

BERRYS

PROPERTY | BUSINESS | PLANNING

PLANNING APPEAL – STATEMENT OF CASE

ERECTION OF AN AGRICULTURAL WORKERS DWELLING

On Behalf Of:

MR D. OWEN



RTPI
mediation of space · making of place



PLANNING APPLICATION SUPPORTING STATEMENT

APPELLANT'S DETAILS

Mr D Owen
The Bryn Farm
Hanmer
Whitchurch
Shropshire
SY13 3DS

PROJECT

Erection of an agricultural workers dwelling.

ISSUED BY

Mike Lloyd BA(Hons) DipTP MRTPI
Planning Consultant

APPROVED BY



Stuart Thomas BA (Hons) MA MRTPI
Partner and Head of Planning

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APPENDIX 1: Planning Application Case Officer Report

1 INTRODUCTION

- 1.1 This appeal submission relates to the refusal of application OVE P/2018/0229 “Outline Planning Application to erect Agricultural Workers Dwelling with Associated Access”. The application was submitted on 22nd March 2018 and refused by Wrexham County Borough Council on 18th September 2018.
- 1.2 There were two stated reasons for refusal as follows:
1. *Insufficient information has been submitted to demonstrate that the proposals rural enterprise is likely to be viable and that there are no other suitable alternative means of provided residential accommodation for a farm worker. The proposals therefore conflict with policies PS1 and H5 of the Wrexham Unitary Development Plan as well as advice contained in Technical Advice Note 6: Planning for Sustainable Rural Communities.*
 2. *The development is likely to result in the loss of, damage to or pressure to trees that are considered to make an important contribution to the appearance of the site and wider rural landscape. The proposals therefore conflict with policies GDP1(a) and EC4 of the Wrexham Unitary Development Plan.*

Background to the Proposed Development

- 1.3 The appellant is Mr D Owen, who currently lives at The Bryn, near Penley, a farm he rents from the Gredington Estate, comprising 491 acres of land with a range of modern and traditional buildings and modern farm house.
- 1.4 However, the applicant also owns 65 acres of land at Knolton Bryn Farm, which he currently runs alongside his main holding at The Bryn. Therefore, given uncertainties relating to his Farm Business Tenancy at The Bryn, Mr Owen seeks to down-size to run a livestock farm from his own land and agricultural buildings at Knolton Bryn Farm.
- 1.5 The application subject of this Appeal therefore sought the provision of a dwelling at Knolton Bryn Farm, located adjoining the existing farm buildings in Mr Owen’s ownership, to ensure that he can provide skilled, year round, care to his livestock and afford a level of security enabling him to run a smaller but still viable farming business from this location.

2 PLANNING HISTORY

2.1 Three applications have now been submitted to Wrexham Council seeking permission for the erection of an agricultural workers dwelling on land at Knolton Bryn Farm, as follows:

- **OVE P/2010/0027** – which was refused for the following reasons:
 1. The development would be contrary to adopted policies on housing development in the countryside as set out in Policy H5 of the adopted Wrexham Unitary Development Plan. The holding already has a dwelling at the main farm complex and it is considered that insufficient reasons have been shown to allow an additional dwelling which would warrant a departure from this policy.
 2. No ecological survey has been submitted with this application to show that the development will not be to the detriment of protected species in the locality, and to allow the development would be contrary to the Wrexham Unitary Development Plan Policies PS11, GDP1H and EC6.
 3. The development of a new track and dwelling would be likely to have an adverse impact on existing trees and hedges, contrary to policy EC4 of the Wrexham Unitary Development Plan.
 4. The dwelling is sited 250 metres from the nearest road and the location is not considered to show a sufficient degree of accessibility as required by Welsh Assembly Government Technical Advice Note 12 Design.
- **OVE P/2017/0014** – which, while seeking to address the issues identified with OVE P/2010/0027 was also refused, for the following reasons:
 1. Insufficient information has been submitted to demonstrate that there is an essential requirement for a dwelling to be erected on the site to accommodate a rural enterprise / farm worker. As such the proposals do not accord with Wrexham Unitary Development Plan policies PS1, H5 or national planning guidance set out in Technical Advice Note 6.
 2. Based on the indicative plans, the development will potentially have a significant and detrimental impact upon the rural landscape and as such the proposals also conflict with the Wrexham Unitary Development Plan policy GDP1(a).
 3. The development results in the loss of a tree of high amenity value that makes a significant contribution to the site and wider rural landscape. It will also potentially result in significant damage to or loss of other trees of high amenity value. The proposals therefore conflict with Wrexham Unitary Development Plan policy EC4.
 4. Insufficient information has been submitted to demonstrate that the development can take place without adversely impacting upon Great Crested Newts, a statutorily protected

species. The proposals therefore conflict with Wrexham Unitary Development Plan policy EC6.

