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## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 20/10/15  
Ymweliad â safle a wnaed ar 20/10/15

**gan Nicola Gulley MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 08/12/15**

## Appeal Decision

Hearing held on 20/10/15  
Site visit made on 20/10/15

**by Nicola Gulley MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 08/12/15**

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**Appeal Ref: APP/E6840/A/15/3097749**

**Site address: Cwm Newydd, Rockfield, Monmouth, Monmouthshire, NP25 5QE**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by D E Jones and Son against the decision of Monmouthshire County Council.
- The application Ref DC/2014/01451, dated 28 November 2014, was refused by notice dated 22 May 2015
- The development proposed is erection of a rural enterprise dwelling.

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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I note that the site address on the planning application differs from that on the appeal form. The appellant confirmed at the Hearing that the site address is that contained on the appeal form and I will determine the appeal on this basis.

### Main Issue

3. The main issue in this matter is whether the rural enterprise justifies the residential accommodation proposed, having regard to the aims of national and local planning policies and guidance which seek to restrict new development in the countryside.

### Reasons

4. Local policy in respect of development in the open countryside is contained in Policy LC1 of the Adopted Monmouthshire Local Development Plan (LDP) (2014), Planning Policy Wales (PPW) Edition 7 (2014) and supported by guidance contained in Technical Advice Note 6 (TAN 6): Planning for Sustainable Rural Communities (2010).
  5. TAN 6 sets out an exception for the development of a second dwelling on established farms that are financially secure and where: there are legally binding arrangements in place to demonstrate that management of the farm business has been transferred (or will be with consent) to a person younger than the original worker; or where there is an existing functional need for an additional 0.5 or more of a full time worker. In the case of succession, TAN 6 requires that proposals demonstrate that the successor
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worker is critical to the continued success of the business and that the need cannot be met in any other reasonable way. In addition, where one or more of the exceptions have been met, TAN 6 allows for proposals to be considered favourably provided: the enterprise 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 financially sound and has a clear prospect of remaining so; that the functional need could not be met by another dwelling or the conversion of an existing building on the land holding; and other normal planning requirements are satisfied.

6. The rural enterprise in this case is Cwm Newydd, a sheep and arable farm of approximately 110 hectares run in partnership by the appellants, Mr and Mrs David Jones and their son Mr Michael Jones. The farm holding includes a farmhouse with detached double garage, currently occupied by Mr and Mrs David Jones, and two substantial modern steel framed agricultural buildings.
7. Both parties agree that: a secure and legally binding agreement transferring management responsibility for the enterprise from Mr David Jones to Mr Michael Jones is in place; that the identified successor worker, Mr Michael Jones, is critical to the continued success of the enterprise; and that the exception criteria set out in TAN 6 has been met. A copy of the management transfer agreement was presented during the Hearing and because of this, and the other evidence presented, I agree that the proposal meets the requirements of TAN 6. During the Hearing the Council accepted that the proposal met the financial and other normal planning tests set out in TAN 6. On the basis of the written and oral evidence presented and my observations at the site visit, I agree that the enterprise is financially sound and that the access arrangements, siting and design of the proposed enterprise dwelling would be acceptable.
8. The Council does not however, consider that sufficient evidence has been presented by the appellant in respect of the other dwelling test, particularly with regard to the potential for the existing farmhouse to meet the needs of the successor worker, and as a consequence does not consider that the requirements of TAN 6 have been met. In turn, the appellants contend that sufficient evidence has been presented to demonstrate that: dwellings for sale within 1 mile of the enterprise are unaffordable; there are no agricultural buildings on the holding suitable for conversion; and the farmhouse is not an asset of the enterprise but privately owned by Mr and Mrs David Jones and is unsuitable for sub-division or extension.
9. With regard to the availability of dwellings for sale within the locality, I note that the cost of these properties ranges from between £650,000 and £1,650,000. In light of this and the financial evidence presented by the appellants, I accept that the purchase of a property, even at the lower end of this price range, could not be funded by the enterprise without having an adverse affect on its future financial stability. In terms of the potential for the conversion of an agricultural building to a dwelling, on the basis of the evidence presented, I am satisfied that there is no suitable structure within the Farm complex. In respect of the existing Farmhouse, TAN 6 requires that where there is an existing dwelling, proposals must demonstrate why that dwelling cannot be used to meet the needs of the enterprise for a resident worker. Whilst, I note that the existing Farmhouse is not owned by the rural enterprise, it is nevertheless within the boundary of the holding, occupied by two of the appellants and includes office accommodation for the enterprise. In my opinion, the Farmhouse is functionally part of the rural enterprise and therefore could be occupied, partially or entirely, by the successor worker. I appreciate there are concerns about the size of

the farmhouse and its ability to accommodate the appellants' and their dependants however, based on the Council's evidence at the Hearing and my observations at the site visit it would appear that there is potential for the existing dwelling to be sub-divided and, if necessary, further extended to provide accommodation commensurate with the functional need. In addition, whilst I note that there are some issues which would need to be addressed if the dwelling were to be altered, including the position of high voltage cables, the location of a highway drain and the change in levels on site, no evidence has been presented to demonstrate that these issues are insurmountable or that the cost of the work would be of a level that it would adversely affect the future financial stability of the enterprise. As a consequence I do not consider that the proposal has demonstrated that no alternative accommodation is available to meet the needs of the successor worker and as such is contrary to LDP Policy LC1 and national planning policy.

10. Moreover, whilst I acknowledge the willingness of the appellants to accept conditions tying the existing dwelling to the farm holding and restricting the occupancy of the existing and proposed dwellings, I do not consider that these alone would justify the construction of a new development in this location.

*Other material considerations*

11. The appellant has provided details of a scheme in another local authority area which it is suggested is similar to the proposed development. Based on the limited information that has been submitted, it appears that this scheme relates to the unauthorised development of a permanent dwelling on a farm holding and a subsequent application for the construction of a rural enterprise dwelling on the same holding. Whilst there are some similarities, I do not consider that this development directly parallel the circumstances of this appeal. I have in any case, determined the appeal before me on its own merits.
12. In reaching my decision I have had regard to all other matters raised in favour of the scheme including the support of the local community for the proposal. However, none of these factors are sufficient to alter my overall conclusions. Whilst I consider that the proposal would meet the provisions for the transfer of management and the financial and other normal planning tests, this does not outweigh my concerns that the other dwelling test has not been met and that the proposal would result in unacceptable development in the countryside.
13. For these reasons, I conclude that the appeal should be dismissed.

*Nicola Gulley*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

David Jones	Appellant
Beryl Jones	Appellant
Michael Jones	Appellant
Ieuan Williams Bsc, MA, AIEMA, MBIAC	Appellant's Agent
Liz Heron BSc, B.Arch, RIBA	Architect, Heron Associates
Richard Heron C.Eng, M.I.Struct.E	Heron Associates

### FOR THE LOCAL PLANNING AUTHORITY:

Jo Draper	Monmouthshire County Council
Richard Anstis	Agricultural Consultant acting for the Council

### INTERESTED PERSONS:

Sarah Jones	Wife of Appellant
Stephen .J. Bennett	Local Resident
Roy Nicholas	Clerk and Proper Officer, Llangattock Vibon Avel Community Council
Councillor Ruth Edwards	Local Councillor and Chair of Planning Committee

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Council's letter of notification
- 2 Proposed floor plans, drawing reference 2778/14/04, November 2014
- 3 Management Transfer Agreement
- 4 Photographs of Cwm Newydd showing approximate length of a side extension
- 5 Ordnance Survey Plan showing Cwm Newydd, Rockfields, Monmouthshire