

<u>Application Ref</u>	<u>NP/16/0652/FUL</u>		
Case Officer	Kate Attrill		
Applicant	Mr M Watkins		
Agent	Mr I Johnston, Harries Design & Management		
Proposal	Retention of 5 static caravans occupied by agricultural workers for a period of 3 years & retention of laundry building and septic tank.		
Site Location	Trewern, Felindre Farchog, Crymych, Pembrokeshire, SA41 3XE		
Grid Ref	SN08703838		
Date Valid	15-Dec-2016	Target Date	10-May-2017

Officers Appraisal

Application update

This application was originally brought to Committee as the Officer Recommendation differs from that of the Community Council. It was deferred at both the February and March Development Management Committee meetings in order to allow for the submission and consideration of further information.

Further information was received regarding alternative accommodation on the 21st March, however, this was the day prior to the 22nd March Committee meeting, as such, there was insufficient time to analyse the further information received.

An outline application for a single two storey, three bed dwelling has since been submitted (NP/17/0197), but as the site selected extends the farm's visual impact from several Scheduled Ancient Monuments it has been screened as being EIA development.

As the EIA Screening Direction from Welsh Government for the retrospective farm buildings and slurry lagoon on site identified the visual impact on the cultural and historic landscape as being of significance, the National Park cannot deem that a further extension of the farm buildings along the ridgeline will not have a cumulative impact.

On this basis, the applicant has been asked to provide a visual impact assessment, either as an addendum to the still awaited EIA for NP/15/0417 or as a stand-alone Environmental Statement for the outline application (NP/17/0197 refers). The agents for the applicant have confirmed that they are seeking Welsh Government confirmation of the need for EIA and that application is therefore currently on hold.

Site and Context

The application is submitted in retrospect, and relates to 5 static caravans being used as housing for agricultural workers on two separate parcels of land

within the agricultural unit at Trewern Farm, Nevern. The application has specified that planning permission is being sought for a further period of three years although the applicant has also confirmed that he would accept a consent for a two year period.

Two of the five caravans were placed on the site in 2010 with the others being added in 2012, 2013 and 2014 respectively. An Enforcement Notice has been served in respect of the caravans and laundry building giving 6 months for their removal, pending the decision made on this application.

The main part of the site proposed for the temporary retention of the caravans lies to the south west of the main farm complex, directly to the north of the historic listed farm complex, on which 4 static caravans and a laundry building are located.

Another single caravan is located adjacent to the main farm entrance which is surrounded by a high close boarded fence.

Trewern Farm is operated as a dairy farm with 304 hectares located on two separate parcels of land, one at Trewern (80 acres) with the remaining 224 acres being at Penpedwast, adjacent to Castell Henllys. The farm has a dairy herd of 1000 cows, with approximately 100 dairy replacements also being on the holding.

Relevant Planning History

The application sites for the static caravans do not benefit from any relevant planning history.

There is however an associated retrospective planning application (NP/15/0417) for a number of agricultural buildings, a slurry lagoon and a silage clamp which is subject to Environmental Impact Assessment Regulations. A Screening Direction from Welsh Government in January 2016 confirmed the application required an Environmental Assessment which the Authority is still awaiting.

There is a degree of interdependence in that the agent had originally not wished to submit an application for the caravans based on the buildings forming a large part of the farming enterprise not being authorised. However, the Authority advised the agent that due to the disproportionate amount of time which has elapsed since the submission of the earlier application, the caravans should be considered on their own merits or would be subject to Enforcement Action.

An appeal against the Enforcement Notice for the unauthorised development submitted under (NP/15/0417) has been submitted to the Welsh Government. Welsh Government are currently seeking legal advice on the requirement for an Environmental Impact Assessment.

Related Planning applications

NP/91/006 Outline permission for an agricultural dwelling at Trewern Farm for Mr & Mrs Watkins – Approved

NP/91/0454 – Agricultural dwelling (full) – Approved

NP/15/0624 - Retrospective consent for a 2 storey extension and office to the agricultural dwelling – Approved

NP/17/0197/OUT – Outline permission for agricultural dwelling – EIA development decision pending

Description of Proposal

A total of 5 static caravans are being applied for, 4 on the south western edge of the farming site, and one on the northern edge of the farming complex.

