

Application Number: DM/2019/00332

Proposal: Farm worker's dwelling.

Address: New Farm Workers Dwelling, Whitecastle Road, Whitecastle, Llantilio Crossenny, Monmouthshire

Applicant: Mr & Mrs B Poulton

Plans: Location Plan 5924/20/01A - , Block Plan 5924/20/2A - , Ecology Report Preliminary Ecological Assessment

RECOMMENDATION: APPROVE

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 11.03.2019

This application is presented to Delegated Panel due to the local Community Council objecting to the application

1.0 APPLICATION DETAILS

1.1 Site Description

1.1.1 The application site is located in the open countryside in the area known as Whitecastle. The application site is part of the Brook Farm, which is a calf-rearing and dairy farm enterprise and operates in conjunction with Bryn Edrych Farm, which is located 5.7 miles away. Brook Farm has 80 acres of land and two large agricultural sheds. The sheds are located near the application site, adjacent to the unnamed lane to the south west.

1.1.2 The application site itself is a section of a wider field parcel located just north of the Whitecastle Brook. Whitecastle Brook is at a lower ground level than the site and runs along a ravine which is planted with trees and hedge. The field within which the application site is located is steeply sloping with the higher ground level to the north. The application site is a naturally levelled off area of the land within the field which is located immediately adjacent to the field boundary. The boundary is a native-species planted boundary which curves around the line of White Castle Brook to the south of the site, resulting in the natural screening of the site from the unnamed lane.

1.1.3 The field has an existing farm access via the unnamed lane.

1.2 Value Added

1.2.1 The application as submitted has undergone extension assessment and negotiations in respect of the case for a second dwelling having regard to TAN 6 requirements; the full discussion in relation to the TAN 6 case is detailed below under the 'Evaluation'.

1.2.2 In terms of the proposed dwelling, the initial proposal was for outline permission for a two storey dwelling. Due to the application site's elevated position it was deemed unacceptable to have a two storey dwelling and therefore the applicant was advised to provide revised minimum and maximum dimensions to reflect a single storey dwelling. The applicant revised the proposed dwelling to a bungalow and updated the associated minimum and maximum dimensions.

1.3 Proposal Description

1.3.1 The application seeks outline permission with all matters reserved for a single storey dwelling with the following minimum and maximum dimensions:

- Width: 7m to 15m
- Depth: 7m to 12m
- Height: 5m to 6m

1.3.2 The indicative plan shows the proposed access off the unnamed lane to the south. An access track is shown to be located alongside the field boundary to the west leading northwards to the location of the proposed dwelling.

1.3.3 Due to the application being in outline only with all matters reserved, floor plans and elevations have not been provided and the appearance of the dwelling is unknown at this stage.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01250	Fodder shed (storage of hay and straw).	Acceptable	23.08.2018
DC/2007/00355	Proposed new storage building.	Approved	29.05.2007

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

NE1 LDP Nature Conservation and Development

MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llantilio Crossenny Community Council

The Community Council objected to the application on the basis they dispute the need for a full time residential farm worker to live on site and do not believe the planning history to be correct.

MCC Highways

The Highway Authority initially objected to the application due to lack of detail. The applicant provided additional detail and the Highway Authority withdrew their objection.

MCC Biodiversity

No objection, subject to conditions.

MCC Sustainable Drainage

The Sustainable Drainage Body has confirmed that the Surface water drainage arrangement will require approval by the SuDs Approving Body (SAB).

Natural Resources Wales

NRW has not provided comments since no considerations which fall under their remit were of concern.

5.2 Neighbour Notification

No responses received.

5.3 Independent Consultant Assessment

The application submission was reviewed by an independent consultant who specialises in the assessment of TAN 6 dwellings.

In summary, the independent consultant raised the following concerns but considered the case to be borderline in respect of the relevant TAN 6 requirements. The main concerns of the independent consultant were in respect of the financial test in (criterion c) which are detailed under the relevant sub-heading below.

a) *there is a clearly established existing functional need*

The evidence provided by applicant raised concerns that the suckler business was reducing and main focus being the calf rearing;

The functional need for the work was not considered to be proven and concerns regarding the need being artificial due to Brook Farm being split from current operation at Bryn Edrych.

