

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

**Adroddiad Pennaeth Cynllunio
Adran yr Amgylchedd**

**Report of the Head of Planning
Environment Department**

**11 Tachwedd 2021
11 November 2021**

**I'W BENDERFYNU
FOR DECISION**

Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.

COMMITTEE:	PLANNING COMMITTEE
DATE:	11 NOVEMBER 2021
REPORT OF:	HEAD OF PLANNING

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/00596	Conversion of 2 barns to holiday accommodation and the proposal of a three bay garage at Barns at Bryn Niwl, Meidrim, Carmarthen, SA33 5QS
PL/01088	Creation of one family traveller pitch with one residential static unit, touring caravan, utility/day room and parking area and improvements to the existing access drive and landscaping at land and plot at rear of Frondeg Terrace, Llanelli, SA15 1QD
PL/02740	Installation of an automated prescription collection machine at Avenue Villa Surgery, Brynmor Road, Llanelli, SA15 2TJ

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
PL/01515	Construction of a rural enterprise dwellinghouse (resubmission of W/39836 refused 03/12/2020) at land part of Trewern Farm, Llysonnen Road, Abernant, Carmarthen, SA33 5EW

REF.	ADDITIONAL ITEMS FOR DECISION
W/40030	Proposed rural enterprise dwelling to include vehicular access, and installation of package treatment plant at Moelfryn, Pantybwlich, Newcastle Emlyn, SA38 9JE

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/00596
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Application Type	Full Planning
Proposal & Location	CONVERSION OF 2 BARNES TO HOLIDAY ACCOMMODATION AND THE PROPOSAL OF A THREE BAY GARAGE AT BARNES AT BRYN NIWL, MEIDRIM, CARMARTHEN SA33 5QS

Applicant(s)	MR WARNKE
Agent	PRIME ARCHITECTURE LTD – CELLAN JONES
Case Officer	Charlotte Greves
Ward	Trelech
Date registered	13/11/2020

Reason for Committee

This application is being reported to the Planning Committee following receipt of more than one objection from third parties.

Site

The application site comprises a farmhouse and a range of agricultural outbuildings located at the end of the U2057, an unclassified no through road to the north east of the settlement of Meidrim and Drefach. The unclassified road terminates at the property known as Ash Meadow, adjacent to which is the private access drive that serves the application site of Bryn Niwl.

Proposal

The application is for planning permission for the conversion of two existing stone outbuildings (Barn 1 and Barn 2) to holiday accommodation, the erection of a detached timber clad three bay garage and the conversion of an existing small stone shed to facilitate the provision of a bat house.

The completed development would comprise 2 no two bedroom holiday units with associated separate parking and amenity areas. The conversion works would comprise raking out the existing walls and re-pointing with lime mortar, and slate roofs and black painted timber windows and doors to match the existing.

The proposal also includes the erection of a detached timber clad three bay domestic garage that is located a short distance to the west of the existing farmhouse and outbuildings within an agricultural paddock to the south of the existing access drive near the property's gated entrance.

The proposed bat house would utilise an existing small stone outbuilding which is located approximately 50m to the south of proposed barn conversion 1.

Planning Site History

There is no relevant planning history for the application site.

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

Policy SP3 Sustainable Distribution – Settlement Framework
Policy SP15 Tourism and the Visitor Economy
Policy GP1 Sustainability and High Quality Design
Policy GP 6 Extensions
Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use
Policy TSM4 Visitor Accommodation
Policy TR3 Highways in Developments – Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales](#) (PPW) Edition 11, February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Highways and Transportation – Responded to re-consultation with no objections subject to conditions requiring parking provision to be provided prior to any use of the development and also the requirement to provide the proposed passing bay prior to beneficial occupation of either of the proposed holiday units and to the written approval and specification of the Local Highway Authority.

Meidrim Community Council - No observations received to date.

Local Member(s) – Cllr Jean Lewis, Local Member and Member of the Planning Committee, has made no prior comment.

Natural Resources Wales – No objection to the proposals. A bat licence is required for the development.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application has been the subject of notification by way of a site notice. Two representations were received from third parties objecting to the proposed development on the following grounds:

- The proposal would result in increased traffic on a small, narrow, windy country lane which is served by a number of properties including a farm.
- There is enough traffic generated by the existing properties including farm machinery from the existing farm.
- The lane is in poor condition and increased traffic will worsen the road surface.
- The development proposal is inappropriate for the location.
- Increased refuse placed at the corner of the main road as a result of the development.
- The unclassified road continues for a mile from the main road.
- Traffic meeting along the road have to find space to pass each other, which can result in vehicles reversing around blind bends or onto the main road.
- The few passing places that exist are soft, deep mud (not tarmac) which are not accessible to anything other than a tractor, necessitating reversing considerable distances round blind bends.
- The Highways and Transport conditions are inadequate both in timing and requirements, for the increasing traffic load for this lane.
- In response to an initial amended plan submitted by the agent which detailed the provision of a passing bay, a third party provided additional comment that the proposed passing bay detailed would only benefit the residents and users of the accommodation at Bryn Niwl as it would be located beyond the private gate of Bryn Niwl. It would therefore not meet the objectives of the requirement, to alleviate traffic risk on the narrow and single lane of the U2057. Holiday accommodation and delivery drivers using the U2057 will be unfamiliar with the road and will need many clearly defined passing bays along the winding public road.
- Following further consultation and discussion with the Highways and Transport Division, a further amended plan has since been provided by the agent detailing a passing place further south along the U2057. A new site notice has been erected following receipt of the amended plan. The publicity period ends on 5th November 2021.
- 1 representation has been received following re-publicity of the revised plans from a third party who has previously objected to the application. The third party maintains their previous objections in that they consider that the lane is unsuitable to accommodate the additional traffic generated by the development. In addition, the representation goes on to note that the passing bay has been moved from the private property to the public lane, however states that the siting of the proposed passing place is deemed unsuitable due to the amount of water that has to be taken away to deep drainage ditches. The existing

lane is poorly maintained and crumbling and disintegrating due to the existing traffic using the lane. The lane is also very busy and used by a range of vehicles, horse riders and pedestrians.

Appraisal

Principle of the Development

Policies TSM4 together with H5 are the main policies relevant to the consideration of this proposal. Policy TSM4 allows for permanent serviced or self-catering visitor accommodation outside of settlements where it consists of the re-use and adaptation (including conversion) of existing buildings and where the development complies with criteria d) and e) as set out in Policy H5. Criteria d) states that such proposals are required to demonstrate the building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension and re-construction. Furthermore, Criteria e) states that the building subject to the development should demonstrate and retain sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure.

The proposed development comprises the conversion of two existing outbuildings in a countryside location to provide self-catering visitor accommodation. The application is supported by structural appraisals of both Barns 1 and 2. The structural appraisals and photographs of the existing outbuildings are considered to clearly demonstrate that both buildings are structurally sound and intact, and the existing and proposed plans demonstrate that the outbuildings are of sufficient size to accommodate the proposed holiday use and no extensive alterations, extensions or reconstruction is proposed. Furthermore, the proposed plans are considered to demonstrate that the buildings would retain sufficient quality of architectural features, largely utilising existing openings and traditional materials in the conversion and as such it is considered that there would be no loss of the character and integrity of the original buildings. A condition is recommended to be included in any planning permission removing householder permitted development rights for the proposed holiday units in order to safeguard the character and appearance of the buildings and site by retaining control over any further development of the buildings and surrounding land.

The proposed three bay garage which has already been constructed at the site as was observed during a recent site visit, whilst not in the curtilage of the existing dwelling, is considered of an acceptable scale and design and is sited within close proximity to the existing dwelling and complex of buildings within the site. The proposed garage is therefore considered acceptable and does not result in any significant harm to the landscape or amenity of the area in accordance with Policy GP 6 of the LDP. A condition is recommended to be included in any planning permission requiring that the garage building is used only for domestic purposes ancillary to the main dwelling.

The proposals as a whole would not result in any adverse impacts upon the character and appearance of the countryside or upon the residential amenity of any neighbouring dwellings. A condition is also recommended to be included in any planning permission that restricts the use of the converted buildings to holiday accommodation only to accord with the relevant policies.

For the reasons as set out above it is considered that the proposed development would be in accordance with Policy SP 15, Policy TSM 4, criterion d) and e) of Policy H5 and Policy GP 1 of the Carmarthenshire LDP adopted December 2014.

Highway Safety

The proposed development would utilise the existing access and private drive which serves the existing property. As highlighted above the site is accessed via an unclassified, no-through road – the U2057. Third party representations received in response to the application raise concern in respect of the increased traffic that the development would generate along what is considered to be a narrow and windy, country road which has limited passing provision.

In response to initial consultation the Highways and Transport Division has responded with no objection to the proposed development subject to the provision of a passing bay along the U2057 road. Amended plans were received which included the provision of a passing bay however this was not deemed acceptable as it would not have been located on the U class road but rather along the applicant's private drive. Following further discussion with the applicant's agent and the Highways and Transport Division a suitable passing bay location was identified and a further amended plan has been submitted. The proposed passing bay location would be located further south of the development along the unclassified road and closer to its junction with Drefach Road. The passing bay would utilise an existing area of highway verge requiring the applicant to enter into a Section 278 agreement with the Highway Authority. The Highways and Transport Division has responded to consultation advising that the revised proposals are considered acceptable having regard to highway safety subject to conditions.