The caravan closest to the road is surrounded on the northern elevation with a close boarded fence to the full height of the caravan screening the development from the road.

The lower caravans are grouped together in a field corner enclosed by standard stock proof fencing.

The application details there being 10 employees in addition to the applicant, but lists them as being 4 permanent employees who live off site in the locality, and 4-6 full time workers who work (drawn from a pool of 10) on a three month shift pattern, all of whom are housed in the static caravans subject of this application and whose numbers vary according to the farming need.

The agent has advised that the particular circumstances of these workers who travel from other parts of the European Union for three months at a time, has led to the need to provide housing on site.

The submitted agricultural justification states that: *'4-6 Polish workers are employed on a full time basis. The polish element is drawn from a pool of 10 workers who operate on a shift pattern with the number varying as need dictates. Typically, an individual worker will be on site for around three months prior to returning home for leave and being replaced by another worker. There will typically be four of five workers on site at any one time. All these migrant workers are housed on the farmstead'*.

The workers housed in the caravans have various jobs on the farm holding, including tractor driving, slurry spreading, milking, cleaning and maintenance, so not all of the occupiers are required to be available in the event of a farm emergency. This element is covered in more detail by the consultation response of an independent agricultural consultant.

The duties listed as being necessary for the safe and efficient functioning of the enterprise are listed as:

- Milking, twice daily morning and evening

- Milk recording, general herd health & artificial insemination
- Calving (year round)
- Power cuts, machinery and milking apparatus
- Slurry and waste, spreading and management
- General cleaning and feeding duties

Consultee Response

Nevern Community Council: No objection

PCC - Transportation & Environment: No objection

PCNPA - Tree and Landscape Officer: Conditional Consent

PCNPA - Ecologist: No adverse comments

PCC - Drainage Engineers: No adverse comments

Public Response

The application was advertised by site notice on the 6th January 2017, with the consultation period expiring on the 8th February 2017. The application was advertised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

No third party representations had been received at the time of report writing.

Policies considered

Please note that these policies can be viewed on the Policies page of Pembrokeshire Coast National Park website -

<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty
 LDP Policy 07 - Countryside
 LDP Policy 08 - Special Qualities
 LDP Policy 09 - Light Pollution
 LDP Policy 11 - Protection of Biodiversity
 LDP Policy 12 - Welsh Language
 LDP Policy 13 - Historic Landscapes Parks and Gardens
 LDP Policy 14 - Protection of Buildings of Local Importance
 LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
 LDP Policy 29 - Sustainable Design
 LDP Policy 30 - Amenity
 LDP Policy 32 - Surface Water Drainage
 LDP Policy 44 - Housing
 LDP Policy 45 – Affordable housing
 PPW9 Chapter 03 - Making and Enforcing Planning Decisions
 PPW9 Chapter 04 - Planning for Sustainability
 PPW9 Chapter 06 - Conserving the Historic Environment
 PPW9 Chapter 07 - Economic Development
 PPW9 Chapter 08 - Transport
 PPW9 Chapter 09 - Housing
 SPG05 - Sustainable Design

SPG06 - Landscape
SPG08 - Affordable Housing
SPG13 - Archaeology
SPG20 - Accessibility
TAN 06 - Planning for Sustainable Rural Communities
TAN 12 - Design
TAN 23 - Economic Development

Constraints

LDP Mineral Safeguard
Historic Landscape
Rights of Way Inland - within 50m
Potential for surface water flooding
Recreation Character Areas
Landscape Character Assessment

Key Issues

The application raises the following planning matters:

- Policy and Principle of Development
- Welsh Language
- Setting of Listed Buildings
- Special Qualities of the National Park.
- Amenity
- Highway Safety
- Landscape

Policy:

Local and National Planning Policy contains a basic presumption against development in the open countryside unless it is required for essential rural workers who have a special need to permanently be on site.