Evidence not provided to demonstrate the enterprise could not be reorganised so all functional need is centred at Bryn Edrych only so if there was a functional need it would be at Bryn Edrych.

b) *the need relates to a full-time worker, and does not relate to a part-time requirement;*

The need for 1.5 workers has been proven.

c) *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 financial information provided showed high levels of fluctuations of loss and profit over the past 4 years.

There was insufficient profit to pay a worker in previous account provided but sufficient profits shown to pay workers in 2019.

The enterprise does not appear to be sound and remain so.

- d) *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;***

Evidence to demonstrate re-organisation was not possible was compelling.

The independent consultant also raised concerns with the planning history associated with the applicant.

- e) *other normal planning requirements, for example siting and access, are satisfied.***

Not relevant for the independent consultant to assess.

The independent consultant's assessment has informed the final recommendation of the application.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The site is located in the open countryside. The applicant is seeking permission for a second dwelling on an established farm enterprise. The farm is split over two sites; Bryn Edrych and Brook Farm. Bryn Edrych was purchased prior to 2011 and a rural dwelling was approved on site in 2012 and has been built out and occupied by the applicant as the primary worker. This application seeks a second dwelling to provide accommodation for a second key worker on the enterprise.

6.1.2 The development of new dwellings in the countryside is strictly prohibited by national and local planning policy unless the proposal is in accordance with Technical Advice Note 6 (hereafter referred to as TAN 6). TAN 6 is a national policy document that provides practical guidance on the role of the planning system on supporting the delivery of sustainable rural communities and, amongst other things, how the planning system can contribute to sustainable agriculture and housing.

6.1.3 TAN 6 at paragraph 4.4.1 states that new permanent dwellings should only be supported on established rural enterprises providing:

- a) *there is a clearly established existing functional need; (See paragraph 4.8.1).***
- b) *the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).***
- c) *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;***
- d) *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***
- e) *other normal planning requirements, for example siting and access, are satisfied.***

6.1.4 TAN 6 also provides specific guidance on the provision of a second dwelling at paragraph 4.5 which should be considered in the application of the guidance contained in 4.4.1, referred to above. Paragraph 4.5 states that it may be appropriate to allow a second dwelling on established farms that

are financially sustainable but requirements of criteria a) and b) of paragraph 4.4.1 cannot be fully met if one of the following exceptions apply:

1. ***Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business; or,***
2. ***There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business.***

6.1.5 Paragraph 4.5.3 also states that it must be demonstrated that the additional 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.

6.1.6 The applicant is not seeking to transfer management of the farm to a younger person and so only the latter exception, point 2, is relevant in respect of this application.

6.1.7 To clarify the relevant policy in respect of this application is as follows:

- TAN 6, Paragraph 4.4.1 Criteria a)-e), and
- TAN 6, Paragraph 4.5, point 2.

