
Adroddiad

Gwrandawriad a gynhaliwyd ar 08/04/03
Ymweliad â safle a wnaed ar 08/04/03

Report

Hearing held on 08/04/03
Site visit made on 08/04/03

gan/by P J Macdonald MSc ARIBA MRTPI

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date **20 JUN 2003**

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 77

BRECON BEACONS NATIONAL PARK AUTHORITY

APPLICATION BY MR P COLLINS AND MRS B D COLLINS
LAND SOUTH-EAST OF PONT RHYS POWELL FARM, CWMYOY

File Ref: 514253TX

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Site address: Land SE of Pont Rhys Powell Farm, Cwmyoy: Holding no. 60 152 44

- The application (ref M18405) is for outline planning permission for an agricultural workers dwelling.
- The application was made by Mr P Collins and Mrs B D Collins to Brecon Beacons National Park Authority on 6 May 2002.
- On 30 July 2002, the Authority decided that it was minded to approve the application, and notification under departure procedure was made on 19 August 2002. The application was called in by the National Assembly for its own decision on 18 September 2002 under the provisions of Section 77 of the Town and Country Planning Act 1990. The reason for the call-in was stated to be that "the proposed development raises issues of more than local importance particularly as they may involve conflict with national planning policy"
- The matters on which the National Assembly particularly wished to be informed for the purposes of its consideration of the application were: a) the visual, environmental and access implications of the proposed development on the site and its surrounding area, and; b) relevant national and development plan policies, especially in relation to the Government's policy on housing in the open countryside as set out in Planning Policy Wales- March 2002, and Policies in the Brecon Beacons National Park Local Plan (G2, G3 and H8).

Summary of Recommendation: that planning permission is refused for the reasons given below.

Procedural Matters

1. The application is in outline, with siting and access not reserved for future consideration. The application form (Document 4a) is accompanied by an agricultural information sheet (Document 4b) and drainage information (Document 4c), and by four un-numbered drawings: a site layout (Document 4d); a site layout showing the siting of, and access to, the proposed dwelling (Document 4e); a plan (Document 4f) showing the extent of the holding (in blue outline: the position of the proposed dwelling is shown in red) and an extract from a C19 Ordnance sheet (Document 4g) intended to show that a dwelling once stood on the site. No additional written statement was received from the applicants prior to the Hearing.
2. The agricultural information sheet (Document 4b) gives the following information. The farm holding is of 76 acres (approx 30ha), all down to permanent grazing. In addition, there is 5 acres (approx 2ha) rented on a 363 days tenancy, and 50 acres (approx 20 ha) rented to take one annual grass cut for silage. There is also a right to graze 608 sheep on Hatterall Hill. In 2002, there were 27 cattle (quota for 29.9) and 138 sheep (136 of them ewes, against quota for 460 ewes). There was stated to be one part-time and one full-time worker.
3. In considering the application, the Authority's officers assessed the farm's annual labour requirements as follows; sheep: 138 ewes x 4 hours = 552 hours; cattle: 27 cows x 10.8 hours = 291.6 hours; forage: 30 hectares x 12 hours =360 hours. This gave a total of 1203.6 hours which, set against an annual figure of 2200 hours, gave a figure of 0.55 labour units (based on the "Farm Management Pocketbook" by John Nix, 31st edition 2001). Rounded up, this gave a requirement for 60% of a full-time worker (Document 10).
4. Based on that assessment, the officers concluded that there was not an essential functional need for a worker to be based on the holding, and they did not ask for financial details for the last three years. They recommended refusal for the following reason: " The holding to which this application relates, only requires a part time workers (sic) it is also and (sic) not considered essential, that a worker be present at the farm buildings most of the time. The application therefore fails the functional tests set out in Technical Advice Note 6 (Agricultural Development)- June 2002 and test 1 of Policy H8 of the Brecon Beacons Local Plan-May 1999. The proposal is therefore contrary to Policy G2 of the Brecon Beacons

National Park Local Plan-May 1999 in that it is proposed development in open countryside, for which there are no material considerations which warrant that an explanation (sic: obviously an error for “exception”) be made.” (Document 3)

5. However, the Members did not accept that advice, and were minded to approve the application on the grounds that “Members consider it essential that an agricultural worker lives on the holding and also in order to make the farm buildings more secure, especially considering the area has already suffered damage from persons staying at the nearby campsite, behind the Queens Head in Cwmyoy”.