Concerns have been raised following re-publicity of the proposal regarding the suitability of the location of the proposed passing bay, with particular reference to potential drainage issues. Such matters would be required to be addressed by the developer under the Section 278 highways agreement process.

Conditions are recommended requiring the provision of the proposed passing bay and the parking as detailed on the submitted plans prior to first use of the holiday accommodation which will be included in any planning permission. The proposal is therefore considered to accord with Policy GP 1 and Policy TR3 having regard to highway safety.

Biodiversity

A bat survey has been submitted with the application which identifies bat use within barn 2 and the presence of nesting birds in both barns. Mitigation measures are set out within the report and the provision of a bat house as recommended in the report is included on the proposed plans. Provided that the mitigation as detailed on the plans and within the recommendations of the bat survey report are strictly followed then Natural Resources Wales offers no objection. A European Protected Species Licence will also be required for the carrying out of the works to Barn 2.

The proposed development is considered to accord with Policy GP 1 and EQ 4 of the LDP with regard to biodiversity issues.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The

decision takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision 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 WCFG Act.

Conclusion

After careful consideration of the scheme as submitted, along with third party objections received, it is concluded that the proposal is in accordance with the policies of the adopted Local Development Plan and is therefore put forward with a favourable recommendation subject to the below conditions.

Recommendation – Approval

Conditions and Reasons

Condition 1

The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plans and documents:-

- 1:500, 1:1250 Scale Location and Block Plan (Drg 09) received 12th October 2021;
- 1:200 Scale Proposed Site Plan (Drg 08A) received 30th October 2021;
- 1:100, 1:1250 Scale Pull in Bay – Location and Site Plan (Drg 10A) received 11th October 2021;
- 1:100 Scale Proposed Floor Plans and Elevations Barn 1 (Drg 02A) received 8th October 2020;
- 1:100 Scale Proposed Floor Plans and Elevations Barn 2 (Drg 04) received 8th October 2020;
- 1:100 Scale Proposed Garage Floor Plans and Elevations (Drg 05 B) received 28th October 2021;
- 1:30, 1:50 Scale Proposed Bat House – Floor Plans and Elevations (Drg 07) received 8th October 2020;
- Bat Survey Report by I&G Ecological Consulting dated August 2020, specifically Section 5.2 Outline Method Statement, received 8th October 2020;
- Structural Appraisal of Barn 1 by MW Consult Ltd dated Jan 2020 and received 8th October 2020;
- Structural Appraisal of Barn 2 by MW Consult Ltd dated Jan 2020 and received 8th October 2020.

Reason: In the interests of visual amenity and to confirm the extent of the permission.

Condition 3

The development hereby permitted, excluding the proposed garage, shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To ensure the development is occupied solely as holiday accommodation and for no other residential purpose to accord with Policy TSM4 of the Carmarthenshire Local Development Plan. To ensure the development is compliant with policies TSM4 and H5 of the Carmarthenshire Local Development Plan adopted December 2014.

Condition 4

The garage hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Bryn Niwl, Meidrim, Carmarthen SA33 5QS.

Reason: In the interest of clarity as to the extent of the permission.

Condition 5

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, amending and re-enacting that Order), no development of the types described in Schedule 2, Part 1, Classes A – E other than that hereby approved, shall be carried out without the written permission of the Local Planning Authority.

Reason: To exert control over the future development of the site to ensure that the character and appearance is maintained and to accord with Policies TSM 4, H5 and GP 1 of the Carmarthenshire Local Development Plan 2014.

Condition 6

Prior to the installation of any external site lighting, a detailed lighting plan, focusing particularly on minimising lighting impacts near to proposed bat roosts and maintaining dark corridors in line with the recommendations within Section 5.2 Outline Method Statement of the report produced by I and G Ecological Consulting and dated August 2020, shall be submitted to the local planning authority for written approval.

Reason: In the interest of biodiversity to accord with Policy GP 1 and EQ 4 of the Carmarthenshire Local Development Plan 2014.

Condition 7

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety.

Condition 8

A passing bay, giving a carriageway width of at least 5.5 metres over a 10 metres linear length of the road, shall be provided along the U2057 road as shown on the 1:100, 1:1250 Scale Pull in Bay – Location and Site Plan (Drg 10A) received 11th October 2021. This shall be implemented prior to beneficial occupation of any of the holiday units herewith approved, and thereafter shall be retained, unobstructed, in perpetuity. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.

Reason: In the interests of highway safety.

Notes/Informatives

Note 1

Warning: A European Protected Species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at [Natural Resources Wales / Species licensing](#).

Note 2

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Note 3

Comments and responses received from consultees and third parties can be found on the Authority's website (www.carmarthenshire.gov.uk). They may also relate to other permissions or consents required or include further advice and guidance.

Application No	PL/01088
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Application Type	Full Planning
Proposal & Location	CREATION OF ONE FAMILY TRAVELLER PITCH WITH ONE RESIDENTIAL STATIC UNIT, TOURING CARAVAN, UTILITY/DAY ROOM AND PARKING AREA AND IMPROVEMENTS TO THE EXISTING ACCESS DRIVE AND LANDSCAPING AT LAND AND PLOT AT REAR OF FRONDEG TERRACE, LLANELLI, SA15 1QD

Applicant(s)	MR DEAN LEE
Agent	HAYSTON DEVELOPMENTS & PLANNING LTD - MR ANDREW VAUGHAN-HARRIES
Case Officer	Nia Chard
Ward	BIGYN
Date registered	29/01/2021

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

Site

The application sites consist of an L shaped parcel of land measuring approximately 0.0605ha in area, and lies to the south of Frondeg Terrace, located within the settlement boundary of Llanelli. The site is accessed by an existing single-track vehicular access located between No 41 Frondeg Terrace and a property known as The Barn. The access is shared by the proposed site and the Barn. To the south is the recently built housing development known as Maes Hirlas.

The site slopes from north to south and is enclosed by fencing. The site formally housed a derelict stone barn which historically had permission for its conversion to a dwelling. A site visit has confirmed that the barn has now been demolished.

Proposal

The application seeks planning permission for the creation of one family traveller pitch. The proposal includes the stationing of one residential static caravan unit, a touring caravan, utility/day room and parking area, improvements to the existing access drive and

landscaping are also proposed. Access to the site is proposed via an existing access from Frondeg Terrace.

A prefabricated portacabin is proposed to be used as day/utility room measuring approximately 8m by 5.4m with a maximum height of 2.65m and will be situated to the north of the site. The prefabricated portacabin will be placed in blocks or sleepers, and therefore no excavations or foundations will be required. The day room has an open plan kitchen/dayroom with a separate bathroom. Two windows are proposed on the front elevation alongside a front door with a single window on the side elevation and a single access door on the rear elevation.

The pitch is proposed to be completed in compacted permeable hardcore and will be enclosed by a 2m high close boarded fencing. Soakaways are proposed from the static caravan and the day/utility room for rainwater. Foul drainage will connect to an existing public mains sewer within the site.

The application has been accompanied by a Planning Statement and Justification Report. The report confirms the gypsy status of the applicant and family. The submission confirms that the family's lifestyle falls within the definition of gypsies in paragraph 2 of the Welsh Assembly Government Circular 005/2018 – Planning for Gypsy, Traveller and Showpeople Sites whereby they are of a nomadic habit of life.

Planning Site History

The following previous applications have been received for the application site:-

D5/17362	Conversion of barn into a residential dwelling and erect a further single dwelling on Plot A Refusal	15 February 1996
D5/11533	Conversion of stables to a dwelling house Full planning permission granted	17 July 1989
D5/10394	Conversion of barn to dwelling Outline planning permission	07 March 1988

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution- Settlement Framework
- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- H7 Gypsy and Traveller Sites
- TR3 Highways in Developments – Design Considerations
- EQ4 Biodiversity
- EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

National policy advice relating to Gypsy and Traveller Site is contained within [Welsh Government Circular 005/2018](#).

Summary of Consultation Responses

Head of Transportation & Highways - No objection subject to conditions.

Llanelli Town Council – Object to the application on the basis of that location is not suitable in size for the development, that the development amounts to 'garden grabbing or backland development', concerns regarding overlooking and the suitability of the access arrangement have also been raised.

Local Member(s) - Councillor Morgan objected on the basis of highway safety. Councillor Edmunds has not commented to date.

Dwr Cymru/Welsh Water – No objection subject to conditions.

Cadw - No objection.

Sustainable Drainage Approved Body – Highlight requirements for separate SAB approval.

Planning Ecology – Measures that will ensure the biodiversity enhancement of the site has been requested, this includes, locations, types, specifications and numbers of the proposed biodiversity enhancement measures submitted on an annotated plan

Dyfed Archaeological Trust (DAT) – Initial response requested that an archaeological evaluation should be undertaken prior to the determination of the planning application. Following confirmation that the design of the proposed day room had been amended to a 'more portacabin structure placed on the ground' with no strip foundations. It is acknowledged that intrusive ground work will still be required for utility connections however DAT have amended their response and propose that an archaeological condition is placed on the planning consent.

Housing Officer - There remains a shortage of pitches for gypsy/travellers who wish to maintain a travelling way of life in Carmarthenshire, according to the Gypsy Traveller Accommodation Needs Assessment, which was carried out in 2019.

Llanelli & District Civic Society – Referred to the demolition of the existing barn on site, and questioned whether the static unit could be re-located elsewhere within the site to avoid potential impact on the protected area. They also endorse CADW's comments.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of neighbouring letters/site notice/publication in the local newspaper.

