implement and fodder store), creation of hardstanding and new vehicular access	Approved	12 th Dec 2014

Principal Planning Constraints

Right of Way	Near to site
NRW Surface Water and Small Watercourses flood zones	Flood zones 2 and 3

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 12, February 2024)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
H1	Housing Development Proposals		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026

DM12	Development in Welsh Speaking Strongholds	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Developments Within	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
RES	Residential Design SPG (2020)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site location, description of development and background

The application site (Argae Fields) is located within open countryside as defined by the Powys Local Development Plan. The site is approximately 1.9km north of Tregynon and occupies part of a larger agricultural field. The field also accommodates an agricultural building to the south of the site. The B4389 highway travels along the western side of the field with the field being hedged with interspersed on the western side. Otherwise, the boundaries of the field are hedged with interspersed trees. The River Rhiw flows to the

north of the field. Dolgar Brook flows along the south-eastern edge of the field. The land levels of the field rise towards the north and the site beyond the agricultural building.

The application seeks outline planning consent with all matters reserved for the erection of an agricultural worker's dwelling with garage, installation of a septic tank and all associated works. The dwelling would be a new dwelling associated with an existing rural enterprise. Indicative scale parameters for the proposed dwelling and garage are as follows:

Dwelling-

- Length of 9 - 11 metres
- Width of 7 - 9 metres
- Height of 4 - 8 metres.

Garage –

- Height 2.5 – 4.5 metres
- Width 3 – 5 metres
- Length 6 - 8 metres

As the application has been submitted in outline, the details of the design etc for the proposed dwelling would be submitted at the reserved matters stage, if approval was granted for this outline proposal.

As background, two previous applications for the erection of an agricultural worker's dwelling have been refused in relation the site as follows:

Planning application 19/0995/OUT was refused on 13 February 2020 for the following reason:

1. Insufficient information has been submitted to support the provision of a new rural enterprise dwelling in the open countryside and as such the proposal fails to accord with policies SP6, H1, H6 of the Powys Local Development Plan (2018), Technical Advice Note 6 – Planning for Sustainable Rural Communities (2006), Planning Policy Wales (10th Edition, December 2018).

Planning application 21/0322/OUT was refused on 28 July 2022 for the following reason:

1. Insufficient information has been submitted to support the provision of a new rural enterprise dwelling in the open countryside and as such the proposal fails to accord with policies SP6, H1, H6 of the Powys Local Development Plan (2018), Technical Advice Note 6 – Planning for Sustainable Rural Communities (2006), Planning Policy Wales (11th Edition, December 2021).

Principle

The support from the Community Council is noted.

- Policy requirements

National planning policy, Planning Policy Wales (PPW) and associated Technical Advice Note (TAN) 6 indicate that rural enterprise dwellings represent one of the few circumstances in which isolated new residential development in the open countryside may be justified. Criterion 4 of Policy H1 of the adopted Powys Local Development Plan (2011-2026) reflects the national planning policy by restricting housing development proposals in the open countryside as follows:

- Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or
- Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or
- Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8.

TAN6 states that *“New permanent dwellings should only be allowed to support established rural enterprises providing:*

- there is a clearly established existing functional need;*
- the need relates to a full-time worker, and does not relate to a part-time requirement;*
- the enterprise concerned has been established for at least three 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;*
- the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and*
- other normal planning requirements, for example siting and access, are satisfied.*

- Description of enterprise and assessment of whether enterprise is a qualifying rural enterprise

The submission puts forward a new dwelling in the open countryside to support an existing agricultural enterprise. The supporting agricultural appraisal indicates that business was established in 2014 and is based at the site at Argae Fields. The land holding at Argae Fields consists of approximately 4.13 ha (10.2 acres) of grassland.

Argae Fields was purchased by the applicants in 2014 and a further 16.9 acres was purchased in 2021. A general purpose agricultural building which acts as a lambing shed and security lock up exists on the site and it is proposed to construct a second building (confirmed as permitted development under reference 23/0223/AGR) measuring approximately 18 metres by 12 metres. The main part of the enterprise is a sheep flock with approximately 250 breeding ewes, 8 suckler cows and 14 calves.

