

**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**

20/06/2024

**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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	20.06.2024
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

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APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/02235
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Application Type	Full planning permission
Proposal	One new residential dwelling
Location	Plot adjacent to Gelli Rhifan, Rhos, Llandysul, SA44 5EE

Applicant(s)	Mr & Miss C & C Davies & Evans
Agent	Thomas Login Architecture - Robert D Thomas
Officer	Helen Rice
Ward	Llangeler
Date of validation	08/07/2021

Reason for Committee

This application is being reported to the Planning Committee at the request of the Local Member Cllr Ken Howell.

Site

The application site is situated adjacent to the settlement boundary of Rhos, Llangeler and comprises part of an agricultural field, which includes a hardstanding area and storage containers which is understood to be associated with the agricultural use of the land.

The site is defined by a hedgerow along its western boundary with the A484, with its northern and eastern boundary being open to the remaining agricultural field and its southern boundary adjoining a residential property that also defines the settlement boundary. An existing agricultural access from the A484 into the field is located immediately north of the application site boundary.

Rhos has developed along the A484 with properties of various designs and scale fronting onto, yet set back from the road. The settlement boundary as defined by the current LDP follows the established built form and includes residential properties on the opposing side of the A484 from the application site. The application site itself however is not included and as such is within the countryside.

Proposal

Full planning permission is sought for the erection of a detached two storey four bedroomed dwelling with an integral garage. The dwelling would be set back from the A484, along a similar building line to the neighbouring residential property. A new opening within the existing hedgerow to provide direct access from the A484 is proposed that would lead onto a hard surfaced area providing turning and parking areas in front of the dwelling with the remaining plot laid to grass. The remaining agricultural field would be accessed via the existing agricultural access situated to the north of the application site. The proposed plot would be defined by the planting of new hedgerows along its northern and western boundaries with the remaining agricultural field with the rear/western boundary following the same rear boundary line as residential properties to the south of the application site.

The ground floor is arranged to provide a hallway that leads into a open plan kitchen, living and dining room with a further separate lounge area from the kitchen and an office space leading from the hallway, an integral garage and utility area is also proposed. The first floor would accommodate a master bedroom with ensuite and walk-in wardrobe, and a further 3 double bedrooms and family bathroom. The total internal floorspace of the dwelling would be 278 sqm. The front gable, garage and plinths are to be finished using natural stone with the remaining walls finished in painted smooth render. Natural slates would be used on the roof with windows and doors being Upvc or Alumunium composite windows in grey.

The application was first submitted as an open market dwelling, with a proposed bathroom over the garage area and the property being larger measuring 335sqm in floorspace. However, during the course of the application, the applicant confirmed that the application was to meet local needs. The plans were then amended to that which is now proposed.

The application is supported by a Supporting Planning Statement, Green Infrastructure Plan and Hedgerow Translocation methodology.

Planning Site History

None

Planning Policy

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

SP1 - Sustainable Places and Spaces

SP2 - Climate Change

SP3 - Sustainable Distribution- Settlement Framework

SP14 - Protection and Enhancement of the Natural Environment

GP1 - Sustainability and High-Quality Design

GP2 - Development Limits

GP3 - Planning Obligations

AH2 - Affordable Housing – Exceptions Sites

AH3 - Affordable Housing – Minor Settlement in the Open Countryside

TR2 - Location of Development – Transport Considerations

TR3 - Highways in Developments – Design Considerations

EQ4 - Biodiversity

EQ5 - Corridors, Networks and Features of Distinctiveness

EP1 - Water Quality and Resources
EP2 - Pollution
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 12](#), February 2024 and associated [Technical Advice Notes \(TANs\)](#) published by Welsh Government.

Summary of Consultation Responses

Local Member - Councillor Ken Howell, is a Member of the Planning Committee and initially commented that the proposal related to an 4 bedroom house within a row of other similar sized dwellings. Cllr Howell requested that contributions should be used towards the construction of a pavement to fill the gap between the existing pavements in the village. Cllr Howell also requested that should the application be recommended for refusal that it be referred to the Planning Committee on the following grounds:

- The proposed site is adjacent, and opposite to existing dwellings.
- The proposed site is adjacent to the settlement boundary.
- There is a lack of deliverable building plots in Rhos.
- The site is within walking distance to Brynsaron school, places of worship, pub, and shop.
- The site adjoins the A484 which provides a regular bus service to Carmarthen, Newcastle Emlyn and Cardigan.
- Building a house of similar size to the existing property will avoid any mortgage difficulty.

The applicants being born and raised locally wish to remain in the area, and the children will be attending the local school which will help to maintain its viability as a rural school in the area.

Community Council – Llangeler Community Council have submitted comments in support of the application. Whilst recognising that the site is outside of the settlement limits, it is adjacent and opposite other residential properties and would therefore not be a standalone dwelling and would rather be part of the community. The couple have managed to obtain the plot through generosity of family friends at a reasonable price. There would otherwise be no hope for the couple to buy or build a house within their locality and as their parents are builders the cost of construction will be low. The couple are local and work locally and wish for their children to attend the local school. Without this opportunity it would be difficult for them to remain in the area.