6.1.8 These policies are extracted below and will be addressed in turn.

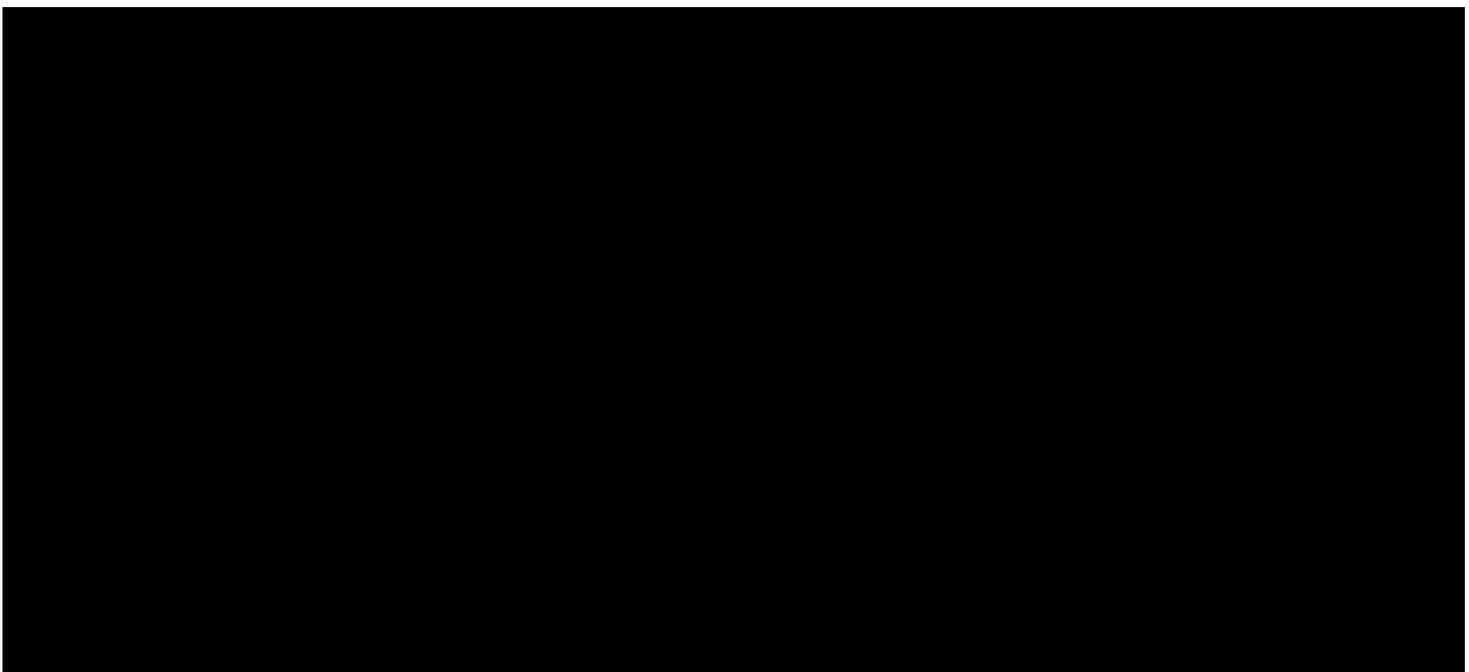
Paragraph 4.4.1 of TAN 6

a) *there is a clearly established existing functional need;*

6.1.9 Functional need is a consideration of the second dwelling exceptions under paragraph 4.5 and to avoid repetition will be discussed in more detail later in this report.

b) *the need relates to a full-time worker, and does not relate to a part-time requirement;*

6.1.10 The application is for a second dwelling, so ignoring the exception at point 2 of 4.5, it must be shown that there is sufficient labour requirement for two full time workers and this evidence has been provided. The labour requirement evidence of a need for only an additional part time worker, as opposed to an additional full time worker, in the exception test at point 2 must also therefore be met.



d) 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;

6.1.19 The site is in an isolated rural location whereby there is limited availability for suitable accommodation in the locality. The applicant has provided evidence that they have looked for suitable accommodation in the area but that there were no properties available.

6.1.20 Brook Farm has 3no. buildings, all agricultural sheds and none are deemed suitable for conversion to residential purposes. The buildings are large, utilitarian buildings which do not meet the requirements of Policy H4 of the Local Development Plan, nor would they make for a suitable residential dwelling. Moreover, the buildings are currently fully utilised and at capacity with calves.

6.1.21 Criterion d) is met.

e) other normal planning requirements, for example siting and access, are satisfied.

6.1.22 This is dealt with in respect of 'Other Material Planning Considerations' later in this report.

6.1.23 The assessment of the proposal against criteria c) to e) of TAN 6 paragraph 4.4.1 indicates the proposals are acceptable and in accordance with the requirements of TAN 6.

Paragraph 4.5 of TAN 6

6.1.24 There is an existing functional need for an additional 0.5 or more of a full time worker and that person is capable of receiving at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order).

6.1.25 In assessing this requirement of TAN 6 it is relevant to consider the existing functional need at the enterprise as required by criterion a) of Paragraph 4.4.1. To assess whether the functional need exists the nature of the operation needs to be understood, the level of work associated with the enterprise and, in the context of the requirements of a second dwelling, whether this generates a functional need for an additional part time worker.

6.1.26 The enterprise comprises two differing operations; suckler cows and calf rearing. The operations are predominantly run separately at each unit but the calf rearing enterprise does circulate animals to between Bryn Edrych and Brook Farm depending on the age of the animal and whether they are ready to be sold.

