
Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 16/11/16

Ymweliad â safle a wnaed ar 16/11/16

**gan Kay Sheffield BA(Hons) DipTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09.12.2016

Appeal Decision

Hearing held on 16/11/16

Site visit made on 16/11/16

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 09.12.2016

Appeal Ref: APP/H6955/A/15/3141002

Site address: Lower Parks Farm, Parkside, Rossett, Wrexham, LL12 0BN

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R and Mrs S Tomlinson against the decision of Wrexham County Borough Council.
 - The application Ref P/2015/0713, dated 11/09/2015, was refused by notice dated 16/11/2015.
 - The development proposed is the siting of a static caravan for occupation by a full time farm worker.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a static caravan for occupation by a full time farm worker at Lower Parks Farm, Parkside, Rossett, Wrexham, LL12 0BN in accordance with the terms of the application, Ref P/2015/0713, dated 11/09/2015, and the plans submitted with it, subject to the following conditions:
 - 1) The occupancy of the caravan shall be restricted to 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.
 - 2) The caravan and any equipment and fencing associated with its residential use shall be removed from the land in their entirety and the land shall be restored to its former condition as grassland on or before 31 December 2019.

Procedural matters

2. The static caravan subject of the appeal has already been installed on the site. Whilst an enforcement notice has been issued, my consideration is limited to the appeal against the refusal of the planning application.
 3. For reasons outside their control the Appellants failed to attend the hearing scheduled for 27 September 2016. The hearing was subsequently held on 16 November 2016.
 4. At the time of the hearing edition 8 of Planning Policy Wales (PPW) was in force. However, edition 9 was published on 17 November 2016 and it is with regard to this edition that the appeal has to be considered. However, the guidance in respect of new dwellings in the countryside is unchanged.
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Main Issue

5. The main issue is whether the development satisfies local and national planning policies in respect of rural enterprise dwellings.

Reasons

6. The appeal site forms part of a larger area of grassland at Lower Parks Farm. It lies a short distance from the road and adjacent to the western boundary of Laburnum Cottage which is marked by a line of young conifers. The site is only sufficient to accommodate the caravan and provide limited parking. It is fenced off from the remainder of the grassland by a close boarded fence on the northern boundary and a post and wire fence to the west. Access from the highway is via an existing gateway and farm track leading from it.
7. Lower Parks Farm comprises 160 acres with a further 935 acres on long term lease and is run as an organic dairy unit of over 1000 animals. The enterprise is a family business which has been established for over eighty years and the evidence indicates that the next generation will continue the tradition. The caravan is being used as residential accommodation for one of the workers.
8. The site lies in open countryside and away from any settlements identified in the Wrexham Unitary Development Plan (UDP). Policy H5 of the UDP specifies the circumstances under which new dwellings in the open countryside would be permitted. These include where there is an essential need to house a full time agricultural or forestry key worker. The policy also sets out a series of tests that need to be met.
9. Policy H5 of the UDP is generally in line with PPW and the guidance set out in Technical Advice Note (TAN) 6: *Planning for Sustainable Rural Communities* and the accompanying Practice Guidance: *Rural Enterprise Dwellings* (PG). However, as the UDP is an older document I have adopted the same approach as the Council and have had regard to the five tests set out in TAN 6 in determining the appeal.
10. The submitted agricultural appraisal, subsequent written evidence and clarification given at the hearing confirm that there is an essential need for four full time workers to live on the site in order to ensure the proper functioning of the enterprise.
11. In terms of existing living accommodation the properties owned by the business which are currently occupied by employees include the Appellants and their two sons in the main farmhouse and the head herdsman in Tremanta Cottage¹. The assistant herdsman lives off site at present but is to occupy Denvor Cottage when the current lease expires next year. The fourth essential worker is the young stock manager who occupies the caravan subject of the appeal.
12. On this basis I consider that the functional and time tests have been satisfied and there is an established need for an additional unit over and above the existing provision which is being met by the caravan.
13. In respect of existing buildings capable of conversion, the Council agreed that Denvor Cottage was not suitable for adaptation or conversion to create a second unit. Although Tremanta Cottage was formerly two dwellings, from the description of the property given during the hearing and my observations on site, its sub-division would not provide the level of accommodation necessary to satisfy the needs of today's

¹ Previously known as Lower Parks Farm Cottages

agricultural workers without significant extensions and alteration. I have reached a similar conclusion with regard to the farmhouse.

