

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LOWER PARKS FARM PARKSIDE ROSSETT**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2015/0713

PINS REF: 3141002

1.0 THE SITE

- 1.1 The caravan subject to the appeal lies to the west of a dwelling known as Laburnum Cottage and is situated on land that forms part of Lower Parks Farm, Parkside, Rossett.

2.0 PROPOSAL

- 2.1 Retrospective planning permission is sought for the siting of a static caravan on the land for occupation by an agricultural worker.

3.0 HISTORY

- 3.1 The Council was made aware that the caravan had been sited on the land in January 2015. An enforcement notice dated 3 July 2015 was served on the appellants requiring them to:

a) cease the use of the land or the siting of a caravan for residential occupation;

b) permanently remove the caravan from the land.

- 3.2 The enforcement notice came into effect on 7 August 2015 and gives 90 days for compliance with the above requirements.

4.0 NATIONAL PLANNING CONTEXT

- 4.1 Planning Policy Wales

- 4.2 Technical Advice Note 6: Planning for Sustainable Rural Communities.

5.0 LOCAL PLANNING CONTEXT

- 5.1 The relevant development plan is the Wrexham Unitary Development Plan adopted 14 February 2005.

- 5.2 The policies directly relevant to this appeal are:

- GDP1: Development Objectives;
- H5: Housing in the Countryside.

6.0 THE COUNCIL'S CASE

Policy

- 6.1 The site lies in open countryside where, in accordance with UDP policy H5 new dwellings (paragraph 6.12 of the UDP confirms that this includes caravans and mobile homes) are only permitted in a limited number of circumstances, one being where there is an essential requirement to house an agricultural or forestry worker.

- 6.2 Technical Advice Note 6 is more up to date than the UDP and provides detailed guidance on the information that an agricultural appraisal should include in order to demonstrate that there is a need for a dwelling to house a rural enterprise worker. The appeal proposals are therefore considered in light of paragraphs 4.8- 4.12 of TAN6.

Functional and Time Tests

- 6.3 The caravan is occupied by an assistant herdsman. The Council accepts that there is likely to be a requirement for him to be on hand at short notice day and night. It also accepts that, based on the details submitted, the business appears to be extremely short staffed so there is clearly a need for it to employ an assistant herdsman. However these factors do not, in themselves, translate into a need for an additional unit of accommodation to be provided at Lower Parks Farm.
- 6.4 Including the caravan there are 5 properties at or adjacent to the farm;
- 1) Lower Parks Farm farmhouse.
 - 2) Tremanta Cottage.
 - 3) Denvor Cottage.
 - 4) The caravan subject to this application
 - 5) Laburnum Cottage
- 6.5 With the exception of Laburnum Cottage, the dwellings are owned by both Mr and Mrs Tomlinson, who reside in Lower Parks Farm farmhouse. Tremanta Cottage and Denvor Cottage are currently occupied by employees of the farm business.
- 6.6 Laburnum Cottage is owned by Mrs Tomlinson privately and is not part of the farm business. It would appear that the property is currently rented out on a 5 year lease that has approximately 3 years remaining so is not currently available. However the fact it is owned by Mrs Tomlinson privately does not prevent the property being made available to accommodate workers employed by the farm business in future.
- 6.7 The Grounds of Appeal explains that Denvor Cottage is occupied by the head herdsman and Tremanta Cottage is occupied by a tractor driver. Whilst there is likely to be a functional requirement for the former to live on/near the farm it is questionable whether this is the case for the latter.
- 6.8 TAN6 paragraph 4.9.1 advises that where a second or further dwelling is proposed all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons. Notwithstanding the fact that Tremanta was let to its current occupier prior to the assistant herdsman being employed, the appellants have not demonstrated that it is essential for the tractor driver to live on/close to the farm as opposed to further afield.

Financial Test

- 6.9 No details have been submitted to demonstrate the appellant's business is financially sound. However it is a large and well established business and the Council has no reason to doubt its financial viability.

Other Dwelling Test

- 6.10 The appellants have failed to properly consider the alternatives to the caravan or to demonstrate that the existing residential and/or labour arrangements cannot be rearranged to ensure that the existing accommodation can meet the requirements of the business without the need for a further dwelling.
- 6.11 There are some traditional brick agricultural buildings at Lower Parks Farm however the Council understands that they are in daily agricultural use and therefore accepts that they not currently available for conversion to residential use.
- 6.12 Whilst Lower Parks Farm farmhouse, Tremanta Cottage and Denvor Cottage are all currently occupied, the appellants have failed to demonstrate that the assistant herdsman could not be accommodated in one of those properties, even if on a temporary basis, until the expiry of existing leases. Once the leases have expired the appellants would be able to review both their labour requirements and the availability of existing accommodation to ensure that the dwellings are occupied by workers for whom there is function requirement to live on/close to the farm.
- 6.13 Even if the terms of the lease agreements for Tremanta Cottage, Denvor Cottage prevent the appellants from requiring the existing tenants to provide accommodation for the assistant herdsman or an early termination/review of the leases, they have failed to demonstrate that he could not be accommodated in Lower Parks Farm farmhouse. The appellants have also failed to demonstrate that the existing dwellings are unsuitable for alteration, extension and/or subdivision to provide accommodation for the assistant herdsman. It is worth noting that policy H4 of the Council's UDP permits the subdivision of dwellings provided it is possible without major extensions, alterations or additional new buildings.
- 6.14 The Council accepts that the assistant herdsman's previous living arrangements meant he was too far away to be on site at short notice. However the site is approximately two miles from the villages of Rossett, Gresford and Holt. The appellants have failed to demonstrate that accommodation in those villages either isn't available or suitable or that the proper functioning and economic wellbeing of the farm

business would be prejudiced if the assistant herdsman were to reside at that distance from the farm.

Other Planning Requirements

- 6.15 Whilst the caravan is sited close to the farm complex it detracts from the appearance of the site and the rural character of its immediate surroundings. Accordingly it does not accord with policy GDP1.

7.0 CONCLUSION

- 7.1 The applicant has failed to demonstrate that there is an essential requirement for an additional unit of accommodation to be provided at Lower Parks Farm to house a rural enterprise/farm worker. The development also detracts from the appearance of the site and its immediate surroundings. The retention of the caravan therefore conflicts with policies GDP1 and H5 of the Wrexham Unitary Development Plan. The Council respectfully requests the appeal be dismissed