6.1.27 The submitted information indicates that the suckler herd has reduced significantly since 2011 and the business case put forward then to support the dwelling at Bryn Edrych (application reference: DC/2011/00979). An independent consultant assessed the case initially on behalf of the Local Planning Authority and raised concerns that the sizeable reduction in the suckler herd since 2011 from 190 animals to around 48 animals indicates that this element of the business may be winding up. Potentially, this indicated the enterprise was shifting to an alternative singular operation, rather than an expansion of the existing operation to a dual operation enterprise.

6.1.28 The applicant has advised that the level of stock fluctuated initially in 2011 due to the sale of the entire enterprise at their previous farm and the relocation to Bryn Edrych. The herd remained at 95 animals. The herd has not been expanded since this time and all progeny sold as stores. The lack of expansion in the herd has reduced the number to 48, however, there are currently 14 calves which will be added to the herd which increase the herd to over 60 animals. This aligns with the applicant's case.

6.1.29 The calf rearing enterprise is concentrated at Brook Farm. At around 5 months calves are moved to Bryn Edrych where they are finished prior to selling at market.

6.1.30 The evidence provided indicates that there is an immediate intention to replenish the suckler herd and there is an ongoing intention to grow the cattle across the whole enterprise, shown in the submitted forward budgets. It is accepted that the enterprise includes two operations and these are likely to be ongoing operations as per the evidence submitted.

6.1.31 The applicant has submitted a breakdown of the annual labour requirements of the enterprise and this equates to 949 Standard Man days which is the equivalent of 3.45 farm workers. This information indicates that there is a need for an additional worker at the site and that this is on a full time basis. The generation of additional work does not in itself indicate there is a functional need for this worker to live on site permanently. The additional worker must fulfil a functional need.

6.1.32 The functional test is defined in TAN 6 (paragraph 4.8.1) is as follows:

A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that 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. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.

6.1.33 To summarise, for a functional need to be demonstrated there must be a requirement for the worker to be readily available at most times for unexpected situations which may arise that may threaten the continued viability of the business. It must also be demonstrated that the functional need cannot be met by an existing worker.

6.1.34 The applicant has stated that the work associated with the enterprise requires two workers to be readily available at most times. This is due to the nature of the works and regular, unpredicted occurrences that arise and regularly need to be tended to urgently to avoid potential harm to animals and the overall business. The increase in activities is due to the growth in the enterprise and primarily the diversification of the enterprise to calf rearing as well as suckler herds.

6.1.35 The full list of potential matters which could arise, and do occur regularly, are contained in the supporting information submitted by the application. Some of the matters are extracted below as examples for the purposes of this report:

- To monitor and be available for all calving events occurring at the holding and to provide intervention when required e.g. assist delivery or caesarean;
- To deal quickly with emergencies that could otherwise cause serious loss of stock or equipment e.g. trapped or escaped animals, attack, fright, accidents or theft; and
- To allow early detection of disease or illness and to deal quickly with this e.g. viral pneumonia.

6.1.36 The information provided has indicated that there is a need for an additional worker and that the nature of the works requires the worker to be readily available and that should the worker not be readily available the impact would impact on the enterprise's viability, i.e. it will result in the loss of animals which is essential to the ongoing enterprise. The forward business plan is to increase cattle but if there are significant losses of the cattle due to lack of key workers on site then the ongoing business viability will be affected.

6.1.37 Based on the information submitted, concerns have been raised by the independent consultant regarding the functional need for the additional worker to live on site and whether the need has been artificially created as a result of Brook Farm being detached from the original farm enterprise at Bryn Edrych. This has been considered at length and the applicant has produced extensive evidence to demonstrate that a genuine functional need is required.

6.1.38 The potential of an artificial need is created primarily in relation to the farming units being physically separated. The primary worker at Bryn Edrych, therefore, cannot tend to the two sites at once. The applicant has, and still is, trying to purchase land at Bryn Edrych and his first preference would have been to grow the enterprise at one location. This was not possible due to no land abutting Bryn Edrych being available for sale. Nor did any of the surrounding land accommodate the buildings required for the calf rearing business. The purchase of Brook Farm, approximately 5 miles from Bryn Edrych, was the only feasible option at the time the applicant sought to expand his established enterprise. It is considered unreasonable for the Planning Authority to conclude that the need is artificial as a result of the enterprise being split over two locations since the applicant has undertaken best endeavours to expand the existing farm without avail.

