

**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Lle a Seilwaith**

**Report of the Head of Place  
and Sustainability  
Place and Infrastructure**

**30/03/2023**

**I'W BENDERFYNU  
FOR DECISION**

**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.**

|                   |   |
|-------------------|---|
| <b>COMMITTEE:</b> | <b>PLANNING COMMITTEE</b>               |
| <b>DATE:</b>      | <b>30/03/2023</b>                       |
| <b>REPORT OF:</b> | <b>HEAD OF PLACE AND SUSTAINABILITY</b> |

| <b>REF.</b>     | <b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>   |
|-----------------|--|
| <b>PL/05000</b> | <b>All weather horse and dog run at Cwmloglin House, Maesybont, Llanelli, SA14 7HB</b>   |
| <b>PL/05230</b> | <b>Solar PV array to existing roof at Old Board School Guest House, High Street, St Clears, Carmarthen, SA33 4DY</b>   |
| <b>PL/05408</b> | <b>Proposed change of use from a former Methodist Chapel into 3 no. one bedroom flats including creating a new first floor structure and the provision of roof lights to the first floor roof area at Cambrian Chapel, The former Victoria Road Methodist Church, Llanelli, SA15 2LE</b> |

| <b>REF.</b>     | <b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>   |
|-----------------|---|
| <b>PL/05039</b> | <b>Provision of traveller site with twin unit caravan, day/utility room, touring caravan, agricultural buildings, solar array and access improvements (partly in retrospect) at Bryngwyne Fach Farm, Carmel, Llanelli, SA14 7UH</b> |

**APPLICATIONS RECOMMENDED FOR APPROVAL**

|                       |                 |
|-----------------------|-----------------|
| <b>Application No</b> | <b>PL/05000</b> |
|-----------------------|-----------------|

|                         |   |
|-------------------------|---|
| <b>Application Type</b> | Full planning permission                      |
| <b>Proposal</b>         | All weather horse and dog run                 |
| <b>Location</b>         | Cwmlogin House, Maesybont, Llanelli, SA14 7HB |

|                           |                                |
|---------------------------|--------------------------------|
| <b>Applicant(s)</b>       | W Vanatta                      |
| <b>Agent</b>              | RW Planning - Rhydian Williams |
| <b>Officer</b>            | Hugh Towns                     |
| <b>Ward</b>               | Gorslas                        |
| <b>Date of validation</b> | 10/11/2022                     |

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than three letters of objections from third parties.

## Site

The application site forms part of a large agricultural field laid to improved pasture. An agricultural building, and associated hardstanding, is located in the north eastern corner of the field (granted in 2007 under W/16120). The site is located in the northern part of the field, west of the agricultural building. A substantial roadside hedgerow forms the northern boundary of the site. The site slopes gently from north to south and is clearly visible from the County Road to the south.

## Proposal

The proposal is for a rectangular all weather dog and horse run measuring 40m x 30m. The all weather run is to be constructed on existing ground with a layer of stone, a membrane, a layer of sand and a final layer of stone, with the perimeter edged with railway sleepers. On that basis there is no significant land raising operation, and if the topsoil is removed prior to construction in order to retain the valuable topsoil resource the raising of the land would be

minimal. It is understood that the development would be used in conjunction with an animal rescue centre located almost opposite the application site.

## Planning Site History

PL/04374 - All weather horse and dog run - Full Granted - 1/9/2022

W/16120 - General Purpose Agricultural Shed for Hay and Implements - Agricultural Notification - Prior Approval Not Required - 22/5/2007

D4/24923 - Change of Use to Farm Park and Recreational Picnic Site - Full Refusal - 11/10/1994

D4/24263 - Change of Use to Farm Park and Picnic Site - Full Refusal - 12/4/1994

## Planning Policy

The following policies are of relevance to the proposal:

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

Policy SP1 - Sustainable Places & Spaces

Policy SP14 - Protection and Enhancement of the Natural Environment

Policy GP1 - Sustainability and High Quality Design

Policy TR3 - Highways in Developments - Design Considerations

Policy EQ4 - Biodiversity

Policy EQ5 - Corridors, Networks and Features of Distinctiveness

Policy EP3 - Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

[Nature Conservation and Biodiversity - Draft Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#) February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government

## Summary of Consultation Responses

**Sustainable Drainage Approval Body** - a SAB approval is required

**Gorslas Community Council** - no observations received to date

**Local Members** - Councillors Darren Price and Aled Vaughan Owen have not commented to date

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

Six identical standard letters have been received objecting to the proposal. The grounds of objection are summarised as follows

- Visual impact of the development from the south
- The development will alter surface water drainage
- Adverse impact on amenity when considered as part of a wider development known as Many Tears Animal Rescue
- Increased traffic movements at the site
- Reference to various unauthorised developments unconnected to this application

All representations can be viewed in full on our [website](#).

## Appraisal

### Principle of Development

Planning permission was granted on 1st September 2022 for a much smaller horse/dog run measuring approximately 10m x 12.5m. A condition was attached to the planning permission requiring its use only for purposes in connection with the Many Tears Animal Rescue Centre at Cwmloglin House and at no time shall it be sold, let or sub-let as a separate facility. Whilst the site is geographically divorced from the animal rescue centre, it is a small parcel of land almost directly opposite the centre. The development would involve limited physical development and is adjacent to an existing building (albeit in agricultural use). It is not considered unreasonable for an animal rescue centre to have animal-related recreation facilities of this scale and nature.

Whilst this application seeks to increase the size to 30m x 40m, almost 10 times the size, it is not materially different to a horse manege which is generally acceptable in the open countryside.

Having regard to the above, it is considered on balance, that the proposal would not constitute inappropriate development in the open countryside. The development is therefore not considered to be contrary to Policy SP14 of the LDP.

### Visual Impact

The development would be well screened by existing mature hedgerows along the northern road frontage and from the road to the east. However, the site is particularly visible from the road to the south. Given the significant increase in the scale of the development it would be visually prominent from the south and would be unacceptable without adequate mitigation. Therefore, a planning condition is proposed requiring the southern boundary to be planted with a new hedgerow which will screen the site from the south but will also be a biodiversity enhancement. The exact details of the hedge specification will be subject to approval by the Local Planning Authority. A condition is also suggested to ensure that the hedgerow is managed and maintained for the first 5 years with replacement planting as necessary for plants which die, become damaged or diseased. With appropriate mitigation planting it is not considered that the visual impact would be significant. A condition is also suggested, as was the case with the previous approval, preventing any illumination by artificial lighting.

## **Surface Water Drainage**

As the site exceeds 100 square metres a SAB Approval will be required. Such an approval will ensure adequate sustainable drainage is in place which would address the concerns expressed by the objectors.

## **Traffic Movements**

The proposal is for a dog and horse run ancillary to an animal rescue centre. It does not involve the provision additional accommodation for animals. As such, it is considered that the proposed development would not unreasonably intensify the activities and use of the animal rescue centre. It is not considered that the dog and horse run by itself would result in a significant increase of cars and traffic or be unreasonably detrimental to highway/pedestrian safety. Whilst there may be additional movement of dogs/horses with staff crossing the road, this is a country road and the distance from the animal rescue centre to the site is relatively short. Again, the nature of the proposed development is deemed to be ancillary and a condition which limits the use of the development to the animal rescue centre would assist in reducing the impact of the development upon local roads and the general amenities of the area.

## **Amenity Impacts**

The nearest residential property to the site is some 180m to the south. Over such distances it is unlikely that a dog and horse run is going to generate sufficient noise or general disturbance to justify a refusal of the application on amenity grounds. It should be noted that the site can already be used for animal exercise when ground conditions allow. What is proposed will merely allow its use during all weather conditions.

## **Wider Enforcement Issues**

The objectors have raised wider issues of unauthorised developments at Many Tears Animal Rescue Centre which are unrelated to the proposed development. These are matters for enforcement investigations and are not material to the consideration of tis application.

