

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

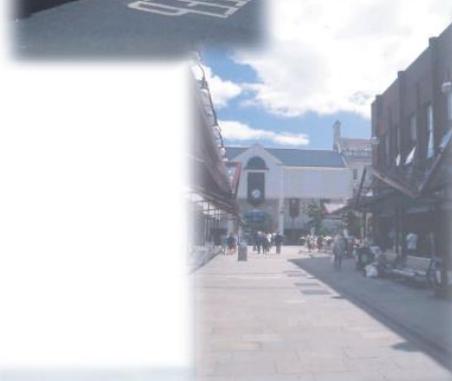
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN/**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 04 MAWRTH 2021
ON 04 MARCH 2021**

**I'W BENDERFYNU/
FOR DECISION**

***Ardal
Gorllewin/
Area West***



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.

COMMITTEE:	PLANNING COMMITTEE
DATE:	04 MARCH 2021
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	W/39628
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Application Type	Full
Proposal & Location	CONSTRUCTION OF A RURAL ENTERPRISE DWELLING AT ON YARD, LLANYBYDDER, CARMARTHENSHIRE, SA40 9RA

Applicant(s)	M JONES & C LEIGH, FOUNDRY COMMERCIALS LIMITED
Agent	JCR PLANNING LTD – MR RICHARD BANKS
Case Officer	Helen Rice
Ward	Llanybydder
Date registered	14/10/2019

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Ieuan Wyn Davies on grounds that he wished for the committee to have the opportunity to express its views on the application for a rural dwelling.

Site

The application site lies approximately 1.5km south west of the centre of Llanybydder in a countryside location accessed from the classified C2052 road that leads from Llanybydder up towards Llanybydder Mountain.

The site area is characterised by a surfaced and level yard which accommodates a vehicle repair and maintenance shed and offices, known as Foundry Commercials, located within a portal framed building on the yard. Further beyond the yard area lies a further yard area with industrial style buildings currently used for storage purposes in association with the National Eisteddfod and leased by the applicant to other long term tenants who utilise the units for agricultural supplies and environmental supplies storage. The applicant's current dwelling known as Gilfach Wen is situated at the site's access point with the highway and is positioned on a triangular parcel of land with the rear elevation adjoining an agricultural field in alternative ownership thus resulting in a limited rear garden area.

The application site area refers to the yard area accommodated by Foundry Commercials. The associated workshop building (250sqm) is equipped with an inspection pit, mechanical joist and integral office and staff rest room with the remainder of the yard area utilised for parking, turning and external storage of cars. A detached double garage and external dog kennel are located off the northern edge of the yard on the opposite side of the access road into the yard area from the applicant's dwelling at Gilfach Wen. The site is largely screened from the north east by a bank of Leylandii trees with open fields to the south east

beyond which flows the Afon Einon. The remaining yard area also within the applicant's ownership lies to the south west with the site access land bordering the north west.

Proposal

The application seeks full planning permission for the erection of a rural enterprise dwelling located to the north west of the vehicle repairs building and adjacent to the site's boundary with the open fields to the north-west. The proposed dwelling comprises a modest single storey 3 bedroomed dwelling with integral garage orientated with its front elevation facing north east. Its elevations will be finished in render with a brick plinth surround under a tiled roof with light oak uPVC windows and doors. The front elevation will be accentuated by an oak framed porch over the principal entrance into the property.

Access is to be achieved via the existing yard area with the creation of a lawn garden area to the south-west and north-west with the remaining area retained as a yard area to service the business.

The application has been accompanied by a rural enterprise appraisal which provides an appraisal of the proposal within the context of the policy requirements of Technical Advice Note (TAN) 6 : Planning or Sustainable Rural Communities (July 2010).

In summary, the proposed dwelling is intended for the applicants who currently reside at the dwelling known as Gilfach Wen directly opposite the site. The applicants advise the existing dwelling at Gilfach Wen is no longer fit for purpose due to a medical condition of one of the applicants which restricts her ability and mobility and there is limited opportunities to extend the existing dwelling to create the level living space required at ground floor level. As such a new dwelling is required to provide the level living space whilst also maintaining the same proximity to the business as they currently are able to at Gilfach Wen. It is understood that the applicants intend on selling the existing house in the very near future.