A summary of the land holdings farmed by the applicants' business is given below:

Argae Fields	4.13 ha (10.2 acres)	Freehold	
Pen y Borfa	7.0 ha (17.3 acres)	Freehold	
Tymawr	15.61 ha (38.67 acres)	Licence	Contract/tenancy
Birch Farm	13.55 ha (33.49 acres)	Licence	Rolling contract/tenancy
New Mills land	0.81 ha (2.0 acres)	Licence	
Tyddyn, Dolanog	1.52 ha (3.75 acres)	Licence	
Ty brith	8.62 ha (21.30 acres)	Licence	Part of family farm

The total area farmed equates to 51.24 ha (126.61 acres) (11.13 ha/27.5 acres owned and 40.11ha/99.21 acres rented/on licence).

Agreements for some of the licensed land have been submitted as follows:

Tymawr – grazing and mowing licence between 1 April 2023 until 28 February 2024
 Ty Brith - Letter from applicant's father stating that there is a long-term agreement in place
 Birch House - Agreement for a Farm Business Tenancy between 1 March 2019 and 31 December 2019 (rolling contract/tenancy)

A map of the locations of the parcels of land has also been submitted. This information is in addition to that previously submitted and shows the locations of the different parcels of land and their proximity to each other. The distance between the application site (Argae Fields) and Ty Brith is approximately 1.1 mile with the Birch House land being located between the owned land and the land at Cartref also in close proximity.

The appraisal states that the scale of the enterprise at Argae Fields necessitated the need to diversify into another aspect of farm services. This goes to assisting with the suckler herd at Ty Brith and Ty Mawr (consisting of 62 cows, 53 calves, 14 fat cattle and 3 bulls). Approximately 200 breeding ewes are also kept at Ty Brith with the holding extending to approximately 170 acres. The applicant works at Ty Brith every day.

As noted above, the enterprise has diversified into contracting, other than assisting with the suckler herd at Ty Brith. The contracting activities include hedging, fencing, drainage, livestock work and harvest work. Currently, most of the agricultural contracting work is carried out within a five miles radius of the site. The applicant's family also farms at Cartref, New Mills, the land holding extending to approximately 200 acres which can accommodate some 570 breeding ewes with a further 170 acres of rented land.

It is noted that the applicants are directors of a limited company, Wierzbinski Ltd which Companies House indicates the nature of the business as 'construction of domestic buildings'. The applicants' agent has advised that is the applicants' father's full-time building business of which the applicants are directors on a part-time basis. The agent contends that the financial position of this business is irrelevant to the income of the full-time rural enterprise, the subject of this application.

The proposed dwelling relates to a farming related rural enterprise, and Officers are therefore satisfied that it falls within the general scope of the rural enterprise dwelling policy area provided within section 4.3.2 of TAN6. As such, each of the above-mentioned requirements will be assessed in-turn below.

- Functional need

As stated above, the business is considered to be a qualifying rural enterprise, therefore, the next consideration is whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. This need should relate to unexpected situations which might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Functional need is primarily concerned with the management of risk within the operations of an enterprise such that, without the ready attention of a worker(s), any particular event or combination of events could lead to adverse animal welfare, crop or product quality, or health and safety consequences which might threaten the stability and economic well-being of an enterprise. In all cases, these would be circumstances which could not be properly managed within normal working hours.

Paragraphs 4.6 to 4.7 of the TAN 6 Practice Guidance provide examples of the circumstances which might give rise to an essential functional need for a readily available worker:

- where immediate, regular and often unpredictable care over much of the year is required to safeguard the specific welfare of livestock and offspring in breeding programmes, for example in lambing, calving and foaling conditions, or the more general welfare of animals housed in buildings either permanently or for protracted periods, for example in intensive livestock units, stud and livery stables, or commercial kennels. Rarely occurring (though predictable) events/circumstances or situations of short seasonal 'need' can usually be met through the exemptions offered by Part V of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended);
- where the productive processes or the quality of crops and products are dependent upon the maintenance and security of controlled environments using automated systems, such as in protected cropping horticulture and intensive livestock units. However, it is often possible to achieve adequate surveillance through remote means such as CCTV and temperature and other environmental sensors;

- where the delivery of specialist services is required outside normal hours and where timeliness of response is important;
- where the lack of 24-hour on-site supervision may prejudice the commercial viability of a business, for example at a large established livery yard.