The Site and Surroundings

6. The site is in open countryside, on a south-west facing slope in the Vale of Ewyas to the north-east of Abergavenny. The hamlet of Cwmyoy is to the north-north-west, at a distance of about 2 kilometres. The main road from Llanfihangel Crucorney to Llanthony follows the course of the River Honddu in the valley bottom. A narrow rural road, between hedges, runs along the valley side connecting the application site with Cwmyoy, and linking to the main road at two points. Adjacent to the application site the road descends into the valley and joins the main road by the Queens Head public house: whilst a little over 2 km to the north the road turns west, passing the applicants’ dwelling, and joining the main road. The main block of land comprising the farm lies to the north of the rural road, the remainder lying to the south of that road, and immediately to the south-east of the road running down to the public house. Within the northern block of land and adjacent to the road are two buildings: a listed stone barn and a new cow-barn. No trace remains of a house which, it is said, formerly existed here. Pont Rhys Powell farmhouse and barn lie on the other side of the road, a little way to the north-west, with another stone barn (not on the applicants’ land) opposite. There are no other buildings nearby.

Planning Policy and History

7. National policy in respect of agriculture and rural development is set out in TAN6, where the tests to be applied in considering applications for agricultural workers dwellings are to be found in paragraphs 41 to 49 inclusive. These indicate that a functional test is to be applied first and then, if that is passed, a financial test.
8. The Brecon Beacons National Park Local Plan was adopted in May 1999. The plan area is divided on the proposals map into that shown white, where appropriate development may be permitted, and that shown pale green, which is classified as countryside. The application site falls into the latter where, under Policy G2, development will only be permitted exceptionally. Policy G3 (not mentioned in the suggested reason for refusal) is a general development control policy governing the requirements for development in the National Park, which aims to protect its natural beauty and resources and to promote sustainable development. Policy H8 states that new residential accommodation in the countryside will only be permitted in exceptional circumstances, where an essential need is demonstrated, and specified criteria are met. The first of these is that the need relates to the running of the holding or enterprise and not to the circumstances of the owner or occupier concerned. Functional evidence must be provided, including a financial assessment if necessary, of the long-term capacity of the enterprise to support the occupant of the proposed dwelling (Document 11).
9. The only planning history in respect of the application site relates to the erection of the new barn in 2002, and to the Grade II listed barn (Document 6). An application to convert the latter to a dwelling was refused in 1989, and a subsequent appeal was dismissed (Document 7). A further residential application was refused in 1998 and not appealed (Document 8). Neither of these barn applications was made by the present applicants.

The Case for the Applicants

The material points were:

10. The family had farmed in the area for some 90 years, and they had owned the 250 acre Neuadd Farm at Cwmyoy. Following the death of Mr Collins' father in an accident in 1999, the farm had been split up, and the applicants had acquired the application holding, which had previously been rented as part of Neuadd Farm. They continued to live at Neuadd View, an agricultural workers dwelling formerly belonging to Neuadd Farm, which they had occupied since it was built in about 1977. This dwelling, which had 1.5 acres (approx 0.6ha) of land with it, was about 2 miles (actually 2 kilometres, measured on a car trip-meter) from the holding, which proved to be a problem during lambing and calving. This was particularly so in severe weather, especially following snow, which could block the road. Sometimes ewes in lamb had to be brought down to Neuadd View. It had to be remembered how unfavourable the weather could be on a hill-farm rising from around 700 feet AOD up to around 1000 feet (approx 230 to 330m).
11. There was also a security concern arising from the fact that the holding, its buildings and animals, were remote from the dwelling. People (including travellers) staying at the caravan and campsite behind the Queens Head public house had caused damage in the past, leading to the involvement of the police. About 4 years ago they had set fire to straw and hay stored in the barn. On that occasion, Mr Collins had caught it in time, but the threat remained. There had been other cases of theft from, or damage to, the holding. So far, no animals had been injured, but the possibility of injury remained. Enforcement action against the campsite had been taken in the past, and it was closed for two years. However, it had now been accepted that part of the land had a lawful use (Document 9), so that the campsite was now a permanent feature, lying closer to the holding than did the applicants' dwelling.
12. The land holding remained as set out on the form submitted in 2002. The quota for cows was now 20 and that for ewes 235. The rest of the quota had to be sold when it could not be taken up because planning permission had not been granted for the new dwelling. There was no milking on the unit, and all calves were sold on as stores. Calving took place over much of the year. Sheep were brought down to the holding for lambing from, say, late February to late March. At that time there would be 8 or 10 journeys a day between the dwelling and the holding.
13. Mr Collins, who was 51, was full-time on the farm, and had no other jobs. His wife worked part-time on the farm, and had another job. Contractors were used for the annual grass-cut (hay or silage) and for shearing. No financial information was produced, but it was viable in the sense that the applicants derived a living from it. The C19 Ordnance sheet showed that a dwelling once stood on the site (Document 4g).

