

DC/2016/01219

**SITING OF A TEMPORARY DWELLING FOR A RURAL ENTERPRISE WORKING TO ESTABLISHES A CALF REARING BUSINESS.**

**OAK TREE FARM, QUARRY ROAD, DEVAUDEN**

**OFFICER RECOMMENDATION: APPROVE**

**COMMITTEE RECOMMENDATION: REFUSE**

Case Officer: Kate Young

Date Registered: 08/11/16:

**1.0 APPLICATION DETAILS**

1.1 This application was presented to members of Planning Committee at their meeting on the 3<sup>rd</sup> October 2017 with a recommendation for approval, that recommendation was not accepted and the application is now re-presented with reasons for refusal.

**2.0 Reasons for Refusal**

1. The siting of a temporary caravan for a rural enterprise worker, in this location is contrary to test c) in paragraph 4.6 of Planning Policy Wales Technical Advice Note 6 Planning for Sustainable Rural Communities (2010) as insufficient evidence that the proposed enterprise has been planned on a sound financial basis has been submitted. The submitted Business Plan is insufficiently robust and does not realistically reflect the likely costings and returns from the enterprise.
2. The proposal is contrary to test d) in paragraph 4.6 of TAN 6 as insufficient evidence has been produced to demonstrate a functional need that the enterprise worker needs to live on the site for the business to operate successfully. The temporary dwelling therefore represents inappropriate development in the countryside.

**PREVIOUS REPORT**

**1.0 APPLICATION DETAILS**

- 1.1 The applicant wishes to develop a calf-rearing business. In order to do this she has brought a field which has planning permission for an agricultural building on it, and sited a mobile home, septic tank and provided a vehicular access into the site.
- 1.2 The applicant currently owns approximately 5.66 hectares (14 acres) of improved grassland. The applicant purchased the land in June 2016 and in addition to the freehold land she has agreed to rent a further 4 hectares (10 acres) under an open ended formal arrangement. The applicant has indicated that she could rent further land in the future if the business expands and becomes more successful. The enterprise will involve the rearing of bull calves from a week old to their slaughter at about 14 months. The calves will be reared in batches of approximately 25. The animals will initially be reared on milk and then weaned at approximately 16 weeks and will then be summer grazed. The calves will be purchased from local dairy farms. At about 14 months the animals will be slaughtered, butchered and jointed locally to produce finished meat products which will be retailed directly by the applicant at farmers markets and online. The applicant also intends to develop a mobile burger van.

- 1.3 It is believed that the applicant has already bought her first batch of calves and erected some hutches on the site but there was little evidence of this at a recent site visit. Ground works have been undertaken in preparation of erecting the approved agricultural building.
- 1.4 The applicant has assigned an independent advisor, APA consultants Ltd. to undertake an agricultural appraisal of the case which has been assessed by an external rural consultant on behalf of the Local Planning Authority.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2014/00858 - Construction of an agricultural building - Approved

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S1 Spatial Distribution of New Housing  
S10 Rural Enterprise  
S13 Landscape, Green Infrastructure and Natural Environment  
S17 Place Making and Design.  
S16 Transport

### Development Management Policies

EP1 Amenity and Environmental Protection  
DES1 General Design Considerations  
RE3 Agricultural Diversification  
LC1 New built Development in the Open Countryside  
LC5 Protection and Enhancement of Landscape Character  
NE1 Nature Conservation and Development  
MV1 Proposed Development and Highway Considerations.

### Other Considerations

Planning Policy Wales Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities (2010)

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies

#### Devauden Community Council – Refuse

Oak Tree is a very small farm and disputes the fact that the application is a viable agricultural proposition.

#### MCC Biodiversity and Ecology

Based on the information submitted with the application we have no objections prior to a planning decision. In consideration of the likely presence of ecologically sensitive habitats or species it is reasonable to expect no impacts upon biodiversity resulting from the proposals.

While we would typically seek some form of ecological enhancement in line with LDP policy, given the mobile home is already placed in the field and in light of the temporary nature of the application no such requests are considered appropriate in these circumstances.

Aside of the application I note that the land is located between two units of the Cobblers Plain Meadow SSSI. I would encourage the applicant to consider the diversity of grassland within the application area in their farming practice. The Gwent Wildlife Trust and Monmouthshire Meadows may be a source of information in this regard.

### MCC Landscape

This site is located along the Devauden escarpment, a unique landform feature stretching across the southern part of the county. This area has a high scenic quality and unspoilt character and is regarded as having high and outstanding landscape and amenity value: this designation should be material in the decision making process.

We would consider the introduction of a mobile home as incongruous development within an important and valued landscape, and contrary to Policy LC5. The scheme does not respect the character of the surrounding landscape and has not demonstrated though a landscape assessment how landscape character has influenced the design, scale, nature and site selection. By way of comparison, the introduction of a rural dwelling (in this location) would need to take into account the character of the area and include locally distinctive design solutions to meet requirements set out in Policies LC1, LC4 & LC5 - Material choice and landscape mitigation would be an obvious consideration.