Policy 7 of the Local Development Plan refers to only allowing residential development under criteria (b) if it is for essential farming or forestry need. This policy requires that any housing provided in the open countryside will prioritise affordable housing.

In respect of rural enterprise dwellings, the most recent and appropriate policy guidance was issued by Welsh Government in 2010 as TAN6 Technical Advice Note.

Paragraph 4.6.2 of TAN 6 states:

Where the case is not completely proven for a dwelling permission should, not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. Three years will normally be appropriate to ensure that the circumstances are fully assessed. If such a permission for temporary accommodation is granted, permission for a permanent dwelling should not

subsequently be given unless the criteria in paragraphs 4.4.1 or 4.6.1 are met. The planning authority should make clear in planning conditions the period for which the temporary permission is granted and that the temporary dwelling will have to be removed when that period expires. It should also include an informative attached to the planning decision notice stating the requirements that will have to be met if a permanent permission is to be granted. It will be unsatisfactory to grant successive extensions to a temporary permission if that will result in a permission having a total duration of more than three years.

4.3.1 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. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.

4.8.1 A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.

TAN 6 goes on to elaborate that the functional test must be underpinned by a financial test to show the development is viable and is likely to continue to be viable, that any potential buildings suitable for conversion on the holding should be considered first, and that any dwellings in nearby proximity should also be considered.

Alternative Accommodation Test

The land holding for the enterprise does have a number of available dwellings, and a number of Listed curtilage outbuildings which could be converted for accommodation but the agent has since clarified that these are not in the ownership of the farming enterprise itself, which only benefits from the single 5 bedroom agricultural dwelling which was approved in 1991 and which is occupied by the applicant.

The land holding at Penpedwast (some 3km to the east) also has a large farmhouse which could potentially be used for accommodation (subject to an

amended legal agreement), although its current planning status is for holiday letting.

There are three holiday units on this part of the land holding, one sleeping 4 in a 2 bed barn conversion, one sleeping 2 in a single bed barn conversion and the former farmhouse sleeping 6 in three bedrooms. It is currently booked for the summer season. An application for essential workers would likely be supported as it is on the farm holding, is only a few minutes drive from the holding at Trewern, and is not considered it essential it be in sight of the farm buildings as there is already an agricultural dwelling which overlooks the farm enterprise for the purposes of security.

Our agricultural consultant has appraised the proposed scheme and his original advice is as follows:

'Paragraph 4.4 of TAN 6 requires the applications to satisfy tests a-e. Due to the size and scale of the rural enterprise at Trewern I am happy that requirements band C are met covering the financial and time tests. I am also happy that there should also be a person at hand at most times to deal with any unexpected situations that might arise which is covered in requirement A. The enterprise at Trewern however runs 24 hours per day operating to some extent a shift pattern amongst the workers. With this in mind I do not see any requirement for the workers to live on site as accommodation could be provided away from the holding.

The application does contain a property search for the area however the search is limited to 5 + bed properties for sale. As the workers are not currently housed in the same unit I see no reason why the accommodation needs could not be met by several smaller properties. The rental sector should also be considered as this would offer the flexibility referred to within the application. Upon the date of this email a basic property search for properties of 1+ beds within 5 miles of the holding has shown 52 results for sale.

For the reasons above I feel that this application cannot be supported'.

Based on the comments of our Agricultural Consultant, and the fact that the caravans have already been in place for between seven and 3 years respectively, it is not considered that the proposal complies with the requirements of 4.6.2 of TAN6 and thus is contrary to national planning policy.

The further information received on the 21st March was forwarded to our Agricultural Consultant who commented as follows:

"The additional information does not change my original view however as stated in the report there would need to be a slight change in management style to accommodate for some of the workers being off site. In light of the recent application for an additional single dwelling there may be some merit in allowing a transition period to allow for the construction of the new dwelling (if consent is granted) before removing all of the caravans".

Welsh Language

Planning Policy Wales also refers at paragraph 4.13.5 to considerations of Welsh Language:

“Considerations relating to the use of the Welsh language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s)’ linguistic ability”.