Head of Transportation & Highways - No objections subject to conditions to secure appropriate access, visibility splays, parking and turning areas and provision of a footway along the site's frontage with the A484.

Dwr Cymru Welsh Water – no objection to the development as there is capacity to treat additional wastewater from the proposed development within the revised environmental permit limits of the Waste Water Treatment Works. A condition is requested that no surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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. No public representations have been received at the time of writing this report.

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

Appraisal

Principle of the development

The application site, albeit adjoining, is nevertheless outside of the settlement boundary of Rhos and is therefore classed as being within the countryside. Whilst there is a general presumption against the erection of new dwellings outside of defined settlements, the LDP, having regard to guidance set out in PPW, recognises that there may be opportunities for the erection of new dwellings provided that they provide for affordable housing to meet genuine identified local need. In particular, paragraph 3.60 of PPW states, "*Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing..*".

The application was originally submitted as an open market dwelling. However, following initial advice that there would be no policy support for an open market dwelling in this location the applicant confirmed that they wished for the application to be considered as a local needs dwelling.

Policies AH2 and AH3 of the LDP are therefore particularly pertinent in this case, both refer to the provision of affordable local needs dwellings outside settlement boundaries. Given the site's location, adjoining the settlement boundary, the development would be seen as an extension to the existing settlement and as such, Policy AH2 Affordable Housing – Exception Sites is most relevant rather than Policy AH3 which refers to proposals in minor settlements that do not have any settlement boundaries.

Policy AH2 states:

Proposals for 100% affordable housing development on sites immediately adjacent to the Development Limits of defined settlements (Policy SP3), will in exceptional circumstances be permitted where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and where:

- a) The site represents a logical extension to the Development Limits and is of a scale appropriate and in keeping with the character of the settlement;
- b) The benefits of the initial affordability will be retained for all subsequent occupants;
- c) It is of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups;
- d) There are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing.

The definition of local need is defined in the Glossary of Terms in the LDP and reads as follows:

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

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

The following appraisal sets out how the application complies with each of the policy requirements.

Compliance with Local Needs Definition

The supporting statement states that the applicants, Mr Ceri Davies was born and raised in the community area of Llangeler, whilst Miss Evans was born and raised in the adjacent community area of Llanfihangel ar Arth. Miss Evans works as a pharmacy manager in Llandysul with Mr Davies working from home and on site as a water technician covering the Carmarthenshire and Ceredigion catchment area. Both attended local primary schools in their respective community areas and both subsequently attended Ysgol Dyffryn Teifi Secondary School, Llandysul. The couple each have two children, and according to the submitted statement currently reside in temporary rented accommodation in the village of Rhuddlan, near Llanybydder, having moved from their previously owned property in Waungilwen in late 2021.

Their current rented accommodation, which has taken the applicants out of the local area, was a temporary measure pending resolution of this planning application and only has 5 bedrooms. The applicants have already purchased the plot, and according to their submitted statement have a remaining budget of £175,000 to build the property. The applicants circumstances confirm that they are in need of a 6 person property and have provided a review of current properties for sale that would meet this need, with all being in excess of £229,000. This has been further corroborated by Officers recently and the situation remains the same. Therefore, it is considered, on balance, based on the information submitted, that the applicants meet with the local need definition in that they have a strong link to the community, are currently residing in unsuitable accommodation for their needs and are looking to establish a new family home on a plot of land within their ownership and to build a property within their means which is not otherwise available on the market.

Criteria a) The site represents a logical extension to the Development Limits and is of a scale appropriate and in keeping with the character of the settlement;

The site is located adjacent to and opposite the existing settlement limits of Rhos and adjoins an existing residential dwelling. The erection of a dwelling at this location would not be viewed as a standalone dwelling in the countryside, but rather a continuation of the organic

growth of the village along the A484. It therefore is considered to comprise a logical extension of the settlement.

In terms of how the property would harmonise with the character of the settlement. Rhos is characterised by dwellings of various scales, types and designs. Directly adjacent to the site lies two detached two storey dwellings of similar frontal dimensions to that proposed, albeit with an overall lesser floorspace than that proposed. Properties directly opposite the site are primarily bungalows and therefore by default the dwelling would be of a greater scale. The plot layout and extent is relative to other adjoining plots. In general, the dwelling would be one of the largest properties within the immediate area. The materials proposed are similar to others used on the existing properties. In general therefore, it is considered that the development would represent a logical extension to the village and whilst it would be one of the largest properties in the village would be viewed within the context of recent dwellings of a similar scale to the extent that despite large, would not be overly dominant in the streetscene and thus detrimental to the character and appearance of the area.

