

| Application No. | Application Type          | Date Valid | Expiry Date | Extension of Time Date |
|-----------------|---------------------------|------------|-------------|------------------------|
| P/2021/0729     | Full Planning Application | 27/07/2021 | 21/09/2021  | 10/03/2023             |

| Applicant                                                                                                                    | Agent Name and Address                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| HOSELEY FARMS<br>HOSELEY FARMS<br>TORRIAD FARM<br>BOWLING BANK<br>LL13 9RT                                                   | MR RICHARD CORBETT<br>ROGER PARRY AND PARTNERS LLP<br>ROGER PARRY AND PARTNERS<br>THE ESTATES OFFICE<br>20 SALOP ROAD<br>OSWESTRY<br>SY11 2NU |
| Description of Development                                                                                                   | Location of Development                                                                                                                       |
| ADEILADU ADEILAD MENTER WLEDIG A'R<br>GWAITH CYSYLLTIEDIG / ERECTION OF<br>RURAL ENTERPRISE DWELLING AND<br>ASSOCIATED WORKS | TORRIAD FARM<br>BOWLING BANK<br>WREXHAM<br>LL13 9RT                                                                                           |

| Relevant History | P/2021/0670 – Erection of agricultural building |
|------------------|-------------------------------------------------|
|------------------|-------------------------------------------------|

| Constraints                          | Applicable | Acceptable | Not Acceptable |
|--------------------------------------|------------|------------|----------------|
| Outside settlement                   | X          |            | X              |
| Inside settlement                    |            |            |                |
| Conservation Area                    |            |            |                |
| Listed Building/ setting             |            |            |                |
| Green Barrier                        |            |            |                |
| Special Landscape Area               |            |            |                |
| Flood Risk                           |            |            |                |
| Within Buffer Zone or affecting SAC* |            |            |                |
| World Heritage Site                  |            |            |                |
| AONB                                 |            |            |                |
| Phosphates                           |            |            |                |
| Other                                |            |            |                |

| Local Planning Guidance | Acceptable | Not Acceptable |
|-------------------------|------------|----------------|
| LPGN13                  |            | X              |
| LPGN16                  | X          |                |
| LPGN2                   |            | X              |

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| <b>Key Issues</b>   | <b>Acceptable</b> | <b>Not acceptable</b> | <b>Observations Below</b> | <b>N/A</b> |
|---------------------|-------------------|-----------------------|---------------------------|------------|
| Residential Amenity | <b>X</b>          |                       |                           |            |
| Design              |                   |                       | <b>X</b>                  |            |
| Highway safety      | <b>X</b>          |                       |                           |            |
| Parking             | <b>X</b>          |                       |                           |            |
| Conservation/LB     |                   |                       |                           |            |
| Ecology             | <b>X</b>          |                       |                           |            |
| Trees               | <b>X</b>          |                       |                           |            |
| Other               |                   |                       |                           |            |

## **APPLICANTS SUPPORTING STATEMENT**

| <b>CONSULTATION RESPONSES</b> | <b>Consulted</b> | <b>Supports</b> | <b>Comments</b> | <b>Objects</b> | <b>No objection/<br/>no comments</b> | <b>No response</b> |
|-------------------------------|------------------|-----------------|-----------------|----------------|--------------------------------------|--------------------|
| Community Council             | <b>X</b>         |                 |                 |                |                                      |                    |
| Local member(s)               | <b>X</b>         |                 |                 | <b>X</b>       |                                      |                    |
| Highways                      | <b>X</b>         |                 | <b>X</b>        |                |                                      |                    |
| Public Protection             | <b>X</b>         |                 | <b>X</b>        |                |                                      |                    |
| Natural Resources Wales       | <b>X</b>         |                 | <b>X</b>        |                |                                      |                    |
| Welsh Water                   |                  |                 |                 |                |                                      |                    |
| Other                         |                  |                 |                 |                |                                      |                    |
| Neighbours                    |                  |                 |                 |                |                                      |                    |

## **RELEVANT PLANNING POLICY**

Future Wales

Planning Policy Wales

Technical Advisory Note 6

Wrexham Unitary Development Plan

Draft Local Development Plan

Local Planning Guidance Note 13 Housing in the Countryside

Local Planning Guidance Note 2 Agricultural Appraisals

## **OFFICER APPRAISAL**

### *Site Location and Description*

The application site is located within the community of Bowling Bank outside of any recognised settlements within both the existing WCBC UDP and the draft LDP.