6.1.39 In light of this, it is acknowledged that it is likely a small portion of the functional need is created by the separation of the units but this is unavoidable if there is no a realistic option for the enterprise to grow in one location. The majority of the functional need is, however, due to the level of work requirements on site and the intensive and unpredictable nature of the works which would exist whether or not the enterprise was split over two locations. This is demonstrated by the man hours of work discussed earlier in this report. The functional need, therefore, is considered to genuinely exist.

6.1.40 Paragraph 4.5 of TAN 6 also requires that the worker obtains at least 50% of a Grade 2 Standard Worker salary. The profits shown in the business show that there is sufficient profit in both 2018 and 2019 to pay a Grade 2 agricultural worker.

6.1.41 It is concluded that the current enterprise does generate the need for an additional worker on at least a part time basis.

6.1.42 Paragraph 4.5.3 also states that it must be demonstrated that an additional 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.

6.1.43 As discussed above, there is an accepted functional need for the second part time worker. It must also be considered if the additional worker is critical to the success of the farm business and whether there is any other reasonable way in which the need can be met.

Critical Need

6.1.44 There is a demonstrable functional need which the Authority has accepted, as discussed above. It is the view of the Authority that the additional worker is critical to the continued success in light of the amount and nature of the work at the enterprise and due to the enterprise being split over two locations.

Alternative Reasonable Options

6.1.45 The applicant has demonstrated that there are no properties in the locality which could accommodate a worker and also be affordable to a farm worker and, therefore, an alternative off-site option does not exist.

6.1.46 It must also be assessed whether reorganisation of the farm operation could result in functional need being met by the existing primary worker at Bryn Edrych or whether a reorganisation of Bryn Edrych would result in a second dwelling being better placed within the existing farm complex at Bryn Edrych. These matters were raised for consideration by the independent consultant and additional information to address these concerns was submitted by the applicant.

6.1.47 The site history at Bryn Edrych indicates that additional farm buildings have been built at the farm since the farmhouse was built which are at full capacity and currently used for the beef suckler herd.

6.1.48 Brook Farm has 2600m² of buildings which are currently used to accommodate the calves associated with the calf rearing enterprise.

6.1.49 The independent consultant has suggested that the buildings at Bryn Edrych could be reorganised or pens erected to accommodate the calves which would allow Brook Farm to be used for less intensive work which would not require a worker to be readily available. This would require additional travel between sites to move animals around which would be inconvenient, however, inconvenience does not add to the functional need outlined by TAN 6.

6.1.50 The applicant has countered this, stating that the existing buildings at Bryn Edrych are at full capacity. Despite this, even if they were vacant, their adaption would not be suitable for calf rearing and there are animal health concerns combining the beef suckler herd with the calf rearing. Furthermore, there are significant financial implications to re-organising the enterprise which would enable the operation of Brook Farm to be relocated to Bryn Edrych. The applicant has quantified the re-organisation of farm as costing between approximately £300,000 to £370,000 in new farm buildings (including the planning application fee) and this does not include professional services, labour, or service connections. These costings are based on 3m² per animal. This is a significant cost which would far outweigh the development of a dwelling. It is not considered reasonable to require the re-organisation of the enterprise at Bryn Edrych at considerable expense when the buildings required are already in place at Brook Farm.

6.1.51 Notwithstanding this, the functional need of an additional worker is accepted by the authority and this need is only considered to be affected by the separation of Brook Farm from Bryn Edrych to a small degree. The re-organisation of the Bryn Edrych would not be likely to reduce the level of work or diminish the need for the additional worker to be readily available on site on a least a part time basis (as per the TAN 6, paragraph 4.5 test). The need for a second worker to live on site would, therefore, remain despite re-organisation of Bryn Edrych. As such, it is not considered sensible or reasonable to require the re-organisation of the enterprise at significant cost to the business when the main need for the additional worker is at the Brook Farm element of the enterprise.

6.1.52 On balance, there is not considered to be an alternative reasonable solution to meet the needs of the business and it is considered the development of a second dwelling on the site proposed would be reasonable.

Other Matters relating to TAN 6

6.1.53 The independent agent raised concerns regarding the planning history relating to the applicant and in particular the previous farm owned before the purchase of Bryn Edrych (New House Farm) which included an agricultural dwelling that was then sold. Bryn Edrych was purchased and a new dwelling developed at this farm. Following this, Brook Farm was purchased with no existing dwelling and now permission is being sought for a second dwelling at that location.