Setting of Listed Buildings:

Paragraph 1 of Part 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that: ‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’.

In this instance, the Conservation Officer, Rob Scourfield has assessed the setting of the Listed Buildings and has not objected to the proposal, stating that the temporary buildings have little impact on the listed house and its adjacent listed structures, and is satisfied that it will have a low impact on the curtilage outbuildings.

The immediate setting of the Listed Buildings does not therefore constitute a reason for refusal.

Special Qualities of the National Park:

Policies 1, 8 and 15 of the Local Development Plan refer to the duty to conserve the National Park, the protection of the special qualities of the Park, and the development which would adversely affect the conservation of the Park respectively.

Policy 15 is considered to be the most relevant to this application:

Development will not be permitted where this would adversely affect the qualities and special character of the Pembrokeshire Coast National Park by:

- a) causing significant visual intrusion; and/or,
- b) being insensitively and unsympathetically sited within the landscape; and/or
- c) introducing or intensifying a use which is incompatible with its location; and/or

- d) failing to harmonise with, or enhance the landform and landscape character of the National Park; and/or
- e) losing or failing to incorporate important traditional features.

The northernmost caravan which is located adjacent to the road, and concealed behind a high close boarded fence is the most publicly visible element of this proposal in terms of road traffic, although only the aerial and flue of the caravan are visible above the fencing.

However, the caravans are clearly visible from both Pentre Ifan and Carn Ingli, both key viewpoints within the National Park, and are thus considered to be harmful to the Special Qualities of the National Park.

Amenity:

Policy 30 of the Local Development Plan refers to amenity and states that development will not be permitted where it has an unacceptable impact on amenity, particularly where:

- a) the development is for a use inappropriate for where people live or visit; and/or
- b) the development is of a scale incompatible with its surroundings; and/or
- c) the development leads to an increase in traffic or noise or odour or light which has a significant adverse impact; and/or
- d) the development is visually intrusive.

The policy above tends to relate to pre-existing standards of amenity, whereas in this case there was no housing on this site prior to the 5 caravans being placed on the site. However, the caravans themselves do not have the standard of private amenity space which would ordinarily be afforded a dwelling, and have a poor relationship between each caravan in terms of privacy. The proposal is therefore not in compliance with Policy 30.

Highways:

The Highways Section have been consulted on the application and have no negative comments to make, commenting that the caravans do not generate significant traffic in respect of the existing traffic generated by the farm.

Landscape:

The Tree and Landscape Officer has made the following comments regarding the site and recommended a condition relating to the submission of a landscape scheme should the application be approved, subject to a scheme for hedgerow planting around the upper caravan in place of the fence, and a new hedgerow planting scheme for the lower area.

However, the application also has to be considered in terms of the wider landscape, which comes under policies relating to the special qualities of the National Park.

Conclusion

Based on the fact that a second dwelling was approved in 1991 as an agricultural dwelling, and that this was then further extended in 2012 (approved retrospectively in 2015), and that the proposal fails to meet the requirements of TAN6, with no clear need for the workers to be housed on site, the application is recommended for refusal.

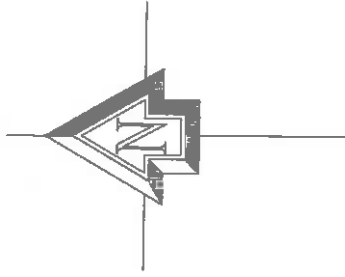
Recommendation

REFUSE, for the following reason(s):