5 representations were received, all objecting, the matters raised are summarised as follows:-

- Concerns regarding the shared access and any work could affect access to neighbouring property.
- Concerns about noise and disturbance resulting from the day room.
- The position of the structures are close to the boundary and concerns are raised about loss of privacy and overlooking.
- The application is masqueraded as a single dwelling when it is likely to generate more traffic than a single dwelling.
- Concerns that the site can facilitate more than one touring caravan.
- The access has previously been described as dangerous.
- The proposal is totally inappropriate.
- The proposal will devalue the private properties in Capel Terrace.
- Assurance is requested that the proposal will not disturb the peace and tranquillity and that resident's privacy will not be compromised.
- Concern raised regarding increased noise.
- Development would constitute 'overdevelopment' as there is already a high volume of existing stock at this location.
- Proposal is incongruous and incompatible with our community.
- Development would potentially increase traffic generation and exacerbate pre-existing problems.

All representations can be viewed in full on our [website](#).

Appraisal

Principle of Development

The current LDP does not contain any allocated gypsy and traveller sites but relies on a criteria-based policy to deal with such proposals. The relevant policy is Policy H7 which permits proposals for gypsy and traveller sites or extensions to existing sites subject to four qualifying criteria.

The first criterion requires the proposed location to be reasonably accessible to a range of facilities and services, including existing community, social and educational provisions, and being within close proximity of main transport routes. The location of the proposed site is within development limits and within the residential area of Llanelli. The application site is

close to a wide range of social, retail, community and commercial facility and has good access to public transport. The proposal therefore complies with the requirements of LDP Policy H7 and Circular 05/2018.

The second criterion requires that proposals should not be detrimental to nearby residents and adjoining land uses by virtue of noise and other disturbances. Concerns have been raised that the application will cause an unacceptable impact on privacy and amenity of nearby residents. The application site is located within a residential area. The site is surrounded by an approximately 2m high timber fence. A recently constructed housing estate lies to the south of the site on ground sloping to the south, whilst to the north, on higher ground, lies residential development and a converted barn. Neighbouring residents are concerned about overlooking from the proposal. The proposed structures on site are low level in nature, and the caravan is orientated so that main windows overlook the site in a westerly direction. The proposal will not therefore have an impact in terms of overlooking and loss of privacy.

Thirdly, Policy H7 requires that sites must be capable of being serviced with water, electricity, sewage and waste disposal. In terms of the amenities required to serve the development, the submission advises that foul drainage would be connected to existing public mains sewer to which Welsh Water have raised no objection and have also not raised an issue to the proposal from a water supply perspective. The applicant is in discussions with Western Power to secure electricity supply to the site. The proposal is not therefore in conflict with the requirements of Policy H7 in this regard.

The fourth criterion requires that there shall be no adverse effect on the landscape/townscape or the setting and integrity of the historic environment. The application site is located adjacent to the medieval Capel Isaf Cemetery, a schedule ancient monument. Following Dyfed Archaeological Trust (DAT) response it is proposed that the day/utility room would be prefabricated portacabin and as such no strip foundations would be required. DAT acknowledged that this had greatly reduced the potential impact on archaeological deposits, however some intrusive ground works would still be required for the utility connections. The applicants have requested whether the work could be mitigated through an archaeological condition. DAT have agreed to a condition, however they have made it clear that should burials be encountered, construction work will have to stop while they are appropriately dealt with. CADW have been consulted and have not objected to the application.

Biodiversity Impacts

The Authority's Planning Ecologist has requested measures that will ensure the biodiversity enhancement of the site, including, locations, types, specifications and numbers of the proposed biodiversity enhancement measures submitted on an annotated plan. It considered that this information can be conditioned and required prior to commencement of the development on site

Highway Impacts

A number of objections received relate to highway safety concerns. The site benefits from an existing access onto Frondeg Terrace which is proposed to be improved. The application has been reviewed in detail by the Highway Authority who have not offered an objection to the application subject to conditions.

Other Matters

Concerns regarding future expansion are not relevant considerations to the current planning application. The proposal must be considered on the basis of the information submitted and application site area.

Matters relating to anti-social behaviour, intimidation and devaluation of neighbouring property price are not material planning considerations and not under the remit of the Local Planning Authority.

Planning Obligations

None

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision 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.

Conclusion

After careful consideration of the scheme as submitted, alongside third-party representations received, it is concluded on balance that the proposal complies with relevant local and national planning policy. Circular 005/2018 requires that the Authority make provision for gypsy and traveller sites in the County through site allocation where a need is identified, along with criteria-based policies. Previous work undertaken for the GTAA identified a current unmet need of 19 pitches, increasing to 23 pitches in 5 years and 31 pitches by 2033. Notwithstanding this, there are no allocated sites in the Llanelli area within the current LDP and deliverability of the sites identified in the forthcoming Revised LDP is uncertain. The Authority therefore most consider applications for new sites against the requirements of Policy H7 of the Plan and WG Circular, as referred to above.

In the absence of the availability of a suitable existing site or allocation, the applicant is seeking to establish a new privately owned site that will meet his family's accommodation needs and allow them to return to their traditional nomadic lifestyle. The proposal accords with the policy requirements of the LDP and Circular 005/2018, in that it is accessible to a range of facilities and services, will not be detrimental to the amenity of nearby residents and land uses and is capable of being serviced with the required amenities and infrastructure. Furthermore, the modest scale of the proposal alongside retention of existing and new landscaping will safeguard against any unacceptable visual impacts and the Head of Transport has raised no objections from a highway safety perspective subject to conditions.

Any permission granted will be conditioned to restrict the occupation of the development to gypsies and travellers as defined in the Circular. Moreover, in the interests of protecting the surrounding area from potential visual and noise intrusion further, conditions will be imposed restricting the number of caravans on the site and to prevent commercial activities taking place.

In light of the foregoing, the proposal is considered to accord with the objectives of the abovementioned policies and is therefore presented with a recommendation for approval.

Recommendation – Approval

Conditions and Reasons

Condition 1

The development shall begin no later than five years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2

The development shall be carried out in accordance with the details shown on the following schedule of plans and documents:-

- Location Plan 1:1250 @ A3 [AVH-685 – 01] received 05 January 2021;
- Location and Block Plans 1:2500, 1:1000 @ A3 [AVH-685-02] received 05 January 2021;
- Floor Plan and Elevations (utility and day room) 1/50, 1:100 @ A3 [AVH-685-04A] received 13 May 2021;
- Site Plan 1:25 @ A3 [AVH-685-03C] received 13 May 2021;
- Planning Statemen and Justification Report ref HAYS/1448 prepared by Hayston Developments & Planning LTD received 05 January 2021.

Reason: In the interest of visual amenities.

Condition 3

The site shall not be occupied by any persons other than gypsies and travellers as defined in Section 108 of the Housing (Wales) Act 2014 and Paragraph 2 of Circular 005/2018 – ‘Planning for Gypsy, Traveller and Showpeople Sites’ or any subsequent replacement circular/document.

Reason: To restrict the occupancy of the site.

Condition 4

No more than one static and one touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: To confirm the extent of the permission.

Condition 5

No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.

Reason: In the interests of visual amenity and safeguard the amenity of adjacent occupiers and land users.

Condition 6

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Condition 7

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Condition 8

No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.

Reason: To protect historic environment interests whilst enabling development.

Condition 9

The turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason: In the interest of highway safety.

Condition 10

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason: In the interest of highway safety.

Condition 11

Prior to works commencing on site, details of measures that will ensure the biodiversity enhancement of this site including locations, types, specifications and numbers of any proposed biodiversity enhancement measures, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details.

Reason: To provide biodiversity and environmental enhancements in accordance with EQ4 of the LDP.

Notes/Informatives

Note 1

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Note 2

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).

Application No	PL/02740
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Application Type	Full Planning
Proposal & Location	INSTALLATION OF AN AUTOMATED PRESCRIPTION COLLECTION MACHINE AT AVENUE VILLA SURGERY, BRYNMOR ROAD, LLANELLI, SA15 2TJ

Applicant(s)	MR ROB DAVIES - DAVIES CHEMIST
Agent	MR GARETH DAVIES - BAPTT-GROUP SHOP FITTING
Case Officer	Eilian Jones
Ward	Elli
Date registered	04/10/2021

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

Site

The proposal comprises of an established surgery with a pharmacy located in a dense, urban area of Llanelli. The surgery is located at the end of several streets, namely Brynmor Road, Princess Street and Erw Road. The site is within a predominantly residential area albeit there are the occasional commercial and community uses and its close proximity to the centre of Llanelli.

Proposal

The application proposal to install an automated prescription collection machine to a pharmacy attached to the surgery.

Planning Site History

The following previous applications have been received on the application site:-

S/00974 Ground floor pharmacy extension with first floor consulting rooms over (3 no.)
Full planning permission granted

05 March 1998

D5/10433	Doctors surgery and car park Full planning permission granted	11 April 1988
D5/9982	Doctors surgery Outline planning permission granted	02 July 1987

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution - Settlement Framework
- SP16 Community Facilities
- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- TR3 Highways in Development – Design Considerations

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Llanelli Town Council - No observations received to date.

Local Members - Councillor J P Jenkins has not commented to date.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of neighbouring letters/site notice/publication in the local newspaper.

