

<b>Application No</b>	<b>W/37267</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	ERECTION OF 2.NO 3 BED DWELLINGS (1 AFFORDABLE, 1 OPEN MARKET) AT LAND ADJACENT TO LLYS BRIALLU, SARNAU, BANCYFELIN, SA33 5EA

<b>Applicant(s)</b>	MR D THOMAS, PONTCOWIN, BANCYFELIN, ST CLEARS, SA33 5NB
<b>Agent</b>	HARRIES PLANNING DESIGN MANAGEMENT - WYN HARRIES, HENLLAN, EGLWYSWRW, PEMBROKESHIRE, SA41 3UP
<b>Case Officer</b>	Stephen Thomas
<b>Ward</b>	Cynwyl Elfed
<b>Date of validation</b>	18/05/2018

## CONSULTATIONS

**Head of Highways and Transport** – Has concerns over visibility standards at the location of the proposed access from the site in a westerly direction. There is also concern with regard to forward visibility for vehicles travelling eastbound on the approach to the site for the proposed indicative access.

Finally, concern that the proposed development is contrary to Policy TR3, paragraphs a, b and e. Bus stops are located some 200 metres east of the site, however, there is a lack of pedestrian facilities linking the site to these, where the closest footway is located some 125 metres east of the site. Further to this the settlement of Bancyfelin is 800 metres to the west and the closest footway some 600 metres. The development will therefore result in increased pedestrian movements in the carriageway where vehicle speeds are currently high.

**Newchurch & Merthyr Community Council** – No objection to the application but highlighted the following points:-

- The development should be sympathetic to the existing properties in the area;
- All buildings should follow the existing building line;
- The speed and volume of traffic on the highway fronting the development with consideration given to reducing the speed limit due to the increase in the volume of traffic

following developments in Bancyfelin village, increase in traffic generally and the use of this road as a diversion to the A40 in emergency;

- The lack of provision for pedestrians from the Sarnau hamlet to Bancyfelin village with consideration given to construction of footpath/pavement to join the existing pavement to Sarnau to the pavement at Bancyfelin;
- A requirement to improve provision for pedestrians under the railway bridge between the hamlet and the village due to increased traffic and pedestrian usage.

**Local Member** - County Councillor Irfon Jones has requested that the application be presented to the Planning Committee due to the number of objections to the proposal.

**Natural Resources Wales** – No objections to the proposed development.

**Neighbours/ Public** – The original application as submitted was publicised by the posting of a public notice close to the highway access to the application site. In response, the Authority had received letters of concern from four neighbouring homes and a petition with twenty names. These representations raised the following issues:-

- The petition raised the issue over the lack of pedestrian facilities between the hamlet of 'Sarnau' and the nearest village of Bancyfelin, where the speed limit is the national speed limit on a road where there is continuous traffic.
- Three of the letters are in relation to a private right of way through the application site to the rear of their properties to allow emptying of septic tanks/cess pits.
- The remaining letter is from the occupiers of a neighbouring property and concerns are expressed in relation to a number of issues that include:
  - (i) The submitted plans show the proposed dwellings respecting the existing 'building line', but the garages are shown as being in front of that building line. Would there be a possibility of the proposed garages being relocated alongside the proposed dwellings therefore respecting the building line?
  - (ii) Requests assurances that the proposed soakaways for the properties are adequate for the location and will be efficient, due to existing problems experienced during heavy rainfall where there is standing water.
  - (iii) There is no mains sewerage system in the area. No septic tanks are shown on the outline plans. There are existing septic tanks to the rear of the application site for properties in the street.
  - (iv) The application states that the services in Bancyfelin are within easy walking distance of the proposed properties. The representation highlights that the highway is the subject of the national speed limit and is a busy road with continuous traffic accessing the facilities in Bancyfelin, with the further development of the village likely to increase traffic flows
  - (v) The application states that "proposed footway along the frontage of the plot will aid in linking up local infrastructure". The representation states that the plot is 1km

away from Bancyfelin village where there is no safe footway and no plans for a link.

- (vi) There is currently a bend in the road that causes reduced visibility conditions at the access.
- (vii) Questions the location of the affordable dwelling and the mechanism for ensuring that it is safeguarded for the future.
- (viii) The representation questions the method of giving publicity to the application as the neighbouring property did not receive a letter of notification.

The application was subsequently amended to take into consideration some of the issues raised in the submitted representations. The application was again publicised in the same way. There were no further representations received.