The proposed site relates to an area of land forming part of Horsley Farm which lies to the west of the existing main farm complex.

### *Principle of Development*

TAN 6 states that one of the few circumstances where 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.

Applications for planning permission for new rural enterprise dwellings should be carefully assessed 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. The proposal must satisfy both a functional test, to prove that the enterprise requires a worker to be readily available at most times, and a financial test, to prove that the enterprise is economically viable. The Local Planning Authority must also be satisfied that there is no other existing building suitable for conversion on the enterprise, or an existing dwelling within the locality that could meet any identified functional need.

The first key determinant in deciding if a proposal falls within the scope of the rural enterprise dwelling policy is whether an enterprise is directly related to the management of rural land-related businesses, or has a character such that it can only be located in the open countryside, or has very particular reasons for a location in the open countryside, rather than in an existing settlement, as per paragraph 2.9 of the TAN 6 Practice Guidance on Rural Enterprise Dwellings.

The application seeks full planning permission for the construction of a permanent rural enterprise dwelling in association with the running of the farm at Torriad Farm. Part 2.2 of the TAN 6 Practice Guidance on Rural Enterprise Dwellings confirms that the five groups of enterprises which are covered by the provisions of TAN 6 are as follows:

- Agricultural and forestry;
- Activities which obtain their primary inputs from the site;
- Land management related activities;
- Land related tourism and leisure; and
- Support service related to rural-based activities

Based upon the above extract, it is considered the nature of the business and the site does fall within the scope of the rural enterprise dwelling policy area, given that it relates to an agricultural farming business. Indeed, the development has been proposed on the basis it would be the first dwelling on-site to serve the existing agricultural enterprise at Torriad Farm Holdings.

Part 4.3.1 of TAN 6 states that rural enterprise dwellings include “a new dwelling on an established rural enterprise (including farms) where there is a functional need for a full time worker and the business case demonstrates that the employment is likely to remain financially sustainable”.

Part 4.4 of TAN 6 goes on to provide more detailed policy guidance relating to new dwellings on established enterprises. It states the following:

“New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. there is a clearly established existing functional need; (See paragraph 4.8.1).
- b. the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).
- 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; (See paragraphs 4.10.1 - 4.10.3).
- 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; (See paragraphs 4.11.1 -4.11.2), and
- e. other normal planning requirements, for example siting and access, are satisfied (See paragraphs 4.12.1 - 4.12.2).

As assessed above, it is considered the nature of the existing enterprise is such that the principle of a rural enterprise can be considered by the Local Planning Authority. As such, each of the above requirements will be assessed in-turn below.

#### Functional Test

As per Paragraph 4.2 of the TAN 6 Practice Guidance on Rural Enterprise Dwellings, an essential functional need relates to a specific management activity or combination of activities which require the ready presence of a worker at most times if the proper functioning of an existing enterprise is not to be prejudiced and which cannot be achieved by any other practical means such as electronic surveillance. Indeed, the TAN 6 Practice Guidance (Part 4.3) confirms it is a need determined by the character and management requirements of the enterprise, and not by any personal preferences or circumstances of any of the individual(s) involved.

Further to the above, Paragraph 4.8.1 of TAN 6 states that:

*“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”.*

The submitted agricultural appraisal submitted in June 2021 outlines the business main enterprise being a dairy farm, comprising of 300 milking cows and 114 youngstock. Given the sufficient number of animals and work on site, the business currently having no farm workers residing on site and unexpected animal husbandry issues as outlined within the submitted appraisal it is considered that the functional test has been sufficiently addressed in line with TAN6.

