



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 25/04/17

Ymweliad â safle a wnaed ar 25/04/17

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09.06.2017

Appeal Decision

Hearing held on 25/04/17

Site visit made on 25/04/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 09.06.2017

Appeal Ref: APP/N6845/A/17/3167248

Site address: Land at Bangeston, Stepside, Narbeth SA67 8PH

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 Paul Turpin against the decision of Pembrokeshire County Council.
 - The application Ref 16/0341/PA, dated 4 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is Temporary rural enterprise worker's dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Temporary rural enterprise worker's dwelling at Land at Bangeston, Stepside, Narbeth SA67 8PH, in accordance with the terms of the application, Ref 16/0341/PA, dated 4 July 2016, subject to the following conditions:
 - 1) The development shall be carried out in accordance with the following approved plans and documents: RAC/6756/1 (Location Plan); RAC/6756/2 (Site Plan); RAC/6756/3 (Elevations); RAC/6756/7 (Floor Plan).
 - 2) The residential use shall be discontinued and the associated infrastructure with the use shall be removed from the land in its entirety and the land shall be restored to its former condition on or before three years from the date of this decision in accordance with a scheme of work submitted to and approved in writing by the local planning authority prior to the commencement of development.
 - 3) The occupancy of the temporary dwelling 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, and to any resident dependants.

Application for costs

2. At the Hearing an application for costs was made by Mr Paul Turpin against Pembrokeshire County Council. This application is the subject of a separate Decision.
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Procedural Matter

3. Notwithstanding the description of development given on the application form, I have used that contained on the Council's Decision Notice, which more concisely and accurately describes the proposal.

Main Issue

4. The main issue is whether the proposed development is justified on the basis of supporting a new rural enterprise, having regard to the location of the site within the open countryside.

Reasons

5. The appeal relates to a site in agricultural use situated immediately north of the A477. Comprising part of a wider landholding, the site incorporates areas of grazing land, woodland, and two steel framed agricultural buildings for storing silage or housing livestock, one of which was erected under a planning permission granted by the Council in 2015 (ref: 15/0663/PA). A mobile home used for respite or seasonal overnight accommodation lies immediately south of these buildings.
6. The appellant proposes to establish a calf rearing to downcalving enterprise, rearing cattle for supply to a nearby dairy farm managed by Roch Bros. When fully established the enterprise would involve heifers calving year-round at a rate of around 2 to 3 per week, with around 150 cattle of various stages of maturity on site at any one time.
7. The agricultural building intended to house cattle has already been constructed, demonstrating a firm intent and ability to develop the enterprise. There is no dispute amongst the parties that young calves are vulnerable to infection before their immunity has developed, and that calving carries significant risks, particularly for heifers. The Rural Enterprise Dwelling Appraisal ('the RED appraisal') estimates that the scale and nature of the proposed enterprise, once fully operational, would result in a labour requirement equivalent to 1.75 full time jobs. The Council confirmed its view at the Hearing that, operating at full capacity, the proposed enterprise would necessitate the presence of a full time on-site worker. I find no reason to disagree.
8. The appellant currently resides in a rented property around 10 minutes' drive away. Evidence has been submitted of other dwellings available for rent or purchase in proximity to the site. Irrespective of this, these alternative dwellings would be physically disconnected from the appeal site and, due to the unpredictable and time-critical nature of calving, they would not be suitable for meeting the specific needs of the proposed enterprise when fully operational. Whilst the existing mobile home is situated close to the agricultural barns and calving dates can be estimated with some degree of accuracy, Permitted Development rights limit it to seasonal occupancy. As heifers would be calving year-round, there is no certainty that the mobile home would be sufficient for the purposes of the enterprise.
9. The business plan appended to the RED appraisal indicates that it would take at least two years for the enterprise to fully establish, in effect operating at 50% capacity during its initial year of operation. Consequently, the need for a full-time worker from date of commencement is not completely proven. Nonetheless, it is evident that a farmer or stock owner would be unlikely to commit to a new calf rearing to downcalving enterprise without having prior certainty that cattle would be provided with the necessary care. In this case, whilst the need for a full-time worker on the site would not arise immediately after commencement, sufficient information has been

provided to clearly demonstrate that it would do so within the 3 year period covered by a temporary planning permission. Following this period, were a functional need for a full time worker on the site not to be demonstrated, the site would need to be returned to its former condition. On this basis I find that, subject to a condition limiting the proposal to temporary accommodation, the appeal scheme would satisfy the *functional, time and other dwellings tests* set out in Technical Advice Note 6 – Planning for Sustainable Rural Communities (TAN 6).