5. It is unclear whether the applicant can provide visibility splays from the site access onto the A528 and secure their maintenance in the long term. In the absence of any information to demonstrate otherwise, it is not possible to provide the development with a safe means of vehicular access and as such it is therefore in conflict with Wrexham Unitary Development Plan policy GDP1(d).

- **OVE P/2018/0229** – the application, subject of this Appeal, again sought to address the issues raised by Wrexham Council when determining applications OVE P/2010/0027 and OVE P/2017/0014. Whilst many of the issues have subsequently been addressed to the satisfaction of the Local Planning Authority the application was refused for the two reasons provided in paragraph 1.2 of the statement, which relate to the viability of the proposal's rural enterprise, that there are no alternative means of providing residential accommodation for a farm worker and the impact of the proposed development on trees considered to make an important contribution to the appearance of the site and wider rural landscape.

- 2.2 This Appeal statement therefore seeks to address the two reasons for refusal of application OVE P/2018/0229.

3 THE SITE AND PROPOSED DEVELOPMENT

The Application Site

- 3.1 The site is located on land at Knolton Bryn Farm, Knolton, approximately 2 miles by road from the village of Overton and 3 miles from the village of Penley. The site location is identified on the aerial imagery at figure 1 below.



Figure 1: Extract of Google Maps Aerial Imagery identifying site location

- 3.2 Whilst other locations within the applicant's land ownership have been considered for the proposed dwelling it is considered that the site proposed is the most appropriate as it is:
- the closest available land within the applicant's land ownership to the existing farm buildings and farmyard, providing the occupants with ease of access to livestock 24 hours per day and the ability to provide a degree of security and surveillance;
 - well screened by the existing farm buildings and mature trees and hedgerow (which can also be supplemented by additional planting); and
 - some distance from Grange Road, ensuring that the dwelling does not impact upon the road's rural character.

The Proposed Development

- 3.3 The application is in outline (with access) for the erection of an agricultural workers dwelling. The issues of appearance, landscaping, layout and scale being reserved for future consideration. Nonetheless, the indicative site layout identifies a two storey dwelling that, it is envisaged, will comprise of 2 storeys, 3 bedrooms and a floor area of no more than 140sq.m.
- 3.5 The house has been located close to the existing farm buildings to allow for security and surveillance, which is currently very low. The proposed siting will also ensure that the dwelling will be viewed with the existing farm buildings and therefore as part of a farmstead. The site extends to 0.1ha and therefore provides sufficient room for the size of dwelling proposed, parking, vehicle circulation space and garden.
- 3.6 The dwelling will utilise the farm buildings existing highway access position and will not result in a significant increase in the amount of vehicular traffic using this access. Nonetheless, the proposal includes improvements to the existing access arrangement, including the provision of visibility splays of 2.4mx160m in each direction and hard surfacing of the 4.5m wide access for a minimum distance of 10m from the highway.

4 REBUTTAL OF REASONS FOR REFUSAL

- 4.1 As previously detailed, planning application OVE P/2018/0229 was refused for two reasons. Both of these reasons for refusal are addressed in the following section.

Reason for Refusal 1

Insufficient information has been submitted to demonstrate that the proposals rural enterprise is likely to be viable and that there are no other suitable alternative means of provided residential accommodation for a farm worker. The proposals therefore conflict with policies PS1 and H5 of the Wrexham Unitary Development Plan as well as advice contained in Technical Advice Note 6: Planning for Sustainable Rural Communities.