## **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**

The proposed development of a 30m x 40m all weather dog and horse run as an ancillary facility directly related to an animal rescue centre is not considered to constitute inappropriate development in the open countryside and is not considered to give rise to amenity issues. Potentially significant visual impacts can be adequately mitigated by planting a new hedge which would also result in a biodiversity enhancement. The proposal would not directly result in significant additional traffic movements and the requirement for



a SAB approval will ensure satisfactory surface water drainage. The proposed development therefore complies with Policies SP1, SP14, GP1, TR3, EQ4 and EQ5 of the LDP.

## RECOMMENDATION - Approval

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### Conditions & Reasons

#### Condition 1

The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

#### Condition 2

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans and documentation:

- Proposal Plans (1 of 1)

Received on 9 November 2022

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted, to secure an acceptable development and in the interests of protecting the character, appearance of the countryside, in accordance with Policies SP1, SP14, GP1, and EQ4 of the Carmarthenshire Local Development Plan 2014.

#### Condition 3

The development hereby approved shall only be used for purposes in connection with the Animal Rescue Centre at Cwmloglin House, SA14 7HB and at no time shall it be sold, let or sub-let as a separate facility.

*Reason:* For the avoidance of doubt or confusion as to the extent of the permission hereby granted, to protect the character, appearance and integrity of the countryside, in the interests of highway safety, general amenities the residential amenities of neighbouring properties.

#### Condition 4

The development hereby approved shall not at any time be illuminated by artificial lighting.

*Reason:* In the interests of visual amenity, to protect the character and appearance of the countryside and general and residential amenities.

## **Condition 5**

Prior to the development being brought into use, the developer shall plant a new hedge along the entire southern boundary of the application site in accordance with a planting specification submitted to and approved by the Local Planning Authority.

*Reason:* to screen the development in the interests of visual amenity and in the interests of biodiversity enhancement.

## **Condition 6**

Trees, shrubs and hedges planted in accordance with the scheme approved under Condition 5 shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

*Reason:* In the interests of the amenity of the local area and to ensure the development is adequately screened.

## **Condition 7**

The topsoil within the run area shall be stripped to its full depth prior to the construction of the development hereby approved. The topsoil shall be retained on site and used in the construction of the hedge required under Condition 5.

*Reason:* to ensure that scarce natural resources are utilised for a beneficial use.

## **Notes / Informatives**

### **Note 1**

Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

**Note 2**

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

|                       |                 |
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| <b>Application No</b> | <b>PL/05230</b> |
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|-------------------------|--|
| <b>Application Type</b> | Full planning permission   |
| <b>Proposal</b>         | Solar PV array to existing roof  |
| <b>Location</b>         | Old Board School Guest House, High Street, St Clears, Carmarthen, SA33 4DY |

|                           |  |
|---------------------------|--|
| <b>Applicant(s)</b>       | Philip Hughes  |
| <b>Agent</b>              | Hayston Developments & Planning Ltd - Andrew Vaughan-Harries |
| <b>Officer</b>            | Charlotte Ford   |
| <b>Ward</b>               | St Clears and Llansteffan                                    |
| <b>Date of validation</b> | 20/12/2022   |

## Reason for Committee

This application is being reported to the Planning Committee as the applicant is the Local County Councillor (Cllr Phillip Hughes)

## Site

The site lies within the development limits of St Clears as identified by the Carmarthenshire Local Development Plan (adopted 2014). The application site known as 'The Old Board School Guest House' is south of the main centre of St Clears on the A4066 road to Laugharne. Access to the site is via a spur road off High Street via a dead-end access road to Pen Y Ffordd. The application site operates as a mixed use, as both a guesthouse and linked home for the applicant.

## Proposal

The application seeks consent for the installation of an 8 kWp solar panel system consisting of 36 No. panels fitted to the South, West and East Roof surfaces.

## Planning Site History

D4/22889 - Change Of Use Of Old School Building To Residential - Full Granted - 4/2/1993

D4/24586 - Conversion Into Guest House 1 - Full Granted - 28/4/1994

W/09170 - Ground Floor Extensions To Dining Room And Kitchen Including New Entrance Lobby, Store Rooms And Garage - Full Granted - 18/3/2005

W/17224 - Retrospective Application For Conservatory - Householder Granted - 16/10/2007

W/18063 - New Residential Care Home (45 Bed Spaces) - Withdrawn - 18/7/2008

W/20265 - Proposed New Medical Centre And Veterinary Clinic With New Access Road And Associated Car Parking - Withdrawn - 18/8/2011

W/32906 - Change Of Use With Single Storey Rear Extension To Form A Small Companion Animal Veterinary Centre - Full Granted - 4/2/2016

W/35024 - Proposed Prep Room And Storage Areas With Extensions To A Commercial Kitchen And Dining Room - Full Granted - 9/3/2017

## Planning Policy

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

SP1 - Sustainable Places and Spaces

SP2 - Climate Change

SP14 - Protection and Enhancement of the Natural Environment

GP1 - Sustainability and High-Quality Design

GP2 - Development Limits

EQ4 - Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**St Clears Town Council** – No comments.

**Local Members** - No comments.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of a site notice erected 9/2/2023 and was in situ for a period of 21 days. No public representations have been received at the time of writing this committee report.

## Appraisal

### Principle of development

The application site known as 'The Old Board School Guest House' is south of the main centre of St Clears on the A4066 road to Laugharne. Access to the site is via a spur road off High Street via a dead-end access road to Pen Y Ffordd. The application site operates as a mixed use, as both a guesthouse and linked home for the applicant.

The proposal consists of the installation of an 8 kWp solar panel system consisting of 36 No. panels fitted to the South, West and East Roof surfaces. As the proposal is for installation of solar panels to a commercial premises the most relevant policies are considered to be GP1 - Sustainability and High Quality Design, SP1 - Sustainable Places and Spaces, SP2 - Climate Change, SP14 - Protection and Enhancement of the Natural Environment.

It is considered that the proposed installation of solar panels are compatible with the objectives and criteria of Policy GP1 of the Carmarthenshire LDP (Adopted 2014) as the Old Board School Guest House is a detached property and the external appearance of the proposed solar panels are deemed to have a minimal impact on the character and appearance of the property and surrounding area.

Moreover, it is considered the use of sustainable technology will improve the sustainability of the property and business by promoting energy efficiency and being resilient to the impacts of climate change. As such the proposal is considered to comply with policies SP1 and SP2 of the Carmarthenshire LDP (Adopted 2014).

### Amenity Impacts

The nearest residential properties to the site are approximately 20m to the west and 35m to the north east. Given the distances involved and the nature and scale of the proposed development it is considered that the proposed development would not result in a detrimental impact upon neighbouring amenity.

## 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

The proposal consists of the installation of an 8 kWp solar panel system consisting of 36 No. panels fitted to the South, West and East Roof surfaces, the installation of the proposed solar panels are deemed to have a minimal impact on the character and appearance of the property and surrounding area and would not detrimentally impact neighbouring amenity. Moreover, it is noted the use of sustainable technology will improve the sustainability of the property and business. Therefore, after careful consideration of the scheme as submitted, it is concluded on balance that the proposal is in accordance with the policies GP1, SP1, SP2 and SP14 of the Carmarthenshire Local Development Plan 'LDP' (adopted 2014). The application is therefore put forward with a favourable recommendation subject to the attachment of conditions.

## RECOMMENDATION - Approval

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### Conditions & Reasons

#### Condition 1

The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.