## **RELEVANT PLANNING HISTORY**

The following relevant planning application has previously been received on the application site:-

W/35313	Erection of two dwellings (one affordable and one open market)	
	Withdrawn	19 May 2017

## **APPRAISAL**

### **THE SITE**

The application site is located in the south western corner of a field that fronts on to the former A40 trunk road, now known as the C2042. The application site itself is sited on the western fringe of a row of houses known locally as 'Sarnau'. The site itself is fairly level to the highway and is currently under pasture with a hedgebank to the highway to its south and the boundary to the east with 'Llys Briallu'. The application site boundaries to the west and to the north are currently open.

The application site is roughly rectangular, but narrows towards the rear northern boundary. It measures approximately 44 metres along the roadside southern boundary and approximately 35 metres along its northern boundary to the remainder of the field. The site measures approximately 50 metres along its western boundary and approximately 48 metres along its eastern boundary with Llys Briallu. To its east there is an existing ribbon of dwellings that are mainly detached properties, however, further east there are a pair of semi-detached dwellings and a terrace of five dwellings.

To the west of the application site is the remainder of the field with a further agricultural field beyond.

Although the site is located attached to the western end of the existing row of dwellings known locally as 'Sarnau' The site is not adjacent to a settlement that is recognized as a Sustainable Community in the adopted Carmarthenshire Local Development Plan. It is therefore considered that the application site is located in an open countryside location.

## **THE PROPOSAL**

The application seeks outline planning permission for the erection of 2 no. 3 bed dwellings (1 Affordable, 1 Open Market) on the application site, with all matters of detail reserved for future consideration. The proposed dwellings is to have three bedrooms, as the application describes. As required of outline applications scale parameters have been provided for the proposed dwellings:-

Height 7 – 9 metres;

Width 9 – 13 metres;

Length 10 – 15 metres.

In accordance with the requirements for the validation of outline planning applications, where layout is a reserved matter, the application must state the approximate location of buildings, routes and open spaces included in the development proposed. Accompanying the application is an indicative block plan showing the location of the proposed dwellings, together with access route and open space within the site. Where access is a reserved matter, the application must state the area where access points to the development proposed will be situated. The submitted block plan shows access points to both properties at approximately the mid-point along the frontage of the application site.

The application is also supported by a Support Statement and a Local Needs Statement.

## **PLANNING POLICY**

The application site, as previously mentioned, is located in open countryside and therefore there is a general presumption against new dwellings in such locations, unless exceptional circumstances can be demonstrated. Such exceptional circumstances usually include providing accommodation for rural enterprise workers e.g. agriculture or forestry as well as those to meet genuine local needs at a location within hamlets or a group of dwellings.

Since one of the proposed dwellings on this site is for an open market dwelling, there are no specific relevant policies within the adopted County Local Development Plan that deal with dwellings in open countryside locations, however, in order to allow discussions over the merits of this case the following policies of the Carmarthenshire Local Development Plan are considered relevant to the proposal as well as those other relevant Welsh Government Guidance.

Policy SP1 – Sustainable Places and Spaces stipulates that proposals for development will be supported where they reflect sustainable development and design principles by concentrating developments within defined settlements, making efficient use of previously developed land, ensuring developments positively integrate with the community and reflect local character and distinctiveness whilst creating safe, attractive and accessible environments that promote active transport infrastructure.

Policy SP3 – Sustainable Distribution Settlement Framework seeks to concentrate development in sustainable locations within existing defined settlements such as identified growth areas, service centres, local service centres and other defined sustainable communities.

Policy GP1 – Sustainability and High Quality Design is a general policy that promotes sustainability and high quality design, and seeks to ensure that development conforms with

and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Other Welsh Government Guidance of relevance include:-

Planning Policy Wales (10th Edition) December 2018 (PPW)

Technical Advice Note 6 (TAN 6) – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 (TAN 12: Design (2014)

The other dwelling proposed in the application is for an affordable dwelling there is an additional policy that is relevant, which is Policy AH3 of the Carmarthenshire Local Development Plan.

Policy AH3 – Affordable Housing – Minor Settlement in the Open Countryside allows for proposals in the open countryside for affordable housing for a single dwelling within settlements, hamlets and groups of dwellings without Development Limits where it is to meet a genuine identified local need and provided that it complies with a number of criteria that are included within the Policy.

## **APPRAISAL**

In considering this proposal there are a number of policies that are common to both the proposed open market dwelling and the proposed affordable dwelling since the location of both are in the open countryside.

