

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 23 MARCH 2016**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION - CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL AND SITING OF PARK HOME AT BRYN HEDYDD FARM, LLYN HELYG, LLOC**

APPLICATION NUMBER: **054686**

APPLICANT: **MR. DILWYN JONES**

SITE: **BRYN HEDYDD FARM, LLYN HELYG, LLOC, HOLYWELL**

APPLICATION VALID DATE: **4TH DECEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR C.J. DOLPHIN**

TOWN/COMMUNITY COUNCIL: **WHITFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for the siting of a park home to be used as residential accommodation for both the livery and agricultural enterprises at Bryn Hedydd Farm, Llyn Helyg, Lloc. The main issues to be considered within the determination of this application are the principle of the development in planning policy terms and the effects upon the landscape.
- 1.02 It is argued that the existing farmhouse on site can be used to house a family member running the businesses and that there is therefore no requirement for the static caravan to be sited on the farm. Therefore

the principle of the development is not acceptable in planning policy terms. This unjustified development within the open countryside would urbanise the area to its visual detriment.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 If allowed, the proposed development would be located in the open countryside in an area where there is a general presumption against non-justified development of this nature. As such the proposal would be contrary to Policies STR1, GEN3 and HSG4 of the Adopted Flintshire Unitary Development Plan. The result of this would adversely affect the appearance and character of this area and thereby contrary to Policies GEN1 and L1 of the Adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C.J. Dolphin

Requests site visit and committee determination. Considers proposal acceptable and conforms to Planning Policy HSG4 and TAN6. The long standing successful livery business has a need for a functional full time worker. Planning conditions to an approved application can be applied and enforced.

Whitford Community Council

No response received to date.

Head of Highways Development Control

Recommends that any permission to include a suggested condition.

Head of Public Protection

No adverse comments to make regarding the proposal.

Welsh Water/Dwr Cymru

As the applicant intends utilising a septic tank facility, advise the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

No responses received to date.

5.00 SITE HISTORY

5.01 **033564**

Change of use of barn to a livery stable and provision of a menage – Granted 21st August 2002.

030059

Continuation of use of land as a motor cross track – Granted 18th September 2001.

86/0034

Additional use of farmyard – Granted 17th March 1986.

75/0662

Outline – Erection of a farmworkers cottage – Refused 24th February 1976.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR7 – Natural Environment.

GEN1 – General Requirements for Development.

GEN3 – Development in Open Countryside.

D1 – Design Quality Location & Layout.

D2 – Design.

L1 – Landscape Character.

AC13 – Access & Traffic Impact.

HSG4 – New Dwellings Outside Settlement Boundaries.

EWP12 – Pollution.

EWP13 – Nuisance.

National Planning Policy

Planning Policy Wales (PPW) (Edition 8, January 2016)

Technical Advice Note 6: Planning for Sustainable Communities (July 2010).

The site is located within open countryside as defined by the adopted Flintshire Unitary Development Plan. Due to the nature of the development and its location, both national and local planning policies require new dwellings on rural enterprises to be justified. As the existing farmhouse can be utilised to house a worker for the farming and equine enterprises it is argued that the caravan cannot be justified and this is contrary to both national and local planning policies referred to above.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of 0765 ha of part of a piece of pasture land forming Bryn Hedydd Farm, Llyn Helyg, Lloc. It adjoins an existing single storey agricultural building and an open horse menage area.