*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

#### Condition 2

The development shall be carried out in accordance with the following approved plans and documents:

- Proposed South and West Elevations Plan [AVH-947-06]
- Appendix A - Solar Panels Information
- Existing Location and Block Plan [01]
- Proposed East Elevation and Section A-A Plan [AVH-947-07]
- Proposed Block Plan [AVH-947-05]
- Planning Statement and Justification Report

received 19/12/2022

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

### Notes / Informatives

#### Note 1

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer)

should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

## **Note 2**

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).



|                       |                 |
|-----------------------|-----------------|
| <b>Application No</b> | <b>PL/05408</b> |
|-----------------------|-----------------|

|                         |   |
|-------------------------|---|
| <b>Application Type</b> | Full planning permission  |
| <b>Proposal</b>         | Proposed change of use from a former Methodist Chapel into 3 no. one bedroom flats including creating a new first floor structure and the provision of roof lights to the first floor roof area |
| <b>Location</b>         | Cambrian Chapel, The former Victoria Road Methodist Church, Llanelli, SA15 2LE  |

|                           |   |
|---------------------------|---|
| <b>Applicant(s)</b>       | Adeilad Property Management - Mr Adam Jones |
| <b>Agent</b>              | Lewis Partnership - Philip Lewis            |
| <b>Officer</b>            | Zoe Baxter                                  |
| <b>Ward</b>               | Glanymor                                    |
| <b>Date of validation</b> | 10/02/2023                                  |

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Louvain Roberts.

## Site

The application site comprises the former Methodist Chapel building situated on the junction of Bryn Road and Queen Victoria Road in Llanelli. The site is located to the southwest of Llanelli Town Centre. The site is situated within a predominantly residential area.

The Chapel building comprises the majority of the site area with a small external area to the front, rear and south side of the building. The Chapel is understood to have been built in 1913, in the Simple RoundHeaded style of the gable entry type, by architect D.L. Jones of Llanelli. However, the building is not listed. The front elevation and north side elevation of the building is attractive with stone finish, whilst the rear and south side of the building is more modern in appearance with an extension and render finish. There is no vehicular access to the site or parking within the site area.

The site is located within the development limits as defined in the Adopted Local Development Plan. It is not allocated for any purpose. The site is located within Flood Zone A as per Natural Resources Wales (NRW) Development Advice Maps (DAM). There are no Tree Preservation Orders on site and no listed buildings in close proximity.

## Proposal

The application seeks full planning permission for the change of use of the former Chapel to provide 3 no. one bedroom flats, including creating a new first floor structure and provision of roof lights.

The application is supported by Existing and Proposed Floor Plans showing how the reconfiguration and conversion of the building is proposed. At ground floor the existing front entrance and rear access points are proposed to be retained and utilised. The front, main entrance to the former Chapel building will provide access to a stairwell leading to first floor and access to flat 1 at ground floor. To the rear a second flat is proposed to be created accessed via the rear entrance. A new first floor is proposed providing a third flat. Each of the flats are proposed to provide open plan kitchen/living/dining area all with separate double bedroom and bathroom. The flats range from 34sq m to 52sq m.

Externally the proposal involves minimal alterations as part of the current application, with three new rooflights to the roof of the main Chapel and repositioning and amended style windows and door at ground floor of the existing rear extension. A new bat box is also proposed on the rear elevation. The submitted plans indicate that there will be no change to the materials or the external finish of the building.

There is no parking associated with the former Chapel use and this is not proposed to change as part of the current proposal.

## Planning Site History

The following previous applications have been received on the application site:

PL/03090 - Proposed change of use from a former Methodist Chapel into 4 no. one bedroom flats including raising the eaves of the main roof, enlarging windows and rear first floor extension on top of existing footprint and new ground floor staircase extension - Full Refused - 23/12/2021 – Appeal dismissed (01/11/22)

S/14979 - Conversion Of Existing Store Room Into New Kitchen And Disabled Toilet - Full Granted - 29/01/2007

## Planning Policy

In the context of the Authority's current Development Plan the site is within the defined development limits of Llanelli as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan. Reference is drawn to the following policies of the Plan:-

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

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution- Settlement Framework
- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- GP3 Planning Obligations
- H2 Housing within Development Limits
- AH1 Affordable Housing

EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

### [Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - No observations received to date. Responded on the previous application confirming no adverse comments to make.

**Valuations Manager** - No observations received to date.

**Head of Public Protection** - No adverse comments to make.

**Environmental Health Noise** – standard response issued.

**Environmental Health Contaminated Land** – as the footprint of the building remains the same and assuming no ground works are involved, no adverse comments.

**Built Heritage Officer** – following review of amended plans, the Officer advised the building is not listed or in a conservation area, and I don't consider the proposed new use and works to facilitate the use would be contrary to EQ1 of the Council's LDP.

**Llanelli Town Council** – Object on the basis that the proposal is insensitive to the character of the building and surrounding area, contrary to Policy EQ1 and does not include provision of parking resulting in highway safety concerns in contravention to Policy GP1 part h).

**Local Member(s)** - Councillor Louvain Roberts has requested that the application is reported to Planning Committee and a site visit undertaken due to concerns over traffic/parking and impact on neighbours.

**Local Member(s)** - Councillor Sean Rees objects on the basis that application is similar to refused PL/03090 and is insensitive and fails to respond to the existing building and existing car parking issues.

**Dwr Cymru/Welsh Water** – no objection subject to condition.

**Dyfed Archaeological Trust** – no objection subject to condition for photographic survey.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of neighbouring letters.

Two representations were received, both objecting, the matters raised are summarised as follows:

- Building has never been in residential use.

- Parking is a huge issue in the area and proposal will escalate this.
- Unsafe access arrangements onto Bryn Terrace.
- Church overlooks property which adjoins the site and is at lower level, three flats is a significant security risk and introduction of new windows at first floor will raise privacy concerns.
- Security fencing is needed to the rear of the Church and this would significantly reduce light into property.
- The existing character of the Church will be ruined by any works to the exterior and ruin its place in the community and is contrary to Policy EQ1.
- Noise pollution and anti-social arising from three new dwellings, queries whether the flats will be used for social housing or vulnerable residents.

All representations can be viewed in full on our [website](#).

## Appraisal

### Principle of development

The application site is located within the defined development limits of Llanelli and within an existing established residential area, as such the principle of change of use for residential and conversion of the existing building at the site is accepted, albeit subject to compliance with relevant Local Development Plan policies.

### Impact upon character and appearance of the area

In terms of the character and appearance of the building and surrounding area, as acknowledged, planning permission has previously been refused and an appeal dismissed relating to utilitarian changes. However, it is worth noting that the previous application sought to increase the height of the roof and introduce a new render band above the existing stonework, alongside changes to the size and style of the fenestration. The Local Planning Authority nor an Inspector on behalf of Welsh Government were supportive of the changes resulting in a harmful impact to the character and appearance of the distinctive historic building.

The current submission takes account of the previous refusal and seeks to respect the character and appearance of the building with minimal changes proposed to the external appearance. Following amended plans, the Authority's Built Heritage Officer (BHO) highlights that the building is not listed nor within a Conservation Area and acknowledges that the proposals have been significantly revised from the previous submission. No changes are proposed to the roof height or front elevation with only three rooflights proposed, two to the south elevation and one on the more prominent north side elevation facing Bryn Road. In addition, all windows and external doors of the original Chapel are proposed to be retained, which will contribute to preserving the character and appearance of the building. To the rear, the existing single storey extension is proposed to be altered through removal of an existing window on the south side elevation and include a slightly larger window on the rear elevation.

As such, the application is considered to be mindful of the design of the proposed changes to enable conversion and is sympathetic to and retains the character of the existing building. The proposed alterations are not considered to result in a notable change to the external appearance of the building. Following the latest amended plans, the BHO confirms no

adverse comments to make. The proposal is therefore considered to comply with the requirements of LDP Policy EQ1 in relation to preserving the built and historic environment.

### **Privacy Impacts**

Concerns are raised by third parties in relation to loss of privacy associated with the proposed development. However, the proposal does not result in the creation of any new windows at first floor. Instead, three new rooflights are proposed to provide additional light to the rooms created at first floor. The rooflights are proposed to the side elevations, following receipt of amended plans addressing comments from the Authority's Built Heritage Officer, one rooflight is now proposed to the north elevation facing Bryn Road and two rooflights to the south elevation adjacent to neighbouring residential property no. 7 Cambrian Terrace. Nevertheless, given the position of these rooflights and the neighbouring property being set back from the frontage of the Chapel, the proposed rooflights will not result in direct views which would compromise privacy of the neighbouring property.