However, given the temporary nature of the proposal and if an adequate landscape planting scheme is proposed, its overall impact on landscape and visual amenity will only be slight adverse and its effect on the Wye Valley AONB moderate/slight adverse.

We consider the introduction of a mobile home as an incongruous development within an important and valued landscape. However, given the temporary nature of this proposal and if an adequate planting scheme is proposed, its overall impact on the landscape and visual amenity would be slight adverse and its effect on the AONB would be moderate/ slight adverse. If it is proposed to approve the proposal, conditions are recommended

### MCC Planning Policy

I refer to the above application for the siting of a temporary rural workers dwelling for a period of three years at Oak Tree Farm, Old Quarry Road, Devauden. It is noted that this relates to a 6 x 8.5m mobile home.

Strategic Policies S1 and S10 relating to the spatial distribution of new housing provision and rural enterprise respectively, are of relevance.

The proposal is located within the open countryside where residential development would not be appropriate unless justified for the purposes of agricultural/forestry, rural enterprise dwellings or one planet development in accordance with TAN6.

While the proposal is for a mobile home, it is assumed that the development is intended as a precursor for establishing a permanent dwelling should the need be established, in which case similar considerations apply regarding the principle of residential development in this location. In this respect, Policy LC1 states there is a presumption against new built development in the open countryside unless justified under national

planning policy and/or LDP policies S10,RE3, RE4, RE5, RE6, T2 and T3 for the purposes of those listed above. Policy LC1 also provides a number of criteria that must be met in the exceptional circumstances listed, these should be carefully considered in the context of this application.

National Planning Policy Guidance must be referred to in relation to rural enterprise dwellings to determine whether the proposal satisfies the criteria. Firstly it would have to be considered whether the proposal falls into one of the categories listed in Section 4.3 of TAN6 Planning for Sustainable Rural Communities. As a point of clarity it is noted the Assessment of Essential Need for a Dwelling for a Rural Worker refers to English Planning Policy Guidance rather than the Welsh Government Guidance set out in TAN6. It is noted an Agricultural Appraisal has been undertaken on behalf of the Council and suggests some of the required tests are not satisfied and that further evidence is required. This is necessary in order to determine whether the proposal fully satisfies criteria set out in TAN6.

Whilst it is referred to in the Covering Letter, Policy RE4 is not applicable in this instance as the proposal relates to a form of residential development which is not intended to be included in the context of this policy.

Policy LC5 relating to the protection and enhancement of landscape character must also be considered, along with, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively.

#### 4.2 Neighbour Notification

Letters of objection received from 3 addresses

- Caravan erected before planning permission was sought
- Set a precedent
- Applicant's previous ventures have failed
- 125 beef cattle on 14 acres is not sustainable
- Promise of additional land is unreliable
- Renting land is expensive
- Applicant could have invested in her land in Dorset
- Other more suitable sites are available
- Poor Access
- Temporary dwelling will be replaced by a permanent one
- Contrary to Development Plan Policy
- Visually harmful to surrounding countryside
- Damaging the adjacent SSSI's
- Septic tank, electricity, borehole and phone connection has already been installed
- Damaging to tourism
- Intrusive in the landscape
- Contrary to the advice in TAN 6
- New enterprise is being created to justify a new dwelling
- There is nothing at this location that makes it especially suitable for this enterprise.
- The business could be established on any parcel of land
- Other more suitable sites are available locally
- No clear evidence that this is a sound financial venture
- Previous enterprises by the applicant have failed
- No evidence that a full time worker is needed to live on site
- The functional need could be met by other accommodation locally

- No case for a permanent dwelling has been made
- The site is visually prominent
- Enterprise is not of sufficient scale to justify a new residential property
- The caravan and hutches are an eyesore on the landscape
- Effects the setting of the adjacent Listed Building
- Contrary to LDP policy LC5
- Evidence for this location is not compelling
- Sloping site poor access means this is not an ideal site
- Lack of genuine business evidence
- The borehole may deplete water supply to adjoining land
- The cattle need to be inspected twice a day and does not need for someone to live with the cattle
- Anyone with a few acres of land could build a house
- Land is clay and too wet for cattle
- Cattle will have to be housed indoors and this is not good for their health
- TAN 6 discourages development in the open countryside
- The land is being desecrated
- Planning permission for the barn was improperly transferred
- A massive cliff has been built into steeply sloping land
- Soil and rocks have been dumped
- Diminishing the amount of land for the cattle to graze to 3 acres
- Access to the site is not suitable for transporting cattle and fodder
- Previous planning permission was granted for a householder extension due to poor access
- Damage to public roads and private driveways
- Applicant has no responsibility to maintain the drive way.
- Negative impact on adjoining tourist enterprise
- Land is not suitable for the proposed enterprise.