4 representations were received, 4 objecting, and the matters raised are summarised as follows:-

- i) Lack of publicity of the planning application.
- ii) Increase in adverse noise, disturbance, nuisance and harmful to the amenities and wellbeing of residents. Reference to existing enforcement issues regarding noise, disturbance and amenity issues with The Greenfield Inn which would be worsened by this proposal.
- iii) Increase in crime, vandalism and anti-social behaviour.
- iv) Detrimental to highway safety with increase in traffic during day and night and lack of parking.
- v) The facility would take away jobs from drivers and pharmacy staff.

All representations can be viewed in full on our [website](#).

Appraisal

The application proposes to install an automated prescription collection machine to a pharmacy attached to the surgery. The machine would approximately measure 880mm x 1010mm with a height of 1850mm. It is understood that the machine would operate 24 hours a day and on a daily basis.

The bulk of the machine would be located inside the building but it would result in the part removal of a large window and brick plinth to enable the dispensing façade to be accessed externally. The arrangement would be similar to an ATM installed to shops and banks but larger in its external size, comparable to a drinks/confectionary vending machine.

Whilst the removal of a brick plinth and the installation of the machine would alter the symmetrical appearance of this elevation, it would not unreasonably harm visual amenity. The machine would be installed on a side elevation which faces inwards, towards the car park of the surgery/pharmacy. As such, it would not be on an elevation which directly faces the public road which limits its visibility. Although not specified, it is understood that the machine has low level illumination, including a touchscreen.

The machine would provide a complimentary facility to the surgery/pharmacy. The machine is largely located inside the building and is unlikely to generate any significant operating noise. Patients may visit the site outside normal opening times of the surgery/pharmacy. Whilst the facility would operate 24-hours a day, it allows essential medicines to reach patients in a flexible and secure manner without physical contact and queues at the premises. This is considered to be a beneficial way of delivering healthcare services, especially during Covid-19. It would not be significantly different to secure click-and-collect machines for online parcel orders. It is primarily for collecting pre-arranged prescription medicines which is securely designed and requires a code for its use. Any fees are via card/chip and pin only. Similar machines have been installed to other medical facilities in the County, for example at Cross Hands (PL/01014 refers).

The representations received from local residents concerning potential increase in noise disturbance, nuisance and harmful to the amenities and wellbeing of residents, together with impacts on highway safety, parking and traffic are noted. However, unlike the pharmacy itself, this is a pre-arranged collection facility, and the machine would only attract those who have made an order. It is likely to serve the local community rather than attract customers/patients from further afield. It is also noted that it does not appear that there are any planning restrictions limiting the opening times of the pharmacy, therefore the premises could be open 24-hours a day in any case and potentially offer several services with the additional attendance of staff. This could have a greater local impact than the installation of the proposed machine. It is therefore considered that the proposed medicine dispensing machine is compatible with the existing use of the site and would not, on balance, generate such harmful effects to the locality to be deemed unacceptable. References made to enforcement issues associated with a nearby public house do not hold any significant weight in the determination of this application which is considered on its own merits. Notwithstanding this, it is considered that the installation of this facility would not unduly worsen the amenity issues in the immediate area and the wider public benefits generated by the installation of this healthcare facility to the local community outweighs the concerns expressed during the public consultation period.

Concerns have been expressed that the locality is already subject to crime, vandalism and anti-social behaviour and that the proposed facility would increase such activity in the area. The machine is considered to be a heavy, durable and secure machine commonly installed to healthcare buildings and there is no clear evidence to demonstrate that its installation would result in increase in crime, vandalism or anti-social behaviour in this locality.

A representation has been received indicating that the unstaffed facility would take away jobs from drivers and pharmacy staff. This however is considered to be an additional and complementary facility to the existing pharmacy which would not result in significant reductions in employment.

The application has been publicised in accordance with the relevant regulations in which those immediately adjoining the application site have been notified of the application via a letter. Notwithstanding this, all correspondence received during the public consultation period that raise material planning issues have been carefully considered and address within this balanced report.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision 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.

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed automated prescription collection machine is acceptable and would provide a complimentary facility to a well-established surgery/pharmacy. The proposal would have wider public benefits by enhancing healthcare services within the area, to the benefit of the local community. The development would not represent a significant risk to increased levels of crime, vandalism or antisocial behaviour in the area or generate significant adverse noise/disturbance and it would not have unreasonable adverse effects on visual amenity, residential amenity, general amenity, wellbeing, employment opportunities/security or highway/pedestrian safety.

Recommendation – Approval

Conditions and Reasons

Condition 1

The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans and documentation:-

- RD A109 – Existing & Proposed Elevations 24/7 Machine [Including Floorplan] (Scale 1:30, received 23 September 2021);
- RD A110 – Site Location Plan (Scales 1:2500, 1:1250, received 23 September 2021);
- Site Location Plan (Scale 1:1250, received 23 September 2021);
- Pharmself24 Technical Specifications (received 23 September 2021).

Reason: In the interests of visual and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

Notes/Informatives

Note 1

Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Note 2

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/01515
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Application Type	Full Planning
Proposal & Location	CONSTRUCTION OF A RURAL ENTERPRISE DWELLINGHOUSE (RESUBMISSION OF W/39836 REFUSED 03/12/2020) AT LAND PART OF TREWERN FARM, LLYSONNEN ROAD, ABERNANT, CARMARTHEN, SA33 5EW

Applicant(s)	MR R AND MRS N DAVIES
Agent	EVANS BANKS PLANNING LIMITED – RICHARD BANKS
Case Officer	Graham Noakes
Ward	Trelech
Date registered	17/03/2021

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Jean Lewis on the grounds that, *“As this application is being resubmitted because it has been turned down by officers, I kindly ask that this application proceed to be determined by the Planning Committee. It is clear that there is disagreement between officers and applicants as to whether or not the application meets policies.”*

The application was initially reported to the Planning Committee on 26th October 2021, when it was resolved that the determination of the application be deferred to enable the Valuation Officer to be present at the committee considering the proposal.

Application as Previously Presented

Site

The application site lies approximately 2 miles north of the A40, some 2 miles east of Meidrim. The application site, part of Trewern Farm, is situated off the C2038 Carmarthen to Meidrim road, with the access to the farm being close to where the road bridges over the Afon Cywyn watercourse.

The application is accompanied by a Rural Enterprise Dwelling Appraisal which provides a consideration of the proposal within the context of the policy requirements of Technical Advice Note (TAN) 6 : Planning or Sustainable Rural Communities (July 2010), that describes the holding as extending to *“...43 acres of rolling pasture set predominately south of the compacted farmyard and is used exclusively for grazing and deriving a silage crop.*

The farmyard accommodates a large portal framed shed complex, which has expanded in recent years in accord with the expansion of the farm business. The yard also contains a twin-unit chalet which was erected some ten years on the farm to provide necessary office and rest room facilities, but now also forms the applicants place of residency.”

The appraisal details the existing stock as 13 pedigree Limousins in calf heifers, 25 pedigree Limousins with calves at foot, 100 beef cattle per annum, 20+ breeding bulls and 120 ewes.

It is stated that the applicant also rents a further nearby 71 acres which is said to allow for the grazing of the 120 ewes

A ‘Feasibility Study’ subsequently received during the course of the application differs, in that document refers to 33 acres owned at Trewern, with 54 acres rented one mile away, with a further 10 acres rented land adjoining Trewern. The reference to the stock remains consistent with the figures in the appraisal. The Feasibility Study conveys that the *“main enterprise is the buying and selling of breeding bulls. Mainly beef breed bulls are purchased, and then resold after spending 2 to 3 months on farm. Annual through put is around 60 bulls per annum. Bulls are purchased locally, and will spend on average 2 months on the farm being fed silage and concentrates. The building has a capacity for 20 bulls.”*

While the existing agricultural building (1,200m²), chalet and the proposed dwelling site are located on an area of relatively level land, most of the remaining land within the applicants’ ownership at Trewern Farm rises steeply from the yard and application site area and is north-east facing.

The application site lies in a rural, open countryside setting, outside of the development limits of any settlement defined in the Local Development Plan

Proposal

The application seeks full planning permission for the erection of a rural enterprise dwelling to be located to the front (east) of the agricultural building, mid-way along the southern flank of the farm access track. The new dwelling being required to replace the existing chalet, approved as a welfare facility/office in July 2013, which the applicant confirms he has resided in since the grant of planning consent, in breach of that permission.

The two-storey house, 10.9m in length by 8.5m in width, is proposed to be of reconstituted stone elevations with a grey tile roof. Internally, over a gross floor area of 150m² a kitchen, living room, lounge, office and utility room are to be provided on the ground floor with four bedrooms and a bathroom on the first floor.

Access is to be achieved directly off the existing farm track.

Planning Site History

The application is a resubmission of an identical application, W/39836 that was refused planning permission on 3rd December 2020 by means of the authority delegated to the Head of Planning for the following reasons:-

- 1 The proposal fails to demonstrate that there is an existing functional need for a full time worker to be present on the site at most times for the proper functioning of the business and therefore does not comply with paragraph 4.4.1. (a) and (b) of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010).
- 2 Insufficient justification has been provided to demonstrate that the rural enterprise is financially sound and economically sustainable, as the level of profit is insufficient to provide a market return for all operators for the amount of management and manual labour input. The proposal is therefore contrary to paragraphs 4.4.1(c) and 4.10 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010).
- 3 It is evident that the part-time functional need could be fulfilled by other dwellings nearby. Insufficient evidence has been provided to demonstrate why alternative local accommodation is not acceptable. The proposal is therefore contrary to paragraph 4.4.1(d) of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).
- 4 The development is contrary to Policy SP14 (Protection and Enhancement of the Natural Environment) of the Carmarthenshire Local Development Plan in that it is considered that insufficient justification has been provided to support a rural enterprise dwelling at this location. The proposal will have a detrimental effect on the traditional appearance and character of the open countryside at this location.