Planning Site History

W/4533	Agricultural Notification	
TMT/03671	Garage/workshop, parking, commercial sale vehicle	
	Refused	15 May 2003
	Appeal Dismissed	12 November 2003
W/11082	Change of use of existing agricultural building and yard for the servicing, repair, adaptation of agricultural machinery and vehicles	
	Granted	27 January 2021

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

- SP1 Sustainable Places and Spaces.
- SP14 Protection and Enhancement of the Natural Environment
- GP1 Sustainability and High Quality Design

TR3 Highways in Developments – Design Considerations.

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018

[Technical Advice Notes](#) (TAN) 6 : Planning or Sustainable Rural Communities (July 2010) is particularly relevant for this application.

Summary of Consultation Responses

Llanybydder Community Council – Have raised no objection.

Local Members – Councillor Ieuan Wyn Davies is a member of the Planning Committee and has requested that the application be considered by the Planning Committee. All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of the posting of a site notice on the fence post in front of the access point into the application site. One representation was received but was later retracted and no further representations were received on the application.

Appraisal

Principle of Development

The proposal involves the creation of a new dwelling in the countryside which is generally not considered acceptable in principle. It is only in exceptional circumstances that planning permission for the creation of a dwelling is considered within the countryside, such exceptions include conversions of traditional rural buildings to dwellings, dwellings in association with local affordable housing needs, dwellings associated with One Planet Developments and Rural Enterprise Dwellings. This application has been submitted on the basis of seeking permission for a Rural Enterprise Dwelling as the applicant states that they are unable to continue to live at the existing dwelling due to personal medical conditions but wish to remain in proximity to the business, and therefore to an extent relates to a local need requirement. Both exceptions are discussed further below.

Rural Enterprise Dwelling

TAN6 stipulates that 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.

TAN6 defines a rural enterprise as comprising “*land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting) tourism and leisure enterprises*”.

To comply with Policy TAN6 it first needs to be established whether the enterprise that the dwelling seeks to be associated with falls to be considered as a Rural Enterprise as defined by TAN6. The existing business is the repair and sales of commercial vehicles/HGVs. Details of the types and range of vehicles available for sale is set out on the business' website. Therefore, whilst it is the case that the business is in a rural location, given the definition above, it is not considered that the use can be classed as a Rural Enterprise as it is not related to agriculture, forestry or another activity that obtain their primary inputs from the application site. Furthermore, the use is not associated with land management activities or support services such as agricultural contracting, tourism or leisure. It must be re-iterated that whilst a business may be located within the countryside, it is only those businesses within the definition of a rural enterprise as set out in TAN6 that are eligible to be associated with an application for a rural enterprise dwelling.

On this basis, it is not considered that the business can be classed as a rural enterprise as defined in TAN6 and therefore it falls that the proposal cannot be considered under the exception policy for rural enterprise dwelling.

Notwithstanding the fundamental issues outlined above, the TAN sets out the criteria (a-e) to establish when a new dwelling on an established rural enterprise may be justified under paragraph 4.4.1 whereby proposals should only be permitted where they meet these requirements.

Criterion a) of the TAN requires that there is a clearly established functional need for one or more workers to be readily available at most times for the proper functioning of the enterprise while criterion b) requires that this need must relate to a full rather than part-time worker. Criterion c) relates to a financial test whereby the enterprise must have been established for at least three years, profitable for at least one of them and be financially sound and have a clear prospect of remaining so. Under criterion d) applicants must demonstrate that the functional need cannot be fulfilled by another dwelling or converting an existing building on the holding and, finally, criterion e) relates to 'other normal planning requirements' in that proposals must be acceptable from, for example, a siting, design and access perspective.

Functional Requirement

The applicant has advised that the principle reason for requiring a new dwelling on the existing yard is to enable the successful business at Foundry Commercials to be retained and continue to provide essential employment for the Applicants.

The submitted rural enterprise dwelling report states, "*Deliveries of stock and collection of vehicles takes place not just throughout the working day, but very often at early morning and late evening hours due to their transit from abroad, and the demands of the delivery suppliers who work on a wider range of delivery times. Valuable vehicle stock also is delivered at "out-of-hours" times, meaning that a member of staff has to be on-hand to administer the collection and verification of such valued deliveries*". Furthermore, the report states, "*the Applicants also have a supervisory role in the day-to-day management and logistics associated with the two warehouses, operated by the two long term leaseholders. HGV deliveries to those two units also take place at "out-of-office" hours, and thus require the continuous on-site presence of the Applicants to ensure proper and safe delivery and collection of supplies from those large warehouses*".