10. The budgets appended to the RED appraisal demonstrate ample profitability with a sound prospect of economic viability and sustainability. Nonetheless the Council contends that the enterprise would not be financially sound as it would depend solely on the nearby dairy farm for supplying and taking stock.
11. Based on the submitted information I am persuaded that there is a compelling economic rationale for Roch Bros to outsource rearing, facilitating a higher rate of supply and on-going replacement of dairy cattle, thereby enabling the business to focus on milk production. A submitted signed legal agreement, dated 1 April 2017, sets out contract terms for rearing and calving heifers and calf rearing between the appellant and Roch Bros. Whilst the contract does not require Roch Bros to place cattle on the appeal site, a more prescriptive contract could in any case be amended by mutual agreement between the parties. Further, the appellant has supplied written and verbal evidence of other farmers in the vicinity who would be interested in utilising the proposed enterprise were circumstances at Kilanow Farm to change. Clear evidence of local demand for contract rearers has been provided to justify the need for the proposed enterprise at this location.
12. There is an element of speculation in the setting up of any new enterprise. As advised by paragraph 4.6.2 of TAN 6, granting temporary planning permission for the proposed dwelling would enable the enterprise to become established and the business plan to be tested over its initial 3 years of operation. Although sufficient evidence has been provided to demonstrate financial sustainability over the short to medium term, in the event that this was not shown to be the case after 3 years, the site would need to be returned to its former condition. On this basis I am satisfied that the proposal meets the *financial test* set out in TAN 6.
13. At the Hearing the appellant submitted a letter from the Welsh Government's Senior Veterinary Inspector confirming that, despite the proximity of the two holdings, pre-movement testing and 6 day stand-still rules would apply to all cattle, but that bovine animals could be moved freely were the two holdings to merge or enter into a Temporary Land Association. In this case, there is no evidence of either scenario having occurred; nor is there written confirmation from the Welsh Government that cattle could be transferred between the two holdings without prior authorisation. Nevertheless, the absence of such evidence does not indicate that there is no need for the proposed enterprise, or that it has not been planned on a sound financial basis. Nor does it disprove a functional need for an on-site dwelling. The presence of other contract rearers in the wider area leads me to conclude that achieving compliance with the relevant regulations would not provide an insurmountable hurdle to the success of the proposed enterprise within the initial 3 year time period.
14. The proposed dwelling would be located close to the existing agricultural buildings on the site, and well screened by nearby mature trees and the prevailing topography. Internally, the dwelling would accommodate three bedrooms, sufficient for the appellant and his family, and commensurate with the scale and needs of the proposed enterprise. The wooden construction would facilitate straightforward, low cost

dismantling following the 3 year temporary period if required. The dwelling would be adequately served by an existing vehicular access, with ample space available for parking and manoeuvring. I am satisfied that the proposal would not cause material harm in terms of its design, sustainability or accessibility, and would thus accord with the *other planning requirements test* set out in TAN 6.

15. For the reasons given above I conclude that the proposal accords with the rural objectives of policies SP 16 and GN.26 of the Pembrokeshire Local Development Plan, and with the aims of TAN 6 and the accompanying Practice Guidance on Rural Enterprise Dwellings.

Other Matters

16. The appellant has submitted three other appeal decisions relating to rural enterprise dwellings (APP/Q6810/A/16/3152644, APP/P3420/A/11/2150834 and APP/N6845/A/13/2205187). Whilst I have had regard to these, each case appears to be materially different to that before me. In terms of the scheme in Gwynedd, that related to an existing enterprise of a different livestock profile and business model to that proposed. The case in Llanfyrnach also related to an existing enterprise, with the specific circumstances of the appellant a key factor in the decision. The case in Staffordshire was located in the Green Belt, thus raising specific issues relating to that designation, and in any case would have been determined under national planning policy relating to England. I afford limited weight to these other decisions.
17. In coming to my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Conditions

18. The Council has suggested conditions to which I have had regard. As set out above, a condition requiring the removal of the dwelling after a period of three years is necessary in order to ensure compliance with the tests in TAN 6 for a rural enterprise dwelling on a new enterprise. The standard plans condition is necessary in the interests of proper planning.
19. At the Hearing it was discussed whether an occupancy condition was necessary given the temporary nature of the planning permission, but irrespective of the restricted time limit, the appeal proposal has been justified on the basis of an agricultural need. TAN 6 is clear that such dwellings should be kept available for meeting this need. Consequently I have imposed a condition limiting the occupation of the dwelling to rural enterprise workers.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ieuan Williams BSc MA PIEMA MBIAC	Appellant's agent
Paul Turpin	Appellant
Nick Roch	Roch Bros

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Elliott BSc (Hons) MSc MRTPI	Planning Officer
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DOCUMENTS SUBMITTED AT THE HEARING

1. Copies of policies SP 1, SP 16, GN.1 and GN.26 of the Pembrokeshire Local Development Plan
2. Email dated 24/04/2017 from Michal Siwonia, Senior Veterinary Inspector of the Welsh Government
3. Factsheet 7 – Avoiding calving difficulties (Agricultural and Horticultural Development Board)