- 7.02 The land adjoins other pasture land, buildings, yard areas and temporary structures in connection with these enterprises at Bryn Hedydd. These being a farm, a commercial livery business and a road haulage operation specialising in quarry haulage and muck shifting. The existing farmhouse is located within this existing complex.
- 7.03 The proposal involves the siting of a park home to provide additional residential accommodation, so that the businesses operated from Bryn Hedydd can be reassigned within the immediate family. The proposed accommodation is deemed necessary as it is considered unpractical and unreasonable to expect the family members to all share the existing dwelling. It is considered that the presence of a large number of horses, together with those agricultural animals on the holding require a competent person to be in attendance daily and on the spot when possible at all times. The farm is located outside of any recognised settlement and a considerable distance from any suitable and affordable housing. Bryn Hedydd is not tied by an agricultural occupancy restriction of any kind.
- 7.04 Issues
The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms and the effects upon the character and appearance of the landscape.
- 7.05 Principle of Development
The site lies within open countryside as defined by the Adopted Flintshire Unitary Development Plan. Due to its location and nature, the proposal needs to comply with Policy HSG4 of the Flintshire Unitary Development Plan and the Policies within PPW and TAN6. These policies state that applicants will have to pass a strict functional and financial test to establish that the enterprise is genuine and that a person on the enterprise is required to live at or very close to the place of work.
- 7.06 The applicant's agent has submitted financial reports that there is sufficient justification that the equine business and smallholding requires a worker to live on site to be close to their work. A planning appraisal has been submitted to justify that these enterprises together with the haulage business requires a worker to live on site.
- 7.07 Financial reports have been submitted for both the livery and farming enterprises on site for 2014 – 2018 which indicate that both businesses are/will be profitable.
- 7.08 The applicant's daughter runs the equine enterprise with her three daughters all involved in the industry. The applicant's son operates the haulage business which has been based at Bryn Hedydd Farm for

thirty years. It is the intention of the applicant that in splitting the business, the ownership of the land holding will become a joint ownership held by their two children. This will enable their son to contribute to the farm operation whenever he is required. Additionally, his two eldest boys work on the farm, one being an agricultural apprentice. The applicant wishes to leave the farm and for the larger family to occupy the existing farmhouse. The applicant's son and his sons will contribute to the agricultural element of the business and assist where required elsewhere on the holding.

- 7.09 The applicant's agent argues that whilst the son's prime activity will be operating the haulage business, neither the equine or agricultural sides could function without his input. Additionally, his eldest sons already work on the farm and continue to do so. The haulage business has been part of this rural enterprise for 30 years and employs local people on a full time basis and is expanding. The investment in this enterprise is considerable and requires security. This can only be reasonably achieved by someone living on the spot.
- 7.10 The location of the proposed dwelling would allow the close monitoring of the equine element, particularly of those animals that require 24 hour care due to injury or sickness.
- 7.11 The planning appraisal submitted by the applicant's agent argues that the haulage business has been part of the rural enterprise for 30 years and requires security with this only be reasonably being achieved by someone living at the site. However, this is not a qualifying rural enterprise. In paragraph 4.3.2 of TAN6, it is clear that 'for the purpose of this technical advice note, qualifying rural enterprises comprise land related businesses, including agriculture, forestry and other activities that obtain their primary inputs from the site, such as processing of agricultural, forestry and mineral products together with land management activities and support service (including agricultural, contacting) tourism and leisure enterprises'. The elements of this application which fall within the remit of TAN6 are the equine business and smallholding whereby both are activities that rely on the land. The haulage business cannot be used to support the functional case for an enterprise workers dwelling.
- 7.12 The appraisal also argues that 'neither the equine or agricultural sites could function without his input'. This being the son. Therefore, this being the case and with him and his two sons (who work on the farming enterprise) occupying the existing farmhouse, it will enable the close monitoring of the equine and agricultural businesses, particularly those that require 24 hour care due to injury or care. Therefore there would be no functional need for the caravan to house the daughter and her family for her to run the equine and agricultural businesses.

- 7.13 Alternatively, the applicant's daughter and her family could occupy the farmhouse.
- 7.14 Given the above, it is considered that in principle in planning policy terms the proposal is contrary to Policies STR1, GEN3 & HSG4 of the Adopted Flintshire Unitary Development Plan and those contained in PPW and TAN6.
- 7.15 Character & Appearance of Landscape
If allowed, the proposal would further urbanise this area of open countryside to its visual detriment.

8.00 CONCLUSION

- 8.01 The proposal cannot be justified as the existing farmhouse on site can be utilised to house a worker for the running of the livery and agricultural enterprises. If allowed, the development would urbanise this part of open countryside to its visual detriment.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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