The supporting information considers there is a functional need for a 24 hour presence on site and that satisfactory management of the enterprise is achieved for the following reasons:

- Lambing is undertaken at Argae Fields in which ewes are brought in and housed in the agricultural building. Lambing is split into two stages with the first stage in early March and the second stage two weeks later.
- Calving takes place throughout the year
- There is no electricity at Argae Fields and the cost of electricity connection would be justified if associated with a dwelling but is not viable just for the agricultural business.
- The applicants are also involved in assisting their respective farming families located at Ty Brith, New Mills (approximately 1.1 mile from Argae Fields) and Catref, New Mills which is considered part of the agricultural contracting side of the business which requires quick response to call outs.
- Site security given the rise in rural thefts.

Whilst it is generally accepted that livestock agricultural enterprises do require a level of supervision, this varies from farm to farm depending on the specifics of how the enterprise is operated. It is considered that the information assists in justifying the location of the dwelling at Argae Fields, given the proximity of some of the land and farms to the site. However, concern is still expressed over the level of rented land associated with the enterprise in comparison to owned land (in terms of future stability of the enterprise) and whether the contracting side of the business justifies a functional need for a dwelling on site. The submitted information states that approximately three to four hours every day are spent at Ty Brith covering some 45 weeks of the year. Time is also spent at Cartref. The appraisal estimates that some 60% of the contracting time is spent working at the parents holdings with 40% spent on other farms. Duties include calving, feeding, clearing out, cleaning out/bedding and looking after young stock. The contracting element of the enterprise appears to only provide out of hours and specialist response for calving.

Whilst the submitted information states that lambing for the applicant's own enterprise is undertaken at Argae Fields, this is not considered to demonstrate a functional need which covers the majority of the year. Short seasonal need for lambing can usually be met through the exemptions offered under permitted development rights. It is understood that a formal contract for the contract rearing of calves has been entered into which is stated will require daily management at Argae Fields. The additional commitment to specialist contract calf rearing is advised involves further out of hours responses and therefore more frequent journeys to and from the applicants' present home. Calving takes place throughout the year, but given the cow numbers (8) and the availability of technology for

calving which sends alerts to mobile phones etc, it is not considered that the calving justifies a functional need for a supervisory dwelling at the site.

The appraisal refers to a dwelling being required at Argae Fields in order to make it viable to install an electric supply, which would provide electricity to the agricultural buildings, which would in turn allow for the use of heat lamps etc during lambing, to better care for lambs. This is not considered to weigh in favour of providing a dwelling, given the discussion above in respect of lambing and calving.

In terms of site security, it is acknowledged that there is an increase in rural thefts/crime, however, TAN6 and the associated practice guidance advise that Close Circuit television is normally sufficient to ensure security. Whilst locked gates were noted during the site visit, CCTV was not noted.

Where there is not a clearly established existing functional need for a permanent dwelling and the financial basis is not proven, the TAN6 guidance advises that a temporary dwelling can be considered. The appraisal states that a temporary dwelling is not satisfactory in this instance because to accommodate the applicants and their family would require investment in the structure itself as well as infrastructure such as drainage and services which would be better spent on a permanent dwelling.

Time test

Paragraph 4.9.1 of TAN 6 states the following with regard to the 'Time Test':

"If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. 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".

Given that a functional need has not been established, it is not necessary to assess the time-test.

However, for information, the labour requirements of the enterprise has been calculated using the Agricultural Budgeting and Costing Book (ABC). Using this method, the labour requirements have been calculated as 1.39 worker; i.e. equivalent to one full-time worker. The calculations have included the labour requirements for the stock and land owned as part of the enterprise (totalling 1,523.34 hours per year), and including the contracting work provided by the applicants (totalling 1,260 hours per year) with a 10% allowance for the maintenance of buildings.

Financial test

TAN 6 requires that the enterprise concerned has been established for at least three

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. To assess economic sustainability it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. TAN 6 also advises that a financial test is necessary to assess the size of the dwelling which the enterprise can afford to build and maintain.

