
Yr Arolygiaeth Gynllunio, Adeilad y Goron, Parc Cathays,
Caerdydd CF10 3NQ ☎ 029 2082 3889 Ffacs 029 2082 5150
e-bost wales@planning-inspectorate.gsi.gov.uk



The Planning Inspectorate, Crown Buildings, Cathays Park,
Cardiff CF10 3NQ ☎ 029 2082 3889 Fax 029 2082 5150
e-mail wales@planning-inspectorate.gsi.gov.uk

Adroddiad

Ymweliad â safle a wnaed ar 26/11/01

Report

Site visit made on 26/11/01

gan/by Alwyn B Nixon BSc(Hons) MRTPI

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date

01 FEB 2002

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77

BRECON BEACONS NATIONAL PARK
AS LOCAL PLANNING AUTHORITY

PLANNING APPLICATION : PROPOSED AGRICULTURAL DWELLING
LAND AT WOODLANDS, FOREST LODGE, LIBANUS

BY

MR A J NORTON

Cyf ffeil/File ref: APP/P9502/X/01/514072

Report APP/P9502/X/01/514072

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Site address: Land at Woodlands, Forest Lodge, Libanus, Brecon

- The application was called in for decision by the National Assembly for Wales by a direction made under section 77 of the 1990 Act on 15 August 2001.
- The application is made by Mr A J Norton to the Brecon Beacons National Park as local planning authority.
- The application (Ref. P17269) is dated 4 February 2000.
- The development proposed is a new agricultural dwelling.
- The reason given for making the direction was that the proposed development raises issues of more than local importance.
- On the information available at the time of making the direction the following were the matters on which the National Assembly for Wales particularly wished to be informed for the purpose of its consideration of the application:- (1). The visual, environmental and access implications of the proposed development for the site and surrounding areas. (2). The relevant national and development plan policies, especially in relation to national policy on housing in the open countryside as set out in Planning Guidance (Wales) Planning Policy: First Revision – April 1999 and policies in the Brecon Beacons National Park Local Plan and Powys Structure Plan.

Summary of Recommendation: The application for planning permission be refused.

Procedural Matters

1. The application is in outline, with all matters of detail relating to siting, design and external appearance, means of access and landscaping reserved for later consideration. Although the submitted plan shows a proposed point of access onto the A4215, this is indicative only; the precise location would be determined later, to meet highway requirements. Whilst siting of the dwelling is indicated for subsequent approval, and no precise details have been submitted, the application is made on the basis of a specified location for the dwelling on the holding, defined by the extent of the application site.

The Site and Surroundings

2. The site forms part of an agricultural land holding of about 65 ha (156 acres) on the north side of the A4215, in a semi-upland area some 3km west of Libanus. The land comprises large fields in open undulating terrain, separated by hedges and interspersed by small plantation belts. To the north and east is the open common of Mynydd Iltyd; to the south, across the A4215, the ground rises towards the mountain land of Fan Frynych.
3. The application site is a rectangular area of around 25m x 40m located some 100m north of the A4215, on the summit of higher ground in the middle of field OS 4200. There are no features denoting the boundaries of the site or distinguishing it from the rest of the field.
4. Access to the holding at present is via a track which meets the A4215 at an acute angle at the east end of the road frontage. There are stock pens in this location. There is one building on the holding: a profiled metal sheet-clad pole barn measuring some 18m x 25m, situated about 350m north of the application site, next to a shelter-belt. The building is used for machinery and hay storage, and apparently also for lambing. There are buildings of an adjacent farm close to the east of the existing access onto the A4215.

Appraisal

Background to the Proposal

5. Mr Norton currently lives at Rhyd Ffos Ddu Farm, Coelbren, some 30km (19 miles) from the site, where he farms about 10 ha (25 acres) with an additional 13 ha (32 acres) rented nearby

and also uses the farm as a base for plant hire activities. He purchased the land at Woodlands in 1999 and has established a flock of breeding ewes and a small beef herd on this holding. At the time of submitting the application (February 2000) there were 430 ewes; by April 2001 this had increased to 536 ewes and 64 ewe lambs, together with 6 cows with calves, with plans to increase the beef herd further. Mr Norton would occupy the new dwelling and run the farm at Woodlands. His daughter would occupy Rhyd Ffos Ddu Farm and take over responsibility for the plant-hire interests.