1. The proposal fails to meet the tests required by TAN6 for temporary agricultural dwellings, and therefore represents an inappropriate form of residential accommodation in the National Park. There is not sufficient justification for the number of units proposed on the farm holding in addition to the farmhouse and second farm dwelling, and furthermore, there is potential alternative accommodation available both on the holding and in the locality. As such the proposal is contrary to Welsh Government Technical Guidance Note 6, and Chapter 9 of Planning Policy Wales (Edition 9, November 2016).
2. The proposal does not represent an adequate form of permanent housing, and as such is contrary to Policies 44 and 45 of the Local Development Plan. Although proposed as temporary for a further period of three year, this would take the period of occupation for some of the caravans to 10 years, which is not considered to be a temporary form of accommodation
3. The proposed developments by virtue of their form, nature, appearance and location will have a detrimental impact upon the visual amenities of the locality and wider area and harm the special qualities of the National Park. The development will cause further visual intrusion, be insensitively and unsympathetically sited within the landscape, will introduce a use not compatible with its location, will fail to harmonise with or enhance the landform and landscape character of the National Park and is therefore contrary to the requirements of Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) (criteria a, b, c, d and e), 29 (Sustainable Design)(criterion a), 30 (Amenity) (criteria a, b and d) of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).
4. The application fails to provide adequate private amenity space to the occupiers of the caravans, and is therefore contrary to Policy 30 of the Pembrokeshire Coast Local Development Plan.

ORIGINAL DRAWING A2

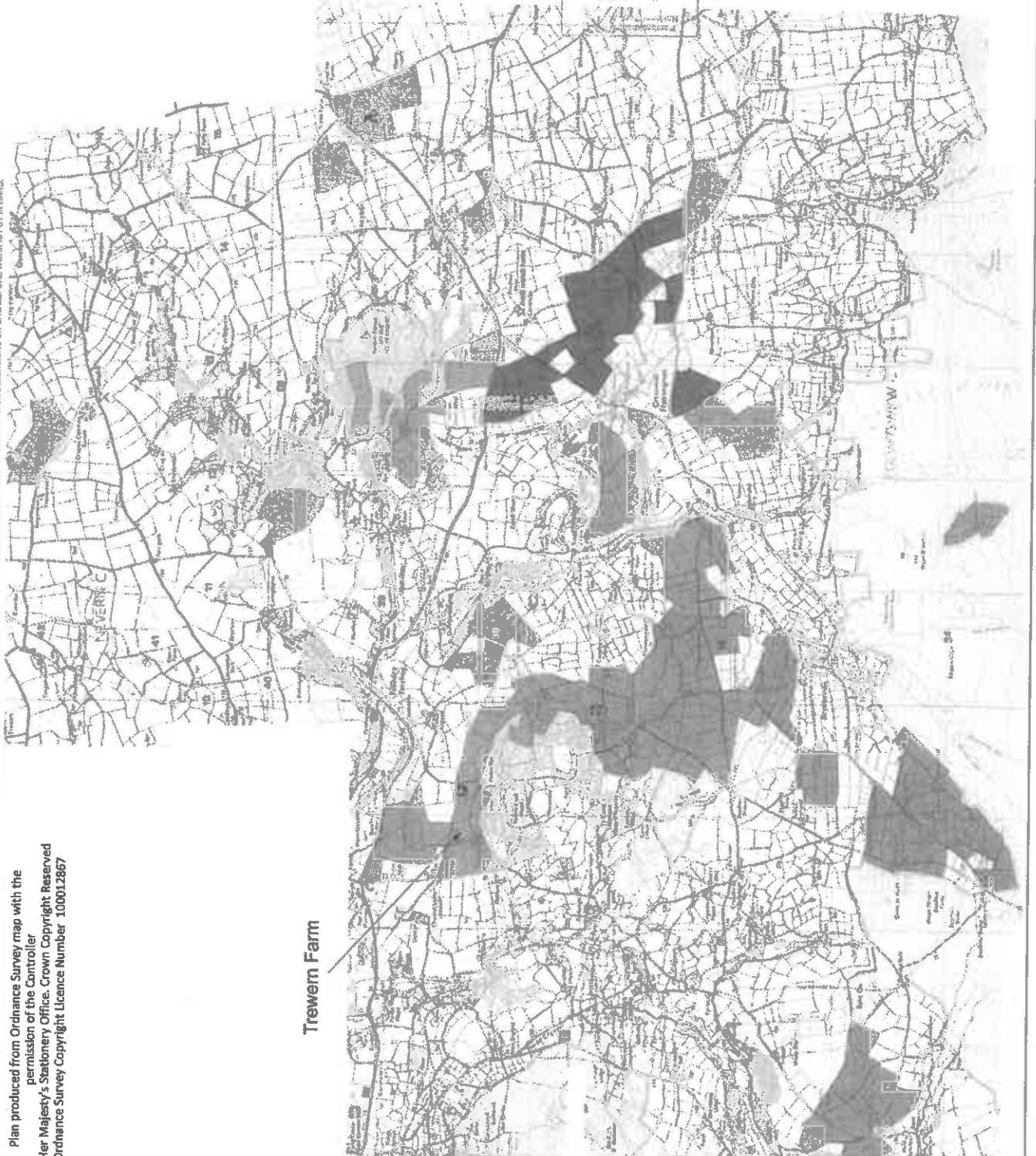
-  Owned land
-  Rented land
-  Slurry spreading agreements



