

APPLICATION NO: P/15/304/FUL

APPLICANT NAME & ADDRESS:

MR & MRS GREG DAVIES
PINE LODGE, BRYN CELYN LANE, MAESTEG

LOCATION:

LAND AT BRYN MYNACH FARM
LLAN ROAD, MAESTEG

DEVELOPMENT: DETACHED DWELLING AT WILD BOAR FARM TO ACCOMMODATE THE OWNERS OF THE FARM BUSINESS

APPLICATION/SITE DESCRIPTION.

The application seeks planning permission to erect a detached agricultural workers dwelling at the Wild Boar farm on the site at Llan Road, Llangwynwyd. The site is shown on the aerial image below.



The application site slopes on a decline from the highway to the east and the dwelling will be built to respond to the topography of the land. The application proposes a split level dwelling, with one and a half stories to the front elevation and two and a half storeys to the rear elevation.

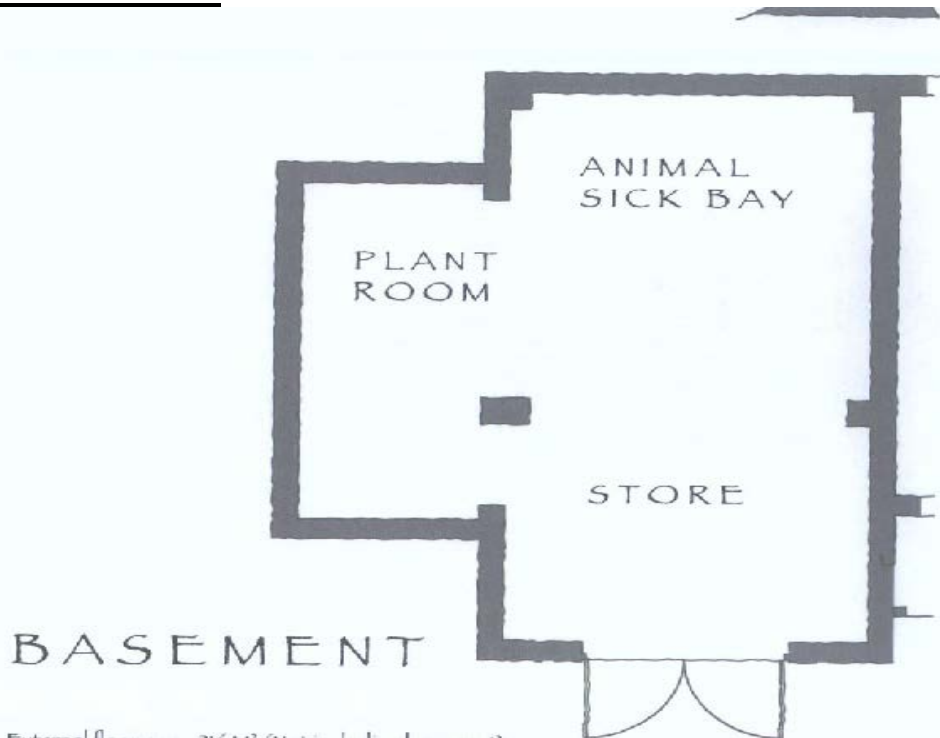
The proposed dwelling will measure 16m x 8.6m at its widest points, and will be finished with a pitched roof reaching a maximum height of 7.4m. The dwelling will comprise a plant room, animal sick bay and store at basement level, a kitchen, office, sitting room, wet room and boot room at ground floor level and 3 bedrooms and a bathroom a first floor level.

The plan below shows the proposed **front elevation**.