#### 4.3 Other Representations

##### Wye Valley Protection Group - Object

Woodland should be recreated in this area

The AONB should be extended into this area

Muck heaps too close to dwellings

Fox Rural – Planning and Land Management Consultants

##### ESSENTIAL NEED APPRAISAL -

Monmouthshire's Local Development Plan under New Housing in the Countryside refers to Planning Policy Wales, and Technical Advice Note 6, as reason as to not providing detailed policy with regard to proposals for new dwellings in the open countryside, and that they should be referred to accordingly.

Planning Policy Wales (Version 7). In 9.3.6 of Chapter 9 – Housing, it clearly states that special justification is required for a new isolated house in the open countryside and refer to the example of “where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation”. The policy states that local authorities should refer to Technical Advice Note 6 (TAN 6), when it comes to appraising the requirements for rural enterprise dwelling appraisals.

Technical Advice Note 6 There was confusion in the beginning as to whether this was an application relating to an established enterprise or a new enterprise I am happy to look at this application as a new dwelling on a new enterprise and assess the proposal in accordance with criteria to be satisfied as listed in 4.6 of TAN6.

Firm Intention and Ability. If the intention and ability to undertake/develop the enterprises as proposed, are not fully present then there cannot be considered essential need for a temporary dwelling. I am not in a position to question in detail the applicant's intention, however the applicant's personal ability to develop the enterprise into a viable business must be qualified to an extent by the anecdotal information that the council must be aware of, that that the previous business involving a similar enterprise failed financially. There are also questions to be answered with regard practicalities involving land availability and facilities and the ability to develop the enterprise. The first is the financial ability to meet the cost of the new building as per the extant permission. The frame and roof and concreted floor alone would cost in excess of £80,000 before walling and gates etc. I cannot see this having been taken into account in the budget for instance. The other issue is the availability of the 'rented' land. I understand that the land referred to is not occupied by the applicant and is in fact for sale. It is therefore not readily available which raises serious doubts as to the potential number of cattle that could feasibly be reared here. This would have consequences in assessing the functional need and of course the financial picture. Even if the land was occupied on an informal arrangement as we are told, then in a short space of time, the acreage of land on which the enterprise is dependent may be reduced dramatically and consequently the stock numbers would decrease with the same conclusion. The lack of other long term land in addition to the owned acreage is even more of an issue considering the owned land is understood to be steep and poorly drained and thereby further limiting the potential stocking rate. The ability of the owned land to withstand the proposed stocking does not appear to have been dealt with anywhere in the application or within subsequent correspondence.

Proposed location. The obvious point to make here is that a more sustainable location could have been sought i.e. an established fully equipped farm which could have been bought or rented with an appropriate acreage of long term available land.

Planned on a sound financial basis. The budget and accompanying information relates to a system that is a low input and that produces a light weight c330 kg bull at 12-14 months, which is shown to be returning an output of £800 per animal. There are no accompanying notes to justify or at least identify the source of the budget figures used. For the applicant to be able to sell the animals for this return i.e. c £2.40 per kilo live weight which is very high, they need to be slaughtered, processed, and sold as meat products direct to the public. We are informed that the products will be sold as such via farmers markets, on line and via a mobile burger van. Although it should be noted that there is no reference to the purchase of refrigeration equipment or indeed a mobile van. There is referral to a business plan which I have not seen, but if the budget is to be taken as material to the proposal having been planned on a sound financial basis, then it would need to be accompanied by sound market research and feasibility study to justify the output figure which is based on a niche product. The council need to be confident that the vast majority of the 125 animals reared will be processed and sold in this way otherwise the enterprise would potentially be considered unviable and have no future. There is no evidence such as contracts or letters from a customer base committing to purchases in the future. It might have helped for instance to have seen evidence from the past business in Dorset. I have seen no evidence to support the proposed output figures which is unusual.

In the absence of sufficient justification then one would have to consider the scenario of the bulls being sold through a marketing group or meat company where the value would likely to be nearer to £1.50 per kg live weight ie £500. This would equate to an output of £22K and a profit (based on the budget costs) of c£8K which would not support a full time worker.

There are no accompanying notes to justify the figures used. The quarterly cash flow spread sheet provided later by APA Consultants again raises a number issues. Unhelpfully again there are no accompanying notes as to the source of the figures. Importantly, as with the budget there, no allowance has been made for the cost of the proposed infrastructure e.g. the proposed building and electricity supply. This is common

practice, and essential to enable any weight to be attached to the budgeted profit and loss assessment.