#### Time Test

Paragraph 4.9.1 of TAN 6 states the following with regard to the ‘Time Test’:

*“If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a fulltime worker. With the exception of second dwellings on established farms, it must not relate to a part-time requirement, or a requirement that does not relate to the enterprise”.*

In this instance, given this would be first dwelling on the enterprise, there must be a requirement for a full-time worker.

The Standard Man Days calculation in the assessment specifies the need for there to be at least 7 full time workers for a farm enterprise of this scale. Therefore it is justified that Torriad farm alone requires 7 full time workers to fulfil the functional need of the farming enterprise based Torriad Farm. It is therefore considered the time test has been satisfied.

#### Financial Test

TAN6 requires that a rural enterprise should be financially sound and should have good prospects of remaining so for at least the next 5 years. For permanent dwellings. Paragraph 4.4.1(c) advises that for new dwellings on established enterprises, the enterprise concerned should have been established for at least 3 years and profitable for at least one.

The farm complex itself at Torriad Farm was developed more than 3 years ago, however it was previously in the ownership of another business. The applicants for Hoseley Farm have been provided for 3 years, year ended 31 March 2018, year

ended 31 March 2019 and year ended 2020. Whilst these demonstrate an operating profit, Torriad Farm is a newly established business owned by the Hoseley Farm partnership. Accounts for Torriad Farm have been provided for 2021-2022, which showed a profit before depreciation of £88,268. For the 2022-2023 period, a profit of £155,027 was projected, however no further information has been provided to demonstrate profitability since 2021-2022.

Whilst the business is owned by a partnership that has a history of profitability it does not necessarily follow that a newly established unit will be profitable. Whilst TAN6 allows for dwellings on newly established enterprises, there remains a requirement that the business has been planned on a sound financial basis. That only 1 full year of accounts is available means it is not possible to conclude this is the case. Where the case for a dwelling is not fully proven, paragraph 4.6.2 advises it may be appropriate for a temporary dwelling to be granted for a 3 year period. That is not the case here.

Accordingly, based on the information submitted, the financial test has not been met.

#### Another dwelling Test

Section 4.11 of TAN 6 states that evidence must be provided to demonstrate that there are no other dwellings within the locality, or buildings suitable for conversion, which are available to fulfil the needs of the enterprise.

The TAN 6 Practice Guidance for Rural Enterprise Dwellings adds to this, and states the following:

*“6.2 Applicants for new dwellings to serve existing rural enterprises will need to demonstrate:*

- why any existing dwelling on the land is unavailable or unsuitable to meet the functional need to house a worker;*
- why there are no alternative options to new development on the land; for example, the absence of buildings suitable for conversion or of opportunities to meet the functional requirements through a re-organisation of the management of the enterprise;*
- why existing housing in the locality is unsuitable or unavailable to meet the functional need of the enterprise; for example, through the remoteness of the enterprise base, the high cost of open market housing, or the general lack of availability of appropriate house types.*

*6.3 Each of these considerations will need to be addressed in the Rural Enterprise Dwelling Appraisal by submission of reasoned argument or clear robust evidence”.*

There are no existing buildings on the holding which are suitable for conversion. Further information has been provided noting that there is currently 1 dwelling available approximately 1 mile away from the holding however the proposed dwelling isn't financially viable with an asking price of £499,000 whereas the proposed dwelling is estimated to cost approximately £150,000 to build.

It is accepted that there are no existing buildings on the holding which could be converted, and that there are no existing housing in the locality which is financially viable. Given this, it is considered the other dwelling test has been met.

### *Design and visual impacts*

Paragraph 4.12.1 of TAN6 states rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. 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.