The following previous planning applications have been received in respect of the application site:-

W/32981	Extension to an existing agricultural building Full planning permission granted	11 December 2015
W/27753	Retention of twin unit caravan (chalet) used as office and rest area etc ancillary to farming enterprise centred at Trewern Farm Full planning permission granted	30 July 2013
W/11789	Erection of a new farmhouse Outline planning refused	26 April 2006
W/08505	Erection of farmhouse Outline planning refused	22 December 2004
W/07831	Steel framed side extension to an existing agricultural barn, for use as a general purpose agricultural building Full planning permission granted	05 October 2004
W/00227	Steel framed agricultural building for storage of farm implements crops and housing winter livestock Full planning permission granted	06 March 1997

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces.
SP14 Protection and Enhancement of the Natural Environment
GP1 Sustainability and High Quality Design
TR3 Highways in Developments – Design Considerations.

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways – Offers no objection subject to the imposition of conditions.

Public Rights of Way Officer – Highlights the proximity of the public footpath and the legal requirement not to obstruct or encroach upon it either during construction or at any time thereafter.

Valuations Manager – Objects to the application, in that the applicant has failed to successfully demonstrate the viability of the holding along with concerns in respect of the financial and cash flow projections and the functional need for the dwelling.

SAB (Sustainable Drainage Approval Body) – SAB approval is required and construction works must not commence before SAB approval is obtained.

Meidrim Community Council – Has not commented.

Local Members – Councillor Jean Lewis is a member of the Planning Committee and has requested that the application be considered by the Planning Committee.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of the posting of a site notice with no representations having been received in response.

Appraisal

The proposal involves the creation of a new dwelling in the open countryside which is which is only permissible in a limited number of exceptions, one of which is the provision within TAN6 that stipulates that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work.

To comply with TAN6 it first needs to be established whether the enterprise that the dwelling seeks to be associated with falls to be considered as a Rural Enterprise, defined in TAN6 as, “*land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting) tourism and leisure enterprises*”.

The proposal refers to a land related, agricultural business that can be considered to be a qualifying rural enterprise. The central issue in the determination of the application is whether the relevant criteria (a-e) set out in TAN6 to establish when a new dwelling on an established rural enterprise may be justified, under paragraph 4.4.1, whereby proposals should only be permitted where they meet these requirements.

Criterion a) of the TAN requires that there is a clearly established functional need for one or more workers to be readily available at most times for the proper functioning of the enterprise; criterion b) requires that this need must relate to a full rather than part-time worker; criterion c) relates to a financial test whereby the enterprise must have been established for at least three years, profitable for at least one of them and be financially sound and have a clear prospect of remaining so; under criterion d) applicants must demonstrate that the functional need cannot be fulfilled by another dwelling or converting an existing building on the holding; criterion e) relates to ‘other normal planning requirements’ in that proposals must be acceptable from, for example, a siting, design and access perspective.

Functional Requirement

The applicant has advised that the principal reason for requiring a new dwelling on the existing yard is to enable to enable “*the successful business at Trewern Farm to be retained and continue to provide essential employment for the Applicants, whilst also overseeing the 24/7 care of the valuable beef stock.*”

The Applicants engage in five principal activities at Trewern Farm –

- 1. Pedigree Limousin Herd – The Applicants rear their own calves as Breeding females and bulls.*
- 2. Bull Sales – Purchases all breeds of bulls from other breeders and holdings throughout the UK to sell to other potential breeders, farmers, locally and widely through www.rhysbullsales.co.uk*
- 3. Barrens/Stores Cattle – Bought from livestock marts and other agricultural holdings to be fattened before being sent to slaughter.*
- 4. Store cattle purchased on behalf of customers and stored on the holding.*
- 5. Sheep – Purchased late August, to lamb in late winter/spring, sold as ewes and lambs or sheep are culled early Summer and lambs are kept to “finish off”.*

The submitted Rural Enterprise Dwelling Appraisal conveys the daily routine undertaken by Mr Davies includes entering the 20 bull pens individually, scraping their mats before giving silage, which can take approximately 2 ½ hours in the morning and 2 ½ hours in the evening; attending livestock marts to purchase bulls to sell, barrens & stores; transport bulls and cattle

onto the holding; TB testing bulls for sale; calving 25+ pedigree cows, first batch begins calving during the Autumn, second batch begin calving late winter/spring; seasonal work, fertilizer, mowing etc; working the slopes with the farm quad bike.

It is stated that a full-time presence is required at the farm is essential for the successful running of the enterprise, highlighting the need for feeding, to address incidents in inclement weather, livestock accidents and lambing particularly when local roads are impassable induue to snow. The application contends that a constant presence on site means that without that dutiful care, valuable stock would be lost.

A letter of support from Carmarthen Veterinary Centre and Hospital conveys that the applicants pride themselves in the welfare and management of their animals and to aid that a residential property on the land is essential. Reference is given to the poor phone signal in the area that would mean that there is difficulty in monitoring cows remotely overnight which could lead to a welfare issue if a cow was to calve unattended.

The submitted appraisal seeks to address the relevant criteria as follows:-

Time Test

TAN6 states that it must be demonstrated to be essential for a full-time worker to be readily available at most times, at or in close proximity to the site of need, for an appropriate rural enterprise to function properly.

Although it is not expressly stated in the application, it is clearly implied that there is a need for one full-time worker, the applicant, to be at the site.

Financial Test

TAN6 requires a rural enterprise to be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years. In support of this element, financial records for the business in years 2018, 2019 and 2020, each of which demonstrate profitability, that were provided in the previous unsuccessful application (W/39836) have again been provided. In addition to which, the Feasibility Study includes a summary of the 'gross margin forecasts' and 'forecast farm profit' for years 2021 to 2025, which again demonstrate financial viability.

Other Dwelling Test

TAN6 requires that the availability of existing alternative dwelling options to meet the identified functional need, and/or of the scope to reorganise the management of an enterprise such that there is no need for a new dwelling.

The applicants presently reside in the chalet on site, approved as a welfare facility/office in July 2013, which the applicant confirms he has resided in since the grant of planning consent, and acknowledges that the residential occupation is in breach of that permission. The applicants advise that the condition of the existing accommodation at Trewern is no longer fit for purpose and as such a new dwelling is required.

In terms of other buildings available for conversion it is accepted that there are no existing buildings suitable for conversion on the site. The applicants convey that an internet search revealed *'very few properties for sale within 3 miles of Trewern. Such properties tend to be located on their own respective farm holdings and at values in excess of £750,000, whilst most individual properties tend to be located within the town of St. Clears, or villages of Meidrim and Talog.'* Other properties identified *'would not meet the needs of Trewern Farm given that they lie over 2-3 miles from the holding and would not allow the Applicants to monitor the welfare of their expensive livestock and provide around-the-clock security, preventing trespass and potential theft of those livestock and farm vehicles and implements.'*

Other Planning Requirements Test

The appraisal conveys that the proposed dwelling has been designed to comply with each criterion of LDP policy GP1 (Sustainability and High Quality Design). It is stated that the design has due regard to the topography of the site, the scale of the dwelling is appropriate for the site and surroundings, utilises materials appropriate to the area, has no adverse impact on any adjacent land uses or occupiers and has the appropriate parking and service provisions provided.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision 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.

Conclusion

There is a longstanding national policy of general restraint on sporadic development in the countryside. New rural enterprise dwellings remain exceptions to general policy and require particular justification.

Having thoroughly appraised the submitted information the application is considered to unfortunately be fundamentally flawed as the holding size is insufficient at 33 Acres (owned) to support the projected figures in its own right. While it is acknowledged that there is a further 64 acres of rented land, this is held on a short term, year to year basis and could be lost at any time. The loss of this land would have a significant impact of the viability of the holding and the ability to service existing debt as well as that additionally sought finance proposed to create the dwelling. The land that is owned is extremely steep and has a north easterly aspect. Although this is suitable for grazing a modest flock of sheep, it has limited potential for stated cropping. This further underlines the holdings limitations and reliance on the rented land.

Whilst the financial and cash flow projections appear to show viability over the next 5 years, there is no guarantee of the continued strength of current market prices throughout that period. As these are only projections, more weight is attributed to the accounts submitted for the last 3 years. Although these show a useful level of turnover, the profits are small and infrequent. There is clearly a significant element of off-site income and time spent transporting livestock as evidenced by the stock lorry. Drawings are similarly small and the

case that an agricultural worker's minimum wage is attainable is not proven. Based on actual figures provided the ability of the business to afford the house is also not proven.

With regard to the actual day to day functioning of the enterprise and the need to be on site at all times, this is also unproven. Whilst the feasibility study asserts that the applicant has lived on site for 10 years, the double cabin demountable unit that serves as a welfare facility and office was only granted consent in 2013. Valuation officers have visited the site on several occasions over the last 18 months to find it locked up and no one there. Similarly stocking levels were far lower than those suggested. Whilst it is acknowledged that temporary accommodation might be needed during key lambing and calving periods only, the need to be on site continuously and a new permanent dwelling is not. The number of animals handled by the business is far in excess of that capable of being supported by a holding of this size. Time spent driving and transporting stock elsewhere further illustrates the lack of need for a constant presence at the holding.