### **Highway Impacts**

All comments/objections received raise concerns regarding parking arrangements in the vicinity of the site and consider the proposed development will add to the existing problems. The Highway Authority commented on the previous application at the site, for conversion of the Chapel to 4 flats, confirming no adverse comments as the site is in a sustainable location and the proposals are considered to result in a less intensive use. As such, the current application for a reduction in the total number of flats proposed is not considered to raise Highway concerns.

Similarly, the Inspector who assessed the previous appeal at the site for conversion of the Chapel to four residential flats raised no concerns regarding highway safety and commented; "*the traffic and parking requirement likely to be generated using four flats would not be significant in the residential context and sustainable location of the site.*"

### **Biodiversity Impacts**

A Bat Survey Report has been submitted with the application which concludes that there are no bats currently utilising the building. In addition, the proposal includes a new Vincent pro bat box to be installed to the rear elevation. Planning Ecology have reviewed the submission and confirmed no objection subject to a condition requiring the bat box referred in the report to be installed and details of any external lighting to be submitted for approval.

### **Flood Risk Implications**

The application site is identified to be in Flood Zone A on Natural Resources Wales (NRW) Development Advice Maps (DAM). As such, there are no flood risk considerations. The initial response from the SAB team recommended submission of a drainage statement. However, given there is no change in footprint of the building or hardstanding at the site there will be no change to the existing surface water drainage arrangements at the site.

### **Other Matters**

Concerns are also raised over noise and anti-social behaviour associated with the proposed residential use of the property. The application seeks planning permission for 3 no. 1 bedroom flats within an area which is predominantly residential in nature. As such, the

conversion of the former Chapel to three new flat units is not considered to result in noise levels or anti-social behaviour which would warrant refusal of the application. The intended future occupiers of the flats are unknown and the application does not propose the units for social housing.

## **Planning Obligations**

The Heads of Terms have been issued to the applicant to secure the required affordable housing contribution. The Authority's legal team will be instructed to complete the Unilateral Undertaking subject to a resolution being received from the Planning Committee to grant planning permission. As such, the application will comply with the requirements of Policy AH1.

In the event that the required legal agreement is not signed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

## **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 based on the current plans, alongside third-party comments and responses from statutory consultees, it is concluded on balance that the proposed conversion and associated minor alterations are acceptable. The application site is located within the defined settlement limits as delineated within the Adopted LDP and therefore there is no in-principle objection to developing the site for residential use. Furthermore, the external alterations are minor in nature and will not detract from the character and appearance of the existing building which makes an important contribution to the streetscene. The proposal is not considered to be contrary to LDP Policy EQ1.

It is considered that the issues of concern and objection raised have adequately been addressed as part of the above appraisal. The proposed development will not result in loss of privacy implications or highway safety concerns which would warrant refusal. The Highway Authority previously confirmed no objection to the earlier scheme for a greater number of residential units.

On balance, the proposal is considered to be in accordance with the above identified LDP policies.

The application is therefore put forward with a favourable recommendation subject to the applicant entering into a unilateral undertaking or Section 106 Agreement securing a commuted payment towards the provision of affordable housing in the locality in accordance with the requirements of Policy AH1 of the LDP.

In the event that the required legal agreement is not completed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

## RECOMMENDATION - Approval

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### Conditions & Reasons

#### Condition 1

The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

#### Condition 2

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plans and documents:-

- Site Location Plan and Site Plan drawing no. 2040 01;
- Site Location Plan and Proposed Site Plan drawing no. 2040 04 Rev A;
- Existing Site Plan, Floor Plan and Elevations drawing no. 2040 02;
- Bat Survey Report by I&G Consulting;
- Transport Statement Rev B prepared by Acstro;

Received 2 February 2023;

- Proposed Floor Plans and Elevations drawing no. 2040 03 Rev D;

Received 3 March 2023;

*Reason:* In the interests of visual amenity and to confirm the extent of the permission.

#### Condition 3

The development hereby permitted is for conversion of the former Chapel to a maximum of 3 no. 1 bedroom flats as shown on the Proposed Floor Plans and Elevations drawing no. 2040 03 Rev D.

*Reason:* In the interest of clarity and to confirm the extent of the permission.

#### Condition 4

The materials to be used in the external alterations shall be as specified on the Proposed Floor Plans and Elevations (drawing no. 2040 03 Rev D) and be retained thereafter.

*Reason:* In the interests of visual amenity.

### **Condition 5**

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

*Reason:* To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

### **Condition 6**

Development shall not begin until a photographic survey of the existing building has been carried out in accordance with guidelines provided by the Local Planning Authority's archaeological advisors –Dyfed Archaeological Trust Development Management. The resulting photographs should be submitted and approved in writing by the planning authority prior to the commencement of development and deposited with the regional Historic Environment Record, held and maintained by the Dyfed Archaeological Trust, Corner House, 6 Carmarthen Street, Llandeilo, Carmarthenshire, SA19 6AE, (Tel 01558-823121).

*Reason:* To ensure a photographic record of the building remains.

### **Condition 7**

Prior to the first occupation of any flat hereby permitted, the ecological enhancement measures detailed at Section 4.2 of the Bat Scoping Survey (prepared by I&G Ecological Consulting) and shown on the Proposed Elevations must be first implemented. The measures must be retained thereafter.

*Reason:* To ensure the development complies with the Environment (Wales) Act 2016 and PPW (Edition 11, February 2021).

### **Condition 8**

Prior to the installation of any external lighting a detailed lighting plan focusing particularly on minimising lighting impacts around the bat boxes and bat flight paths shall be submitted to the local planning authority for written approval. Thereafter any lighting installed shall be in accordance with the approved details.

*Reason:* In the interest of protecting bats.

## **Notes / Informatives**

### **Note 1**

Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.



In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

### **Note 2**

The affordable housing contribution required in line with Policy AH1 of the Local Development Plan has been secured with the applicant agreeing to enter into a Unilateral Undertaking to pay £6,812.80.

### **Note 3**

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk))

- Please see the relevant responses from the Council's Planning Ecologist, Sustainable Drainage Approval Body (SAB), Highway Authority, Dyfed Archaeological Trust and Dwr Cymru Welsh Water and refer to the recommendations and advice contained therein.

**APPLICATIONS RECOMMENDED FOR REFUSAL**

|                       |                 |
|-----------------------|-----------------|
| <b>Application No</b> | <b>PL/05039</b> |
|-----------------------|-----------------|

|                         |   |
|-------------------------|---|
| <b>Application Type</b> | Full planning permission  |
| <b>Proposal</b>         | Provision of traveller site with twin unit caravan, day/utility room, touring caravan, agricultural buildings, solar array and access improvements (partly in retrospect) |
| <b>Location</b>         | Bryngwyne Fach Farm, Carmel, Llanelli, SA14 7UH   |

|                           |  |
|---------------------------|--|
| <b>Applicant(s)</b>       | Johan & Gina Mansart & De Wulf                               |
| <b>Agent</b>              | Hayston Developments & Planning Ltd - Andrew Vaughan-Harries |
| <b>Officer</b>            | Helen Rice   |
| <b>Ward</b>               | Llanfihangel Aberbythych                                     |
| <b>Date of validation</b> | 28/11/2022   |

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Hefin Jones.

## Site

The application site is located in a rural location some 350m west of the village of Temple Bar, approximately 6.5km (linear distance) south west of the town of Llandeilo, approximately 5km (linear distance) north east of the Gorslas/Cross Hands area and approximately 4km (linear distance) from Llandybie to the south east. The application site relates to a 0.32ha area in the south eastern corner of a wider agricultural field which extends to some 3.31ha within the ownership of the applicant.