Financial accounts have been submitted for the years ending 2020, 2022 and 2023 have been submitted. The appraisal indicates that since 2018, the net profit of the enterprise has grown until the year end 2023 by almost a fivefold increase, indicating an expansion of the business. The capital account has also substantially increased. The TAN6 guidance refers to sufficient income generated to pay the equivalent of a Level C (Advanced Workers) salary of approximately £25,521.60 per annum according to the Agricultural Wages Order 2024 (based on a 40 hour working week and hourly rate of pay of £12.27). The accounts to year end 2023 show that the share of the profit has increased with capital increased. The business is not heavily dependent on subsidies and the contracting income accounts for just under 25% of the gross income of the enterprise, with most of the income derived from livestock trading. The appraisal puts forward that a new self-build dwelling would cost in the region of £60,000 to £85,000 and given that mortgage payments would be in the region of 5.5%, repayment would account for £3,300 to £4,675 per annum. The 2023 accounts show healthier profits than the previous years with drawings having been taken amounting approximately to the level of the agricultural workers salary noted above with a remaining net profit which would be able to repay the abovementioned annual mortgage payment and retain some profit. Whilst the net profits of the enterprise have increased, to a level at 2023 whereby the required workers salary and mortgage payments could be paid from the net profits, the 2020 and 2022 accounts indicate that the enterprise would not be able to sustain the salary and mortgage payments. Therefore, whilst the 2023 accounts are considered to demonstrate that the enterprise has the ability to provide a realistic return to unpaid labour and to fund/support the proposed dwelling, the earlier accounts do not provide such evidence.

Other dwelling test

Section 4.11 of TAN 6 states that evidence must be provided to demonstrate that there are no other dwellings within the locality, or buildings suitable for conversion, which are available to fulfil the needs of the enterprise.

The applicants currently live in a rented property in Tregynon, the village being approximately 1.9km distant from the application site. The application site does not contain any dwelling and there is no building other than the existing agricultural building which could be converted. The submitted appraisal states that other dwellings such as those associated with both family farms are fully occupied and incapable of division to suit the applicants' family's needs. The appraisal also states that there are no vacant or to let agricultural workers dwellings within close proximity of the application site. The

appraisal notes that a smallholding (with 25 acres) is for sale with a guide price of £875,000 but that this is unaffordable. It has been further stated that over the past four or five years, no suitable dwelling with such an occupancy restriction suitable for the applicants has come to market within the vicinity or within easy travelling distance of the enterprise.

A search of the Rightmove website for properties for sale within a 3 miles radius of the site indicates five, three to four bedroom properties currently for sale within the villages of Tregynon, New Mills and Adfa, with guide prices ranging from £200,000 to £290,000. In addition, it is noted that there are building plots for sale in Tregynon and Adfa ranging in price from £50,000 to £140,000. There are currently no properties for rent on the website. The agent advises that the applicants have considered the 'other dwelling test'. However, none are available at reasonable cost within sight and sound of the nucleus of the enterprise. They currently live on a housing estate some miles away (approximately 1.2 miles away) which does not satisfy the functional need to be on site. The applicants need to be readily available to deal with unexpected situations which arise. There is a need for such a worker to be on hand outside normal working hours and for emergencies that would threaten the viability and existence of the enterprise.

The submission has not adequately justified why existing housing in the locality is unsuitable or unavailable to meet the functional need of the enterprise, especially given the remoteness and separation between the parcel of land in question; for example, through the remoteness of the enterprise base, the high cost of open market housing, or the general lack of availability of appropriate house types.

Scale

Section 4.10 of TAN 6 confirms that the size and scale of the proposed dwelling should be related to the ability of the enterprise to fund and maintain the dwelling. The size of the dwelling should reflect the needs of the enterprise but with the extension of potential occupancy in the future to those eligible for affordable housing (by condition) and regard should be paid to this consideration. The Authority's adopted Affordable Housing SPG restricts the floor space of proposed affordable homes to a maximum of 115 sq. metres in order to ensure they are affordable in nature and remain so in perpetuity. In addition, the restriction on the plot size to 1000 square metres (in rural settlements) is encouraged to assist in limiting the value of the eventual dwelling, and for the same reason, the scale of outbuildings is limited to 15 sq. metres.

It is noted that the indicative scale parameters minimum values even exceed that of the affordable scale for a dwelling and garage. Given the financial information submitted with the application, it would be recommended that a maximum floorspace of 115 square metres advised within the Affordable Housing SPG would be restricted by condition and the size of the garage restricted to that set out within the SPG. The Affordable Housing SPG advises that the plot size should not exceed 1000 square metres and it is noted that the site in question is approximately 0.1 ha. It would also be recommended that permitted development rights be removed to ensure that the property would not be extended or

altered in a way that unacceptably increases the value beyond an affordable level.

