

Sarah Hill

From: Anthony Atkinson <anthony.atkinson@acorus.co.uk>
Sent: 03 February 2023 09:47
To: Sarah Hill
Subject: RE: P/2020/0011 - Black Rock Farm
Attachments: functional need.pdf; Accounts.pdf

Hi Sarah

In response to your email of 20 January (extract of text below in black bold italics) the following points are provided in red:

In the previous appeal decision for the broiler buildings and temporary accommodation the Inspector noted that it was not apparent that there would be a clear functional need for a dwelling, hence the temporary period given to accommodation on the site.

The appeal, Appeal Ref: APP/H6955/A/17/3167412 (decision 20.07.2017), stated as follows:

25. During the hearing it was apparent that there is a clear intent to develop and a financial case for the proposal. However, it was not apparent that there would be a clear functional need for a dwelling. With reference to the guidance in paragraph 4.6.2 of TAN 6, if this appeal were to be allowed, the proposed residential unit of accommodation would be appropriate for a temporary period limited by planning condition.

The application for the poultry buildings included the temporary accommodation – this was for residential on-site accommodation, but not a dwelling.

Section 4.6 of TAN 6 is entitled; ‘New dwellings on new enterprises’ – and at the time the application was presented and considered against that section. Paragraph 4.6.2 reads ‘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’. The application was submitted as temporary accommodated and approved as such. Now that the business has become established the application is for a permanent dwelling and the appropriate section of TAN 6 is 4.4 ‘New dwellings on established rural enterprises’.

The appraisal submitted with the application falls short of the requirements of TAN6.

Further below is the extract of the report submitted with the application assessing the proposal against paragraph 4.4.1 of TAN 6. Also at Appendix 1 of the report were details regarding the Functional Need Requirements of the Broiler Enterprise. To supplement the submitted details, please see attached as provided by the applicant.

Functional need – Given the high level of automation at such sites, whilst there may be a ‘what if’ scenario if the systems fail, this could be remotely monitored. There is no real explanation as to what would happen if there were to be a systems failure, how quickly it would need to be rectified, what steps would need to be taken to do so and why those steps would require someone on site. If the systems are critical to the operation on site there should be a some kind of back up/fail safe.

See details as provided as referenced above.

Financial test - A detailed financial appraisal of the business for each of the years it has operated is required. TAN6 para 4.4.1(c) says the enterprise must have been established for at least 3 years and profitable for at least one. Para 4.10.1 goes further and suggests the enterprise should be financially sound and good prospects of remaining so for at least 5 years. The following paragraph also sets out some detailed information required to

assess the viability of the business but also that it is likely to be able to sustain the costs of the dwelling. None of this has been provided. When the initial appraisal was done the business hadn't been operating long enough to have data for 3 years.

Please see accounts for the business for the most recent past 3 years (YE April '20, '21 & '22) – as the figures show the business is a profitable and viable business.

Also appended with the accounts is some efficiency data (KPIs) relation to the site and other poultry producers of Maelor Foods Ltd. As you will see from the figures the business is a well run and performs very well against other producers.

Time test – This has not been carried out. This should provide evidence of the labour requirement for a worker to live and work on site full time.

See the extract of the report as below – and additional text in red.

Other dwelling test - There doesn't appear to have been any assessment of why a dwelling elsewhere wouldn't allow the applicant to be on site relatively quickly if necessary. Somewhere within 2-3 miles of the site to meet the applicant's needs should be considered, that has been the general distance Inspectors have referred to in the some past appeals.

See the extract of the report as below – and additional text in red.

8.3 Assessment of broiler enterprise

Evaluation of the Broiler Enterprise in Relation to Paragraph 4.4.1 of TAN 6

a) There is a clearly established existing functional need

The need for a worker to be housed on site was established at the appeal for the poultry buildings and the temporary residential accommodation, as approved on 30 October 2017.

The on-site accommodation has been essential for the business to get established and thrive.

The functional need for on site accommodation is as a consequence of the scale and nature of the enterprise. The functional need requirements of the enterprise are as detailed at Appendix 1.

b) The need relates to a full-time worker, and does not relate to a part-time requirement.

In respect of the total labour requirement for the broiler enterprise, this amounts to in excess of 4 full time workers. The labour requirements for all types of agricultural enterprises are detailed in the John Nix Farm Management Pocketbook (latest edition September 2019).

The functional need relating to key workers being housed on site to operate and manage the poultry enterprise amounts to a minimum of one full time worker.

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;

The business has been planned on a sound financial basis, with the buildings completed and fitted-out for commencement of the enterprise in January 2019.

As noted above the business is exceeding its target margin per crop.

See accounts as attached which demonstrate that the business is profitable and viable..