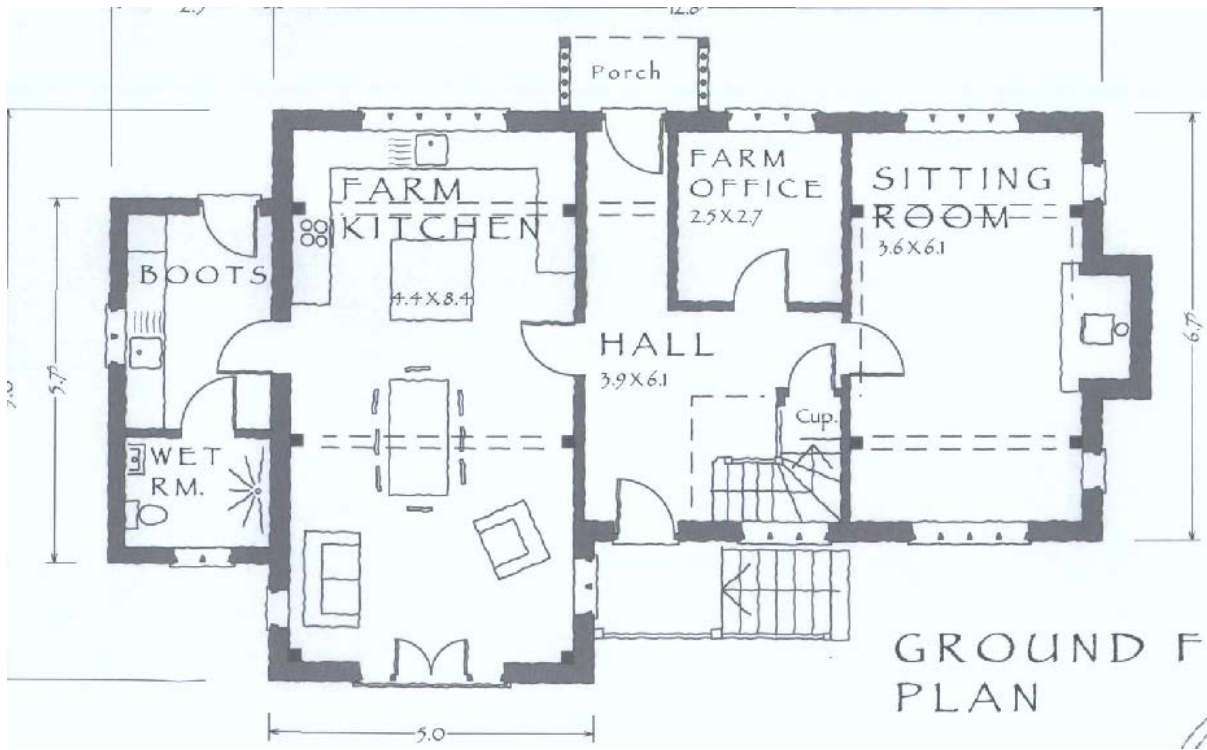


The proposed floor plans are as follows:-

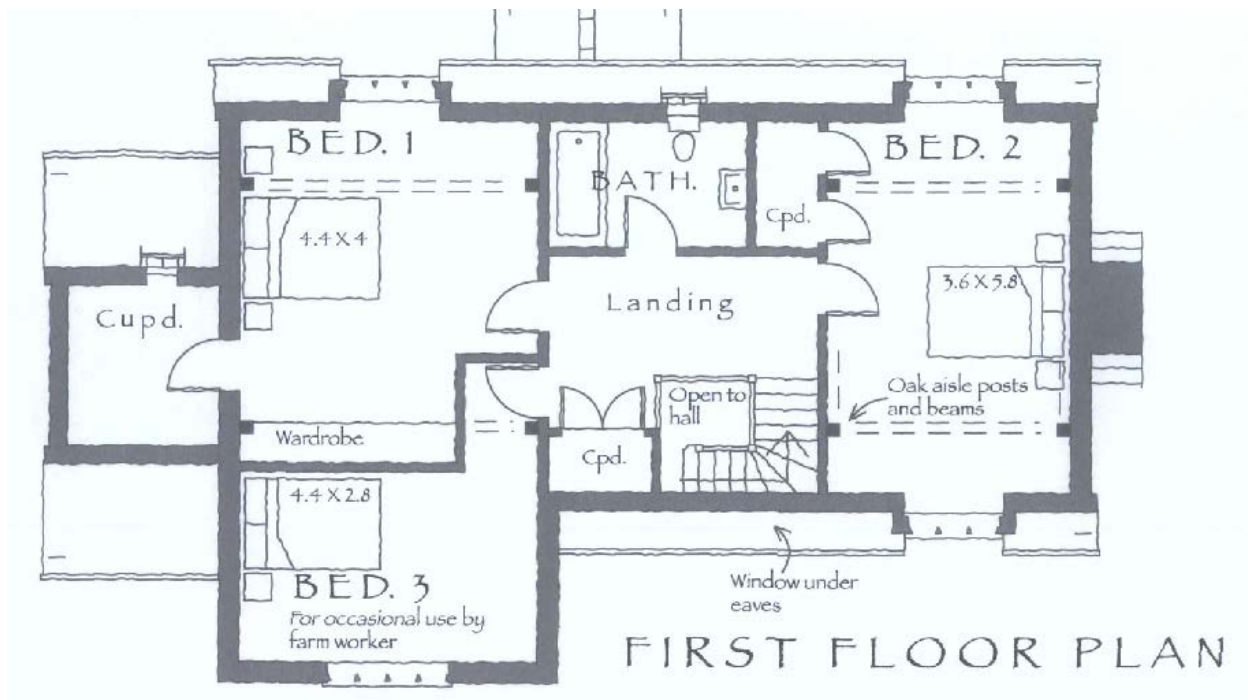
Basement Plan



Ground Floor



First Floor Plan



Access to the site will be gained via the existing access to the established Boar farm off Llan Road. There is an existing barn on site.

RELEVANT HISTORY

P/13/25/FUL - ALTERATIONS TO EXISTING & INDOOR HANDLING UNIT FOR LIVESTOCK - APPROVED 03-04-2013

P/10/907/APN - ERECTION OF STORAGE FACILITY - NO OBJECTION 24-01-2011

P/08/1061/FUL - CONSTRUCTION OF NEW ACCESS - APPROVED 05-03-2009

SITE INSPECTED

The site was inspected on the 27th July 2015.

NEGOTIATIONS

The applicant was requested to reduce the size of the proposed dwelling and to provide additional information in relation to the justification for the rural enterprise dwelling.

PUBLICITY

The period allowed for a response to consultations expired on the 24 August 2015.

CONSULTATION RESPONSES

The Transportation Development Control Officer has no objection to the proposal subject to a condition.

The Coal Authority has no objection to the development subject to a condition.

The Public Protection department has no objection to the proposal and requested that a note be attached to any permission granted.

The Drainage Officer has assessed the scheme and has no objection to the proposal subject to a condition.

Natural Resources Wales have no objection to the application.

The Council's Ecologist has assessed the scheme and requested that a condition be attached to any permission granted.

Welsh Water Dwr Cymru has raised no objections.

South Wales Police have raised no objection to the proposal and commented on the existing operation.

REPRESENTATIONS RECEIVED

