

PLANNING COMMITTEE	DATE: 20/05/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 2

Application Number: C19/0169/19/AM

Date Registered: 20/02/2019

Application Type: Outline

Community: Bontnewydd

Ward: Bontnewydd

Proposal: Outline application for the erection of a rural enterprise dwelling

Location: Gypsy Wood, Bontnewydd, Caernarfon, Gwynedd, LL55 2YA

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 Outline application for the erection of a rural enterprise dwelling on the site of a farm park and family activities attraction, Gypsy Wood, Bontnewydd.
- 1.2 The Gypsy Wood site is located approximately 250m from the development boundary of the village of Bontnewydd and it operates as a family park attraction with animals and various activities. The site is quite substantial and contains a number of different permanent and mobile buildings.
- 1.3 The application has been submitted with an application form that states that all matters are being reserved - however, the description of the application in part 5 of the application form and paragraph 5.1 of the Planning Statement and Rural Enterprise Dwelling Appraisal states that the location and access are being included for a decision at this point.
- 1.4 This is a proposal to erect a new two-storey house measuring a maximum of 7m by 15m and 5.25m to the eaves and 7m to the ridge, which is to be located down an existing access track that is separate to the Gypsy Wood site entrance. The application site has been highlighted by the red line and it includes the existing access track and the rectangular shape of the proposed house only. It does not appear to include a curtilage. It is noted that it appears that part of this access track was constructed recently, and the track and bunding details have not been submitted as part of the application. It is also noted that it appears that part of the existing access track is located outside the application's blue line and, therefore, it is unclear who owns this part of the land.
- 1.5 The application site is located north of the main Gypsy Wood area which extends out from the direction of the application site towards the village of Bontnewydd.
- 1.6 A Planning Statement and Rural Enterprise Dwelling Evaluation have been submitted as part of the application.
- 1.7 The application is being submitted to the Planning Committee at the request of the Local Member, and it was deferred at the Planning Committee held on 29.04.2019 in order to assess the content of the legal letter that was received late involving the intention to rent and sell parts of the land to the applicant in future.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that decisions should be made in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered

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that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026, July 2017

PS 5: Sustainable development
 PCYFF 1: Development Boundaries
 PCYFF 2: Development Criteria
 PCYFF 3: Design and place shaping
 PCYFF 4: Design and landscaping
 TRA 2: Parking standards
 TRA 4: Managing transport impacts
 PS17: Settlement Strategy
 TAI 3: Housing in Service Villages
 TAI 14: Residential use of caravans, mobile homes and other types of accommodation that are not permanent.
 TAI 16: Exception Sites
 Supplementary Planning Guidance Affordable Housing 2009

2.4 National Policies:

Planning Policy Wales, (Edition 10) 2018
 Technical Advice Note (TAN 6): Planning for sustainable rural communities
 Practical Advice of TAN 6 Rural Enterprise Housing
 Technical Advice Note (TAN) 12: Design (2009)

3. Relevant Planning History:

Y18/000618 - 25.04.2019 Pre-application advice for the installation of a residential caravan on the site.

C17/0961/19/LL - Retrospective application to retain a café, agricultural storage shed, various minor developments and proposed toilets - APPROVED - 29-Jan-2018

Y16/000063 18.01.2016 Confirmed that planning application would be required for the installation of a caravan for the residential use of the manager for six months a year.

C13/0985/19/LL - INSTALLATION OF NARROW TRACKS MEASURING APPROXIMATELY 400M FOR A MINIATURE RAILWAY - APPROVED - 31-Oct-2013

C11/0992/19/LL - EXTENSION TO CREATE A TOILET (RETROSPECTIVE APPLICATION) - APPROVED - 03-Jan-2012

C07A/0766/19/LL - ERECTION OF AGRICULTURAL BUILDING - APPROVED- 23-Nov-2007

C07A/0497/19/LL - ERECTION OF CAFÉ AND TOILETS - APPROVED - 21-Aug-2007

C04A/0572/19/HY - ERECTION OF TWO SIGNS - APPROVED - 12-Oct-2004

C04A/0540/19/LL - OVERFLOW CAR PARK FOR THE NATURE PARK - APPROVED – 1 2-Oct-2004

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C03A/0207/19/LL - CHANGE OF USE TO CREATE A NATURE PARK INCLUDING A CAR PARK, LANDSCAPING, CAFÉ, WALKING PATHS, ANIMAL SHELTERS, FISHING LAKE AND BIRD OBSERVATORY - APPROVED - 22-Sep-2003

C01A/0329/19/LL - CREATION OF LAKE - APPROVED - 12-Jul-2001

C98A/0507/19/LL - CREATION OF NEW ACCESS, ROAD AND BRIDGE - APPROVED - 05-Nov-1998

4. Consultations:

Community/Town Council: No objection

Transportation Unit: Originally, I was under the impression that the proposal was for using the Gypsy Wood main entrance, mainly as the application was for constructing a rural enterprise dwelling, and therefore, would naturally be linked to the business.