The site is accessed via an agricultural access from C2151 public highway that adjoins the north eastern boundary of the site and links the village of Temple Bar to the east to the wider countryside to the west. The southern boundary of the site borders the Nant Pysgodlyn watercourse beyond which lies a public footpath and access track leading to a property known as Glandwr. The remaining north western boundary adjoins the wider agricultural field which is defined by surrounding hedgerows. The land slopes steeply from north to south.

Due to the presence of Nant Pysgodlyn along the site's southern boundary, adjoining areas are identified as being within Surface Water and Small Watercourse Flood Zones 2 and 3 of the most up to date Flood Maps for Planning.

The site itself is currently occupied by a caravan unit and associated extension, mobile unit, a wooden pole structure and various container units and storage units with other associated paraphernalia externally stored. These structures and units have incrementally appeared on the site since late 2017.

The field areas have been segregated into paddock areas which accommodate the applicants animals, including some pigs and cows.

## Proposal

The proposal seeks planning permission for a single traveller site with one twin unit caravan, day/utility room, touring caravan, agricultural buildings, solar array and access improvements. The proposal would accommodate a family of 2 adults and 4 children. The application is largely retrospective given that the majority of the structures have already been placed on the land. The application seeks permission for:

- Retention of a static twin unit caravan unit (albeit relocated within the site)
- Retention of a mobile caravan unit on the site
- Proposed erection of a detached, single storey pitched roof day/utility room (9m x 5.6m with an eaves height of 2.2m and ridge of 3.5m, finished in cement render with a slate or tiled roof)
- Retention of a single storey timber constructed agricultural storage barn (11.5m x7.5m with a maximum roof height of 2.8m)
- Retention of two storage containers for use as general storage and animal feed store
- Retention of storage unit used for storage of batteries and electrical switch gear in association with a solar array of 10 solar panels also proposed to be retained
- Retention of hardcore areas around the caravan and site access
- Proposed improvements to the site access to improve visibility including setting the access gates back 10m from the highway edge

The application is supported by a planning and justification statement which sets out how the proposals are considered to comply with national and local planning policies in terms of Gypsy and Traveller developments. The report is accompanied by confidential personal information relating to the applicants that seeks to demonstrate that their lifestyle and cultural traditions fall within the statutory definition of Gypsies as defined in Welsh Government's Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'.

The supporting information explains that the applicants purchased the land in 2017 with a view of establishing a sustainable and self-sufficient lifestyle close to a primary school and to the applicant's place of work. The information explains that both applicants are descendants of families that traditionally lead a nomadic lifestyle travelling in caravans and barges across Europe. The applicants moved to the UK in 2015 to continue this lifestyle and searched for a parcel of land sufficient to create a smallholding to enable them to live a sustainable and self-sufficient existence. The supporting information clarifies that as the County Council had no public sites available at that time to meet their criteria, they purchased the current application site. The supporting information acknowledges that the site has since developed without the required planning permissions and that the site is the

subject of Enforcement Notices. However, the submission explains that as the applicant had not communicated their traveller status that this is a material planning consideration that warrants further assessment.

## Planning Site History

The site has been the subject of various planning application history over the years as follows:

E/39541 - Agricultural Livestock Building - Full Refusal - 25/11/2019

P6/16651/89 - Proposed dwelling - Full Refusal - 12/12/1989

P6/18179/91 - Proposed dwelling - Full Refusal - 07/02/1991

The site has been the subject of various unauthorised developments including the placing of the structures and units currently on site that this application is seeking to gain planning permission to retain. As a consequence of these unauthorised activities, the site has been the subject of enforcement investigations and actions by the Local Planning Authority.

By way of background, a complaint was received in December 2017 regarding the placing a static caravan on the site. Investigations by the Planning Enforcement team followed where initially it was suggested by the applicant that the caravan was being used for storage purposes associated with the agricultural use of the land. However, further unauthorised works were undertaken including the creation of tracks leading down to the current location of the caravan. The caravan was initially placed towards the northern end of the field but was subsequently moved to its current position.

Following continued investigations, an Enforcement Notice was served in May 2019 alleging that without planning permission, the unauthorised change of use for the siting of a static caravan (in residential use), touring caravan (in residential use) and storage container. The notice required removal of the residential static caravan and associated paraphernalia (septic tank, gas storage, water connection) remove 1 touring caravan and associated paraphernalia (Septic tank, gas storage, water connection) remove 1 storage container, remove 1 trailer, removed any material associated with the dismantlement of a 2nd static caravan within 6 months of the date the notice took effect. This Enforcement Notice came into affect on 17 June 2019. No appeal against the notice was made. The Notice was required to have been complied with by 17 December 2019.

A further Enforcement Notice was issued in June 2019 alleging, without planning permission, the excavation of soil and creation of tracks. The notice required removal of stone material forming the access tracks and hard standing areas from the site and reinstatement of the land to agricultural/grazing use within 6 months of the date the notice took effect. This Enforcement Notice came into effect on 31 July 2019. No appeal against the notice was made. The Notice was required to have been complied with by 31 January 2020.

The Local Planning Authority have discretionary powers to decline to determine a retrospective planning application on sites where Enforcement Notices are in effect. However, during the Enforcement Investigations there had been no mention of the current assertion that the applicants fell within the definition Gypsy and Traveller as defined in Welsh Government's Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'. It

was therefore considered that this assertion was a material planning consideration that differed from the allegations within the Enforcement Notices and as such it was agreed that the Local Planning Authority would accept the applications to consider the proposals further.

## Planning Policy

In the context of the Authority's current Development Plan the site is located in the countryside outside the development limits of settlements defined within the adopted Local Development Plan (LDP). The relevant policies comprise:

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

SP1 Sustainable Places and Spaces  
SP3 Sustainable Distribution- Settlement Framework  
SP11 Renewable Energy & Energy Efficiency  
SP12 Waste Management  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
H7 Gypsy and Traveller Sites  
H9 Residential Caravans  
TR3 Highways in Developments- Design Considerations  
EQ4 Biodiversity  
EQ5 Corridors, Networks and Features of Distinctiveness  
EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice](#) (TANs) published by Welsh Government.

In addition, the guidance set out in [Welsh Government's Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Site](#) is of particular relevance in this case.

## Summary of Consultation Responses

**Head of Transportation & Highways** – raise no objections to the development on highway safety grounds subject to the imposition of conditions seeking improvements to the existing access to comply with agricultural access standards, securing the required visibility splays, hard surfacing of the access road and set back of the gates.

**Head of Public Protection** – raise no objections to the development.

**Sustainable Drainage Approval Board** – raise concerns regarding the surface water risk at the development site and that a management plan setting out how surface water risk would be managed on the site is submitted. This should include measures to protect the development and evidence that the proposed development and any flood mitigation measures would not adversely affect neighbouring properties in terms of flood risk, in the form of a flood consequences assessment. In addition they advise that the proposal would require SAB approval.

**Housing Officer** – confirms that the Council has no record of any enquiries received from either of the applicants for Gypsy/Traveller pitches. In terms of need for additional Gypsy/Traveller pitches, the position has changed dramatically since the publication of the last Gypsy/Traveller Accommodation Needs Assessment in 2019. There have been 18 pitches which have gained planning consent since then and there are also two other pending applications, in addition to this application which if granted would provide a further 12 pitches. There are a number of unoccupied pitches at the Council's Gypsy/Traveller site at Penybryn, Llanelli. Therefore there does not appear to be an overall shortage of Gypsy/Traveller pitches in the County at the present time. The Needs Assessment will be updated in 2024.

**Llanfihangel Aberbythych Community Council** – object to the development on grounds of its scale, appearance and impact on surrounding areas and neighbours and question whether it is located within the LDP.

**Local Member(s)** - Councillor Hefin Jones has requested that the application be considered by the Planning Committee on grounds that it comprises development in the open countryside and therefore contrary to the Local Development Plan and National Planning Policy.

**Natural Resources Wales** – raise no objections to the development but state the need to consult the Local Lead Flood Authority due to the site's proximity to the ordinary watercourse (Nant Pysgodlyn) for further advice.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of a site notice.