Cllr James has requested to speak at the Development Control Committee meeting and requested that a site visit be undertaken. The objection is as follows:-

- Intrusion into the countryside
- A precedent will be set for further dwellings
- Concern in regard to current water supply to the village

Llangynwyd Middle Community Council object to the proposal for the following reason:-

The area is a conservation landscape area and it would not be appropriate.

Objections were received from the following local residents:-

- D Allan - Sunnybank, Llangynwyd
- Richard Hart Jones - Llys Hen Lanciau, Llangynwyd
- Arthur Thomas - Y Babell, Llangynwyd
- D Thorne - Pen y Bryn, Llangynwyd
- K Norton - The Croft, Llangynwyd
- L Evans - Ty Newydd, Llangynwyd
- C Williams - Tyllwyd, Llangynwyd

The objections are summarised as follows:-

- Visual impact on surrounding countryside, the Special Landscape area and conservation area
- Scale of property
- Out of keeping
- Increase in traffic
- Does the development meet the functional and financial tests?
- There are enough houses in Llangynwyd already and a precedent will be set for other dwellings
- The Boar Farm is already causes problems - diversion of right of way and noise from seagulls
- The dwelling should be limited to an agricultural worker
- How will drainage waste to be disposed of?
- Will the utility supplies adversely affect the landscape of the area?
- Concerns in regard to damage to surrounding area
- Owners of the Boar farm live close to the site
- The development will extend the village
- The site description is misleading

COMMENTS ON REPRESENTATIONS RECEIVED

The objections received relating to the visual impact, scale, highway safety, functional and financial tests are addressed in the Appraisal section of this report.