The Case for the Authority

The material points were:

14. The Authority noted the view of the Farm Liaison Officer that the farm only required 60% of a full-time worker (Document 10). However, the applicants were established farmers in the area, who were seeking to build up their holding in a period of great difficulty for agriculture. Their presence on site would contribute to the efficiency that was necessary to bring about the economic growth of the enterprise. That enterprise had brought the listed barn back into beneficial use after a period of disrepair, and continued growth would secure its future. Members considered that these factors, together with the threat to the security of the holding posed by people staying at the campsite behind the Queens Head, and the problems of travel in inclement weather, were sufficient to establish the case for the proposed dwelling. There had been a dwelling on this site in the past, and a new dwelling here would group well with the other buildings on the holding.

Written Representations

15. CPRW submitted a statement (Document 5) dealing with a number of local issues, some of them marginal to the determination of the present application. They objected to the application on the grounds that there was no agricultural justification for a dwelling on the appeal site, since the applicants lived nearby. The Committee had been too much influenced in their decision by the security argument arising from past problems connected with the campsite at the Queens Head, which was overstated. CPRW were concerned about “creeping urbanisation” in this attractive rural part of the National Park.

Conclusions

Based on the above, I have reached the following conclusions: the numbers in brackets refer to paragraphs in the main body of the report.

16. I shall begin by considering the application proposal in terms of the policy background against which it has to be assessed. There is, of course, a clear and long established presumption against isolated dwellings in the open countryside, unless an agricultural or similar justification exists. National policy in this respect is set out in TAN6. Applying the tests set out in paragraph 41 of that document, I comment briefly as follows:
 - a) There must be a clearly established existing functional need: the Authority has given too much weight to the contribution that a new dwelling might make to future growth of the farming enterprise (14). This criterion makes it clear that it is the existing situation that must be assessed.
 - b) The need must relate to a full-time worker: there has been no objective evidence presented to refute the assessment that only 60% of a full-time worker is required by the holding as it was in 2002 (3). Owing to stock reductions, the 2003 figure would be even less (12).
 - c) The unit must have been established for three years, and profitable for one: the age requirement is met (10), but I have no financial information on which to assess profitability (4).
 - d) The need cannot be met by an existing dwelling: whilst a dwelling on the holding would be more efficient, it has not been established that it is essential. I deal with this in more detail below.
 - e) Other planning requirements must be met: I deal with this in more detail below.
17. The main deficiencies of the application are that it has not been shown that a full-time worker is required (3), and that there is a complete absence of information to allow a financial test to be applied (1,4). Even if the functional test were considered to be satisfied, the financial test required by paragraph 46 of TAN6 could not be undertaken, which must result in the application being dismissed. I shall, however, deal with the other matters which the Authority considered to satisfy the functional test when added to the 60% worker requirement (14). I have already mentioned that the assessment should be based on the current situation, not on hypothetical future growth.
18. The question of security is one additional factor to which the Authority has given considerable weight. There is evidence that there was a problem with travellers causing damage some years ago (11,14), but there is little evidence of an on-going problem, although clearly the concern remains that such problems may recur. Paragraph 44 of TAN6 says that protection of livestock from intruders may contribute to the need for an agricultural dwelling, although it will not of itself justify one. There is no evidence of theft of, or harm to, livestock, arising from past problems (11). In the circumstances, the concern about livestock, whilst understandable, can add little to the case for a dwelling, since such generalised concern could be cited in support of virtually any such application anywhere.