Within the Wrexham UDP, Policy GDP1 (a) requires that all new development is of an appropriate design, scale and appearance whilst being constructed from appropriate materials which makes a positive contribution to the character and appearance of the area. Strategic Policy PS2 of the Wrexham UDP requires that all new development does not materially or adversely affect the appearance or character of townscapes, the countryside or wider landscape. Furthermore policy H5 of the Wrexham UDP states that the new dwelling is sited adjacent to an existing building, can be landscaped, and is of a form, bulk, design and materials which reflect the locality's rural character.

Similar to the above, the draft Wrexham LDP, Policy DM1 (i) requires development proposal where relevant to Accord with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape in terms of their siting, layout, scale, height, design, density, use of materials and landscaping.

Whilst the appearance of the dwelling itself is acceptable, it would be sited approximately 46 metres from the main enterprise and positioned towards the centre of an agricultural field. The degree of separation and positioning results in the dwelling appearing somewhat detached from the main farm complex and intruding into the rural landscape.

Overall, it is considered given its separation distance and position, the development would result in isolated development which would have significant adverse impacts to the character and appearance of the area and rural landscape

### *Residential amenity*

In light of this significant distance between the application site and neighbouring properties, it is considered there would be no unacceptable impacts upon these neighbouring residential occupiers as a consequence of the development, including any overbearing, overshadowing or overlooking effects.

### *Phosphorous*

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC.

NRW have responded to the application recognising the specific nature of the application submitted, a private sewage treatment system which discharges into a closed reedbed system, NRW are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. It is therefore considered the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

### *Ecology*

Amended reports have been submitted in support of the above application (Torriad Farm Amphibian Conservation Strategy. Arbor Vitae. 10/12/2021). NRW have welcomed the principles of the submitted strategy and agree with the avoidance and mitigation measures proposed. NRW have no objection to the development subject to a condition to secure the implementation of an Amphibian Conservation Plan.  
Subject

Having regard to the above, the development would not give rise to ecological considerations.

### *Highways*

The proposed development site is located on a narrow rural, unclassified road subject to a 60mph speed limit. The existing farm access is 8.7m wide and is gated 6.3m behind the edge of carriageway and would be used as the access for the proposed dwelling. Given the submitted information and the parking and turning provisions on the site, development would not give rise to highway safety considerations subject a condition to secure the provision and maintenance of visibility plays.

## **CONCLUSION**

Insufficient justification has been put forward to demonstrate the long term viability of the rural enterprise which the dwelling is intended to support, in particular the development fails to accord with Technical Advisory Note 6 Paragraph 4.4.1 (c). The development also would be sited a substantial distance away from the dwelling in an isolated position, the development therefore conflicts with policy GDP1 (a) and PS2 of the Wrexham Unitary Development Plan and DM1 (i) of the draft Wrexham Local Plan.

## **RECOMMENDATION**

|                                        |          |
|----------------------------------------|----------|
| <b>GRANT</b>                           |          |
| <b>REFUSE</b>                          | <b>X</b> |
| <b>S106 Required</b>                   |          |
| <b>Cadw/ WG Referral Required</b>      |          |
| <b>Is application EIA Development?</b> |          |

## **REASON**

1. The development would have a detrimental impact upon the rural landscape and therefore conflicts with policy GDP1 (a) and PS2 of the Wrexham Unitary Development Plan and DM1 (i) of the draft Wrexham Local Development Plan.
2. Insufficient justification has been put forward to demonstrate the long term financial viability of the rural enterprise. Therefore the development does not accord with Technical Advisory Note 6 Paragraph 4.4.1 (c), policy H5 of the Wrexham Unitary Development Plan and policy H7 of the draft Wrexham Local Development Plan.

|                                                                     |                    |
|---------------------------------------------------------------------|--------------------|
| <b>Planning Manager</b>                                             | <b>Date Signed</b> |
| <b>Matthew Phillips Head of Planning<br/>Development Management</b> | <b>25/07/2023</b>  |