Visual and landscape impact

The development would result in a detached dwellinghouse and garage with surrounding amenity land with an access track of approximately 190m length. There are scattered properties and farmsteads in the locality. Access, appearance, landscaping, layout, and scale reserved for future consideration under a reserved matters application.

The site is seen by users of the B4389 highway to the west. In addition, public right of way 246/20/2 travels approximately 25m to the north of the application site. The River Rhiw also runs to the north of the site at a distance of approximately 47 metres. Dolgar Brook flows along the south-eastern edge of the field. The boundaries of the field are hedged with interspersed trees. The land levels of the field rise towards the north and the site beyond the existing agricultural building. The proposed agricultural building would be sited to the east of the existing building and the road providing access to the proposed dwelling is proposed to the east of the proposed agricultural building.

The site is located within the Tregynon Rolling Hills Visual and Sensory Aspect Area of LANDMAP and is evaluated as high. The other aspect areas are evaluated as follows:

Geological landscape – high
Landscape habitats – moderate
Historic Landscape – high

The Visual and Sensory aspect area is summarised as follows:

‘An extensive area of rolling hillsides and pasture land with gently sloping sides and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited / insignificant to far distant ridgelines of upland areas. Sense of place is settled, safe and relatively intimate. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common ie hedge laying and few intensive farming practices employed’.

The application is characteristic of the aspect area landscape in visual and sensory terms. Given that the application has been submitted in outline with all matters reserved, the submission does not include elevational drawings of the proposed dwelling. Indicative scales and a layout have been submitted which are considered appropriate and demonstrate that the site can accommodate a dwelling with the dwelling closely related to the existing field boundary and building and providing adequate amenity space etc. Given the nature of the proposed development and subject to the future design and scale being appropriate and the potential for additional landscaping to be secured, it is concluded that the proposed development would not have an unacceptable adverse impact upon the valued characteristics and qualities of the landscape throughout Powys

or the identified public right of way as a recreational asset in accordance with LDP Policies SP7, DM4 and DM13. A condition would be recommended for the implementation of the landscaping scheme to be approved at the reserved matter stage.

Residential amenity

There are no other dwellings within 120m of the application site and given this distance it is concluded that the proposed dwelling would not unacceptably adversely affect the amenities enjoyed by the occupants of neighbouring dwellings in accordance with LDP Policy DM13. Environmental Protection have recommended that a land use tie between the existing and proposed uses is considered to avoid any future nuisance potential (e.g. associated with noise, odour etc.). In order to avoid severance of the dwelling from the farming enterprise/buildings and land and to avoid the future nuisance potential, if approval was recommended, Officers would advise the use of a section 106 agreement to control severance.

Foul drainage

It is proposed to dispose of foul drainage via a new package treatment plant with outfall to a drainage field. The Environmental Protection department and Natural Resources Wales have not objected to the proposed method of foul drainage.

Surface water flood risk

The Land Drainage Section have advised that the Authority holds no historical flooding information relating to this site. However, from the surface water flood mapping, there is a risk of surface water flooding to the access track. This flood risk information can be seen on NRW's Flood Map for Planning webpage, in particular, flooding from Surface Water & Small Watercourses, where it shows an area within Flood Zones 2 and 3. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere. A Flood Consequences Assessment (FCA) has been submitted and reviewed by the Land Drainage section. Land Drainage have not raised any objections but have advised that no buildings, structures, fences, planting or changing of contours shall take place within the flood extent identified on NRW's Flood Map and referenced within the FCA without prior permission of the planning authority. On this basis, a condition could be attached if consent was recommended.

A Flood Warning & Evacuation Plan (FWEP) has been included as mitigation within the Flood Consequences Assessment (FCA). The Civil Contingencies Department have provided comments, which raise no concerns with emergency access from the site in the event of flooding.

Surface water drainage

The proposed development would require SAB approval and if approval was recommended an information could be attached to alert the developer to this requirement.