In summary, whilst the range of buildings gives rise to an opportunity for a specialist enterprise on a small scale, the business is heavily dependent on short term rented land and off farm income and activities.

Turning to the usual planning requirements for a new dwelling, it is considered that the proposed use of reconstituted stone on the external elevation is not consistent with elevational treatment of the traditional dwellings sporadically dispersed in the area which are primarily of a render or painted render finish. Contrary to the assertion that *'The proposal has therefore sought to draw on those found within the surrounding area to be respectful of local finishes but reduce the cost of construction.'*, the use of reconstituted stone is also likely to significantly increase the construction cost and consequently the value of the house, beyond the realm of the affordable occupancy element of the condition that must be imposed on any permission for a rural enterprise dwelling.

Although the applicant in discussion with the case officer during his site inspection was amenable to revising the external appearance and revisiting the overall size of the dwelling, commenting that he only needed a house to meet the needs of him, his wife and infant child, correspondence has subsequently been received in which it is confirmed that the design is not to be revised as *'They have a growing family and a four-bedroomed detached house will not only meet their needs, but also those of the growing farm business and holding.'*

After careful consideration of the scheme as submitted, together with the representations received, it is concluded that on the basis of the above the proposal does not comply with the requirements of Welsh Government Technical Advice Note 6: Planning for Sustainable Rural Communities and is therefore recommended for refusal on the following grounds.

Recommendation – Refusal

Reasons for Refusal

Reason 1

The proposal fails to demonstrate that there is an existing functional need for a full time worker to be present on the site at most times for the proper functioning of the business and therefore does not comply with paragraph 4.4.1. (a) and (b) of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010).

Reason 2

Insufficient justification has been provided to demonstrate that the rural enterprise is financially sound and economically sustainable, as the level of profit is insufficient to provide a market return for all operators for the amount of management and manual labour input. The proposal is therefore contrary to paragraphs 4.4.1(c) and 4.10 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010).

Reason 3

It is evident that the part-time functional need could be fulfilled by other dwellings nearby. Insufficient evidence has been provided to demonstrate why alternative local accommodation is not acceptable. The proposal is therefore contrary to paragraph 4.4.1(d) of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).

Reason 4

The development is contrary to Policy SP14 "Protection and Enhancement of the Natural Environment" of the Carmarthenshire Local Development Plan in that it is considered that insufficient justification has been provided to support a rural enterprise dwelling at this location. The proposal will have a detrimental effect on the traditional appearance and character of the open countryside at this location.

Reason 5

The proposed development, if granted, would be contrary to Policy GP1 "Sustainability and High Quality Design" of the Carmarthenshire Local Development Plan (2014) in that the proposed use of reconstituted stone in the construction of the external elevations of the new house shall neither conform with nor enhance the character and appearance of the area, considered to be the open countryside beyond the development limits of the nearby settlements, where the traditional dwellings primarily have either render or painted render elevations.

ADDITIONAL ITEMS FOR DECISION

Application No	W/40030
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Application Type	Full Planning
Proposal & Location	PROPOSED RURAL ENTERPRISE DWELLING TO INCLUDE VEHICULAR ACCESS, AND INSTALLATION OF PACKAGE TREATMENT PLANT AT MOELFRYN, PANTYBWLCH, NEWCASTLE EMLYN, SA38 9JE

Applicant(s)	MR GARETH MORGAN
Agent	MR GARETH FLYNN
Case Officer	Helen Rice
Ward	Llangelor
Date registered	02/01/2020

Reason for Committee

The Planning Committee, on 3 December 2020, resolved to grant planning permission contrary to officer recommendation for the above development, subject to the imposition of conditions. The details of the conditions requested by Members are referred to in the minutes of that Committee which state:

The Committee had regard to the report of the Head of Planning detailing the reasons for recommending refusal of application W/40030 on the basis it failed to fully comply with the 5 tests set out within Technical Advice Note 6 (TAN6) for the approval of a Rural Enterprise Dwelling. However, in relation to those tests, it was contended the applicant had met some of those tests in whole or in part in that they had proved the need for an additional dwelling on the site, they met the financial test, the siting of the dwelling was considered to be sufficiently close to the main farm complex at Blaenffos Farm and complied with the test for an affordable housing/rural enterprise dwelling. For those reasons the Committee considered the application should be granted contrary to the Head of Planning's recommendation but that any consent should be subject to the following two particular conditions:-

- 1. The dwelling at the main farm holding at Blaenffos Farm, together with the proposed new dwelling, were both to be regarded as Rural Enterprise Dwellings and tied to the farm complex thereby avoiding the potential for the future fragmentation of the farm holding to occur.*

2. No work shall be commenced on the proposed new dwelling prior to the signing of the appropriate legal agreement required under TAN6 for the transfer of the ownership of the farm holding to the applicant.

The planning permission has not been issued as the applicant has failed to enter into a Section 106 agreement to tie both the proposed dwelling and the existing dwelling to the farm complex as required by point 1 above. The applicant advises that the existing dwelling at Blaenffos has never been in the ownership of the applicant and therefore the S106 can only be applied to the new dwelling.

TAN6 advises that in circumstances whereby a second dwelling is to be granted on a holding (such as in this case) that both the existing dwelling and proposed dwelling's occupancy as rural enterprise dwellings is secured and the dwelling is tied to the holding by way of a legal agreement (sections 4.5.3 and 4.13.3 of TAN6). This is reflected in Member's resolution to grant permission.

Whilst it may be the case that the applicant is not the owner of the existing dwelling or wider holding, this does not prevent the owners of the existing dwelling or holding to be signatories to the S106 to secure the requirements of TAN6.

Members are also advised that whilst point 2 of the resolution was proposed to be secured by way of a condition upon approval of the permission, the applicant has not offered a secure and legally binding agreement to demonstrate transferral of the holding to date.

Due to the applicant's stated inability to be able to comply with the Members conditions stated above, the application is being reported back to the Planning Committee for further consideration with the original report to Planning Committee reproduced below.

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Ken Howell. The call-in by Cllr Howell also requests a site visit. However this request was received in February 2020 and therefore prior to current Covid19 restrictions on site visits.

Site

The application relates to an existing farm known as Blaenffos, located in the open countryside approximately 3.5km due south of Newcastle Emlyn.

The farm is centred at Blaenffos where the existing dwelling is co-located with a range of agricultural buildings. Situated in an elevated position, the farm yard is on a plateau whereas the surrounding farm land generally slopes down from south to north, with the field areas to the west and south rising steeply up towards a highpoint known as Pen y Garn.

The application site relates to a field area approximately 1km due south of the main farm yard, within a 66 acre parcel of the holding under the ownership of the applicant with the remaining holding of circa 209 acres in the ownership of the applicant's parents. The application site is at a higher level (circa 240mAoD) than the farm yard area (circa 180mAoD)

and in combination with the distance, the farm yard is not clearly visible from the application site. The application site itself is exposed with open far reaching views towards the north east. The site is defined by field boundaries comprising hedgerows and small trees, and gently slopes west to east.

The site is currently accessed via a field gate, with recent works having been carried out to create a hard-surfaced track that leads up to a newly laid concrete slab hardstanding upon which a caravan is located. There are also wooden stable style buildings located to the side of the caravan/concrete slab. There is no planning permission in place for either the stables building or the caravan. However, in terms of the stables, historic aerial photography suggests that a building resembling the stables has been in situ in this location since at least 1999. There is also evidence of a caravan having also been placed on the land, although this appears to have been replaced a few times and, until more recently, appeared to be on the land for storage purposes rather than residential use.

Proposal

The proposal seeks permission for a rural enterprise dwelling on the application site in association with the agricultural holding at Blaenffos. Given that Blaenffos is already served by a dwelling situated on the main farm yard the application is to be viewed as a second dwelling on the existing holding.

The proposed dwelling would be centrally sited within the application site, set back from the highway edge with the creation of a central new access, designed to accord with the Council's Typical layout 1, with the closure of the existing access and its replacement with a native hedgerow. A proposed passing place is also proposed to be provided to the east of the existing access position. A parking and turning area would be provided off the new access along with a detached garage to the side of the proposed dwelling. The remaining land surrounding the proposed dwelling within the application site area would be laid to grass and it appears that the existing stable building would be retained. Due to the relatively level site, no substantial ground works would be required. The 230sqm two storey dwelling would have a lounge, kitchen, dining, utility, sunroom, study and hallway on the ground floor with a master bedroom with en-suite and 3 further bedrooms and family bathroom on the first floor. The walls would be finished in smooth render with natural stonework detailing above window openings, with the proposed single storey porch area finished in natural stonework with the roof finished in natural slates. A package treatment plant would provide foul drainage with details of the surface water drainage subject to further detail but likely to be soakaways subject to satisfactory percolation tests.

The application is supported by a Rural Dwelling Appraisal with supplementary information and Agricultural Questionnaire which gives further details of the existing enterprise and the justification for the proposed second dwelling.

The farm holding extends to some 275 acres, with a suckler herd of 20 cows, 4 followers and 43 beef cattle for finishing with 500 ewes and ewe lambs. 200 acres is used for grazing, 60 acres for silage/hay, with the remaining areas covered by woodland and infrastructure. The enterprise is understood to be trading as an equal partnership between the applicant Mr Gareth Morgan and his parents Mr & Mrs Morgan, with the land ownership split between the partners.