- 4.2 This reason for refusal raises two distinct issues, as follows:

- The viability of the proposed rural enterprise; and
- The availability of alternative accommodation

4.3 ***Viability of the proposed rural enterprise***

- 4.3.1 As is fully detailed within the planning statement submitted in support of application OVE P/2018/0229, the Appellant currently lives at a farm he rents but also owns a further 65 acres of land at Knolton Bryn Farm, which he currently runs alongside his rented farm. Mr Owen's current farming enterprise is therefore over 556 acres of land and comprises of 500 head of beef cattle and 1,200 ewes over winter.

- 4.3.2 However, Mr Owen's future is uncertain occupying his main holding, buildings and house on a Farm Business Tenancy that is reaching the end of its term and may be terminated with 12 months' notice. This would leave him homeless and without personal income. Mr Owen's aspiration is to down-size to run the livestock business from the land and agricultural buildings in his ownership at Knolton Bryn Farm.

- 4.3.3 The downsized farming enterprise will comprise of 80 store cattle and 160 sheep over winter, making best use of the 65 acres of grassland, silage pit, Dutch barn and 2 large agricultural sheds at Knolton Bryn Farm.

- 4.3.4 An Agricultural Business Appraisal has been provided (at Section 6 of the Planning Application Supporting Statement) that concerns only the 65 acres (26.31 hectares) of permanent and temporary pasture and buildings owned by Mr Owen at Knolton Bryn Farm.

- 4.3.5 The Appraisal, undertaken by Harriet Matthews, BSc (Hons) MRICS FAAV, accords with the guidance on the provision of such Appraisals contained within Technical Advice Note 6 and

identifies that the proposal meets the functional, financial, time and other dwellings tests. This Appraisal concludes that there is a need for at least one full time and sufficiently skilled worker to live on site.

- 4.3.6 The Local Planning Authority's Case Officer report on application OVE P/2018/0229 (attached as Appendix 1 of this statement), within its 'Financial Test' section refers to Paragraph 4.4.1 of Technical Advice Note 6 (TAN 6), which relates to new dwellings on established rural enterprises and states:

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).*

The report at Appendix 1 acknowledges that there is a functional need for the dwelling and that the need relates to a full time employee (satisfying criteria a and b of paragraph 4.4.1 of TAN 6). However, the report details the Case Officer view that criteria c has not been fulfilled, stating "In my opinion the proposed business is effectively a new going concern and as such the above advice is not met. In turn the proposals therefore do not satisfy the financial test in respect of a permanent dwelling".

- 4.3.7 The Appraisal recognises that, as the existing enterprise is run from both tenanted land and land in the Appellant's ownership, it is not possible to provide accounts for just the Appellant's land at Knolton Bryn. Nonetheless, the accounts provided for the existing business demonstrate the Appellant's business sense and ability to run and maintain a profitable business.
- 4.3.8 In addition, forward cash flow projections have been provided for the Knolton Bryn land only. These forward cash flow projections demonstrate that this holding can support at least one full time worker. In the scenario of the appellant living and farming only at Knolton Bryn the modern

sheds there are used to house 80 cattle with 160 ewes grazing over winter. The land is then used for cattle grazing and making forage during the summer, with additional forage bought in if required. Some of the costs in the cash flow projections are altered little from the accounts for both holdings, such as telephone, vehicle costs and bank charges, as these vary little with the size of the business. Other costs, such as those associated with the livestock and forage, have been altered in line with the size of the enterprise.

4.3.9 The cash flow projections show that the downsized enterprise at Knolton Bryn produces a profit of £11,206 in its first year, increasing to £21,391 after 3 years. This shows that it is a sensible and profitable system, producing considerable profit after 3 years, capable of servicing the appellant's cash needs. The proposal therefore ensures that, when Mr Owen's Farm Business Tenancy is terminated, Mr Owen would not be homeless and without personal income.

4.3.10 In conclusion, whilst the Case Officer is of the opinion that the farm business is 'effectively a new concern' in actuality it is an existing farming enterprise that will be downsized onto the land within the Appellant's ownership.

It is not unusual for an existing farm enterprise to change the amount of land over which it is run. Neither is it unusual for an existing enterprise to vary the amount and composition of its livestock. Whilst it may be more likely for a need to arise for a new dwelling on an established rural enterprise as a result of business growth and an increase in land/livestock, business growth is not the only change in circumstance that may give rise to a need for a new dwelling on an existing enterprise, and national planning policy and guidance does not inhibit the provision of new dwellings on established rural enterprises to those that are required as a result of business growth.