6.1.54 The applicant was asked to clarify the history of the applicant and they confirmed the following:

- The applicant sold his dairy farm in Somerset in 2007;
- He purchased a council small holding in 2007 as a 'stop gap' whilst looking for a property in Monmouthshire;
- Bryn Edrych was purchased in 2008 with 96 acres and buildings and a further 60 acres of bare land purchased 15 miles away (in Llandenny) to add to the holding;
- Once permanent permission was granted for a dwelling at Bryn Edrych the applicant sold the council small holding to purchase Brook Farm with 80 acres; and
- The land in Llandenny was also sold so the enterprise could be consolidated at Brook Farm.

6.1.55 TAN 6 advises that were there are concerns over planning abuse, the history of the enterprise can be considered and whether a pattern of abuse exists. The application for the new dwelling at Bryn Edrych indicated the applicant's intention was to grow the enterprise at Bryn Edrych and provide additional buildings at Bryn Edrych.

6.1.56 Planning history in relation to Bryn Edrych indicates that the applicant has grown the enterprise at Bryn Edrych and 1680m² of buildings have been provided. At the time of the submission, the applicant indicated that land they held at other locations to grow the business beyond Bryn Edrych. Brook Farm was purchased and other land held elsewhere was sold off, since by then the buildings required were on site for the calving business and Brook Farm was closer to Bryn Edrych than the other land (around 6 miles closer than the land at Llandenny).

6.1.57 The planning history does accord with the intentions indicated in application DC/2011/00979. Whilst it is accepted that the applicant has not purchased land with a dwelling on, the evidence submitted in relation to the search for land in the vicinity of Bryn Edrych indicates that an equivalent alternative holding was not reasonably available. It is concluded the planning history is logical and reasonable and there are no concerns of planning abuse.

Occupancy Condition

6.1.58 The proposed dwelling is only acceptable in the countryside location as a result of it being required in association with agriculture and, therefore, it is essential that the dwelling's occupancy is tied to rural enterprise to ensure it remains available for agricultural workers or a rural enterprise worker.

Conclusion: Principle of Development

6.1.59 Based on the evidence provided, it is considered the proposed case provides sufficient evidence to support the need for a second dwelling in accordance with TAN 6.

6.2 Visual Impact

6.2.1 The application site is an elevated position and the development of a dwelling would have a visual impact but it is necessary to ensure the impact would not be harmful. The application site comprises a small section of larger field located adjacent to the field boundary. The field boundary naturally curves around the White Castle Brook and then insets to the west, where the application site is located, before the boundary tracks back out to the east. The natural line of the boundary creates a small, enclosed area where the application site lies which is further screened by the site's natural boundaries. Whilst the site has natural screening, as described, the elevated position results

in it being sensitive and, therefore, any development of the site needs to be very carefully considered. The proposed dwelling as initially submitted was a two-storey dwelling. This was considered unacceptable. It is considered that a modest, single storey dwelling is more appropriate to avoid visual harm. As such, the proposed dimensions of the dwelling have been revised from those as originally proposed to ensure the dwelling remains modest and is limited to a maximum of 6m in height. The reduced scale of the dwelling is considered acceptable and will limit visual harm to the landscape. The scale and form of the dwelling is not yet confirmed, since the application is made in outline only. It is considered a dwelling, within the scope of the dimensions proposed, allows for a small scale dwelling which would be acceptable at the application site.

6.2.2 The dwelling design is not yet confirmed, since the application is made in outline only. The design will need to be sensitively designed, sympathetic to the rural location and materials should be high quality, traditional materials. This is discussed below under 'Good Design and Place Making'.

6.2.3 There is also concern the proposed domestic curtilage, boundary treatments, parking area and other associated domestic development could have an adverse visual impact. The application, being in outline only, does not include full details of the proposed curtilage, however, the indicative plan shows an area for a garden. The area shown is considered acceptable but will be required to have landscaping around the full site periphery within the red line boundary proposed i.e. within the rear garden area. The necessary landscaping will be secured via the reserved matters application in relation to landscaping.

6.2.4 The application does not include any details of boundary treatment and it is essential they remain low scale and in keeping with the rural setting. A condition requiring the details of the boundary treatment will be imposed to ensure the final details are acceptable and in keeping with the sensitive location.