Having reviewed the application, I note the proposal is for using either the existing agricultural access off Caethro Road, or the adjacent private track that serves Maes Merddin. I assume that both entrances, which join the highway at both sites, are unsuitable for an increase in transport. The access to the field is unsuitable as access for a dwelling, and the track appears to be third party land and, most importantly, the access to the highway is sub-standard due to the lack of visibility towards the direction of Bontnewydd.

Recommend using the main access to Gypsy Wood rather than the access marked red in the application plans.

Welsh Water: General observations and foul water drainage plan condition

Natural Resources Wales: General observations

Environmental Health: No response

Drainage Unit: No observations to offer

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period ended and no letters/correspondence were received.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The application site is located approximately 250m from the development boundary of the village of Bontnewydd and to this end it is located in open countryside in relation to the Gwynedd and Anglesey Local Development Plan (LDP). As a result of the need to maintain and protect the countryside, special justification is needed to approve the construction of new houses in the countryside. Therefore, new houses in the countryside will only be approved in exceptional circumstances. For the purposes of the LDP, those exceptional circumstances where new houses in the countryside can be approved are included in policy PS17 Settlement Strategy, which confirms that only housing developments that comply with Planning Policy Wales and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (as well its accompanying Practical Guidance document), will be approved in open countryside.
- 5.2 Paragraph 4.3.1 of TAN6 notes that one of the few circumstances in which a new isolated residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, his workplace. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. TAN 6 also notes that Local Planning Authorities should carefully assess applications for planning permission for new rural enterprise dwellings to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.
- 5.3 From the information submitted, it is stated that the applicant has entered into a 50% partnership with Mr and Mrs Evans (the landowners) in the family park business with animals and various activities that operate from the site. The information submitted as part of the application states that the site consists of 30 acres of land, 20 of which are wooded, with some wetland areas, pastures and attractions, including a number of other buildings and structures. The agent describes the site as an adventure and interactive activity attraction for children in a rural setting. It includes a broad range of natural and man-made attractions that combine the myths and legends of fairies, witches and other creatures from folklore; interaction with animals including, but not limited to, ponies, alpacas, mules, pygmy goats, pigs, rabbits, guinea pigs; and the ability to wander in around 20 acres of natural woodlands and wetlands. Children and adults alike can touch, feed, hold and groom some animals on the park, and race some others.
- 5.4 The man-made attractions include railway rides, miniature trains, an all-weather play area including a climbing frame, slides, rope bridge, various swings and trampolines, a zip wire, small gypsy caravans, musical tree houses and hidden areas, underground tunnels and car painting and rides, karting and picnic areas.
- 5.5 The planning statement and rural enterprise house evaluation submitted as part of the application seeks to show how the proposal complies with the requirements of TAN 6 in relation to a new house for an existing enterprise. It is noted that the statement and evaluation confirm that the applicant (Mr and Mrs G Jones) has entered into a partnership in the business at a 50/50 share with Mr and Mrs J Evans. Mrs Evans originally commenced the business in 2004, and Mr and Mrs Evans own the land where the business is located and live within a property (Tyddyn Newborough) located on the site.