It is understood that Mr & Mrs Morgan are taking a step back from the day to day management of the business with Mr G Morgan taking on more responsibility. However it is mentioned that Mr & Mrs Morgans' assistance will remain to be required and hence there will be an ongoing need for Mr & Mrs Morgan to continue residing on the holding.

However with Mr Morgan's increasing involvement on the farm, he wishes to remain on the holding albeit in a separate dwelling to his parents.

A partnership agreement between the current land owners has been submitted that explains that Mr Gareth Morgan will take over the farm's management, should planning permission be granted for a second dwelling on the farm. In addition, a signed letter from the applicant's parents has been provided which appears to confirm that the applicant currently runs the farm and has full responsibility.

The submitted information advises that the applicant previously resided at the farmhouse in Blaenffos, and whilst the applicant remains to use Blaenffos as the address for the supporting forms submitted with the application, it is mentioned that he currently resides in the caravan on the application site. This is unauthorised. Following discussions with the Council's Council Tax Department, it has been confirmed that residential Council Tax on a caravan at the application site has been paid for since 1 October 2018. During a site visit to the farm, Officers were advised that the applicant currently resided in the existing farmhouse on the farm with his parents living at an alternative address, however, since that visit the applicant via his agent has advised that the information given to Officers on site was incorrect and that the applicant's parents live at the existing farmhouse at Blaenffos, with the applicant residing at the caravan. However, information held by the electoral roll confirms that Mr Gareth Morgan is the registered person at Blaenffos. This conflicting information has given rise to confusion when dealing with the application especially given its nature being a second dwelling on the farm.

Notwithstanding the above, the submitted rural enterprise appraisal sets out how the proposal meets the various tests for Rural Enterprise Dwellings which is set out in Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010). In summary, the report considers that by reason of the extent of the agricultural holding there is a functional need for an additional 0.5 full time worker, and coupled with the presence of the partnership agreement that the proposal meets the initial tests for a second dwelling on the farm. Furthermore, the submission provides financial details for the last three years to demonstrate viability of the enterprise and advises that there are no other buildings on the farm or in the locality that would meet the need for an additional dwelling. The report also comments that the location of the property would enable greater security of the site, with the agent advising that the proposed site is at the end of the farm lane and as such is deemed to be a suitable location. Further details of the information provided that seeks to address the TAN6 tests is set out in the report below.

Planning Site History

The current application was submitted following a refusal of an identical submission (planning reference W/39177) on 17 October 2019. The reasons for refusal were:

- 1 The proposal is contrary to Section 4.5 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010) in that insufficient and contradictory information has been submitted to demonstrate the need for a second dwelling to serve the agricultural holding. The submitted appraisal is not accompanied by a

secure and legally binding agreement to demonstrate that management of the farm business has been transferred to the applicant nor does the submitted appraisal confirm that there is an **existing** functional need for an additional 0.5 or more full time worker. The dwelling would therefore be an unjustified form of development in the open countryside.

- 2 The siting of the proposed dwelling is both physically and visually divorced from the established farm complex at Blaenffos resulting in a sporadic form of development in the open countryside, visible from various public vantage points. The proposed siting of the dwelling, away from the complex of livestock and machinery housing, weakens the functional test arguments put forward for the applicant to reside on site to work on the farm and provide security. No details have been provided to justify the proposed siting and no details regarding possible alternative locations have been provided. Reference to the applicant's personal preference to live independently from his parents is not considered sufficient justification for the siting and in any event falls outside the scope of the policy set out in Technical Advice Note 6. The proposal is therefore deemed contrary to section 4.4.1 (e) of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and Policies SP1 and GP1 of the Carmarthenshire County Local Development Plan (2014).
- 3 The size of the dwelling proposed is not considered to have regard to its potential future use as an affordable dwelling as now required under Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010). The scale of the dwelling is therefore considered excessive and disproportionate to the needs of the rural enterprise and its potential future as an affordable house.
- 4 Insufficient information has been submitted to ensure that the proposed development would not have an unacceptable impact upon highway safety and thus, based on the current proposals, it is considered that the development would be contrary to Policy TR3 of the Carmarthenshire County Local Development Plan (2014).

The application now before Members has sought to address the above reasons for refusal with the submission of further information such as a partnership agreement, letter from the applicant's parents and amendments to the highways proposals. However, siting and design of the dwelling remains unchanged.

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution- Settlement Framework
- SP5 Housing
- SP14 Protection and Enhancement of the Natural Environment
- GP1 Sustainability and High Quality Design
- TR3 Highways in Developments- Design Considerations

There is no specific policy within the LDP relating to Rural Enterprise Dwellings as this is covered by Welsh Government's Policy for Rural Enterprise Dwellings set out in [Technical Advice Note 6 : Planning for Sustainable Rural Communities \(2010\)](#) and its associated [Rural Enterprise Dwellings : Practice Guidance \(2012\)](#).

Summary of Consultation Responses

Head of Transportation & Highways - No objections subject to the imposition of various highway conditions to secure a satisfactory access, parking and turning layout and provision of the passing bay.

Valuations Manager – has raised several concerns in relation to the proposed development in particular that the location of the proposed new dwelling approximately 1km away from the farm is unrealistic and goes against the animal welfare arguments put forward in the application to justify a second dwelling. It is also stated that a house to serve the farm business needs to be close to the existing farm buildings / complex rather than in a remote location as proposed. Further, that the 230sqm dwelling does not comply with the TAN6 requirements that the property be alternatively available as an affordable dwelling whilst taking into account flexibility to allow for extra office/boot room/utility space associated with a rural enterprise dwelling. It is also stated that should planning permission be granted this needs to be subject to the dwelling being tied to the holding via a Section 106 agreement and a signed legally binding management agreement being in place.

Llangeler Community Council – raise concerns that the erection of an enterprise dwelling at the application site would not blend in with the surrounding environment and neither would it be suitable having regard to the suitability and condition of the road towards the site.

Local Member(s) - Councillor Ken Howells is a member of the Planning Committee and requested that the application be heard by the committee as he considers that as the farm extends to 270 acres it fully justifies another dwelling for a farm worker. He also requests a site visit to the dwelling although this was requested in February 2020 prior to current Covid restrictions.

Sustainable Drainage Body – has confirmed that a Sustainable Drainage Body consent for the development will be required prior to any works commencing.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of a site notice. No representations were received as a result.

Appraisal

The main consideration of this case is whether the proposal complies with Welsh Government's guidance set out in TAN6 in relation to a second rural enterprise dwelling on an existing holding.

TAN6 specifies at paragraph 4.5.1 that it is the Welsh Government's objective to "encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable".

The policy specifies that to accord with this objective the following tests are required to be met:

Firstly, the **second dwelling test**:

“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,

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”.

And provided either of the above are met, the following tests are also required to be met:

financial test - 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;

other dwelling test - 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;

other planning requirements test - for example siting, sustainability, scale, design and access, are satisfied.

The following sets out how the development addresses each of the above tests:

Second Dwelling Test

As set out above, it is firstly necessary to establish whether the proposal complies with either of the second dwelling tests set out in TAN6.

Dealing with the part time agricultural worker test firstly, the information submitted with the application advises that based on the current stocking levels, the current total hourly requirement equates to 1.2 standard man days, which equates to 1 full time and 1 part time member of staff employed for 40 hours/week. Therefore, based upon the information submitted to date, the holding, at present, does not have an existing functional need for 0.5FTE agricultural worker or more.

However, the applicant is proposing to increase stock numbers through increasing the suckler cow herd from 20 to 50 in the future, which will in turn equate to 1.8 standard man days and therefore in the future the holding would have a functional need for 0.5FTE agricultural workers. However this is based upon the proposed increase in stock not the existing situation. TAN6 specifies that the 0.5FTE requirement needs to be based on the existing functional need and whilst there is presently demand for a part time member of staff, it is not considered that this equates to 0.5FTE at present. Therefore it is not considered that the proposal fully complies with this element of the second dwelling test at present.

The alternative test is the presence of a secure and legally binding agreement that demonstrates a succession plan is in place, subject to any grant of planning permission. Such an agreement was not submitted with the previous application that was refused; however, a partnership agreement has now been submitted that seeks to address this issue. The agreement put forward sets out that Mr Gareth Morgan (the applicant) would have control over the farm business and would be the decision maker for the business. The partnership agreement specifies, "*The partners have agreed to enter into the Partnership Agreement so as to allow Mr Gareth Morgan to take over the management of the farm business from Mr Gerwyn Morgan and Mrs Mair Morgan, only conditional upon the grant of the Planning Permission for the proposed second dwelling on the farm*".

However, the partnership agreement provided is unsigned and whilst Officers have sought to obtain a signed version to confirm the status of the agreement, the applicant's agent has advised that it will only be signed should planning permission be granted. However, there is a clause in the agreement that specifies that it would only commence on the date of the planning permission and therefore there is no reason why the parties cannot sign the document now as it would only come into force should planning permission be granted. As such, the agreement can only presently be considered as a draft and not a secure or legally binding agreement as required by TAN6.

Therefore whilst Officers consider that there is a prospect of the applicant meeting either the 0.5FTE requirement in the future and/or securing a succession plan, at present this is not the case based on existing stocking levels and the fact that the partnership agreement has not been completed and therefore cannot be classed as being secure and legally binding as required by TAN6. Officers can only therefore come to the conclusion that presently, the proposal does not comply with the second dwelling test set out in TAN6.

Financial Test

The agricultural enterprise has been in existence for a number of years and the application has been supported by details of the financial accounts for the farm which indicate that the farm has been profitable for at least one year and it is considered based on the information before the Authority that there is a reasonable prospect that the business will remain viable. The application is therefore considered to comply with this element of the financial test.