Functional Need. The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night e.g. calving cows. The majority of the husbandry duties involving cattle would be routine such as handling, sorting, feeding, checking, and treating, which in any case would be carried out during the working day, with a check first and last thing. When a batch of fresh calves arrive then they should be closely monitored for complications such as scours or onset of symptoms of pneumonia for the first day or two. Once settled in although there will likely be health issues that arise, these would be able to be picked up at the end of the day, and if necessary a planned check or treatment during the night might be necessary on very rare occasion. The level of care required for this enterprise falls a long way short of requiring there to be somebody permanently based on site compared with say an all year round calving herd of milking cows. A touring caravan sited close to the buildings would suffice in case an overnight stay is required, however such a requirement is likely to be few and far between. The siting of the caravan would probably be able to be catered for under Part 5 (Class A) of Schedule 2 to the GPDO.

Other dwellings - A dwelling within an easy commute would in my opinion be adequate to cover any functional need requirement. No case has been made as far as I am aware, that no such dwellings are available.

Conclusion - In consideration of 4.6 of TAN6 there is no essential need for a rural enterprise dwelling.

#### 4.4 Letter of Support

I have known Judi James for several years as a client calf rearing in Dorset. Judi was carrying out the highly valuable task of taking the (generally unwanted) male calves out of the dairy farms and rearing them for rose veal (young beef). This requires exemplary husbandry and attention to detail and Judi was able to achieve very high standards of welfare rearing calves in spacious housing on straw with milk and concentrates.

Judi is an extremely good farmer and sets herself high standards; she has battled the difficulties of being a 'late entrant' to agriculture but has accrued a high level of knowledge, both of animal husbandry and business. She is exactly the kind of entrepreneur that, in my opinion, we should be encouraging. Whilst when in Dorset Judi was not able to live on site I know this was a constant frustration for her creating extra hardship in an already difficult job as well as the fact that she could not be overseeing her calves 24/7. For a farmer, someone living on site should be considered more than a luxury, if not essential; even more so when the animals involved are young.

Richard Anstis – Agricultural Consultant acting for MCC Planning

Supplementary Agricultural Appraisal Received 21/04/17

4.6.1a requires clear evidence of a firm intention and ability to develop the enterprise. Here the past record may have assisted, but no meaningful evidence is submitted, except by reference. Certainly though, the past experience of the applicant is potentially helpful in terms of answering the 'ability' test. The land is owned and is potentially sufficient for the enterprise, but no account can be made of the insecure land. Investment has been made, but it is not clear how the permitted building, or the first period of the business start-up will be financed. This test is not satisfied. This has now been sufficiently clarified and the test is satisfied.

4.6.1b requires clear evidence that the new enterprise needs to be established here at the proposed location. Further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed.

4.6.1c requires clear evidence of being planned on a sound financial basis. This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight. Some clarification has now been given and although there remain concerns whether the expected returns will materialise, I am now satisfied that the enterprise is at least planned on a sound financial basis and the actual profitability can be tested during the three year temporary consent period.

No meaningful evidence is provided to show how the business will survive this first period, especially constructing the building. This is now provided. There remain concerns, but the planning of the business model is sufficiently sound. If it is from private capital being introduced (£10,000 is shown as carried forward, but with no explanation, since this is presented as a new enterprise) then this should be stated. If it is carried forward from the earlier iteration of the enterprise in Dorset, then that enterprise needs to be presented with the evidence. The further evidence raises more questions than it answers and the test is not passed. Following the submission of additional information, the test is now passed.

4.6.1d requires a clearly established functional need that relates to a full time worker. Of course the labour required to fully employ a worker does not necessarily show a clearly established functional need for that worker to remain on site. In this case, the labour test is met, in that there will be sufficient work to fully employ a worker. The number of calves and maturing cattle planned is likely to require a permanent on-site presence.

4.6.1f requires that other normal planning requirements are satisfied. The mobile home is already in place and is appropriately positioned and sized.

Supplementary Agricultural Appraisal Received December 2016 (the conclusions are superseded by the more recent comments, above)

## 1.0 INTRODUCTION

1.1 Judi James has applied to Monmouthshire County Council for “the siting of a temporary rural worker’s dwelling” on land known as Oak Tree Farm, Devauden, Monmouthshire. The D&A Statement confirms that the application is a full application for a temporary dwelling in the form of a 6 x 8.5m (51sqm) mobile home, but the application is therefore for the temporary use of land for the siting of a mobile home. In fact, the applicant confirms that the mobile home is already on site and occupied by her, so the assessment is made as if this were a retrospective application.

1.2 Further evidence has been submitted since the first assessment in November 2016 and this Supplementary Assessment addresses that further evidence.

## 2.0 DETAILS OF THE HOLDING

### 2.1 Location

2.1.1 The site is in a rural location, approximately 1.5 miles south of Devauden.

### 2.2 Tenure

2.2.1 The holding extends to 14 acres of owned land, owned by the applicant, with a further 10 acres of land stated as potentially available on an insecure basis (and therefore largely ignored in this assessment).