9 representations were received from 7 different households, 6 objecting from 4 different households, and 3 in support. The matters raised are summarised as follows:

### Letters of Objection

- Proposal is contrary to planning policy
- Unjustified development in the open countryside
- Unacceptable visual impact upon the local landscape and community in highly visible location near public road and footpath
- Pollution impact from human and animal waste run off into watercourse
- Insufficient foul drainage arrangements
- Impact of development on nearby businesses through loss of custom
- Increased traffic
- Loss of privacy due to overlooking
- Increase noise from use of generators
- Inaccuracies in the submission referring to incorrect proximity to a watercourse, a twin unit caravan is in fact a single static caravan with a sub-standard extension, storage containers are a combination of storage container units and a back of a lorry, there are trees within proximity of the site, the site is commercial in that they claim to be rearing livestock.

- The applicants do not own Bryngwyne Fach Farm but rather a plot known as Bryngwyne Fach Farm Cottage. Bryngwyne Fach Farm is a neighbouring property which the applicants do not have the right to file a planning application.
- Granting planning permission would set a precedent for anyone to purchase a field and commence living on the site

### **Letters in support**

- The family are well integrated into Llandeilo society through work, socially and children attending the local school.
- They bought the land in good faith to find a legal and acceptable solution to make it their home as they had planned.
- The proposal has minimal impact and will provide a home for a great family that aims to continue to contribute to our society.
- They are both hard working individuals with one having a position working at a local hotel in Llandeilo.
- Planning permission should be granted so they can build the house that they and their family deserve

All representations can be viewed in full on our [website](#).

## **Appraisal**

All planning applications must be considered in accordance with the Development Plan unless other material planning considerations indicate otherwise.

In this case, given the nature of the proposal that seeks permission for a single traveller pitch, the key policy of relevance within the Development Plan is Policy H7 Gypsy and Traveller Sites. In addition, regard must also be given to the national advice on Gypsy and Travellers contained in Welsh Government's Circular 005/2018.

Having regard to these principal policies the main considerations of this case are considered to be whether the applicants meet with the definition of Gypsy and Traveller, whether there is a justifiable need for the development, whether the location of the development is acceptable having regard to its proximity to services, facilities and main transport routes, whether the proposal would have a detrimental impact upon residents and adjoining land uses, whether the site is capable of being serviced by the necessary utilities, whether the development would have an unacceptable impact upon the landscape/townscape. In addition, other key material planning considerations relate to the impact of the development on highway safety, flooding and drainage impacts. These are discussed in turn below.

### **Gypsy and Traveller Status**

Circular 005/2018 refers to the definition of Gypsies and Travellers as contained within Section 108 of the Housing (Wales) Act 2014 which confirms that Gypsies and Travellers means;

- (a) Persons of a nomadic habit of life, whatever their race or origin, including –
  - (i) Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and



(ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and

(b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

In support of the application, confidential details of the applicant's personal circumstances have been provided to seek to demonstrate compliance with the above definition. This information includes references to both the applicants' family history indicating a connection with a nomadic form of life travelling on barges and in caravans in search of work across Europe. A series of photographs is provided to support this claim. Since arriving in the UK, the family initially lived on a narrow boat before moving onto the application site.

The information submitted with the application, whilst indicating a nomadic way of life, is limited. The Local Planning Authority have been in discussion with the applicants in relation to the unauthorised developments on the site for a considerable period of time. During this time, no mention of the applicant's connection with a nomadic way of life was made. This has only been raised through the submission of this application. The submission indicates that prior to the applicants purchasing the site in 2017 that contact was made with the Council to understand whether there was any pitch availability within the County to meet their needs. Unfortunately, the Council has not been able to find any records of such queries being made.

However, despite the above, in the absence of evidence to the contrary it is considered on balance, based on the information provided that the applicants would meet with the above definition. This is further corroborated by a letter submitted by the applicant from the Gypsy and Traveller Engagement Officer from the Travelling Ahead: Gypsy, Roma and Traveller Advice & Advocacy Service, who confirms following her visit to the family that in her opinion they would fit with the above-mentioned definition. On this basis, it is considered that the applicants meet with the definition contained in Circular 005/2018.

### **Justification of need**

The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. Such assessments are required to be undertaken at least every 5 years after adoption of the initial assessment.

In Carmarthenshire, the most recent Gypsies and Travellers Accommodation Assessment (GTAA) was published in 2019. The GTAA identified a shortfall of 19 pitches in 2019, that was predicted to increase to a shortfall of 23 pitches by 2024 and 31 by 2033. However, since the assessment was undertaken, 18 additional permanent pitches have been granted planning permission and many have been or are in the process of being developed. In addition, a further application for 10 additional pitches is minded to approve subject to addressing highway matters which is nearing resolution. Therefore, the latest information available to the Authority indicates that the projected shortfall in pitches by 2024 has now been met through the granting of various permissions within the County since 2019.

The supporting information submitted with the application seeks to justify the need on grounds that there are no private or public sites available and unlikely to be available in the near future. It appears that this statement has not taken into account the availability of pitches that have and will be generated by the recent planning permissions that have been granted which would appear to meet the current unmet demand for pitches along with

availability on existing public sites as referred to by the Housing Officer. The submission also refers to the particular circumstances of the applicants who are seeking a self-sufficient lifestyle co-located with their animals which would not be possible on a public site. However limited information has been provided with the application to set out these particular circumstances including details of their animals/agricultural activities albeit the applicants have some pigs and cows as witnessed by the Planning Officer.

In summary therefore it is considered that the unmet demand for pitches, based on permissions granted since the last 2019 assessment, has been addressed and therefore there is no demonstrable need for a further gypsy site at the present time. Furthermore, whilst the applicant has sought to justify the need for site based on their stated preference to lead a self-sufficient lifestyle co-located with their animals, insufficient information has been provided to support this claim.

### **Appropriateness of Location**

Criterion a) of Policy H7 requires that the proposed location of a new Gypsy and Traveller caravan site must be reasonably accessible to a range of facilities and services, including existing community, social, and educational provisions, and within close proximity of main transport routes.

The site is located outside of the settlement boundary of Temple Bar and is therefore within the countryside. Whilst it is accepted that Gypsy and Traveller sites can be located within the countryside, the above criteria requires such locations to be sustainable in terms of proximity to a range of facilities and services and within close proximity of main transport routes. The village of Temple Bar and Carmel have limited facilities and services and therefore realistically the nearest settlements to the site that provide a range of facilities and services is Llandeilo to the north and Gorslas/Cross Hands to the south west and Llandybie/Ammanford to the south east. The policy requires sites to be reasonably accessible. There is no definition of what would be classed as reasonably accessible and as such this is to be applied on a case by case basis having regard to the specific circumstances of each case. Nevertheless, it is considered that reasonably accessible remains to require sites to be in sustainable locations where residents can easily and readily travel to services and facilities via a range of transport modes. Circular 05/2018 states that in allowing for sites within the countryside that local authorities will need to be realistic about availability, or likely availability, of alternatives to the car in accessing local services and that over rigid application of sustainability policies to block proposals for gypsy and traveller sites would be inappropriate.

The site is located some 6.5km south of Llandeilo where the applicant advises that they work and the family's children attend the local school. Such a distance would require a vehicular journey. The information submitted in support of the application states that there are bus services to Llandeilo and there are good public transport links to both Llanelli and Carmarthen. However, the supporting information does not expressly state the location and frequency of these public transport links. There is a bus stop within Temple Bar which serves the 278 service between Llandeilo and Carmarthen, but this operates on a Thursday only. There are no further public transport links within walking distance of the site. The nearest train station is located at Llandybie some 3 miles to the south east.

Therefore, all journeys from the site to Llandeilo and to access other services and facilities are likely to require use of the private car. Therefore, whilst the site is in close proximity to a main road, there are no reliable and frequent sustainable transport modes available other

than the private car. Whilst it is acknowledged that rural locations generally do not benefit from sustainable transport modes, it is considered that this location is particularly limited and as such on balance is considered to be unsustainable.