Planning Policy

6. The development plan for the area comprises the Powys Structure Plan and the Brecon Beacons National Park Local Plan (adopted 1999). General policy G2 of the local plan establishes that development in this location will only be permitted exceptionally, where material considerations warrant. General policy G3 sets a range of detailed criteria which development proposals must also satisfy. These include that the use, scale, siting and appearance of development is appropriate to its surroundings and would respect the quality and character of the Park's landscape and built environment; and that adequate means of access can be provided. Local plan policy H8 states that in the countryside new residential accommodation will be permitted in exceptional circumstances where an essential need is demonstrated, relating to the running of the holding or enterprise. Functional, and in appropriate cases financial, evidence must be provided to demonstrate the long-term capacity of the enterprise to support the occupant of the dwelling. Structure plan policy H9 similarly indicates that new dwellings in the open countryside will not be permitted unless it can be established that the dwelling is essential to house a worker currently employed in agriculture or other appropriate rural employment who must live on the spot. The detailed circumstances of the farm unit will be considered in assessing whether a new dwelling is justified.
7. National policy guidance is contained in Planning Guidance (Wales) Planning Policy: First Revision and Technical Advice Notes (TANS) (Wales) 6 "Agricultural and Rural Development" and 18 "Transport". The Government regards National Park designation as conferring the highest status of protection as far as landscape and scenic beauty are concerned. Planning policies and development control decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks, in accordance with the statutory duty to have regard to their purpose. Policies for development in the open countryside emphasise the need to protect the countryside, whilst sustaining the rural economy. New house building in the open countryside should be strictly controlled. Isolated new houses require special justification, for example where they are essential to enable farm workers to live at or close to their place of work.
8. Detailed guidance concerning agricultural justification for new permanent dwellings is set out in TAN 6 paragraphs 41-49. In summary, new dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, where there is a clearly established functional need that cannot otherwise be met, relating to a full-time worker who is primarily employed in agriculture. A functional test is necessary to establish whether it is essential for a worker to be readily available at most times for the proper functioning of the enterprise. In addition, a financial test is necessary to demonstrate that the farming enterprise is economically viable and can sustain the proposed dwelling. Where isolated dwellings are permitted on the basis of agricultural justification, care is required to choose a site suitably located to meet the identified functional need and well related to existing farm buildings. It will also be necessary to ensure that they are kept available for this need, by means of an occupancy condition. TAN 18 contains guidance on visibility for new accesses.

Visual, environmental and access implications

9. The application site occupies an elevated and visually prominent position in a sensitive area of open countryside of high scenic value. The proposed dwelling would form a conspicuous, isolated element of built development in the landscape, set on a high point in relation to the surrounding landform, away from existing buildings or landscape features and clearly visible from roads and rights of way in the surrounding area. I consider that, even with careful attention to design and materials, a new dwelling in this location would cause serious harm to the character and appearance of the countryside.
10. The proposed site is poorly related to fulfil any functional requirements for close supervision of stock housed in the existing building on the holding, which is some 350m away and unconnected by track or roadway. Whilst the elevated site would facilitate surveillance of extensive parts of the holding, I do not regard this as an adequate reason to permit a new dwelling in such an intrusive position in the landscape. Although future farm buildings might be located near to the new dwelling, this would compound the visual impact of development in this prominent and inappropriate location.
11. The advice of the highway authority is that visibility from the point of access should be provided for a distance of 160m in both directions along the A4215, given observed general traffic speeds along this road of around 80 kph (50mph). This reflects the standards in Annex B of TAN 18. From my own observations, visibility of around 140m in both directions could be obtained from a new access in the location indicated. Although this would be slightly less than the standard specified, I do not consider that this shortfall would reduce visibility to such a level that danger is likely to be caused. The proposed access arrangement would be significantly better than the existing agricultural access to the east, which has poorer visibility and generates awkward turning movements. Although the visibility splays would entail removal of lengths of hedgerow on either side of the access, no trees would be lost. Replacement planting behind the splay would safeguard visual amenity in this respect.
12. There are no other significant environmental implications. Although the proposed dwelling would rely on a septic tank, as no mains drainage is available, the site is not close to any water feature and porosity tests have confirmed that ground conditions are favourable.

Assessment in relation to development plan and national policies

13. Development plan policy and national planning guidance in relation to the proposal is consistent and clear. In the open countryside, new dwellings will only be permitted where an essential agricultural need related to the operational requirements of the holding is demonstrated. To establish whether a new permanent dwelling is justified, functional and financial tests must be satisfied. Even where adequate justification is shown, the development should be appropriately located to meet the demonstrated need; and should satisfy other general policy requirements for new development.
14. The information provided shows that a substantial agricultural operation has been established on the land holding following purchase in 1999. Standard labour requirement figures for the agricultural information given with the application in February 2000 provide a labour equivalent of 0.99 units. Intended increases in stock would increase this beyond 1.4 units of labour. However, the functional test set by national guidance and development plan policy is whether one or more workers needs to be readily available at most times in terms of current and likely future operational requirements.