6.2.5 To conclude on visual impact, the development of a dwelling will change the landscape and, therefore, will have an impact. The proposed dwelling is restricted in size and small scale and located in a discreet location and, therefore, its impact will not be harmful subject to a detailed landscaping scheme and acceptable boundary treatment which will be secured via the reserved matters and planning conditions.

6.2.6 The principle of a dwelling at the site is deemed acceptable in respect of its visual impact in accordance with Policy DES1.

6.3 Good Design and Place Making

6.3.1 Since the application is made in outline with all matters reserved the final design of the house has not been provided at this stage. Given the site's countryside location it will be necessary that the design is sympathetic to the surroundings and integrates well with the landscape. The proposed materials must be high quality and in keeping with the rural location. A condition requiring samples of the proposed external materials will be imposed on the planning permission to ensure a high quality scheme is secured.

6.3.2 Appearance is reserved for later consideration, and, therefore, the design can be fully controlled at reserved matters stage. Based on the information provided at this stage and having regard to the agreed dimensions, an acceptable design solution is achievable at the site in accordance with Policy DES1.

6.4 Highway Impact

6.4.1 The indicative access is proposed via the existing access point off the unnamed lane to the south. An access track leads from the access point parallel with the unnamed lane before turning northwards towards the proposed plot. The access track will remain as a two tyre tracks with a grassed central strip.

6.4.2 In terms of parking, this has not been indicated yet, but the proposed curtilage is large enough to facilitate sufficient parking provision to serve the dwelling.

6.4.3 The Highway Authority initially objected to the application based on the lack of detail submitted with the application in terms of visibility splay and parking provision. The applicant provided additional details of how the access would be capable of meeting the necessary requirements in terms of visibility splay. The Highway Authority was re-consulted and raised no objection to the proposed development.

6.4.4 The development is considered capable of providing an acceptable access, the detail of which will be agreed at reserved matters stage, which would not compromise highway safety in accordance with Policy MV1.

6.5 Biodiversity Considerations

6.5.1 The application site is located in the open countryside, it is a grassed field with natural boundaries and in proximity to White Castle Brook. Given the site's natural features, it has potential for biodiversity value which could be impacted by the proposed development. To assess the impact of the development on the natural features a Preliminary Ecological Assessment (PEA) was submitted in support of the application.

6.5.2 In summary, the PEA identified the grassland, hedgerow, White Castle Brook, Trees and bat foraging and commuting as priority habitats.

6.5.3 The Biodiversity Officer has assessed the PEA in the context of the sites and its features and made the following observations.

6.5.4 The proposed grassland was deemed acceptable for loss but improvements to the wider site grassland should be undertaken.

6.5.5 The indicative plan indicates that no hedgerow will be lost, however, it may be that some small areas of hedgerow are lost to facilitate access and the necessary visibility splays. Hedgerow is a Priority Habitat and in accordance with LDP Policy NE1 and the Environment (Wales) Act 2016 and, therefore, loss of the hedges should be minimised and where their loss is unavoidable then compensation the loss will be required and undertaken under an agreed Construction Method Statement due to the potential for nesting birds, reptiles and dormice.

6.5.6 In accordance with PPW 10 the applicant should consider a hedgerow inside of the proposed wire and post fence; this will provide net benefit for biodiversity.

6.5.7 There is potential for pollution during construction which could affect the White Castle Brook and, therefore, the works will need to be undertaken in adherence with an agreed Construction Method Statement to ensure the protection of the watercourse.

6.5.8 There are a number of large trees within the hedgerow and these will need to be protected with appropriate Root Protection measures. This should be informed by an assessment.

6.5.9 In terms of bats, the site is likely to be used by foraging and commuting bats and the records show there is an important lesser horseshoe bat roost in proximity to the site. The tree and hedgerow line and Whitecastle brook to the west of the proposal are likely to be important as foraging and commuting routes and we will need to ensure that this vegetative corridor remains a dark area so that potential flight lines are not impacted.

6.5.10 The Biodiversity officer concluded that the development was acceptable subject to biodiversity enhancements suggested in the PEA together with the following planning conditions:

- Lighting Plan
- Construction Method Statement
- Biodiversity Enhancements (detailed above); and
- Landscaping Plan.