### 2.3 Buildings

2.3.1 There are no existing buildings, but permission is granted for a 510sqm livestock building under 2014/00858. The applicant relies on the future placing of at least 6 calf hutches on the land, as temporary structures on skids and it has been assumed for this assessment that permission would be granted or not required for those hutches.

### 2.4 Dwellings

2.4.1 The applicant lives in the mobile home on site and has no other dwelling. There are no other dwellings on the site.

### 2.5 Land

2.5.1 The owned land is set to pasture. After allowing for the proposed building, the temporary dwelling, calf hutches and access tracks, the remaining available and secure pasture is a little over 13 acres

### 2.6 Enterprises

2.6.1 The applicant ran a veal enterprise in West Dorset for 7-8 years before switching (at that location) to a very similar enterprise as the proposed, albeit with more ad-hoc numbers, for 2-3 years prior to moving to the assessed site. Riverside Young Beef was created when that switch was made whilst still in Dorset, but the subsequent Young Beef enterprise was not profitable. The rented house occupied then by the applicant was 5 miles from the site, on land owned by her, but using buildings also rented and the applicant has stated that in part this and the lack of available land contributed to the lack of profitability and success of the latter enterprise. The reasons for moving to the existing site were as follows:

Because the house was taken back, the abattoir (used by Tesco) was moved, the access to the motorway network (to explore NHS and other contracts for young beef) from the existing site is good, the financial constraints of buying or renting land with a building and with a dwelling were prohibitive and the insecurities of renting again were a concern.

2.6.2 It is clear that the earlier enterprise was not at an advanced enough stage to be considered as a foundation for this proposed enterprise, which is now assessed as a 'new enterprise'. The central principle to the proposed enterprise is to use very low cost calves, being bull calves produced as a bi-product of the dairy industry (mainly non-Friesians because they now attract a premium), house them from birth (or from 1 week) in hutches, wean them at 16 weeks, then put them to pasture, then house them in the proposed building at 40 weeks until 56 weeks for slaughter. 5 batches of 25 per year are proposed and adequate details given on how these batches would be divided to best use the building and leave sufficient room for other storage requirements.

## 3.0 FUNCTIONAL & FINANCIAL TESTS

3.1 The enterprise qualifies for the purposes of 4.3.2 of TAN6.

3.2 An enterprise has existed for more than three years (begun around 2006), but in a different location and it is accepted that the proposal is not an established enterprise.

3.3 The principle tests for this application for a (temporary) new dwelling on a new enterprise are primarily set out 4.6 of TAN6. The tests under 4.4 of TAN 6 (for established enterprises) were examined under the earlier assessment and were not satisfied.

3.4 4.6.1a requires clear evidence of a firm intention and ability to develop the enterprise. Here the past record may have assisted, but no meaningful evidence is submitted, except by reference. Certainly though, the past experience of the applicant is potentially helpful in terms of answering the 'ability' test. The land is owned and is potentially sufficient for the enterprise, but no account can be made of the insecure land. Investment has been made, but it is not clear how the permitted building, or the first period of the business start-up will be financed. This test is not satisfied.

3.5 4.6.1b requires clear evidence that the new enterprise needs to be established here at the proposed location. Further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed.

3.6 4.6.1c requires clear evidence of being planned on a sound financial basis. This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight.

3.7 No meaningful evidence is provided to show how the business will survive this first period, especially constructing the building. If it is from private capital being introduced (£10,000 is shown as carried forward, but with no explanation, since this is presented as a new enterprise) then this should be stated. If it is carried forward from the earlier iteration of the enterprise in Dorset, then that enterprise needs to be presented with the evidence. The further evidence raises more questions than it answers and the test is not passed.

3.8 4.6.1d requires a clearly established functional need that relates to a full time worker. Of course the labour required to fully employ a worker does not necessarily show a clearly established functional need for that worker to remain on site. In this case, the labour test is met, in that there will be sufficient work to fully employ a worker. The number of calves and maturing cattle planned is likely to require a permanent on-site presence.

3.9 4.6.1f requires that other normal planning requirements are satisfied. The mobile home is already in place and is appropriately positioned and sized.

#### 4.0 CONCLUSION

4.1 Some of the required tests are not satisfied.

## 5.0 EVALUATION

### 5.1 Justification for a Rural Enterprise Dwelling in this location.

5.1.1 Policy S1 of the adopted Local Development Plan only allows for the erection of new residential dwellings in the open countryside in exceptional circumstances. One of these exceptional circumstances is where the dwelling is necessary for agriculture, forestry or other appropriate rural enterprises in accordance with TAN 6. Planning for Sustainable Rural Communities, Paragraph 4.3 of Tan 6 states that:

“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.”

5.1.2 This application seeks consent for the siting of a mobile home at the site to establish the new business. There has been some debate as to whether this application is seeking a

new dwelling on an established rural enterprise under paragraph 4.4 of the TAN or a new dwelling on a new enterprise under paragraph 4.6. Although the applicant has experience of running this type of enterprise in England, that earlier enterprise was not at an advanced enough stage to be considered as a foundation for this proposed enterprise, which is now being assessed as a 'new enterprise'.