The proposed dwelling is considered not to set a precedent for new dwellings in the area as each case is assessed on its own merits and the development would have to meet the functional and financial tests for the principle of the development to be considered acceptable.

In regard to the diversion of a right of way, this is dealt with by a separate consenting regime. However, the development does not entail the diversion of a right of way. If there is a pre-existing noise issue as a result of the farm business, the Public Protection department of the Council should be contacted.

A condition is attached to the recommendation limiting the occupation of the dwelling to an agricultural worker.

The drainage officer has assessed the scheme and considers it acceptable subject to a condition.

Utilities required to serve one dwelling are considered not to adversely affect the visual amenities of the area to such an extent as to warrant refusal of the scheme.

In respect to the concern regarding damage to the surrounding area, the land is utilised for agricultural purposes which are considered suitable at this rural location.

The proximity of the applicant to the farm is considered under the functional appraisal and in this instance the applicant contents that they are required to be permanently based on-site to monitor the livestock.

The proposed dwelling is located approximately 200m outside of the settlement boundary of Llangynwyd, as such, will be assessed as a dwelling in the countryside. Consequently, the development is not considered to be an extension to the existing village.

A site description has been provided by the applicant, a location plan showing the site was also submitted with the development.

APPRAISAL

The application is referred to the Development Control Committee for determination in view of the objections received from local resident and the community council and at the request of the Local Member.

The application seeks planning permission for the erection of an agricultural workers dwelling.

The application has been accompanied by the following documentation:

- Design and Access Statement
- Rural Enterprise Dwelling Appraisal (prepared by Watts and Morgan)
- Plans

The proposed dwelling is required to provide on-site accommodation for the owner of the existing Wild Boar farm to monitor the sounder of Boars and their off-spring at all times. It is proposed that the dwelling will overlook the barns and will be in close proximity to the grazing pastures and site entrance to allow the farmworker to have ready access to the animals as and when they require attention. The dwelling is also required to provide around the clock security on the site, both for the Wild Boars and for members of the public who may stray onto the site.

The existing agricultural holding known as Bryn Mynach Farm extends to approximately 9.11 acres which is owned by the applicant. A further 5 acres of land is occupied under a Farm Business Tenancy for a period of 5 years. Approximately 2.41 acres of the land is cut and conserved as round bale haylage which is used as bedding and food for the Wild Boar.

The holding operates as a Wild Boar unit comprising 101 pure bred European Wild Boar and 45 rare breed domestic pigs. The sounder of Wild Boars includes 45 females of birthing age and 2 male Boars for breeding. The remaining female Wild Boars are kept as replacements and the male Wild Boars are kept for meat production until they are approximately 18 months old.

The applicant currently lives approximately 1Km from the farm and makes several trips each day to the farm all year around. The proposed location for the dwelling is in close proximity to the Wild Boars and will allow for easy surveillance of the barns and the access to the site.

The Appraisal submitted in support of the application assesses the functional need, labour requirements, financial soundness and the suitability and availability of other accommodation in the immediate area.

[Planning Policy Wales](#) confirms that in line with the presumption in favour of sustainable development applications for planning permission should be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise. The [Bridgend Local Development Plan](#) (LDP) is the adopted plan.

The application site is located in the countryside and falls to be assessed against Policy ENV1 of the LDP. Appropriate rural enterprise dwellings are identified as an appropriate exception and therefore, provided it can be demonstrated that the proposed dwelling can be justified in connection with the established rural enterprise/Wild Boar farm, the principle of the development may be acceptable.