14. The traditional two storey brick agricultural building sited at right angles to the farmhouse could potentially be converted to residential accommodation. However, it is in the central part of the farm opening directly onto and enclosing the southern edge of the farmyard. Another stock building forms its northern edge. Moreover the series of pens along the entire length of the rear elevation house young animals which require close monitoring. I am not persuaded that the conversion of this building for residential use would provide satisfactory living accommodation. It would require significant reorganisation of the management of the enterprise to provide a suitable residential environment, which would not benefit the enterprise as a whole.
15. Adjoining the western end of the outbuilding is a two storey brick building. It is linked to the farmhouse by a single storey extension and provides a utility room and ancillary residential accommodation. Its only outlook is over the garden to the farmhouse and windows to main habitable rooms in the farmhouse look onto the same area of land. In its current form the use of this building for residential accommodation would cause harm to the living conditions of the occupants of both units in terms of overlooking and lack of privacy.
16. Although not part of the enterprise and currently occupied, Laburnum Cottage is owned by the Appellants. However, the dwelling is not only larger than the other cottages used by the workers but its rental value is approximately double and is not affordable on agricultural workers earnings. Furthermore significant extensions and alterations would be required to convert the dwelling into two units and as it is not central within the plot it could be difficult to provide adequate privacy for occupants of the two units.
17. With regard to other dwellings in the area, there were none within an acceptable distance which were available for sale or to rent. The Council accepted that a dwelling subject to an agricultural occupancy restriction which had been for sale at the time the application was submitted was too far from the site. Furthermore, the Appellant had approached the occupant of a neighbouring property but they had decided not to sell.
18. I have noted the suggestion made by the Council that an alternative would be for employees to share the existing cottages or be accommodated within the farmhouse. Although this might be feasible in an emergency, I am aware of the difficulties the Appellants have in recruiting staff with the right qualities and understand their concerns regarding the effect the lack of appropriate accommodation would have on future recruitment. The staff on site work closely together, their hours are long and they are also on night duty several times each week. Although the provision of suitable accommodation has to be determined on the needs of the enterprise rather than personal considerations, in view of these working patterns I consider that shared accommodation would not be in the best interests of the business.
19. I am satisfied by the evidence before me that at the present time the functional need could not be fulfilled by another dwelling or by converting an existing suitable building or any other existing accommodation in the locality which is suitable and available for occupation. The alternative dwelling test has therefore been met.
20. Whilst I have no financial records to confirm the viability of the business, it is long established. Moreover, the recent high value investment in an anaerobic digester suggests the viability of the enterprise is not in doubt. Although confirmation by

reference to a financial report and business plan would have been helpful, in this instance I consider I have sufficient information to conclude that the enterprise is financially sound and has good prospects of remaining sustainable for a reasonable period of time. The financial test has therefore been met.

21. The final test relates to other planning requirements and the Council has raised concerns regarding the effect of the development on the appearance of the site and its immediate surroundings. The caravan is sited on the edge of but close to the operational area of the farm and in a wider view it is seen in the context of Laburnum Cottage and the farm, its buildings and associated paraphernalia. The roadside hedge, internal close boarded fence and recently planted line of conifers screen views of the caravan from most directions and although there are more distant views from the west, these are generally glimpsed through breaks in the roadside hedges.
22. However the caravan is clearly seen from the lane a short distance to the west of the gateway from the road. From here the caravan is a prominent feature in the landscape and together with the close boarded fencing is out of character in this setting. The development does not enhance the appearance of the site or its immediate surroundings. Whilst some planting in the area between the farm track and the caravan may help break up views of the caravan over time, I do not consider it would fully resolve my concerns.
23. It is clear from the evidence that there is a justified need for four full time workers to live on the site and that the existing dwellings associated with the enterprise can only accommodate three. There is no alternative accommodation readily available for the fourth essential worker to be housed elsewhere on the farm or within a reasonable distance of it. There is therefore a need for an additional residential unit. Whilst that need would be satisfied by the caravan, the harm its appearance has on the character of the area only justifies a temporary permission. On this basis I conclude that the siting of the static caravan for a temporary period only would accord with Policies H5 and GDP1 of the UDP, PPW 9 and the guidance in TAN 6.
24. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Conditions

25. In the light of Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*' I have considered the heads of conditions suggested by the Council and the discussion which took place at the hearing.
26. In view of the nature of the development I consider it necessary to restrict the occupation of the caravan to an essential worker. As I have concluded the development is only acceptable on a temporary basis, it is necessary to restrict the time period of the permission. Periods of 3 and 5 years were discussed. Whilst the latter would give the Appellants time to address the need for permanent accommodation, on reflection I consider this length of time would be inappropriate. It is longer than stated in the guidance in TAN 6 where the business needs time to

become established which is not the case here. Furthermore, the caravan has already been on site for over twelve months. I am therefore restricting the permission to a period of three years. Given the restricted time scale of the permission I do not consider it necessary to cascade occupation to other suitable occupants.

Conclusions

27. For the reasons given above, and having had regard to all other matters raised, I conclude that the development would accord with local and national policies in respect of rural enterprise dwellings. The appeal is therefore allowed for a temporary period.

Kay Sheffield

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Richard Tomlinson Appellant

Sadie Tomlinson Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Phillips MSc MRTPI Lead Officer Planning Control

DOCUMENTS

- 1 Council's letter of notification of the arrangements for the hearing and circulation list
- 2 Plan identifying the dwellings on and around the enterprise submitted by the Council
- 3 Land Registry Document in respect of Lower Parks Farm submitted by the Council
- 4 Land Registry Document in respect of Laburnum Cottage submitted by the Council
- 5 Planning permission and floor plans of a previously proposed extension to Laburnum Cottage submitted by the Council