The key considerations of relevance to this case are whether the proposal complies with the requirements of Planning Policy Wales (PPW) (10th edition) and Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN6), in terms of dwellings in open countryside, outside the defined development limits of any recognized settlements and its impact upon the character and appearance of the area.

In terms of PPW new houses in the countryside, away from existing settlements or from areas allocated for development must be strictly controlled in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services. Specifically paragraph 3.56 states:

“Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.”

Furthermore, paragraph 4.2.24 of PPW also discusses that new housing in the open countryside should be strictly controlled and under what exceptional circumstances rural dwellings may be considered. It states:

“In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission;

such permissions could be granted too often, to the overall detriment of the character of an area.”

TAN6 further reinforces these principles where it states in paragraph 4.3.1:

“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. 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 individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority 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.”

The application site is located in an open countryside location, outside the defined development limits of any recognized settlement. Therefore, the policy is to strictly control the construction of new dwellings in such a location, unless there are exceptional circumstances, well supported by robust evidence that stands up to scrutiny. In this case the proposal for the affordable dwelling will be considered under Policy AH3 as mentioned previously and will be assessed in following paragraphs. The only justification given for the open market dwelling in the supporting statement is that it will serve two purposes in that it is required to cross subsidise the affordable unit and is also a mechanism to deliver much needed housing to remedy the shortfall in housing supply in the plan area. The support statement states that in the Joint Housing Land Availability Study Carmarthenshire identifies a 4.2 year supply of housing land (August 2016), where there is a requirement to provide a 5 year supply of housing land. This is identified in the Support Statement as representing a significant shortfall in the supply of housing land, which should be material in any decision.

The issue here is the balance of whether these material considerations should override the policy considerations. In the case of the open market dwelling it is considered that the weight of the material considerations is not sufficient to overrule the policy reflecting the need to strictly control developments in open countryside and therefore the proposal is contrary to National Policy in this regard.

In respect of the proposed affordable dwelling the proposal needs to be considered on the basis of the provisions of Policy AH3. The Policy allows for the provision in the open countryside for affordable housing for a single dwelling within settlements, hamlets and groups of dwellings without Development Limits where it is to meet a genuine identified local need and provided that it complies with a number of identified criteria. The proposed affordable dwelling is to be located adjacent to a group of dwellings that are locally known as ‘Sarnau’, which is not recognized as a settlement within the Carmarthenshire Local Development Plan and does not have Development Limits. The submitted Local Needs Statement demonstrates that the proposed occupants of the affordable dwelling qualify under the Local Plan’s definition of a local need. This is due to the occupiers’ long-standing link with the community and their having a proven functional need to live close to their place of work. Furthermore the proposed occupants have carried out a property search for properties within the Bancyfelin and St Clears area. It is stated that the proposed occupants are not able to afford the asking price or crucially raise the requisite deposit required to attain a mortgage leaving the construction of a self-build local needs dwelling the only viable option.

Turning to the criteria included within Policy AH3, the proposed affordable dwelling represents a minor extension to the group of dwellings, however, it does result in perpetuate existing ribbon development, in that the existing group of dwellings stretch out along the highway in a ribbon formation. It is therefore considered that the proposal fails to comply with the first criterion within the Policy.

In terms of scale, it is difficult to determine whether the proposal represents a development of a scale and size appropriate to, and in keeping with the character of the area since it is in outline form only. In terms of scale the parameters given are wide in that the footprint of the dwelling could vary between 90 square meters and 195 square meters. This could mean that a two storey dwelling may be compatible with the character of other dwellings within the cluster.

The dwelling's affordability could be retained for all subsequent occupants via the utilization of a Section 106 Agreement, stating the intended purpose.

Since the application has been submitted in outline form it is difficult to determine that the scale and design of the dwelling is compatible with an affordable dwelling as insufficient information is submitted to enable that determination to take place.

For the above considered reasons the proposed dwellings should not be supported and the recommendation is that the application be refused.

### **THIRD PARTY REPRESENTATIONS**

In this case there are no issues of objection that have been raised by third parties in respect of the planning application however, there are issues that have been raised in terms of civil matters that cannot be considered in the determination of this application such as the right of way to empty the septic tanks for existing properties.

The issue of the distance to the nearest settlement with facilities is material to this case, particularly the possibility of conflict between fast moving traffic and pedestrians in the highway due to the lack of a footway linking the site to Bancyfelin, where the primary school is located. It is therefore considered that the proposal represents an unsustainable form of development that would encourage the increased use of the car and discourage the use of a more sustainable form of transport.