The Case Officer has accepted that the downsizing of the Appellant's farming business gives rise to a functional need for a dwelling and meets the time test set out in TAN 6. However, it is the Case Officer's opinion that the financial test for the new dwelling has not been met. Paragraphs 4.10.1 - 4.10.3 of TAN 6 provides clarification on how the financial test should be applied. Paragraph 4.10.2 specifically identifies that in applying the financial test 'evidence of actual or potential economic performance will be required'. The Business Appraisal submitted as part of the planning application therefore includes:

- Accounts of the business, which demonstrate that the enterprise is well established and profitable and therefore the Appellant's business sense and ability to run and maintain a business; and
- Forward cash flow projections, which indicate that the downsized enterprise will produce a profit in the first year and produce a considerable profit after three years.

It is therefore contended that sufficient financial evidence has been provided to demonstrate that the financial test for a new dwelling on an established rural enterprise has been met.

4.4 **Availability of alternative accommodation**

- 4.4.1 The Agricultural Business Appraisal, contained within Section 6 of the Planning Application Supporting Statement, details that the Appellant currently lives in the farmhouse that forms part of his farm tenancy, that there are no dwellings at Knolton Bryn Farm and that the existing farm buildings are all required for livestock housing and storage and are not suitable for conversion. As there are no other dwellings within Mr Owen's ownership, the Appraisal concludes that construction of a new dwelling is the only option available to afford Mr Owen somewhere to live and provide the necessary care to his livestock.
- 4.4.2 Nonetheless, the Case Officer, in the 'Other Dwelling Test' section of the report at Appendix 1, considers that an unused/underutilised traditional farm building at Red Hall Farm, Penley, may lend itself to conversion. However, as is recognised by the Case Officer this building is not owned by the Appellant and is located approximately 2 miles from the application site. It is considered evident, therefore, that the building is not available to meet the Appellant's need and that its location does not provide the Appellant with the ability to live on site and, given the level and value of stock and machinery proposed on the site, provide the appropriate level of farm management, animal husbandry and security required.
- 4.4.2 In conclusion, it is considered evident that there is no reasonable alternative accommodation available to the Appellant other than the provision of a dwelling on the Knolton Bryn Farm land. A dwelling located adjoining the existing farm buildings will ensure that skilled, year round, care can be provided to livestock and a level of security is afforded to enable the down sized, but still viable, farming business to run from this location.

Reason for Refusal 2

The development is likely to result in the loss of, damage to or pressure to trees that are considered to make an important contribution to the appearance of the site and wider rural landscape. The proposals therefore conflict with policies GDP1(a) and EC4 of the Wrexham Unitary Development Plan.

- 4.5 Planning application OVE P/2018/0229 retains the mature tree previously proposed for removal under application P/2017/0014. The application submission also included a '*Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan*' that provides construction method statements and protection measures to ensure the proposed development does not adversely impact upon any mature trees.
- 4.6 The Council's Arboricultural Officer responded to the updated Arboricultural Impact Assessment in an email to the Planning Officer dated 23 August 2018 (attached as Appendix 2 of this statement), expressing concerns over the following:
- a. Construction activity within the RPA's of certain trees particularly T5, 6, 7, 8, 9 and 10;

- b. Alterations or disturbances to the soils, ground levels, or general ecosystem associated with each tree, either during the development or in the future, may have a detrimental impact to the health and well-being of either the trees or their habitat; and
- c. The close proximity of the trees to the dwelling and garden area may increase the risk of conflict with nuisance issues such as excessive shading, crown dominance, detritus and perceived fears regarding the structural condition of the trees.

4.7 In response to these concerns, the Appellant would comment as follows:

a. Construction activity within the RPA's of certain trees particularly T5, 6, 7, 8, 9 & 10

The Arboricultural Impact Assessment (AIA) recognises that there is potential for some construction activity within the Root Protection Area (RPA) of these trees and therefore proposes construction methods and protection measures to address any potential adverse impacts.

For T5 and T6 these methods and measures include protective fencing, no strip excavation, no dig cellular construction of driveways and temporary ground protection, consequently ensuring no adverse impact upon these trees.