Whilst the above justification is acknowledged, the guidance to TAN6 specifies that the functional need is concerned with the management of risk within the operations of a rural enterprise which cannot be properly managed within normal working hours. To explain this further, TAN6 uses the example of a circumstance where workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Whilst the “out of hours” deliveries are acknowledged, it is not considered that these are at such a frequency to require the continued presence of the applicant on site as evidently the timings of these deliveries would be known to the business owner who could make arrangements to be at the site at that time. Furthermore, the TAN also states that where there is an existing dwelling on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.

The existing business is served by the applicant’s current dwelling known as Gilfach Wen, which is understood to have been the former farmhouse associated with the land prior to its current use. No information has been provided to demonstrate that there is a need for an additional worker to live on the site to support a further dwelling on the enterprise. As such it is not considered that there is a functional need for an additional dwelling on the enterprise and as such the proposal fails to meet the functional need test.

Time Test

This test relates to the number of workers needed to meet the functional need. This cannot relate to a part time requirement or a requirement that does not relate to the enterprise. The TAN also states that 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 or by workers and their dependents last employed in a rural enterprise. In circumstances where an additional dwelling is considered acceptable, it is generally the case that the required rural enterprise dwelling condition would be applied both to the proposed and existing dwelling.

The submitted report does not provide details in relation to the number of workers employed by the business, albeit it is implied that only the applicants are employed full time in the business. It therefore follows that there is no justification for an additional dwelling on the site as the applicant already reside at Gilfach Wen as such the time test is not complied with.

Financial Test

TAN6 requires a rural enterprise to be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time usually at least 5 years.

In support of this element, financial records for the business have been provided that demonstrate that the current business is financially sound and there is nothing to suggest that this would change. The proposal could meet the financial test.

Other Dwelling Test

The proposed dwelling is intended for the applicants who currently reside at the dwelling known as Gilfach Wen directly opposite the site. TAN6 specifies that it needs to be shown why any existing dwellings cannot be used to meet the needs of the enterprise and that

residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise within the need for a further dwelling. The applicants advise the existing dwelling at Gilfach Wen is no longer fit for purpose due to a medical condition of one of the applicants which restricts her ability and mobility and there is limited opportunities to extend the existing dwelling to create the level living space required at ground floor level. As such a new dwelling is required to provide the level living space whilst also maintaining the same proximity to the business as they currently are able to at Gilfach Wen. It is also understood that the current dwelling is for sale on the open market.

As such the proposed dwelling is partly required in association with the rural enterprise as well as meeting the personal circumstances of the applicant. Advice in TAN6 specifies that an additional dwelling should only be granted to meet the needs of the enterprise rather than personal circumstances.

In terms of other buildings available for conversion it is accepted that there are no existing buildings suitable for conversion on the site. No information has been provided in terms of the availability of properties in the village of Llanybydder a short distance away from the site. A search on the internet establishes that there are a number of bungalows currently for sale within 5 miles of the application site. As such it is not considered that the proposal complies with the other dwelling test.

Summary Compliance with TAN6

On the basis of the above it is therefore concluded that the existing business does not fall within the definition of a rural enterprise and therefore it follows that the proposal cannot be considered against TAN6 for these reasons. Furthermore, irrespective of this 'in principle' conflict, the proposal would not comply with the relevant tests set out in TAN6.

Local Need

The other exception policy for a new dwelling in the countryside is where the dwelling is required to meet a specific genuine local need. Policy AH3 of the LDP sets out the circumstances where such applications may be considered acceptable as follows:

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.

To comply with the above, it first needs to be established whether the applicants meet the definition of local needs as provided within the glossary of the LDP:

“Defined as residents (and their dependents) of the community and town council area or adjoining community and town council area. Present residents whose circumstances may relate to current substandard or unsatisfactory accommodation or where they are forming a new family or leaving the parental home for the first time will be considered as will those who make a significant contribution to the social, cultural and economic vitality of the community and town council area.

In addition the definition will apply to those persons with a long standing link with the community and town council area including a period of established residence within the last twenty years. Those persons who have a proven functional need to live close to their place of work or to a resident through an essential need arising from age or infirmity may also be deemed eligible for consideration”.

