

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **16<sup>TH</sup> NOVEMBER 2016**

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

**SUBJECT:** **APPEAL BY MR. D. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL AND SITING OF PARK HOME AT BRYN HEDYDD FARM, LLYN HELYG, LLOC – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 054686

**2.00 APPLICANT**

2.01 MR. D. JONES

**3.00 SITE**

3.01 BRYN HEDYDD FARM,  
LLYN HELYG, LLOC

**4.00 APPLICATION VALID DATE**

4.01 4<sup>TH</sup> DECEMBER 2015.

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation into the refusal to grant planning permission for change of use from agricultural to residential and siting of a park home at Bryn Hedydd Farm, Llyn Helyg, Lloc, Holywell. The appeal was dealt with by way of an informal hearing and was **DISMISSED**.

**6.00 REPORT**

6.01 Background  
Members may recall that this application was refused by Members of

the Planning & Development Control Committee on 23<sup>rd</sup> March 2016 as there was insufficient justification of the development and its resultant detrimental impact upon the character and appearance of the countryside.

6.02 Issue

The Inspector considered the main use to be whether or not there was adequate justification for a new rural enterprise dwelling in this location.

6.03 Need/Justification

The information submitted with the application to the Council in order to justify the proposed dwelling consisted of a supporting statement, trading account information and financial projections relating to the livery and agricultural businesses at Bryn Hedydd. Information was subsequently provided which identified the involvement of various family members in different activities at Bryn Hedydd. However, having regard to the clear expectations and requirements set out in considerable detail in TAN6 and the supporting Practice Guidance, it was plain that insufficient information was present to demonstrate that all of the key tests identified were satisfied. In particular, there was no analysis of hours involved in operating the equestrian business and the agricultural business, and hence no robust assessment of the labour requirements of these two activities.

6.04 As regards the functional requirement for workers to have a round the clock presence at the site or close by in order to meet the operational needs of the rural enterprise activities concerned, the information on this was also limited. The Inspector recognised that the livery businesses will in all probability require the round the clock presence of a worker in order to operate the enterprise properly, attending to the care of the horses and being on hand to ensure their welfare, deal with any emergencies and provide security. The Council indicated its acceptance of this at the hearing. However, the existing farmhouse currently provides this facility and thus enables this requirement to be met. Although the stated intention is for Arwel Jones and his family to occupy the farmhouse going forward, on the evidence before the Inspector his involvement at present is predominantly with the haulage business, which is not one of the qualifying rural enterprise activities in respect of which the case for an additional dwelling at Bryn Hedydd is based.

6.05 The information concerning the scale, management and functional needs of the agricultural activities at Bryn Hedydd is minimal. At the hearing the Inspector was informed that the principal livestock enterprise is a flock of 100 breeding ewes (although the submitted forecast trading figures are based on 60 sheep). However, there was no analysis of the labour requirements of this or any other agricultural activity at Bryn Hedydd, on which an assessment of the functional requirements of the agricultural enterprise can be based. Whilst it

emerged at the hearing that Arwel Jones' eldest son commenced rearing beef cattle at Bryn Hedydd in Spring 2016, again there was no analysis of this to form part of any assessment of the overall requirement for essential workers' dwellings at Bryn Hedydd.

- 6.06 It is said for the appellant (Mr. Jones senior) that in reassigning the responsibilities on this rural enterprise the farming responsibilities, which have historically been undertaken by him (no doubt assisted by other family members), will pass to his son Arwel Jones and the two eldest grandsons. However, no details of the new management arrangements or the mechanism by which the proposed arrangement is to be secured were submitted.
- 6.07 Nor, assuming that the holding at Bryn Hedydd will pass jointly to Arwel Jones and Gwenfair Reid as stated was there an assessment of the combined qualifying rural enterprise activities at Bryn Hedydd which demonstrates that the functional needs of the Bryn Hedydd enterprises are such that a second essential worker's dwelling on the holding is justified, in the terms referred to in paragraphs 4.10 – 4.11 of the Practice Guidance.
- 6.08 The Inspector recognised that the level of agricultural activity at Bryn Hedydd will have fluctuated through time, depending on the involvement of different members of the family at any given time and the level of focus on other activities at the site. The Inspector accepted that with the passing of the management of Bryn Hedydd from one generation to the next and the increased involvement of younger members of the family, the level of agricultural activity may increase. However, it is important that where new residential accommodation is permitted as an exception to the normal restriction on such development in the open countryside, this is done on the basis of clear and robust evidence of current need which is likely to be sustained, demonstrating that all of the tests referred to in TAN6 and the Practice Guidance are met. Such evidence had not been provided in this case. Whilst it was also potentially arguable that a second workers dwelling is necessary at Bryn Hedydd at this stage in order to enable the agricultural enterprise to develop as intended alongside the on-going operation of the livery business, the Inspector did not have detailed evidence which supports such an argument.
- 6.09 The Inspector concluded that it had not been adequately demonstrated that an additional worker's dwelling at Bryn Hedydd was justified.
- 6.10 Effect on Character & Appearance of the Area  
The site of the proposed dwelling would be located adjacent to the existing grouping of buildings. Whilst the park home would be distantly visible in long range views over the countryside from the south, it would have a comparatively low profile due to its single storey height and would be seen in the context of the existing buildings. The

site is not located in an area subject to any landscape designation conferring higher than normal landscape protection. Undue visibility could in any event be mitigated by landscape planting and/or control of external finishes, which could be regulated by conditions.

- 6.11 At the hearing the Council agreed that, if it had been satisfied as to the justification for a new rural enterprise dwelling at Bryn Hedydd, it would have seen no over-riding objection to the development as regards its visual impact and effect on the character and appearance of the countryside. The Inspector agreed with that position. However, whilst the Inspector found no over-riding objection to the proposal in terms of the matters specifically raised by UDP policies GEN1 and L1, this did not outweigh the Inspector's conclusion that there is insufficient evidence to demonstrate that the proposed dwelling is justified as an exception to the general restriction on new dwellings in the open countryside. In the light of this the Inspector found that the development would unjustifiably erode the character and appearance of the open countryside.

## **7.00 CONCLUSION**

- 7.01 The Inspector concluded that there was insufficient justification demonstrated for a new rural enterprise dwelling in this location. Material considerations did not exist to indicate a decision other than in accordance with the development plan. Thus the appeal was **DISMISSED**.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Alan Wells  
**Telephone:** (01352) 703255  
**Email:** alan.wells@flintshire.gov.uk