The business has an initial five year contract with Maelor Foods. The attached letters from Maelor Foods and NatWest Bank confirm that the business is operating as planned and is financially sound, with 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

There is neither an existing dwelling nor a building suitable for conversion at the site. In order to meet the identified functional need of the enterprise on site residential accommodation is essential (i.e. off-site residential accommodation would not be acceptable).

The temporary accommodation was granted with the poultry buildings because the nature and scale of the business dictated the need for on-site accommodation (i.e. a functional need requirement). The on-site accommodation has been essential for the business to get established and thrive, any off site accommodation would not meet the functional need requirements of the poultry enterprise (since the poultry enterprise was established there continues to be on-going cases of avian flu in the poultry sector, and hence biosecurity and on-site security is greater than ever).

e) Other normal planning requirements, for example siting and access, are satisfied.

The dwelling is well located to provide effective management of the broiler enterprise and meet the daily functional need of the poultry enterprise.

The dwelling will use the same site access as the main farm complex of Sesswick Way.

I trust the above answers the questions raised.

I hope to hear from you soon regarding the ecology response.

Anthony Atkinson | Acorus Rural Property Services Ltd
North & Midlands

Mobile: 07785 366698

anthony.atkinson@acorus.co.uk acorus.co.uk

From: Sarah Hill <Sarah.Hill@wrexham.gov.uk>

Sent: 20 January 2023 12:29

To: Anthony Atkinson <anthony.atkinson@acorus.co.uk>

Subject: RE: P/2020/0011 - Black Rock Farm

Hi Anthony,

Thanks for your email.

The fact that temporary accommodation has been on site is not sufficient in itself to prove a functional need. The information specified in my email will also be required.

I'll continue to hold the application in abeyance and hope to have a response from Ecology for you when you return from leave.

Regards

Sarah.

Sarah Hill

Swyddog Cynllunio/Planning Officer
Economi a Chynllunio/Economy and Planning

Oriau gwaith/Working hours:

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Dydd Mercher/Wednesday: 08:00am to 16:00pm

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Dydd Gwener/Friday: 08:00 to 15:00pm



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From: Anthony Atkinson <anthony.atkinson@acorus.co.uk>

Sent: 20 January 2023 10:49

To: Sarah Hill <Sarah.Hill@wrexham.gov.uk>

Subject: RE: P/2020/0011 - Black Rock Farm

Hi Sarah

I'm working today with a full schedule and then I'm on leave next week.

This application has of course been with the Council for sometime, other than the appraisal as submitted I can't recall any discussions with the previous planning officer regarding the appraisal – but I'll look back over the file (when I return from leave).

Regarding these types of applications (agricultural dwellings), I have been undertaking this type of work for farmers (and LPAs) for many years (over 25 years). The appeal for the temporary accommodation was approved to provide the required on site accommodation to satisfy the established functional need of the proposed poultry enterprise. The poultry enterprise has been implemented and hence the functional need remains (as established) for the on-site accommodation.

Given the passage of time since the application was submitted I will forward this email to the applicant and see what recent financial information there is for the business.

I'll be back in touch WC 30 January.

regards

Anthony Atkinson | Acorus Rural Property Services Ltd
North & Midlands

Mobile: 07785 366698
anthony.atkinson@acorus.co.uk acorus.co.uk

From: Sarah Hill <Sarah.Hill@wrexham.gov.uk>
Sent: 20 January 2023 10:34
To: Anthony Atkinson <anthony.atkinson@acorus.co.uk>
Subject: P/2020/0011 - Black Rock Farm

Hi Anthony

Whilst waiting for comments to come back regarding ecology and foul drainage, I've had another look through the file.

I cannot see any correspondence between yourself and the previous case officer relating to the need for a dwelling on the site. Please accept my apologies that this was not brought to your attention sooner or picked up by me when I carried out my initial checks when the application was passed to me.

In the previous appeal decision for the broiler buildings and temporary accommodation the Inspector noted that it was not apparent that there would be a clear functional need for a dwelling, hence the temporary period given to accommodation on the site.

The appraisal submitted with the application falls short of the requirements of TAN6.

Functional need – Given the high level of automation at such sites, whilst there may be a 'what if' scenario if the systems fail, this could be remotely monitored. There is no real explanation as to what would happen if there were to be a systems failure, how quickly it would need to be rectified, what steps would need to be taken to do so and why those steps would require someone on site. If the systems are critical to the operation on site there should be a some kind of back up/fail safe.

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If there is any correspondence between yourself and the previous officer regarding this matter that I'm not aware of I would be grateful if you would forward it to me. Otherwise, if you are able to provide the information requested above the Council can give the matter further consideration.

Regards

Sarah.

Sarah Hill
Swyddog Cynllunio/Planning Officer

Economi a Chynllunio/Economy and Planning

Oriau gwaith/Working hours:

Dydd Llun/Monday: 08:00am to 15:00pm

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