The explanatory text to the policy explains that application must prove why a new site is required at this location. In this regard, the application specifies that the location is largely predicated on the fact that the applicant's own the land and that they require land in order to raise their livestock and that it is within proximity to the applicant's place of work and local school. The ownership of the land is not sufficient justification to have a new site at this location. Furthermore, the presence of the livestock is not considered sufficient justification either on grounds that there is limited information provided as to the level of livestock on the site at present, but given the scale of the field area it is not considered to be of a level that would justify for someone to be residing on site for the majority of the time. The justification that the site is in proximity to the applicant's place of work and local school is contradicted by the distance as outlined above. Therefore, it is not considered that sufficient justification has been put forward to prove why a new site is required at this location. The proposal is therefore not considered to comply with criterion a) of Policy H7.

### **Impact upon neighbours and adjoining land uses**

Criterion b) of Policy H7 requires that a new Gypsy and Travellers site is not detrimental to nearby residents and adjoining land uses by virtue of noise or other disturbances.

The site is not located immediately adjacent to any dwelling or residential buildings. The nearest residential dwelling, known as Limegrove is some 140m east of the caravan unit on the site, with further residential properties within the settlement of Temple Bar some 250m away to the east and south. To the west the residential property associated with a farmstead known as Glandwr is located some 525m from the site with further residential properties known as Bryngwyne Fach and Bryngwyn some 570m further north west. Given the distance of the site from nearby residential properties and the fact that it relates to a single pitch, it is not considered that the proposal would give rise to noise impacts that would have a detrimental impact upon nearby residents.

It is acknowledged that several residents objecting to the development have raised concerns regarding the development's impact upon their living conditions, including loss of privacy and overlooking. However, given the distances quoted above, along with intervening fields and vegetation, the proposal would not result in loss of privacy and overlooking to nearby residential properties. Whilst it is acknowledged that the development would be adjacent to access roads leading to nearby residential properties, it is not considered that overlooking from the site onto an access drive would give rise to unacceptable impacts upon living conditions. Furthermore, in terms of adjacent land uses, the site is surrounded by agricultural fields and there are no other land uses, with exception to residential properties, within the vicinity. On this basis, it is considered that the proposal, by reason of its scale and use and distance from surrounding residential properties and other land uses, would not be detrimental to nearby residents and occupiers of land and therefore complies with criterion b) of Policy H7.

### **Availability of utilities/services**

Criterion c) of Policy H7 requires that a new Gypsy and Travellers site must be capable of being serviced with water, electricity, sewage and waste disposal.

The supporting information advises that the site has a water supply via mains supply with the DCWW watermain understood to be located within the eastern boundary of the application site. Electricity is provided via the solar array panels. In terms of foul drainage, the supporting information describes that due to the site's proximity to the nearby watercourse the provision of a private treatment plant was not deemed acceptable and therefore the site is currently served by an alarmed sealed tank., understood to be a cesspit. Details of this system have not been supplied and it is not clear whether it has been benefits from an exemption by NRW. The nearest public foul drain appears to be located within Temple Bar and as such, the provision of a private system is generally accepted. However, in line with Circular 08/18 'Planning requirements for private sewerage in new development', a sequential approach to private foul drainage systems is required, with the provision of a private treatment plant being the first option, followed by a septic tank and then a cesspit due to the environmental risks associated with such arrangements. As mentioned above, the supporting information briefly states that due to proximity to the nearby watercourse a private treatment plant was deemed inappropriate and therefore a sealed tank was installed. It is not considered that the information submitted to date is sufficient to satisfy the sequential approach to private drainage systems advocated by Circular 08/18 nor gives sufficient detail as to the arrangements in place to ensure that the system installed would not result in environmental damage. As such, at present, there is insufficient information to conclude that the foul drainage arrangements are capable of serving the development as required by criterion c) of policy H7.

### **Impact upon the surrounding area**

Criterion d) of Policy H7 requires that a new Gypsy and Traveller site would have no adverse effect on the landscape/townscape or the setting and integrity of the historic environment.

Whilst the site is not within a designated special landscape area nor historic landscape area, it is located within a rural landscape that is characterised by agricultural fields and traditional scattered existing and former farmsteads intrinsic of rural Carmarthenshire. Despite being in fairly close proximity to the nearby settlement of Temple Bar, it is considered that the physical and visual separation of the site from the more dense built form firmly places the site within a countryside setting. The site, despite intervening vegetation, is visible from both the adjacent public highway along its eastern boundary and particularly views from the public highway from the north and the public footpath along the southern boundary.

The retrospective nature of the development enables an assessment of the development's impact upon the surrounding landscape. The application seeks to retain the existing structures and units as well as providing an additional day room/utility on the site. The visual appearance of the site, being characterised by a static caravan and associated extension, mobile caravan, pole barn and various storage containers of varying materials, and appearance that are spread across the southern extent of the site jars with the established character of other nearby residential and farming properties. The proposal does not include any proposals that would seek to rationalise or improve upon the existing appearance of the site through consolidating or appropriate treatment of the external appearance of some of the structures to improve upon its visual appearance nor consideration of any additional landscaping proposals (other than retention of existing) to enable the site to better harmonise with its surroundings. It is therefore considered that the proposal represents a sporadic development that is visually discordant in comparison to the wider landscape within which it is located to the detriment of the character and appearance of the countryside setting. The proposal is therefore not considered to comply with criterion d) of Policy H7 of the LDP.

## **Highway Impacts**

Policies GP1 and TR3 of the LDP requires all developments to give consideration to highway safety impacts including the provision of appropriate access arrangements that accord with standards along with suitable off street parking and turning areas.

The application site is accessed from the public highway via a historic field gate that has since been improved through widening the access apron and the creation of hardstanding which this application is seeking to retain along with additional improvement in the form of permeable hardcore and set back of the access gates by 10m from the back edge of the highway.

The proposal is for a single pitch unit serving one family and therefore, it is not considered that the traffic movements generated by the development would be so significant to give rise to highway safety concerns. The Council's Highways Department were consulted on the application and raised no concerns with the application subject to the imposition of conditions to secure the required visibility splays at the access and parking and turning arrangements. These requirements are deliverable having regard to the extent of land owned either side of the access to secure the visibility splays which will require management of the hedgerows along with more than ample space within the site to cater for parking and turning needs associated with the development. On this basis, it is considered that the proposal would not give rise to highway safety concerns and is therefore compliant with the relevant criteria in policies GP1 and TR3 of the LDP.

## **Flood Risk and Drainage Impacts**

Policy SP2 of the LDP requires that development avoid, or where appropriate, minimise the risk of flooding and where sites are located within areas at risk from flooding they will be resisted unless they accord with the provision of TAN15.

The application site is not within a flood zone as defined by the Development Advice Maps underpinning current TAN15. However, updated flooding maps in the form of the Flood Maps for planning indicate that areas along the southern boundary of the site, and partially where the static caravan is situated is within Flood Zone 2 and 3 of the Nant Pysgodlyn. Given that Nant Pysgodlyn is not a main river, the responsibility lies with the Local Lead Flood Authority (Carmarthenshire County Council) to advise upon the acceptability of the proposals. The Flood Map for Planning was prepared alongside the intended new TAN15 publication. However, the publication of the new TAN15 has been postponed by Welsh Government and therefore it remains that the previous TAN15 remains in force. Whilst that guidance document refers to the zones set out in the Development Advice Maps, the Dear Chief Officer Letter from Welsh Government issued in December 2021 outlines the need for authorities to consider the most up-to-date flooding information available and therefore is a material planning consideration when determining planning applications.