With regard to the assessment of need for Rural Enterprise Dwellings, paragraph 4.4 of [Technical Advice Note 6](#) (TAN6) : Planning for Sustainable Rural Communities sets out the following criteria:-

- (a) There is a clearly established existing functional need;
- (b) The need relates to a full time worker and does not relate to a part-time requirement;
- (c) 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;
- (d) 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; and
- (e) Other normal planning requirements, for example siting and access are satisfied.

In respect of criteria (a) & (b), paragraph 4.8.1 of TAN6 clarifies that a functional test is necessary to establish whether it is essential for the proper functioning of the enterprise to be readily available at most times.

The Agricultural Budgeting and Costing Book states that 40 Wild Boar sows require 1 full time worker. In this case the farm has 45 sows which equates to 1.12 workers. In addition to this the 45 pigs equate to 36 man hours, silage production equates to 20 man hours and grazing equate to 47.3 man hours, which together with the Wild Boars equates to 103.3 man hours. The Farm Management Pocketbook by John Nix also confirms that one full time worker is required to manage 30-40 Wild Boar sows. The operation is an intensive all year round farming operation and requires working outside of normal daytime working hours.

On the basis of the evidence presented it is considered that there is an established functional need for one full-time worker, with over-time, to live on site to provide for the welfare needs of the sounder.

In addition to the above, submitted with the initial enquiry were details of a break in at the farm in April 2014 which resulted in more than 40 dangerous animals being released. The applicant has also advised that there will likely be a future change in legislation which will require farmers of wild dangerous animals to reside within the same agricultural unit as those animals. The South Wales Police Wildlife and Environmental Crime Officer has advised that, following lessons learned from this incident, he will be recommending to Welsh Government in the Dangerous Wild Animals Licensing

Process Review that operations which work with dangerous animals will require 24 hour a day monitoring.

He continued to state that if the applicant had resided on site at the time of the break in the Police would have been alerted much sooner and the Police response to catch the offenders and round up the escaped Wild Boar would have been more effective.

Criterion c) requires that national advice confirms that the rural enterprise should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time. In this regard, the application has been accompanied by trading accounts for the last five years, which clearly indicate increased profits each year, with the exception of the year of the break in.

On the basis of the submitted information it would appear that the farm is profitable and is capable of being sustained for a prolonged period. Profits are likely to increase as the quality and number of the sounder increases.

With regard to criterion d) evidence has also been provided to demonstrate that there are no other dwelling(s) or buildings suitable for conversion to meet the applicant's need. Evidence was provided showing that the only property for sale within ½ mile of the site was for sale at £549,950, which is not commensurate with, and unaffordable to, a farm worker. Furthermore, a property located off-site would not allow close observation of livestock within the buildings and intervention if difficulties arise during birth or security.

For criterion e) the proposed development has been assessed against other normal planning requirements with the policy basis being the [LDP](#). Policies EV1, EV3(3), SP2 & SP5 (2) being the relevant policies in this case.

In respect of the proposed scale, the applicant has indicated that the dwelling will accommodate his family, the three bedrooms are required for family members and for a temporary/relief worker to cover when the owner is absent from the site (holidays etc.). The office is required for the management of the farm and marketing of the Wild Boars as they cannot be taken to market like other animals. The living room, kitchen, boot room are required as normal family accommodation. The basement proposes a plant room, which will be used to heat the dwelling, a sick bay for the Wild Boars which is required as boarlets have to be kept at an ambient temperature to thrive as they are unable to sweat and the store is required for residential use and for the safe keeping of firearms in association with the operation of the farming of Wild Boars.

On the basis of the evidence submitted, it is considered that the scale of the dwelling is justified. The building will appear one and a half storeys in height from the only position where public views are possible, highway to the east of the site, and, as such, the proposed dwelling will appear relatively modest in scale and will not detract from the quality of the surrounding environment. There are several other properties in the village of Llangynwyd of a similar scale to that of the dwelling being proposed.

In regard to the external appearance of the dwelling, it has been designed to reflect its rural location and is considered appropriate for the countryside setting. A condition is attached to the recommendation requiring details of the materials to be used for the external surfaces of the dwelling to be submitted to and agreed in writing by the Local Planning Authority, to ensure that the materials are sympathetic to the countryside location.