For T7, T8 and T9 the indicative site layout identifies that the proposed drive and dwelling does not impinge on the RPAs. Nonetheless, due to potential construction activity (e.g. construction access) on site, the AIA proposes methods and measures to ensure no adverse impact upon these trees including protective fencing, no excavation into the soil, and temporary ground protection.

The indicative site layout also indicates that the proposed dwelling impinges on the RPA of T10. However, compensatory rooting area is available which, together with methods and measures proposed in the AIA (including protective fencing and temporary ground protection), ensures no adverse impact upon this tree. Nonetheless, it must also be recognised that as the application is in outline the site layout is merely indicative and the dwelling may be sited outside of any RPA.

b. Alterations or disturbances to the soils, ground levels, or general ecosystem associated with each tree, either during the development or in the future, may have a detrimental impact to the health and well-being of either the trees or their habitat

The AIA proposes construction methods and protection measures to ensure that alterations and disturbances to soils, ground levels and the general ecosystem associated with each tree will be kept to a minimum both during the construction phase of the development and thereafter. The AIA also recommends works to tree T6 (i.e. reduce loading) to ensure its future retention. In addition, it must be recognised that existing farming practices (including the use of heavy agricultural farm machinery and ploughing of land) has the potential to significantly adversely affect the trees.

The implementation of the methods, measures and recommendations contained within the AIA is therefore considered to provide a degree of assurance that the trees will be retained and continued contribution to landscape character and appearance.

c. The close proximity of the trees to the dwelling and garden area may increase the risk of conflict with nuisance issues such as excessive shading, crown dominance, detritus and perceived fears regarding the structural condition of the trees

It is considered that the indicative site layout and AIA illustrate that a dwelling can be accommodated on the site without any resultant unacceptable adverse impact upon trees. Conversely, as previously detailed, the proposal may provide a betterment in this regard by providing a degree of assurance that the trees will be retained and, by living on the site, the Appellant will ensure the future maintenance, and therefore health, of the trees.

Unlike with speculative development, the future occupier of the dwelling currently has control over the trees and is actively seeking to ensure that they are retained, and their contribution to the landscape continues, rather than having them removed.

Ultimately, if the Local Planning Authority has concern over the future of the trees there are planning mechanisms available to ensure their retention.

5 CONCLUSION

- 5.1 To conclude, the proposed development is for an Agricultural Workers Dwelling at Knolton Bryn Farm, Knolton, Wrexham. There is no existing dwelling at Knolton Bryn Farm and neither are there any nearby dwellings or associated agricultural buildings suitable for conversion available to meet the needs of the Appellant in this case.
- 5.2 The proposed dwelling would be occupied by the Appellant, Mr D. Owen, who currently resides at The Bryn, near Penley, a farm that he rents. Mr Owen runs a successful rural enterprise from The Bryn and the land and buildings at Knolton Bryn Farm. However, Mr Owen wishes to downsize his enterprise to run from the land and buildings at Knolton Bryn Farm alone. This will ensure that he has a home and personal income should his farm tenancy at The Bryn be terminated.
- 5.3 It is considered that the evidence in this case demonstrates that there is an essential and functional need for a new dwelling on this established rural enterprise and that the 'financial' and 'other dwelling' tests contained within National Planning Policy have been satisfied.
- 5.4 Whilst the application is in outline, with access, the indicative scale of the proposed dwelling is commensurate with the established functional requirements of the business and its indicative siting ensures that occupants are within sight and sound of the existing range of agricultural buildings on the holding.
- 5.5 Having regard to all of these factors and the overriding essential need the appellant respectfully requests that the appeal be allowed.

APPENDIX 1: Planning Application Case Officer Report

THE SITE

The application site is located about 250m west of the A528 and is located immediately to the south of two existing agricultural buildings.

PROPOSAL

Outline planning permission is sought for the erection of an agricultural workers dwelling. Approval is sought at this stage for access. All other matters are reserved for subsequent approval

HISTORY

Application site

P/2004/1362 Siting of caravan on agricultural land. Refused 6.12.2004

P/2010/0027 Outline application for erection of agricultural workers dwelling and associated access and amenity area. Refused 9.3.2010

P/2017/0014 Outline planning application to erect agricultural workers dwelling with associated access. Refused 27.02.2017.