19. The existing, long established agricultural dwelling in which the applicants live is 2km from the holding, along a narrow rural road (6, 10). This necessitates frequent journeys between the two, which is time-consuming. However, it is not unusual for holdings to be fragmented, with some land at a distance from the dwelling and/or barns, necessitating movement by workers or stock. It is undoubtedly less convenient, but the requirement is to show that a new dwelling is essential in terms of the enterprise, which is a stringent test. The most trying time would undoubtedly be during lambing when there is snow on the ground (10). However, this is likely to occur during a relatively limited period of time, and would not justify a new dwelling on the holding when there is an existing dwelling relatively near. I conclude that it has not been shown that a new dwelling is essential in functional terms, as opposed to desirable from the point of view of the farmer.
20. Two matters put forward in support of the application were the alleged presence of a dwelling on the site at some time in the past, and the need to secure the future of the listed barn. There may perhaps have been a dwelling on the site in the past (13, 14) but, if so, all trace of it has disappeared (6), and its one-time presence is not relevant to the policy aspects of the present application. I give little weight to the argument that the new dwelling would help to secure the future of the listed barn (14). It is the farming enterprise that has brought the barn back into beneficial use and, since the dwelling has not been shown to be essential to that enterprise, it is not relevant to the future of the barn.
21. The applicants are clearly experienced farmers, with a long connection with the valley (10, 13). However, my conclusion is that the factors that the applicants and the Authority have mentioned are not sufficient to overcome the main deficiencies with this application in terms of the policy requirements, namely the assessment that the holding currently requires only 60% of a full-time worker, and the lack of any financial assessment (3, 4). In terms of the policy issue identified by the National Assembly I conclude, therefore, that to grant planning permission for this dwelling would conflict with national policy as set out in TAN6, and local policy as set out in Policies G2 and H8 of the Brecon Beacons National Park Local Plan.
22. I turn now to the other issue identified by the National Assembly, which is related to the visual, environmental and access implications of the proposed development. This would be an isolated dwelling in open countryside, constituting a visually intrusive and unsustainable form of development which should only be permitted if the policy tests in respect of agricultural need considered above had been satisfied, which they were not. Because of the presence of the listed barn, it is necessary (in view of the provisions of the Planning (Listed Buildings and Conservation Areas Act) 1990) to consider the effect the proposed dwelling would have on its setting. The barn is not seen as an isolated building, because there is a new agricultural barn, of non-traditional form, in very close proximity to it (6, 9). Hence I consider that a well designed dwelling (and design is a reserved matter) need not unacceptably affect the current setting of the listed building. The application is satisfactory in respect of the proposed siting and access, but this does not overcome the policy objection I have identified above.
23. Accordingly I consider that planning permission should be refused. If the National Assembly disagrees, and is minded to grant planning permission, I consider that the usual reserved matters and agricultural occupancy conditions would be appropriate.

Recommendation

24. For the reasons set out above, I recommended that planning permission is refused.

Peter Macdonald

Inspector

APPEARANCES

For the Applicants

Mr P Collins

For the Authority

Councillor R J B Wilcox

Mrs S Evans BA MRTPI: Development Control Manager

DOCUMENTS

Document 1: attendance list

Document 2: letters of notification

Document 3: report to BBNP Planning Committee, 30/7/02

Document 4: the planning application, comprising:

Document 4a: application form

Document 4b: agricultural information sheet

Document 4c: drainage information

Document 4d: existing site plan

Document 4e: proposed site plan

Document 4f: plan showing farm holding

Document 4g: C19 Ordnance sheet

Document 5: written representation from CPRW

Document 6: listing particulars of barn

Document 7: application for barn conversion 1989: refusal notice and appeal decision

Document 8: application for barn conversion 1998: refusal notice

Document 9: Certificate of Lawful Use for caravan and camping site, 2001

Document 10: assessment of annual labour requirement

Document 11: local plan extract; Policies G2 and H8