5.1.3 TAN 6 says that rural enterprise dwellings include a new dwelling on a new rural enterprise where there is a functional need for a full time worker. In these circumstances it must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. Paragraph 4.6.1 then lists the criteria that should be satisfied. These are:

- a) clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions);
- b) clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available;
- c) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- d) there is a clearly established functional need and that need relates to a full-time worker, and does not relate to a part-time requirement;
- e) the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and if other normal planning requirements, for example siting and access, are satisfied.

5.1.4 With regard to criteria a) it is considered that the applicant has demonstrated a clear intention to establish the business and the application seeks to allow for the siting of a caravan to establish the enterprise. The applicant has acquired some calves and erected mobile hutches for the site. In addition she has invested a considerable sum in locating the caravan, connecting to services, installing a septic tank and borehole. The applicant has also brought the 14 acres of land. The agricultural building which was granted permission in 2014 is currently under construction. On balance, it is considered that there is an intention to develop the new rural enterprise.

5.1.5 Paragraph 6.8 of the Practice Guidance for TAN6 says that "the policy in respect of new rural enterprises requires the inherent suitability of the site for the new enterprise to be tested and that clear evidence will be required in respect of site selection and the reason why the enterprise could not be accommodated on an alternative suitable site where an existing dwelling is available." The applicant says that she is unable to afford to buy a farm with a dwelling attached and that it is too expensive for her to rent a property. She says that she has failed to obtain a council farm. She maintains that after a long search this was the only property she had found that was in close proximity to the motorway network. The agent acting on her behalf says that the applicant had made an extensive effort to secure a suitable premises but does not have the capital resources to buy land with a dwelling attached. Richard Anstis considers that "further evidence is presented on why this land and consent for a building was purchased here and that evidence is compelling and this test is passed." The important matter to consider here, according to TAN 6, is not whether the applicant can afford to buy an existing farm but whether the business model proposed can afford it. The applicant does own several other properties which she rents out, elsewhere in the country, and these could be sold to finance the buying of a farm with a dwelling attached. However the tests in TAN 6 requires that the business model proposed can afford to provide the dwelling. This calf rearing business is marginal in terms of profitability so that the enterprise itself could not sustain the

purchase of a farm with available accommodation, regardless of the applicant's own personal circumstances. This enterprise could only survive if it was established without the cost of having first to buy an established dwelling (even a property restricted in price by the imposition of an agricultural workers tie.) The applicant has provided evidence why the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available. This information has been assessed by the rural consultant Richard Anstis and it is considered that criterion b) of paragraph 4.6.1 of TAN 6 is met.

- 5.1.6 Although the applicant's intention to establish a business in this location is clear, what is not evident is the ability of the applicant to make a success of the business given past record. There are concerns as to whether there is "clear evidence" of that ability. Criterion c) of paragraph 4.6.1 of TAN 6 outlines that there needs to be clear evidence that the proposed enterprise has been planned on a sound financial basis. The agricultural consultant, Richard Anstis considered the details of the business plan and he concludes that: "This is a relatively rare model of enterprise and although the singular gross margin analysis shows a suitable profit and appears to be based on sound principles, the further evidence of cash flow forecasts submitted to address the test are confusing, not least in showing the five batches of calves being bought through the first year in four quarters, but with no lead in whatsoever (so in the opening quarter of September to November 2016, a quarter of the 125 calves are shown to be bought at one week old at £20/calf, but sales of the same number of animals are shown at the end of that first quarter at £800 per animal) which obviously cannot be correct and the applicant herself also understood this at interview, acknowledging that there would be no sales until the first animals were at sale weight. Some clarification has now been given and although there remain concerns whether the expected returns will materialise, I am now satisfied that the enterprise is at least planned on a sound financial basis and the actual profitability can be tested during the three year temporary consent period ".

It is recognised that the expected returns for the sale of the calves as outlined by the applicant, are optimistic. It is suggested that all of the calves would have to be processed and sold as meat products direct to the public (in the form of farmers' markets, on line and via a mobile burger bar). There is a question over how realistic this is and if this is the case investment would have to be made in the processing and refrigeration of the meat and this has not been reflected in start up costs. In reality it is likely that a proportion of the meat will be sold through marketing groups and will therefore result in a lower return. The Council's rural business consultant has outlined that the case is marginal but it is considered that the business could be successful. The advice given in TAN 6 is that if there is no clear evidence that the business would be successful permission could be granted for a temporary permission to give the applicant time to prove that the business could be viable. Evidence in this case is marginal but the advice from TAN 6 is to give the applicant the benefit of the doubt in order to encourage the establishment of new rural enterprises. Paragraph 4.6.2 clearly outlines that "*Where the case is not completely proven for a dwelling permission should not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. Three years will normally be appropriate to ensure that the circumstances are fully assessed. If such a permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraphs 4.4.1 or 4.6.1 are met. The planning authority should make clear in planning conditions the period for which the temporary permission is granted and that the temporary dwelling will have to be removed when that period expires.*" TAN 6 aims to support and develop rural enterprises and on balance it is considered acceptable to allow a temporary consent for the siting of a mobile home in this location to give the enterprise the opportunity to establish. If the

business was unsuccessful then the caravan could be removed from site and this would be a condition of any consent.