Land to the south

CB2757 Erection of farmhouse, alteration to existing vehicular and pedestrian access and installation of septic tank. Refused 12.4.99

Land to the north

P/2002/0212 Erection of agricultural building. Granted 29.4.2002

P/2007/0957 Extension to existing agricultural building. Granted 20.9.2007

DEVELOPMENT PLAN

Outside of settlement limit. Policies PS1, H5, EC4, EC6 and T8 apply.

CONSULTATIONS

Community Council:

Objections:

- There is still no certain evidence of end of Tenure (first mentioned as reason for application 10 years previously)
- Issue of concerns regarding machinery/vehicular movement have not been addressed.

	• Not on main public sewerage system – house would require system. No indication for plans to remove run off from agricultural increase of foul waste from stock and associated activity. • No new information presented for reason not to uphold objection to this application.
Local Member:	Agreed to delegated decision.
Highways:	No objections subject to conditions.
Public Protection:	Conditions/notes recommended.
Flood Officer:	No comments.
NRW:	No objection subject to conditions being imposed.
Site Notice:	Expired 26.4.18
Neighbours:	The owners/occupiers of 3 nearby properties notified 4.4.18 1 representation making the following comments: - Site presence of any agricultural worker is estimated to be 10-20 days a year; - Size of the building – maximum ridge height 10m.

SPECIAL CONSIDERATIONS

Policy: The site lies in open countryside where residential development is normally strictly controlled. The applicant applied in 2017 for a very similar proposal, however the nature and scale of the agricultural business which the dwelling is intended to support has now changed.

Policy H5 sets out circumstances under which new dwellings may be permitted, including where there is an essential need to house a farm or forestry key worker. The policy also sets out the criteria how that need will be assessed.

Policy H5 of the UDP is generally in accordance with PPW and the guidance set out in Technical Advice Note (TAN) 8: *Planning for Sustainable Rural Communities* and the accompanying Practice Guidance: *Rural Enterprise Dwellings*. However, as TAN8 is more up to date than the UDP I have assessed the development in light of guidance for rural enterprise dwellings set out in it.

Functional Test

The applicant currently farms 558 acres of land comprising of 491 acres of land and a dwelling rented from the Gredington estate as well as 65 acres of land that he owns at Knolton Bryn. The latter includes the application site and the farm buildings adjacent to it.

No details of the location of rented land have been provided, however the rented dwelling is located near Penley. The current proposals are part of a plan by the applicant to downsize his business operated from the land he owns at Knolton Bryn.

Given the nature of the farm business I am minded to accept that there would be a functional requirement for a farm worker to be readily available at most times.

Time Test

The submitted details would suggest the proposed farm business will have a labour requirement of 1.26 people. I understand the applicant would be the only employee therefore the functional requirement relates to a full time employee. As such the time test is satisfied.

Financial Test

The financial details submitted appear to be for existing business – i.e. 558 acres. However given the applicant's intention to downsize I do not consider evidence of past profitability of the existing business to be directly relevant in this instance. The difference in size between the existing and proposed farming enterprises is considerable. The proposed farm enterprise will operate on around 12% on the land of the existing, have 16% of the cattle and 13% of the sheep. This will result in a considerable reduction in income. Whilst it is reasonable to conclude that the operating costs would also be proportionally lower operating costs, it is uncertain at this stage that the business would be viable, able to support a full time worker or to sustain the costs associated with the erection of a dwelling.

Paragraph 4.4.1 (c) advises that permanent dwellings should only be supported where a rural enterprise has been established for at least 3 years and profitable for at least one. Paragraph 4.10.1 provides further advice that a rural enterprise should be financially sound and should have good prospects of remaining economically sustainable for at least 5 years. In my opinion the proposed business is effectively a new going concern and as such the above advice is not met. In turn the proposals therefore do not satisfy the financial test in respect of a permanent dwelling.

Whilst the applicant may be able to satisfy the requirements of paragraphs 4.6.1 and 4.6.2 of TAN6 for a temporary dwelling on a newly established enterprise, that is not what is proposed by the current application.