The issue of the building line has been overcome in the form of an amended plan that was the subject of further publicity, which resulted in none of the letters of concern being repeated.

In respect to foul water and surface water drainage, these are matters that can be dealt with in any reserved matters application and conditions should the application be granted outline planning permission.

### **CONCLUSION**

Therefore, having carefully considered the application as submitted, the proposed open market dwelling, by reason of its location, fundamentally conflicts with the advice set out in PPW and insufficient justification has been provided to permit the dwelling as an exception to these policies. Furthermore, it is considered that the proposed affordable dwelling, whilst

identifying an apparent genuine local need, fails to conform to some of the criteria within policy AH3 both in terms of location and scale.

It is not considered in this instance that material planning considerations outweigh these concerns and therefore it is recommended that the application be refused for the following reasons.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to paragraph 3.56 of Planning Policy Wales (Edition 10, December 2018) which states:-

**Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.**

In that the development site is located outside the defined settlement limits of any recognised settlement where new house building should be strictly controlled. Insufficient justification has been provided to support the case for an affordable dwelling and an open market dwelling in such a location. Therefore, the proposal would represent a sporadic unjustified form of development in the open countryside to the detriment of the character and appearance of the area and will perpetuate existing ribbon development.

- 2 The proposal is contrary to paragraphs 9.3.6 of Planning Policy Wales (9th edition, November 2016) which state:-

**In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.**

In that the development site is not located within a recognised settlement and therefore in the open countryside where new house building should be strictly controlled. Insufficient justification has been provided to support the case for an affordable dwelling and an open market dwelling in such a location. Therefore, the proposal would represent a sporadic unjustified form of development in the open countryside to the detriment of the character and appearance of the area.



- 3 The proposal is contrary to paragraph 4.3.1 of Planning Policy Wales Technical Advice Note 6: Planning for Sustainable Rural Communities, which states:-

**4.3.1 One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. 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. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority 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.**

In that the development site is located in the open countryside where new house building is strictly controlled. Insufficient evidence has accompanied the application justify a dwelling in such a location in accordance with the requirements of Policy AH3 of the Carmarthenshire Local Development Plan. Therefore, the proposal represents a sporadic unjustified form of development in the open countryside to the detriment of the character and appearance of the area.

- 4 The proposal is contrary to Policy AH3 “Affordable Housing – Minor Settlement in the Open Countryside” of the Carmarthenshire Local Development Plan, which states:-

**Policy AH3 Affordable Housing – Minor Settlement in the Open Countryside**

**Proposals in the open countryside for affordable housing for a single dwelling will be permitted within settlements, hamlets and groups of dwellings without Development Limits where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:**

- a. **It represents sensitive infill development of a small gap within an otherwise continuous built up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development;**
- b. **It is of a scale and size appropriate to, and in keeping with (and not detrimental to) the character (including landscape and townscape) of the area;**
- c. **The benefits of the initial affordability will be retained for all subsequent occupants;**
- d. **It is of a size, scale and design compatible with an affordable dwelling and is available to those on low or moderate incomes.**

In that the development site is located in the open countryside where new house building is strictly controlled. It is considered that the proposed affordable dwelling is unjustified in its proposed location due to it resulting in perpetuating existing ribbon development and that insufficient information has been provided to show that it is of a size, scale and design compatible with an affordable dwelling.

- 5 The proposal is contrary to Policy TR3 “Highways in Developments – Design Considerations” of the Carmarthenshire Local Development Plan, which states:-

**Policy TR3 Highways in Developments - Design Considerations**

**The design and layout of all development proposals will, where appropriate, be required to include:**

- a. An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;**
- b. Suitable provision for access by public transport;**
- c. Appropriate parking and where applicable, servicing space in accordance with required standards;**
- d. Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;**
- e. Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;**
- f. Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.**

**Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.**

**Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.**

In that the development does not provide for an integrated network of convenient and safe pedestrian route which promotes the interests of pedestrians, cyclists and public transport; it does not include suitable provision for access by public transport; nor does it provide an access to the required standards reflective of the relevant Class of road and speed restrictions including visibility splays. Bus stops are located some 200 metres east of the site, however, there is a lack of pedestrian facilities linking the site to these, where the closest footway is located some 125 metres east of the site. Further to this the settlement of Bancyfelin is 800 metres to the west and the closest footway some 600 metres. The development will therefore result in increased pedestrian movements in the carriageway where vehicle speeds are currently high, to the detriment of highway safety.