- 5.1.7 It appears that the enterprise could make sufficient profit to employ a full time worker. The applicant is proposing to invest private capital obtained from her previous operations in Dorset to establish the business during the first year, including the cost of constructing the agricultural building. The applicant needs to demonstrate that there was a functional need and sufficient work for a full time worker. Initially the Council's consultant, Richard Anstis, considered that it was not necessary for the worker to be living permanently on site and correspondence received from the local farming community suggests that it may be possible for the worker to live off site and visit the herd once or twice a day to ensure its well-being. In a later submission, however, the Council's consultant states that he now considers that the number of calves and maturing cattle planned is likely to require an on-site presence. On the basis of the evidence provided and on the advice given by our expert advisor, it is considered that there is a functional need for a worker to be onsite and that criterion d) is met.
- 5.1.8 Criterion e) outline that it needs to be demonstrated that the functional need for a full time on site worker could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned. This test is similar to that required in criterion (b) and many of the issues overlap. There are no other buildings within the 14 acre holding that could be converted into residential accommodation. The applicant then needs to show that they have considered if there is other existing accommodation in the locality which is suitable and available for occupation by the applicant. The applicant has outlined that they have explored the availability of other properties either to buy or to rent but she could not afford to do so. The business model could not support the purchase of a new dwelling as the profit margins are too low. The personal circumstances of the applicant are such that she could sell her existing properties to fund the purchase of an existing dwelling close to her enterprise. However as outlined above, TAN 6 requires that *the business model proposed* can afford to provide the dwelling. This calf rearing business is marginal in terms of profitability so that the new enterprise itself could not sustain the purchase of a farm with available accommodation, regardless of the applicant's own personal circumstances.
- 5.1.9 The Council's agricultural consultant has reviewed the proposal in detail and following lengthy discussions considers that the tests within TAN paragraph 4.6.1 are met. He has outlined that this is a marginal case and although the tests are met the viability of the business would have to be tested over time. It is recognised by officers that this is a marginal case and that if the application was to seek a permanent residential unit at the site it would be refused. However the application is for the siting of a mobile caravan to establish a new rural enterprise. Paragraph 4.6.2 of TAN 6 suggests that a period of three years is normally appropriate to ensure that the circumstances are fully assessed to see if the criteria in paragraph 4.6.1 are properly met. In this case the financial viability of the enterprise has not been completely proven and the figures that have been presented are optimistic. TAN 6 looks to support the establishment of rural enterprises and as such it is considered appropriate to grant a temporary permission to allow the applicant to set up the business and see if it can support a full time worker. The situation could then be reviewed at the end of three years and if the business was not complying with the criteria of paragraph 4.6.1 of TAN 6 then the mobile home would need to be removed. This would be secured by a detailed condition. An informative would need to be included on the decision note detailing the requirements that would be needed to be proven to allow for the granting of a permanent dwelling.

The applicant is applying for a mobile home to be sited at the site and although the soundness of the business model is marginal in nature the policy framework in relation to rural enterprises allows for enterprises to attempt to become established by allowing a temporary caravan at the site. On balance given the support for this type of development within TAN 6 it is considered that the principle of siting the caravan at the site would be acceptable. Richard Anstis considers the tests to be met and paragraph 4.6.2 of TAN 6 clearly outlines that rural enterprises should be given the opportunity to become successful.

## 5.2 Visual Impact, including impact on the natural beauty of the Wye Valley AONB

5.2.1 TAN 6 makes it clear that applications for rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. Policy LC1 of the LDP states that there is a presumption against new built development in the open countryside unless it can be justified as a rural enterprise dwelling. The criteria of policy LC1 would also have to be met and these state:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

5.2.2 The caravan is sited on the side of the Devauden Escarpment. This area has high scenic quality, and it is regarded as having high and outstanding landscape and amenity value. MCC's Landscape & Urban Design Officer considered that the introduction of a mobile home in this location to be an incongruous development within an important and valued landscape. The applicants have not demonstrated through a landscape assessment how the landscape character has influenced the design, scale, nature and site selection. However, given the temporary nature of the proposal and if adequate landscaping planting is imposed by condition, the overall impact of the caravan on the landscape and visual amenity of the area will be 'slight adverse' and its effect on the Wye Valley AONB would be moderate/slight adverse.