6.5.11 The above requested conditions will be imposed.

6.5.12 The proposed dwelling is acceptable in terms of the impact on biodiversity, subject to conditions, in accordance with Policy NE1.

6.6 Affordable Housing

6.6.1 Policy S4 requires 35% affordable housing contribution in respect of new residential dwellings created in rural areas. Due to the property being a rural enterprise dwelling an affordable housing contribution is not required, although the dwelling occupation must be tied to be a rural enterprise dwelling only (or if demand for this is not evidenced the dwelling must be made available as an affordable housing unit).

6.7 Sustainable Drainage

6.7.1 The proposed development will require consent from the Sustainable Drainage Approval Body (SAB) since the construction area is over 100m². The SAB consent is a separate process to the planning process and will need to be obtained prior to works commencing. An informative advising the applicant of this requirement will be added to the permission

6.8 Response to the Representations of Third Parties and/or Community/Town Council

6.8.1 Llantilio Crossenny Community Council objected on the following grounds which will be addressed in turn below.

Dispute the need for a full time residential farm worker to live on site

6.8.2 The applicant has provided extensive and robust evidence which has been scrutinised and the conclusion is that there is a need for a second dwelling and that the policy tests set out in TAN 6 are met.

Believe the planning history to be incorrect.

6.8.2 The planning history of the applicant has been assessed in detail and it considered to be correct.

6.9 Well-Being of Future Generations (Wales) Act 2015

6.9.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.10 Conclusion

6.10.1 The principle of developing a small scale, single storey dwelling is necessary for this rural enterprise and is acceptable in accordance with TAN 6.

7.0 RECOMMENDATION: APPROVE

Conditions:

- 1 This development shall be begun within 5 years from the date of the Outline permission or within 2 years of the date of approval of the last of the reserved matters to be approved whichever is the later.

REASON: To Comply with Section 92 of the Town and Country Planning Act 1990.

- 2 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

- 3 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

- 4 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 5 The proposed boundary treatments shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 6 The dwelling hereby permitted shall not be no higher than 6m in height.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 7 The finished floor levels of the dwelling shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed levels unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 8 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes lighting type and specification, protecting roosting and foraging/commuting habitat for bats has been agreed in writing with the LPA.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

- 9 No development, demolition, earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include:
- 1) details of measures to protect the watercourse from incidental pollution during development
 - 2) details of the measures to safeguard nesting birds, reptiles and dormice

The construction Method Statement shall be completed in consultation with an appropriately experienced ecologist.

Reason: To safeguard the biodiversity interest of the watercourse in accordance with LDP policy NE1 and to safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)

- 10 No development shall take place (including demolition, ground works, vegetation clearance) until a scheme of Ecological Enhancement is provided which provides biodiversity net benefit. The scheme shall be based upon the recommendations of the submitted ecology report "Preliminary Ecological Assessment- Project: Farm Workers Dwelling, Whitecastle, Monmouthshire dated 18th March 2019 produced by Ecological Services Ltd" and include enhancements for bat species and details of the future management and an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To mitigate and compensate for the loss of habitats in accordance with LDP policy NE1 and to provide ecological net benefit on the site as required in Planning Policy Wales Edition 10.

- 11 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details should include the following;

-Soft landscape details shall include details of hedgerow and tree planting including planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.
-Hard Landscaping

Reason: To compensate for the loss of habitats in accordance with LDP Policy NE1 and Environment (Wales) Act 2016 and to provide ecological net benefit on the site as required in Planning Policy Wales Edition 10.

- 12 The occupancy of the dwelling hereby approved shall be restricted to those:
- a. solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;
 - b. who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);
 - c. widows, widowers or civil partners of the above and any resident dependants

REASON: New dwellings in the countryside are unacceptable unless necessary for rural enterprise as required by TAN 6

INFORMATIVES

- 1 Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately (0300 065 3000).
- 2 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. You are advised to remove any rubble stone etc. currently on site by hand and clear vegetation by hand (further advice available in MCC Reptile Information Note). If reptiles are found at any time during clearance or construction, all works should cease until the reptiles have safely dispersed from the working area.
- 3 Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
- 4 SAB Approval - The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on SAB@monmouthshire.gov.uk so we can update our records accordingly.