Highways

The indicative plan shows that access would be gained off the B4389 highway via an existing access. The Highway Authority have advised that the existing access is severely substandard in terms of access visibility in both directions, and contrary to Condition 11 attached to planning permission P/2014/1067. Given the land either side of the access is within the ownership of the applicants, improvements to the visibility to comply with highways standards could be achieved.

Access is a reserved matter and if approval was recommended, improvements to the access could be achieved at the reserved matters stage.

Natural environment

- Green infrastructure

A Green Infrastructure Statement has been submitted. The site is located on grazed land and therefore would result in the loss of grass, but the proposed development would not result in the loss of any hedgerows and trees. Native species hedgerow planting to surround the plot and native species tree planting between the site and the existing and proposed agricultural buildings is proposed as compensation and enhancement.

- Protected sites and species

The application is supported by a preliminary ecological appraisal. There are records of protected species within 1km of the site and there are parcels of ancient woodland within 1km of the site. There is a hedgerow alongside the road and the boundaries of the field and tree covering in the locality and between the site and the River Rhiw to the north.

Given that existing trees and hedgerows would be unaffected by the proposal, it is considered that it is unlikely that an unacceptable ecological impact would arise from the proposed development. It is recommended that external lighting should be wildlife friendly and as such if approval was recommended, a condition would be recommended to deal with external lighting.

- Biodiversity enhancement

As noted above, the plans indicate native species tree and hedgerow planting which are considered to provide adequate biodiversity enhancement.

Loss of agricultural land

The land is identified as Grade 3b agricultural land by the Agricultural Land Classification

system which is not the best and most versatile land. As such the proposed development does not conflict with planning policy in this respect.

Supporting digital communication

If approval was recommended, a condition should be included to require the development to make provision for Gigabit capable broadband infrastructure as required by Policy 13 of Future Wales.

Welsh language stronghold

The application site is located within the Community Council area of Dwyriw, which is identified as a Welsh Speaking Stronghold by Policy DM12 of the Powys LDP. However, given that the application relates to the development of a single rural enterprise dwelling, it is not considered a Language Action Plan is required in-line with the policy criteria, and the proposal is consequently considered to be acceptable in this regard. It is noted that one of the applicants is a Welsh speaker.

Built Heritage

- Setting of listed building

Grade II listed building, Dolgar (Cadw ID: 18193) is located approximately 180 metres from the application site. Having considered the distance between the listed building and the application site and the intervening built development and screening in the form of trees and hedgerows, the proposed development would not be visible from the listed building. Therefore, it is considered that the proposed development would not have an unacceptable adverse impact upon the setting of the identified listed building and would preserve the setting of the listed building in accordance with the requirement set out within section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

The submission demonstrates a commitment from the applicants to grow the business by investment in additional land, an additional building and an increase in stock numbers in comparison to the information provided by the previously refused applications. Furthermore, the 2023 accounts show that the enterprise has the ability to provide a realistic return to unpaid labour and to fund/support the proposed dwelling, the earlier accounts did not. Concern is expressed that the future stability of the enterprise may be threatened by the level of rented land, however, on balance it is considered that the financial test has been met. However, it is not considered that the contracting element of the business provides a justified functional need on site. In addition, the seasonal lambing and cow numbers at Argae Fields are not considered to justify a supervising dwelling onsite. In addition, the cost of electricity provision to the site and security are not considered to fulfil the requirements of the functional test set out in TAN6. It is possible that the contracting element of the business may involve some specialist and out of hours

responses, but this appears to only be in relation to calving at the other farms and whilst the site is closer to the family farms, the existence of other dwellings for sale within the locality has not been fully addressed.

Therefore, it is concluded that the submission fails to demonstrate that there is justification for a supervisory dwelling at the site, contrary to local and national planning policy and guidance.

RECOMMENDATION

On the basis of the above discussion, the recommendation is one of refusal as set out below.

1. It is not considered that there is a functional need for a new permanent dwelling in the open countryside contrary to Policies SP6, H1 and H6 of adopted Powys Local Development Plan (2011-2026), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Planning Policy Wales (Edition 12, 2024).
2. It is considered that the functional need could be fulfilled by other existing accommodation in the locality which is suitable and available for occupation. As such, the proposed development does not meet the 'other dwelling test'. The proposed development is therefore contrary to the requirements of Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010), Planning Policy Wales (Edition 12) and Policies SP6 and H1 of Powys Local Development Plan (2011-2026).