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- 5.6 A legal letter was received prior to the last Planning Committee, which stated that the proposal was for the provision of a lease from the business property known as Gypsy Wood Park to the applicants, transfer the business to the applicants and also to sell the part of the land that was intended for building the house that is subject to this application to the applicants. It is noted that this letter does not currently change the situation of ownership or the situation with the business, as the content of the letter has not yet been implemented. Consequently, the requirements for assessing the application remains the same, i.e. the content of the letter does not change the current situation. As Mr and Mrs Evans still own 50% of the business, own the land where the business is located and live on the site; it is considered that any functional need (namely the need for a full-time worker to exist on the site at all times to deal with unexpected situations), that exists in relation to the business on the site has been met with the current property on the site, in accordance with the requirements of 4.3.1 and 4.3.2 of the TAN and 2.13 of the Practical Guidance of TAN 6. It is noted that the TAN does not permit a second home on a rural enterprise site and therefore it is considered that the functional requirements of the rural enterprise have been met in full with the current provision. It is a matter for the business to act in the best possible way with the resources available to them.
- 5.7 It is noted that should the land and business ownership officially change in future, then it would be required to reassess the proposal in its entirety against the relevant parts of TAN 6. Currently, it is entirely premature and inappropriate to assess any situation that could exist in future as there is no certainty that this would happen. Should the ownership circumstances officially change in future, it would be required for the applicants to provide the appropriate information to reassess the application in its entirety, and it is strongly recommended for them to request pre-application submission advice in order to understand the relevant policy and test requirements within TAN 6, which includes the functional test, the test of time, the financial test, other dwelling test and other usual planning requirements test.
- 5.8 Part 4.11 of TAN 6 confirms that evidence must be provided to demonstrate that there are no other dwelling(s) or buildings that could be modified to satisfy the need. If there is already a dwelling(s) on the enterprise, there would be a need to demonstrate why these cannot be used to satisfy the needs of the enterprise for residential workers, and the reason that labour or residential arrangements cannot be reorganised in order to ensure that the existing accommodation meets the needs of the enterprise without the need for another dwelling.
- 5.9 TAN 6 goes on to state that in cases where the Planning Authority is particularly concerned about possible misuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion into dwellings were recently sold. Such a sale could be evidence of a lack of need.
- 5.10 Therefore, it is considered that this proposal of erecting a rural enterprise dwelling in the context of the business on the site is contrary to the requirements of policies PCYFF 1 and PS17 of the LDP as well as paragraphs 4.2.36 of Planning Policy Wales, section 4.3.1 of TAN 6: Planning for Sustainable Rural Communities and section 2.13 of the Practical Guidance for TAN 6.
- 5.11 As the site is located approximately 250m outside the village's development boundary, and in order to confirm the situation clearly, the proposal is also contrary to the

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requirements of policies TAI 3 and TAI 16 of the LDP for the erection of new houses within the development boundary and on exception sites as well.

- 5.12 It is noted that the applicants (Mr and Mrs Jones and their children) state that they currently reside in a caravan on the site. In general, it is considered that caravans and other types of non-permanent accommodation are unacceptable as permanent homes in the Plan area. However, they may have a role to play in the provision of short-term, low-cost accommodation for specific households, provided that there is an essential need for them. Policy TAI 14 can provide temporary permission for the residential use of a caravan in connection with establishing a rural or agricultural enterprise, but as has been confirmed above, the requirements of the rural enterprise in terms of dwellings has been met in full by the current property on the site; therefore, an application to retain the caravan for temporary residential use would fail based on the requirements of paragraphs 4.2.36 - 37 of Planning Policy Wales, section 4.3.1 of TAN 6: Planning for Sustainable Rural Communities and section 2.13 of the Practical Guidance for TAN 6 and Policy TAI 14 of the LDP.

Transport and access matters

- 5.13 Although the application has been submitted with the application form which states that all matters are reserved - the description of the application in section 5 of the application form and paragraph 5.1 of the Planning Statement and Rural Enterprise Dwelling Evaluation states that they are including the location and access for a decision at this point.
- 5.14 In light of the information to hand; and having revisited the situation, The Transportation Unit has reviewed the application, and has noted that the proposal involves using the existing vehicular access off the highway which serves Maes Merddin, and which appears as third party land. This access to the highway is sub-standard due to the lack of visibility towards the direction of Bontnewydd. It is recommended that Gypsy Woods' main entrance be used rather than the entrance proposed here. On this basis, it is considered that this proposal does not comply with the requirements of Policy TRA 4 which ensures road safety. Although there is generally sufficient parking within the park site, there is doubt whether sufficient parking can be provided for the proposed property within the application site noted on the plans. Nevertheless, should the application be acceptable on the grounds of all other matters, this could be ensured through a reserved matters application.

Visual and general amenities.