However, TAN6 specifies that the enterprise needs to be able to afford to build and maintain the dwelling and that dwellings that are unusually large in relation to the needs of the enterprise should not be permitted. It further explains that it is the requirements of the enterprise rather than of the intended occupier which are relevant to determine the size of the dwelling that is appropriate.

The previous application was refused on the basis that the proposed building was considered to be excessive and would not be deemed an affordable dwelling as also required by TAN6. In response, the applicant has advised the net profit achieved by the holding was enough in one of the last 3 years to cover the applicant's salary and expected mortgage costs and as such is acceptable. Whilst this may indeed be the case, it is also necessary to ensure that moving forward the dwelling is of a size that would be classed as affordable, again as required by TAN6. In this case, the dwelling is a large 4 bedroom detached property with a gross external floor area of 230sqm (2500sqft), this would compare with a floorspace of 110sqm that is deemed to be an equivalent 4 bedroom affordable dwelling in this location. Officers accept the needs for additional study/utility rooms in association with rural enterprise dwellings and therefore allowances can be made for a

larger dwelling than for an affordable dwelling but not more than double the floorspace as is proposed in this instance. Therefore, it is considered that the proposed dwelling, by reason of its excessive scale, fails to have regard to its use as an affordable dwelling contrary to the advice set out in TAN6.

Other Dwelling Test

There is no other dwelling on the holding at present, other than the existing farmhouse at Blaenffos, and whilst there are a range of agricultural buildings on the farm, all appear to be in use and none are considered suitable for conversion into a residential dwelling. Furthermore, given the remote location of the farm, there are no nearby dwellings in the vicinity that would meet the need set out by the applicant. It is therefore accepted that the proposal would meet the other dwelling test set out in TAN6.

Other Planning Requirement Test

TAN6 specifies that applications need to also satisfy other planning requirements such as siting, design, sustainability and access.

Siting

Paragraph 4.12.1 of TAN6 specifies, "the siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape".

The application site is considered to be isolated away from the main complex of buildings at Blaenffos where the functional need for someone to be present on site is required. This was a reason for refusal for the previous application as documented above.

The applicant has sought to address the need for a second dwelling in the Rural Dwelling Appraisal. This document specifies that it is essential for the applicant to be living on the site at all times, especially during the calving/lambing season to accord with Animal Welfare guidance, but also to deal with emergencies such as fire and stock escaping. Furthermore, the document specifies that the applicant needs to live close to the farm entrance for security reasons due to potential for rustling and the presence of a nearby public footpath (although there does not appear to be a defined public footpath within the vicinity of the farm). Officers do not dispute these requirements and indeed such reasons are generally accepted as justification for appropriately sited rural enterprise dwellings.

However, in this case the distance between the proposed dwelling and the farm gives rise to significant concerns. The application documentation states that the proposed dwelling is only 400m away from the farm and is at the top of the farm lane. Both these statements are incorrect in that the application site is 1km from the main complex of buildings at Blaenffos, is not at the top of the farm lane but is rather on a separate road to that which the farm lane takes its access from and due to topography and distance has no clear line of sight to the farm. The justification therefore put forward in the statement regarding the need to be readily available on the farm and provide security by having a presence is contradicted by the choice of siting the dwelling 1km away from the farm. Furthermore, the justification put forward in the application is largely based on the applicant becoming the full time worker on the farm.

It is therefore perplexing that the intended full time worker on the farm wishes to reside away and out of sight of the farm buildings and farm lane where the needs of the enterprise are concentrated.

Furthermore, the proposed siting is not centrally located within the wider holding area but is rather on the edge of the southern portion of the two separate parcels of land which is understood to already be within the ownership of the applicant. Therefore, given the siting of the dwelling away from the main farm area, split by distance, topography and intervening public highways, the potential for farm fragmentation is real and further dilutes the argument for a second dwelling on the existing farm.

The applicant has not provided any firm justification as to why this particular location for the second dwelling was chosen rather than what TAN6 clearly advocates, being a dwelling that is close to the existing farm and farm buildings. Whilst the applicant suggests he wishes to live independently from his parents, it is not the personal preference of the applicant that is the determining factor for the siting of such dwellings but rather the needs of the enterprise. Clearly, and as set out in the applicants own supporting document, the needs of the enterprise is concentrated at the farm yard and lane and as such the dwelling needs to be sited as a close as possible to the existing farm. Therefore, without a firm justification to suggest otherwise or any other material considerations, the proposed siting of the dwelling does not meet the needs of the enterprise, is isolated from the existing farm and could potentially lead to the fragmentation of the farm.

In addition to the TAN6 locational criteria, it is also necessary to consider the impact of the dwelling on the wider landscape. In this case, the dwelling is located in an open elevated position, with far reaching extensive views across the Teifi valley. The immediate surrounding area is characterised by open agricultural fields on the upper slopes of elevated ground, defined by low largely windswept hedgerows. Whilst there are scattered dwellings within the wider area, the majority are historic properties associated with historic farmsteads which are co-located with agricultural buildings. It is considered that the proposed dwelling would appear as a standalone dwelling un-associated with an existing farm, in a prominent position with limited natural topography to help assimilate into the wider landscape and thus would appear as a dominant feature that would be prominent with the landscape to the detriment of the character and appearance of the wider area.

The application therefore fails to overcome the previous reason for refusal in terms and remains contrary to paragraph 4.4.1(e) of TAN6 and policies SP1 and GP1 of the LDP.

Access

The proposal has sought to address the previous reasons for refusal in relation to highway matters. In particular the application is now proposing an access that would meet required standards along with the creation of a nearby passing bay. More than sufficient space within the plot would be provided for off-street car parking. As such, the application would not, subject to the imposition of conditions to secure the access and passing bay provision, have an unacceptable impact upon highway safety and therefore is compliant with policy TR3 of the LDP.

Planning Obligations

The applicant has not provided details of the need for a Section 106 agreement which is understandable given that Officers have raised various issues with the application.

Nevertheless, the occupancy of rural enterprise dwellings requires control, which are in most circumstances covered by the standard occupancy condition. However, paragraph 4.13.3 of TAN6 states “authorities may use planning obligations, for example, to tie a rural enterprise dwelling to adjacent buildings or land, to prevent them being sold separately without further application to the authority”. It is considered in this instance, given that the dwelling’s location is so isolated from the hub of the farm and is already located on the southern periphery of the main holding, that it would be appropriate to tie the dwelling to the land. Furthermore, and as advocated by TAN6, in this case, given that it is stated that the applicant’s parents whilst stepping away from the day to day running of the farm, will remain to be employed by the farm and as such it is considered that an occupancy condition would also need to be applied to the existing dwelling on the farm should planning permission be granted.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision 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.

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the application has failed to address all of the previous reasons for refusal. Whilst Officers accept that the principle of a second dwelling could be considered acceptable in the future, it is not considered, based on the information received that this can be considered compliant at the present time as required by TAN6. This is due to the lack of sufficient information to confirm the need for an additional 0.5FTE or more agricultural worker and only a draft partnership agreement. Furthermore, and more fundamentally, the proposal by reason of the isolated siting of the second dwelling from the main farm contradicts the main arguments put forward in the submission for the need for a second dwelling on the site, and in addition, it is considered that the siting would have an unacceptable impact upon the character and appearance of the area. It is also considered that the overall scale of the dwelling is excessive having regard to its intended use as a rural enterprise dwelling as well as its potential use for an affordable dwelling, with the proposal being more than twice the size of what is deemed as an equivalent affordable 4 dwelling property in the area. Whilst the financial test in terms of the viability of the business is met, along with the lack of another dwelling to meet the need and that previous concerns relating to highways issues have now been addressed, these do not outweigh the clear conflicts with the guidance set out in TAN6 and policies SP1 and GP1 of the Local Development Plan. The application is therefore recommended for refusal on the following grounds.

Recommendation – Refusal

Reasons for Refusal

Reason 1

The proposal is contrary to Section 4.5 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010) in that the application is not currently accompanied by a secure and legally binding agreement to demonstrate that management of the farm business will be transferred to the applicant upon planning permission being granted nor does the application confirm that there is an **existing** functional need for an additional 0.5 or more full time agricultural worker. Therefore, presently, the dwelling does not meet either of the second dwelling tests set out in TAN6 and would therefore be an unjustified residential dwelling in the countryside.

Reason 2

The siting of the proposed dwelling is both physically and visually isolated from the established farm complex at Blaenffos resulting in a sporadic form of development in the countryside in a remote, elevated and prominent position visible from various public vantage points and far distances. The proposed siting of the dwelling, away from the complex of livestock and machinery housing at the farmyard some 1km to the north directly contradicts the functional test arguments put forward. Furthermore, the majority of the farm cannot be viewed from the application site area, which counters the arguments put forward for the need for the second dwelling to provide security to the farm lane. No details have been provided to justify the proposed siting and no details regarding possible alternative locations has been provided. Reference to the applicant's personal preference to live independently from his parents is not considered sufficient justification for the siting and in any event falls outside the scope of the policy set out in Technical Advice Note 6. The proposal is therefore deemed contrary to section 4.4.1 (e) of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and Policies SP1 and GP1 of the Carmarthenshire County Local Development Plan (2014).

Reason 3

The scale of the dwelling is considered excessive and disproportionate to the needs of a rural enterprise and has failed to have regard to its potential future use as an affordable dwelling as required under Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).