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Trewern Farm



Rev.	Comments.	Date.

Drawing Recorded

CDM Principal Designer. To Be Advised

Status: **PLANNING APPLICATION**

Client: **Mr & Mrs Watkins**



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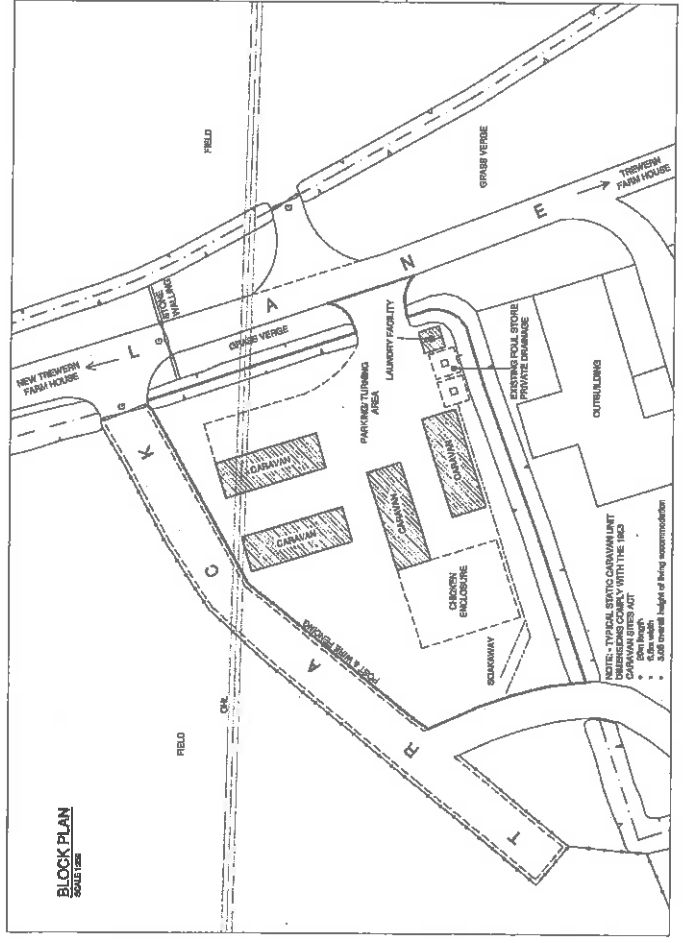
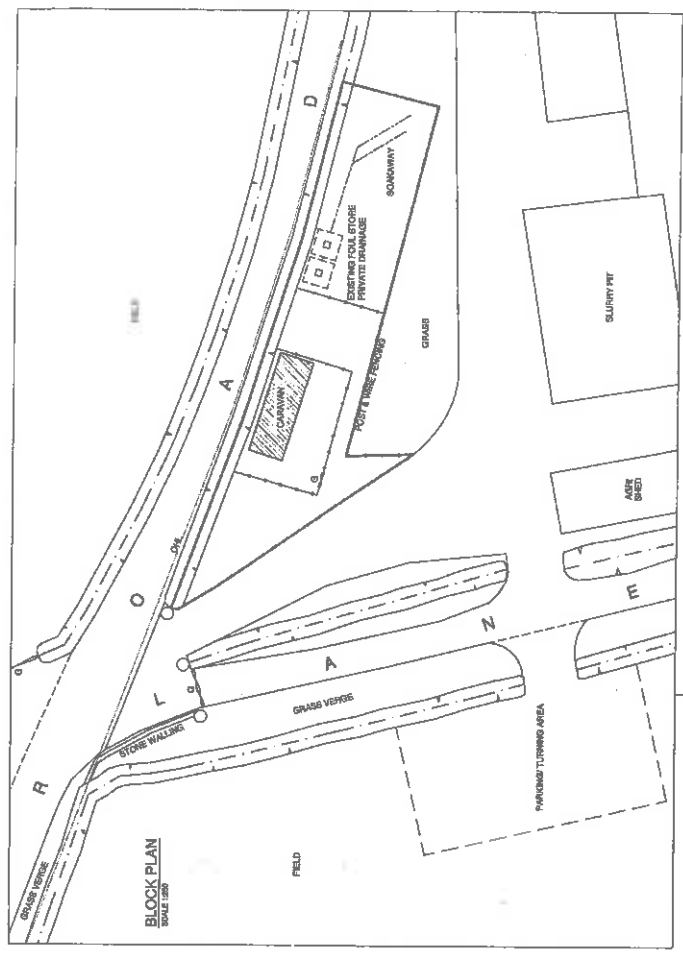
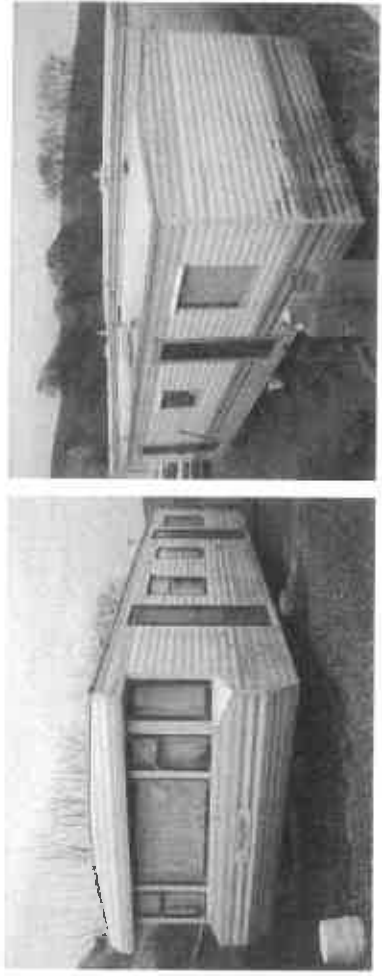
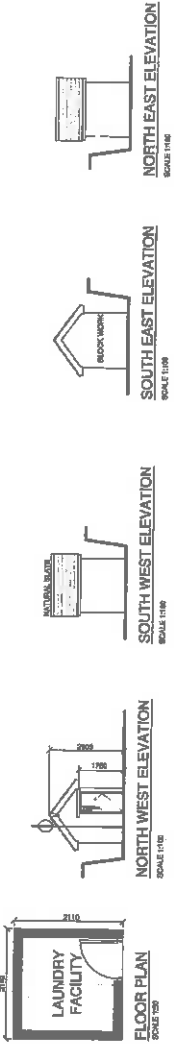


Project: **Proposed Works at Trewern Farm, Felindre Fachog, Cymrych, Pembrokeeshire, SA41 3XE**

Drawing Title: **LAND HOLDING PLAN**

Scale: -	Drawn By: DJN	Checked: WTH	Date: 06.12.2016
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Project: Retention of Caravans at Trewern Farm, Felindre Fachog, Cynrych, Penybroke, SAAT 3XE

Client: Mr & Mrs Watkins

Site: PLANNING APPLICATION

Project Designer: TO BE ADVISED

Drawing Approved: [Signature]

Rev: Comment: Date: 13.12.16

A: POOL STORE & SOMERWAY

MP 16 6 52

13 DEC 2016

LOCATION PLAN
SCALE 1:5000

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