- 5.15 Policies PCYFF 2, PCYFF 3 and PCYFF 4 of the LDP are relevant to this application and relate to: design, finishes, elevations, landscaping and visual and general amenities.
- 5.16 It is noted that the application site only includes space for the property and that it does not include parking spaces, a garden or an amenity space to keep bins, install a clothes-line, etc. ancillary to the new house. It is noted that using the areas outside the application site would be used for activities associated with the property would require further planning permission.
- 5.17 The indicative plan confirms the location of the new house with a red line, and confirms the current access track to the site off the highway. The plan confirms that the dwelling's size would be a maximum of 7m by 15m and 5.25m to the eaves and 7m to the ridge. It is noted that paragraph 4.13.4 of TAN 6 and paragraph 1.10 of the Practical Guidance of TAN 6 confirms that Welsh Government has introduced stricter measures

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in relation to the occupation of dwellings permitted to ensure that they continue to meet the needs of rural enterprises and when the dwellings no longer achieve that, the measures will seek to earmark them to meet the needs of the broader community for affordable housing. To this end, it is required for a rural enterprise dwelling to also comply with the requirements of the Affordable Housing Supplementary Planning Guidance in terms of surface area (including slightly more for an office and utility for the business' use), so that it can be confirmed that the property would also be within the reach of those who are eligible for an affordable house.

- 5.18 As an outline application has been submitted, these measurements are only indicative. A two-storey 7m by 15m house would lead to a surface area of approximately 210 square metres, which is substantially larger than the 130 square metres allowed for a two-storey, 5 bedroom affordable property; however, it is noted that should other matters be acceptable, it would be possible to discuss the exact need for the number of bedrooms, size and design of the property further, by means of a reserved matters application.
- 5.19 The Local Planning Authority is not of the opinion that it is possible to provide a suitable property with all amenity needs (parking, garden etc.) within the area of the application as noted on the indicative plan; however, the applicant would need to demonstrate this by means of a reserved matters application, should the principle of the application be acceptable, in order to approve the application. As things stand, and as this is an outline application, matters relating to the visual and general amenities would be assessed at the time of dealing with the reserved matters application for the proposal, in order to confirm for certain that the site is unsuitable in this respect, and in relation to policies PCYFF 2, PCYFF 3 and PCYFF 4.

6. Conclusions:

- 6.1 On the grounds of the above, the site is located in open countryside from a planning policy perspective, and the planning statement and rural enterprise dwelling evaluation submitted as part of the application, which attempts to show how the proposal complies with the requirements of TAN 6 in terms of a new house for an existing enterprise, confirm that the applicants (Mr and Mrs G Jones) have entered into a partnership in the business at a 50/50 share with Mr and Mrs J Evans who own the land where the business is located and live in a property (Tyddyn Newborough) which is already located on the site. Therefore, the Local Planning Authority is of the opinion that any functional need that exists with the business on the site has already been met. Erecting an additional dwelling on this site would therefore be contrary to the requirements of policies PCYFF 1 and PS17 of the LDP, as well as paragraphs 4.2.36 - 37 of Planning Policy Wales, section 4.3.1 of TAN 6: Planning for Sustainable Rural Communities and section 2.13 of the Practical Guidance for TAN 6 as the need has already been met and the current local or national policies do not support a second house for a rural enterprise. It is also noted that the intention of using the sub-standard entrance off the highway near the Maes Merddin property is unsuitable in terms of visibility from the Bontnewydd direction and, although an acceptable access could be provided for the proposal through the main entrance of the park, based on the information submitted as part of the application, it is contrary to the requirements of policy TRA 4 with regard to road safety.

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7. Recommendation:

7.1 To refuse

- 1 The site is located in open countryside from a planning policy perspective, and the planning statement and rural enterprise dwelling evaluation confirms that individuals who own 50% of the rural enterprise business, who own the land where the business is located, live in a property located on the site already. Therefore, the Local Planning Authority is of the opinion that any functional need that exists with the business on the site is already met and that erecting an additional dwelling on this site would therefore be contrary to the requirements of policies PCYFF 1 and PS17 of the LDP, as well as paragraphs 4.2.36 - 37 of Planning Policy Wales, section 4.3.1 of TAN 6: Planning for Sustainable Rural Communities and section 2.13 of the Practical Guidance for TAN 6.
- 2 The current access intended to be used to serve the proposal in question is sub-standard with regard to visibility towards the direction of Bontnewydd. To this end, the proposal is contrary to the requirements of policy TRA 4 of the Gwynedd and Môn Unitary Development Plan 2017 with regard to ensuring road safety.