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15. Although it is stated that the land at Woodlands has become the principal location for Mr Norton's farming activities, there is no detailed analysis of the farming operation at this location and the extent to which operations are separate from or conjoined with those at Coelbren. There is only one fairly rudimentary and modest-sized building at Woodlands used principally for machinery and hay storage, which it is said is also used in part for lambing. However, much of the lambing in 2001 appears to have taken place indoors at Coelbren, although this may have been influenced by foot and mouth movement restrictions. Whilst it is stated that additional buildings at Woodlands are intended as the enterprise is developed, no applications or notifications appear to have been made in respect of new buildings to date.
 16. No financial information concerning the operation of the holding has been submitted. Consequently it is not possible to judge whether the agricultural operation at Woodlands is well-established, is currently financially sound, and has a clear prospect of remaining so. The financial test has therefore not been satisfied in this case. Whilst I recognise that recent difficulties in agriculture, in particular the effects of the foot and mouth epidemic, will have affected profitability, I do not consider that an increase in stock on the land in 2001 is sufficient evidence to demonstrate a sound economic basis and long-term requirement for an agricultural dwelling in this location.
 17. I do not doubt that the intention to establish a combined sheep and beef rearing enterprise at Woodlands is genuine. Nor do I rule out that such an enterprise, depending on its operational characteristics, could be of a scale and nature that would need someone to be on hand at most times. However, it is necessary, where an isolated new dwelling is proposed in the open countryside, to show that the development is required to support existing agricultural activities on a well-established agricultural unit. The submitted evidence does not establish that it is essential for a worker to be readily available at most times. It also fails to demonstrate that the farming enterprise at Woodlands is economically viable. As such, the proposal fails to satisfy the advice clearly set out in national policy guidance; and conflicts with the policies of the development plan concerning new dwellings in the open countryside, in particular policies H8 of the Brecon Beacons National Park Local Plan and H9 of the Powys Structure Plan.
 18. The proposal is also contrary to development plan policies and national policy guidance in terms of the location of the proposed dwelling. The application site is unrelated to the only existing building on the site, which would normally be regarded as the focus of farming operations on the holding and the most appropriate location for a dwelling needed to enable someone to be on hand day and night to provide essential care for animals. As such, the proposal would be contrary to policy H8 of the local plan, which stipulates that new accommodation be located as near to the existing farm or other relevant buildings as reasonably possible. Whilst the location proposed would mean that much of the land holding would be in sight of the dwelling, this consideration does not outweigh the harm which would be caused by the intrusion of development in such a prominent position in the landscape. In this respect I consider that the proposal conflicts with the requirement in policy G3 of the local plan that the siting of development respects the quality and character of the Park's landscape, and is compatible with the need to conserve and enhance the Park's landforms. My conclusion that the proposal is unacceptable in this respect is reinforced by the advice in Planning Guidance (Wales) Planning Policy: First Revision that development control decisions in National Parks should give great weight to conserving and enhancing the natural beauty of these important areas.
 19. In reaching my conclusions I have had regard to all other matters raised. I recognise agriculture's contribution to the economic and social well-being of rural areas, and its part in
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maintaining the rural landscape. However, development plan policies and national policy guidance make it quite clear that new dwellings for agricultural purposes in the open countryside should only be permitted where adequate justification has been fully demonstrated; and even then, with careful and proper regard to their detailed location. The proposal fails to meet these requirements. I have also noted that the proposal would enable the existing farm at Coelbren to be taken over by the next generation of the family; and I recognise the easing of personal circumstances that would accompany the opportunity presented to provide purpose-designed accommodation for Mr Norton's son and a home closer to Brecon. However, these considerations do not in my view diminish the fundamental requirement to ensure that isolated new dwellings in the open countryside are only permitted on the basis of a clear, demonstrable need that is likely to be maintained in the future. For the reasons given above, I do not consider that this has been shown in this case.

Conditions

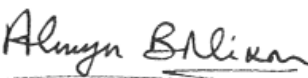
26. Notwithstanding my clear conclusion that the proposal would be unacceptable for the reasons given, I have nonetheless considered what conditions would be necessary in the event that the National Assembly does not agree with my recommendation. Since this is an outline application, conditions would be needed relating to prior approval of details of the siting, design and external appearance of the proposed dwelling, the means of access thereto and the landscaping of the site, and time limits for the submission of these details and the commencement of development. In view of the exceptional circumstances of agricultural need which would form the basis of a decision to permit a new dwelling in this location, an occupancy condition would be needed, in line with national guidance and development plan policy. Model conditions 2,3,4,5 and 45 of Appendix A to WO Circular 35/95 would address these requirements.

Overall conclusions

27. Having considered all of the evidence, I have concluded that an essential need for the proposed dwelling has not been demonstrated, in particular having regard to the functional and financial tests and requirements outlined in Planning Guidance (Wales) Planning Policy: First Revision and TAN 6. As such, the development would be contrary to policies H8 of the Brecon Beacons National Park Local Plan and H9 of the Powys County Structure Plan. Furthermore, the location of the proposal would result in prominent and intrusive sporadic development, harmful to the character and appearance of the landscape of this part of the National Park and contrary to the requirements of policies G3 and H8 of the local plan. Notwithstanding my conclusion that the proposal would not have significant implications for highway safety, and having regard to all matters raised, I conclude that the proposed development would thereby be unacceptable.

Recommendation

28. I recommend that planning permission be refused.


Inspector

Present at Site Visit: For the applicant: Mr North (Agent), Mr Norton.
For the local planning authority: Mr Thomas.