Based upon the information provided with the application, it could be considered that the applicants do comply with the definition in that they are long standing residents of the area and it is claimed that the existing dwelling is unsatisfactory on medical grounds. However, the application site is not within a settlement, hamlet or group of dwellings as required by the policy but rather within the yard setting of the unlawful business. The siting would therefore fail against the fundamental locational requirements of policy AH3.

Other Planning Requirements Test

Turning to the usual planning requirements for a new dwelling, the siting of the dwelling within the yard area coupled with the overall scale and design of the dwelling is deemed not to have an unacceptable impact upon the character and appearance of the area. No concerns are raised in relation to access, impact upon the amenity of neighbouring residents or biodiversity issues. Nevertheless it is not considered that these considerations alone are sufficient to overcome the fundamental objections to the proposed dwelling as referred to above.

Biodiversity Impacts

The application site is within the River Teifi SAC Catchment area. NRW has recently issued guidance relating to the impact of phosphates on riverine SACs, including the Teifi. As a result, all applications that have the potential to create additional wastewater must be assessed to ensure that it would not result in a likely significant effect on riverine SACs through increased levels of phosphates arising from additional wastewater generated by new developments. However, NRW has advised that in circumstances where wastewater generated by development is treated by private sewage treatment plants (e.g. septic tanks/private treatment plants) and that the drainage field associated with that plant is more than 50m from the SAC boundary AND that the daily discharge rate from the plant does not exceed 2 cubic meters it is unlikely to result in significant effects on the SAC.

In this instance, information submitted with the application form confirms that the dwelling would be served by the existing septic tank that serves the existing garage building. The site is 50m away from the nearby Nant Einon that flows down to the river Teifi and given the level of usage of the septic tank, it has been calculated that it would fall below the 2 cubic meters daily discharge threshold. As such, following screening of the application, it

has been concluded that the development would not increase phosphate inputs into the River Teifi SAC and therefore complies with Policy SP14 of the LDP.

Well-being of Future Generations (Wales) Act 2015

The decision considers 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). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered 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 in section 8 of the WBFG Act.

Conclusion

After careful consideration of the scheme as submitted, it is concluded that the existing business falls outside of the clear definition of a rural enterprise as set out in TAN6 and due to the nature of the use there is no essential functional need for someone to be readily available at most times by being resident on the site for the business to function properly. Whilst the personal circumstances of the applicant are acknowledged, it is the needs of the business that must justify the need for a dwelling as clearly set out in TAN6. Due to the location of the dwelling not being within a minor settlement, hamlet or group of dwellings it also fails to meet the locational criteria of Policy AH3 of the LDP. Furthermore, whilst the proposal is not considered to give rise to unacceptable impacts in terms of the character and appearance of the area, the living conditions of nearby residents and highway impacts, they are not considered sufficient to outweigh the fundamental conflict with TAN6 that reflect the overarching policy of PPW that requires developments within the countryside to be strictly controlled. The application is therefore recommended for refusal for the reasons set out below.

Recommendation - Refusal

Reasons for Refusal

Reason 1

The proposed development and the associated enterprise is not considered to fall within the definition of a Rural Enterprise as set out in paragraph 4.3.2 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010) being a commercial vehicle/HGV repairs and sales business. It therefore falls that the existing business is not a qualifying rural enterprise that can be relied upon as justification for a rural enterprise dwelling. The proposal would therefore result in an unjustified new dwelling in the countryside contrary to paragraphs 4.2.36-37 of Planning Policy Wales (Edition 10, December 2018) and paragraph 4.3.2 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010).

Reason 2

The dwelling is not considered essential for the proper functioning of the enterprise for employees to be readily available at most times and there is already another dwelling occupied in association with the enterprise with no evidence to confirm that there is a need

for any additional workers to justify an additional dwelling on the site to meet the requirements of the business. The proposal therefore fails to meet the rural enterprise dwelling tests set out in paragraph 4.4.1 of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).

Reason 3

The proposed location of the dwelling is not within a minor settlement, hamlet or group of dwellings and therefore fails to meet the locational criteria of Policy AH3 of the Carmarthenshire Local Development Plan 2014. The proposal would therefore result in a sporadic unjustified new dwelling remotely located in the countryside contrary to paragraph 3.5.6 of Planning Policy Wales (Edition 10, December 2018), paragraphs 4.2.3 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010) and Policies SP1(a) and AH3 of the Carmarthenshire Local Development Plan 2014.