The application site also lies within a Special Landscape Area (SLA) as defined by Policy [ENV3 \(3\)](#) of the [LDP](#). The only public position where views of the dwelling will be visible from is the highway

directly to the east of the site (see image below). The site is at a considerably lower level than the position of the proposed dwelling and most of the receptors viewing the dwelling will be travelling at speed and, as such, are considered to be less sensitive receptors. The dwelling will not, therefore, be a prominent feature in the landscape and, consequently, is considered not to cause significant harm to the overall SLA or the wider countryside. Furthermore, the existing bund to the front of the proposed dwelling will, in part, screen the dwelling.

View from Highway



In order to ensure that the design of the dwelling is not significantly altered in the future a condition shall be attached to any permission granted restricting the permitted development rights of the site.

The application site is located approximately 270m from the centre of the historic village of Llangynwyd and approximately 70m outside of the conservation area boundary. Views of the proposed dwelling will only be possible from the field on the western edge of the conservation area and not from any of the residential properties or any public vantage points within the village,. Consequently, the proposed dwelling is considered not to have an adverse impact on the conservation area of Llangynwyd village or any heritage assets.

[TAN6](#) at para 4.6.2 states that it may be appropriate for a local planning authority to grant permission for temporary accommodation at a rural enterprise site in order to test the evidence provided and to prove the financial viability of the enterprise. However, this provision relates to new rural enterprises only and not to established enterprises. The evidence submitted with the application clearly proves that the Wild Boar farming operation is an established rural enterprise with the clear prospect of remaining so for the foreseeable future, as such, it is not appropriate to recommend a temporary permission for the proposed development.

There are no residential dwellings within close proximity to the site and, as such, the development does not raise any concerns in regard to its impact on residential amenities.

The application site is located within a SINC, however, the Council's Ecologist has assessed the scheme and its impact on the SINC and raised no objections.

The Transportation Development Control Officer has assessed the scheme and considers it acceptable in terms of highway safety.

CONCLUSION

Notwithstanding the objections received, this application is recommended for approval on the basis that there is a clear functional need for the dwelling in the location proposed, the agricultural activity is currently financially sound and with the certainty of the landholding being retained, a clear prospect of remaining so for the foreseeable future. The development would, therefore, comply with national and local planning policies.

RECOMMENDATION

R02: That permission be GRANTED subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans :-
 - D1462.1c (received 17 July 2015)
 - D1462.2c (received 17 July 2015)
 - D1462.3c (received 17 July 2015)

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The occupancy of the dwelling shall be restricted to:

a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;

or, if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason: The site is not one which would be approved for residential development except in connection with the rural enterprise use of the land.

3. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the surfaces of the dwelling hereby permitted have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

4. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the existing vision splay areas.

Reason: In the interests of highway safety.

5. No development shall commence on site until an intrusive site investigation scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a report of the findings arising from the investigations and remedial works recommended. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of land stability.

6. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

7. No development shall commence until an invasive non-native species protocol has been submitted to and agreed in writing by the Local Planning Authority, detailing the containment, control and removal of Himalayan Balsam on site. The measures shall be carried out strictly in accordance with the agreed scheme.

Reason: In the interests of biodiversity.

8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B, E & F of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenities.

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections received, this application is recommended for approval on the basis that there is a clear functional need for the dwelling in the location proposed, the agricultural activity is currently financially sound and with the certainty of the landholding being retained, a clear prospect of remaining so. The development would, therefore, comply with national and local planning policies.

b) In respect of Condition 6 the applicant shall ensure that an assessment is carried out into the potential for disposing of the surface water by means of a sustainable drainage system, in accordance with principles set out in accordance with TAN15 and the results of the assessment provided to the Local Planning Authority. Where a sustainable scheme is to be provided, the submitted details shall:

- i) Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water.
- ii) Provide a timetable for its implementation; and
- iii) Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

iv) Provide a ground investigation report sufficient to support the design parameters and suitability of the proposed system.

c) The developer is advised that the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention to the Local Planning Authority.

d) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None