5.2.3 The caravan is sited at the lower level on the land. If it was positioned higher up it would be more visually prominent. It is located close to where the large agricultural barn already has permission. The site is relatively close to Ty Mawr Farm House which is a Grade II listed building. Given the larger intervening agricultural building that has been approved and the fact the mobile home is some distance from the farmhouse it is not considered to detract from the setting of the listed farm house. The mobile home is white in colour and is of a standard size. The Council's Landscape officer has reviewed the proposed development and does not consider that the caravan would have such a significantly adverse impact on the character and appearance of the landscape to warrant refusing the application. The Landscape Officer has outlined that a detailed landscaping scheme would mitigate for the visual appearance of the caravan and a landscaping condition would be added to any consent. It is not considered appropriate to ask for an alternative caravan model for this temporary period. The temporary siting of the caravan would not significantly adversely affect the rural character of the area. It would be located appropriately near the existing farm building and would be viewed to be part of the rural enterprise. The proposed siting of a caravan in this context is considered to be justified (as outlined in 5.1) and would be in accordance with the requirements of Policy LC1 and LC5 of the LDP.

5.2.4 Policy LC4 of the LDP requires all development within the Wye Valley AONB to be subservient to the primary purpose of conserving and enhancing the natural beauty of the area. It is true that rural enterprises are an important feature of the Wye Valley and that a farming enterprise is compatible with the overall character of the area. Although a mobile home is generally an incongruous feature it is only intended for a temporary period until the farming enterprise has been established. It is important that a comprehensive landscaping scheme is implemented. The proposal will not generate high levels of traffic movement and will only have minimal impact on nature conservation interests. Therefore on balance it is considered that the establishing of a rural enterprise in this location, with its attendant temporary mobile home would broadly comply with the objectives of Policy LC4 of the LDP

### 5.3 Highway Considerations

5.3.1 The traffic flows generated by the enterprise are relatively low and are no of concern to the Council. The increase in traffic could be accommodated on the local highway network.

### 5.4 Economic considerations

5.4.1 The enterprise would employ one full time worker

### 5.5 Other issues raised

5.5.1 The application site is located between two units of the Cobblers Plain Meadow SSSI. However the proposal will have little impact on these designations given that the land can already be grazed by livestock. The sinking of a borehole would require a licence from NRW.

### 5.6 Response to the Community Council's objection

5.6.1 This has been addressed in section 5.1 above.

### 5.7 Conclusion

5.7.1 It is acknowledged that the soundness of business case for establishing a calf rearing enterprise in this location is finely balanced, but the advice given in TAN 6 is that where the case is not completely proven for an enterprise dwelling, it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period to offer the applicant the opportunity to establish the business. Given the support for this type of development within TAN 6 it is considered that the principle of siting the caravan here would be acceptable. The Council's rural business consultant considers the tests to be met and paragraph 4.6.2 of TAN 6 clearly outlines that rural enterprises should be given the opportunity to develop into successful businesses.

## **6.0 RECOMMENDATION: APPROVE**

### Conditions:

1. The development shall be carried out in accordance with the list of approved plans set out in the table below
2. Within three months of the date of this approval a scheme of hard and soft landscaping shall be submitted for the approval of the Local Planning Authority. The scheme shall

include a) details of all existing trees and hedgerows on the land; b) details of any existing landscape features to be retained, together with measures for their protection in the course of development; c) a specification of hard surface materials; d) details of the means of enclosure; e) a planting plan (species/sizes/densities); f) details of minor artefacts and structures (e.g. refuse or other storage units, signs and lighting) and. g) a maintenance schedule for landscape planting, for a minimum period of three years. The matters specified in a) – f) shall be carried out in accordance with the approved details within the first planting season following the approval of the scheme by the local planning authority. The planting shall be maintained in accordance with the approved maintenance schedule for a minimum of three years from the time it is implemented.  
REASON: In the interest of visual amenity and the character and appearance of Monmouthshire's unique and special landscape and the Wye Valley AONB, and in accordance with POLICIES LC1, LC4 & DES1

3. When the temporary mobile home, hereby approved, ceases to be occupied by the applicant, Ms Judi James, or after a period of 3 years from this permission being granted, whichever is the earlier, the use hereby permitted shall cease and the mobile home, structures, materials and equipment brought onto the land in connection with the temporary accommodation shall be removed and not brought back onto site. Within 12 months of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the LPA.  
REASON: In the interests of visual and landscape amenity and in accordance with POLICIES LC1, LC4 & LC5.

Informatives:

At the end of the three year period the applicant must demonstrate that that all of the criteria in paragraphs 4.4.1 or 4.6.1 of TAN 6 have been satisfied. It must be demonstrated that the enterprise is profitable and that it is able to support a full time worker.

An appropriate landscape and visual impact appraisal would be required to support a permanent rural dwelling application.