In considering this issue, the Council's Sustainable Drainage Approval Body has confirmed that in order to fully assess the proposals a flood consequence assessment is required. This would serve to confirm the nature of the flooding events that are likely to take place including velocity and depth to assess whether or not adequate management or mitigation measures could be incorporated to minimise risk. The supporting information is silent on the matter of flooding and hence no details were provided. However in response to this the applicant has suggested re-positioning of the residential accommodation units outside of the floodzone area and has submitted amended plans to illustrate this for consideration. This proposal is,

at the time of writing, under consideration by the Authority's SAB team. An update of their response will be provided in an addendum or at the Planning Committee. However, at present, it is considered that there is insufficient information to enable the Council to conclude that the risk of flooding can be minimised in accordance with policy SP2 of the LDP.

## **Other Material Planning Considerations**

### Human Rights

Circular 05/18 stipulates that decision makers must have regard to the Human Rights Act 1998 (HRA) which incorporates the European Convention on Human Rights into domestic law and the Public Sector Equality Duty (PSED), established by Section 149 of the Equality Act (2010) when making decisions. The former requires that decisions take must respect private and family life and the home, and peaceful enjoyment of their possessions of both Gypsies and Travellers and local residents. In addition, the PSED is relevant given that Gypsies and Travellers is a protected characteristic as defined in the Equality Act. The PSED requires the Council to have due regard to various policy objectives set out in the statute when exercising its functions, in particular in this case, the need to advance equality of opportunity between people who share a protected characteristic and those who do not. In terms of advancing equality of opportunity, the elements of this which are most relevant to this planning application are: removing or minimising disadvantages suffered by people due to their protected characteristics; and taking steps to meet the needs of people from protected groups where these are different from the needs of other people. The definition of Gypsies and Travellers for planning purposes as set out is based on "habit of life" and not dependent on people identifying as members of any particular race. In this case however, the Council is satisfied that the applicants do share the protected characteristic of race which results in them qualifying for Gypsy and Traveller status. Planning policy set out above recognises that those who fall within the category of Gypsies and Travellers have particular needs related to their characteristics, and direct local planning authorities to consider applications for their residential needs according to tailored considerations. The protected characteristic of age is also engaged in respect of the children on the site.

Given the presence of children on the site who live with their parents, the Council recognises that the best interests of the children is a primary consideration in the determination of this planning application, albeit that it is not determinative. Such interests include the need for the children to remain with their parents, attending a school and obtaining a good education and generally having the same opportunities to all other children.

It is evident that a refusal of planning permission would disrupt the family's current living arrangements which they consider important and which are related, wholly or in part, to their Gypsy and Traveller status. The family would have to move to other sites which may not allow them to live in close proximity to their animals and may require a change in their employment location. Moreover, moving may mean that the children who are in school may have to move from their existing school, friends and associations that they may have established as well as residing in a different, more built up environment than their current arrangements. There would accordingly be interference with the family's Article 8 rights, and impacts on the children which may affect their best interests.

However, this disruption must be balanced against the impact of the development on the wider public interest which planning policy, including by providing specific exception policies in these circumstances such as Policy H7 of the LDP is intended to secure. It is the case

that, as explained above, on the basis of the current available information, that previously unmet demand for gypsy and traveller pitches within the County has been addressed through the granting of planning permission for various sites and therefore it is not considered that there is an unmet demand for pitches. Furthermore, it is not considered that sufficient information has been provided to fully demonstrate the need for the site at this particular location other than the fact that the applicant currently owns the site and their aspirations to lead a self-sufficient sustainable life, albeit the details are limited. The requirement to act in a manner compatible with Article 8 of the European Convention on Human Rights does not require the Council to conclude that individuals' preference for their place of residence should override the general interest, especially where that general interest is assessed through planning policy. Whilst it is acknowledged that refusal of planning permission would require relocation, it is considered that there is prospect of relocation to a Gypsy and Traveller pitch within the County that would still have access to nearby schools and places of employment, along with proximity to agricultural land to enable continued grazing of their small livestock herd. Therefore on balance, it is not considered that the personal circumstances of the applicants, the human rights implications of the refusal of planning permission, nor regard to relevant matters under PSED, constitute material considerations which outweigh policy non-compliance in this instances. Nor do these considerations outweigh the planning harm caused by a sporadic unjustified development in an unsustainable location that has an unacceptable impact upon the character and appearance of the area. For these reasons, it is concluded on balance that any interference with the applicants' article 8 rights by the refusal of permission would be proportionate.

#### Third party comments

The majority of the concerns raised by third parties have been discussed within the above report. However, in terms of matters regarding the setting of precedent, it is the case that each application has to be considered on its own individual merits and therefore allowing this application would not necessarily set precedent for further similar applications to be allowed. With regards concerns regarding the accuracy of information included within the application, whilst there appears to be misleading answers within the application form, the site has been assessed based on its location and the surrounding area including its proximity to the nearby watercourses, footpath, highway and surrounding vegetation. Therefore whilst not expressly noted in the application, the impact of the development on these areas has been duly taken into account. In terms of the site name, the application form refers to the applicant as residing at Bryngwyne Fach Farm. However, Bryngwyne Fach Farm is located some 570m to the north west of the site and is not associated with the application site. However, despite the discrepancy, the application has been assessed on the basis of the site location plan submitted with the application. It is noted that the entrance sign to the site is referred to as Bryngwyne Fach Farm Cottage.

## **Planning Obligations**

None applicable.

## **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 WCFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that whilst the applicants meet with the definition of Gypsy/Traveller, the application fails to meet the requirements of Policy H7 in that the application fails to sufficiently justify the need for an additional site at this particular location, the proposal results in a sporadic development in the open countryside that is visually discordant with the established character and appearance of the landscape within which it is located and insufficient information has been provided to demonstrate that appropriate foul drainage arrangements are capable of serving the site without leading to environmental risks. Furthermore, it is not considered, at the time of writing, that sufficient information has been provided to demonstrate that the development would minimise flood risk in accordance with Policy SP2. The application is therefore recommended for refusal for the following reasons:

## **RECOMMENDATION - Refusal**

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### **Conditions & Reasons**

#### **Reason 1**

The proposal is contrary to Policy H7 'Gypsy and Traveller Sites' and SP1 Sustainable Places and Spaces of the Carmarthenshire Local Development Plan 2014 in that the site is in a rural location that is not reasonably accessible to a range of existing services and facilities including education, medical or retail provisions and is not within close proximity of main transport routes and is not served by public transport. The site is therefore considered to be in an unsustainable location with all journeys to access services, facilities, education and employment being heavily reliant on use of the private car.

#### **Reason 2**

The proposal is contrary to Policy H7 'Gypsy and Traveller Sites' of the Carmarthenshire Local Development Plan 2014 in that it is not supported by sufficient justification to prove the need for a new site at this location having regard to the most up to date information regarding the supply of Gypsy and Traveller pitches within the County. Furthermore, it is not considered that the applicants' stated preference to lead a self sufficient lifestyle co-located with their animals has been sufficiently substantiated to support the need for a private pitch at this location. As such the proposal would result in an unjustified new site in the open countryside.

#### **Reason 3**

The proposal is contrary to Policy H7 'Gypsy and Traveller Sites' SP1 Sustainable Places and Spaces and Policy GP1 Sustainability and High Quality Design of the Carmarthenshire Local Development Plan 2014 in that by reason of the siting, scale, design and appearance of the various elements across the application site area, the development would appear as



a visually discordant, sporadic and incongruous form of development visible from the public highway and adjacent footpath causing an adverse impact upon the character and appearance of the landscape within which it is situated.

#### **Reason 4**

The proposal is contrary to Policy H7 'Gypsy and Traveller Sites and Policy EP2 of the Carmarthenshire Local Development Plan 2014, along with guidance set out in Circular 08/18 in that insufficient information has been submitted to demonstrate that the proposed foul drainage arrangements are appropriate for the site having regard to the drainage hierarchy advocated in Circular 08/18 and insufficient details have been provided to demonstrate that the means of foul drainage is adequate to avoid environmental risks.

#### **Reason 5**

The proposal would be contrary to Policy SP2 'Climate Change' of the Carmarthenshire Local Development Plan 2014 in that insufficient information has been provided to demonstrate that the risk of flooding has been taken into account and resultant risks are minimised.