Other Dwelling Test

The applicant was in a partnership with his father, Mr E G Owen although I understand this was dissolved in 2017. The latter is the owner of Red Hall Farm, Red Hall Lane, Penley located approximately 2 miles from the application site. I understand the property is tenanted however the site current has an unused/underutilised traditional farm building that may lend itself to conversion. Whilst I appreciate that the applicant does not own the building, I am not convinced that sufficient evidence has been put forward to demonstrate that the building is not or could not be made available for conversion to residential use. The other dwelling test has therefore not been adequately addressed in my opinion.

Other Planning Considerations: The indicative plans submitted with the previous application gave rise to some concern about the intended scale of the development – the plans suggested a footprint of 15m x 15m and a ridge height of up to 10m. The indicative plans accompanying this application suggest a dwelling with footprint of 9m x 8m which is consistent with normal family sized dwellings. Whilst the plans suggest a ridge height of between 9 and 10m, the plans are, given that scale and

appearance are reserved, the detailed design, including the size, of the dwelling can be considered in more detail at reserved matters stage.

In terms of siting generally, the dwelling would be adjacent to existing farm buildings which will assist in minimising its impact upon the rural landscape.

Whilst siting is a reserved matter, the dwelling will be situated close to the root protection areas of a number of very significant mature trees. The trees are rated as B2 or moderate quality in the applicant's Arboricultural Impact Assessment but individually and collectively make a significant contribution to the character of the site and to the wider rural landscape.

I am not convinced that it is possible to locate a dwelling within the application area without adversely impacting upon the trees or resulting pressure to remove them as a result of shading of the dwelling and its garden, crown dominance, leaf litter or perceived fears regarding the structural condition of the trees.

Access: Based on the details submitted, subject to the hedge to the north of the access being removed and replacement behind the visibility splay lines, adequate visibility in both directions can be provided. The width and layout of the access is also acceptable. In light of this I am therefore satisfied that the proposed access arrangements are acceptable.

Ecology: The application is accompanied by mitigation proposals in respect of Great Crested Newts. Subject to the implementation of these I am satisfied the development is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations the species. The implementation of the ecological mitigation measures can be secured by condition.

CONCLUSION

Insufficient information has been submitted to demonstrate that there is an essential requirement for a dwelling to be erected on the site to accommodate a rural enterprise/farm worker. I am also concerned that the development could take place without harm to existing mature trees or undue pressure for them to be removed. As such the proposals do not accord with UDP policies PS1, H5, EC4 or national planning guidance set out in Technical Advice Note 6.

APPENDIX 2: Arboricultural Officer Email

Mike Lloyd

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 28 August 2018 10:20
To: Mike Lloyd
Subject: FW: P/2018/0229 - Knolton

Follow Up Flag: Follow up
Flag Status: Flagged

Mike,

See below. I don't really want to delay a decision on the application much longer. I am therefore minded to proceed to determination, taking into account Jon's advice.

Regards

Matthew Phillips

Planning Control Lead/Arweinydd Rheoli Cynllunio
 Environment and Planning/Amylchedd a Chynllunio
 Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
 Telephone/Ffôn: 01978 298780

From: Jon Brewin
Sent: 23 August 2018 11:24
To: Matthew Phillips
Subject: RE: P/2018/0229 - Knolton

Matthew,

The proposal still places too much pressure upon the trees located within influencing of the dwelling and garden boundary. Construction activity is still expected within the RPA's of certain trees particularly T5, 6, 7, 8, 9 and 10 and any activity in this location presents a risk of harm to the trees or their growing environment.

The proximity of the dwelling and the change of land usage to a residential garden area again may have a negative, harmful impact upon the trees and their environment. Alterations or disturbances to the soils, ground levels, or general ecosystem associated with each tree, either during development or in the future, may have a detrimental impact to the health and well-being of either the trees or their habitat value on some level which will be considered unacceptable.

- UDP EC4 'Hedgerows, Trees & Woodland':
 'Development which results in the loss or significant damage to valuable trees will not be permitted'
- LPG 17 Trees & Development:
 'Development which would result in damage and / or inappropriate felling of significant trees and hedgerows will not normally be permitted'

The close proximity of the trees to the dwelling and garden area may increase the risk of conflict with nuisance issues such as excessive shading, crown dominance, detritus and perceived fears regarding the structural condition of the trees all highly likely at some point.

The presence of a residential dwelling in this location is unacceptable due to the pressures placed upon the existing trees and their growing environment by the change in land usage.

Regards

Jon Brewin

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