Criteria b) The benefits of the initial affordability will be retained for all subsequent occupants;

Allowing dwellings in the countryside is an exception to normal planning policies which seek to concentrate development within existing settlements. Nevertheless, Policy AH2 along with its counterpart Policy AH3 has an important role to secure a supply of local needs dwellings for residents of the County. It is therefore imperative that such dwellings are retained for local needs purposes only, and thus secure a supply of dwelling to provide future homes for those meeting the local needs criteria and provide affordable housing opportunities within our more rural areas. In this regard, all applications granted under Policy AH2 or AH3, are subject to a legal agreement that places an occupancy restriction on the dwelling to ensure that any future occupants comply with the local need definition. Therefore whilst the property can be sold on the open market, it would be on the basis that it can only be sold to those meeting the local need criteria that by default limits the value of the property. The applicant has been made aware of this and has confirmed they would be willing to enter into such an agreement in the event that planning permission is granted. Therefore, whilst there is a willingness to meet this criteria, as is further discussed below Officers are concerned that the scale of the dwelling exceeds that of an affordable dwelling and as such it is questionable whether the terms of an S106 could realistically be imposed to ensure that it remains available for those in local need.

Criteria c) It is of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups;

Criteria c is a critical element of the policy, in that if the dwelling is not compatible in terms of its size, scale and design with an affordable dwelling in the first place then it fundamentally fails against the policy. Officers have previously advised that a significant reduction in the scale of the dwelling, in comparison to when it was originally submitted would be required to comply with the local needs criteria and to better align with affordable housing space standards set by Welsh Government. The applicants have reduced the scale from the initial submission to the current that amounts to 278sqm in floorspace.

The applicants currently have 4 children and therefore there is a requirement for a suitably proportioned dwelling. Welsh Government's Development Quality Requirement (DQR) Standards and Acceptable Cost Guidance are an useful guide to assess whether floorspaces can be considered affordable. For instance, these documents indicate that the

largest affordable housing unit (10 person 7 bedroom house) would need to have a floorspace of 152sqm, with the equivalent property to that which is proposed (6 person 4 bedroom house) would need to have a floorspace of 110sqm. A degree of flexibility to these floorspaces can be provided and indeed have been provided in relation to recent local needs dwellings which have been approved that whilst exceeding these floorspace standards remain to reflect the standards and would be of a scale that would not result in a sale value that would be wholly beyond those in low to moderate incomes.

The proposed dwelling, at 278sqm, is considered to be excessive and as mentioned above, would be one of the larger properties within the current village. The policy requires the dwelling to be of a scale that would be available to those on low to moderate incomes. The median household income for the Teifi area within which the dwelling is situated is currently £31,823. Having regard to this income and mortgage multiplier rates, it is considered that an affordable 4 bedroom dwelling in the area would be equivalent to £157,524. It is contended that a dwelling of 278sqm would have a value far in excess of this and would be far beyond the reach of those on low to moderate incomes. In fact, the dwelling proposed is comparable to a number of dwellings currently for sale within the area which the applicant themselves confirm are not within their reach.

Furthermore, the applicant has confirmed that their budget to erect the dwelling is £175,000. This equates to a cost per sqm of £630 based on the proposed floorspace, whereas the average cost of developing a dwelling is between £1500 to £2000+ per sqm. Whilst it is accepted that costs will be lower due to the applicant's family being within the construction trade, it is doubtful that having regard to the cost of materials alone that the proposed dwelling could be built within the applicants stated budget.

In support of the application, the agent cites one example of a recent decision by the Planning Committee that granted permission for a local needs dwelling of a similar scale (albeit the permission has not been issued as yet pending Section 106 discussions). However, the agent fails to cite numerous other examples where dwellings of this scale have been refused by the Planning Committee and the Local Planning Authority on grounds that they would be far in excess of what would be classed as affordable and would not be available to low or moderate income groups in the future and thus would fail to provide a supply of local needs dwellings for future generations which is the fundamental principle behind the policy.

In conclusion therefore, it is not considered that the dwelling is of a size or scale compatible with an affordable dwelling and therefore fails against criteria c of Policy AH2.

Criteria d) There are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing.

There are no residential allocations within the settlement of Rhos and therefore this criteria is met.

In conclusion therefore, whilst the applicants are considered to meet with the definition of a local need, and the location of the dwelling is considered suitable, the overall scale of the dwelling is excessive and is not of a scale compatible with an affordable dwelling that would be available to low or moderate income groups. The proposal therefore fails against the fundamental requirement of policy AH2.

Highway Impacts

The proposal would result in the creation of a new access onto the A484. However the Highways Officer has reviewed the proposal and is satisfied that the required visibility splays can be provided and the proposed parking and turning areas are adequate for the dwelling proposed and has recommended conditions to secure these elements. In addition a request is made for the construction of a 1.8m footway along the frontage of the site, which corresponds with similar requests for footways on neighbouring properties. The development is therefore considered compliant with Policies GP1 and TR3 of the LDP.

Biodiversity Impacts

The proposal relates to an agricultural field with the main biodiversity impacts being the removal of hedgerow to create the new access from the A484. However, the applicant has confirmed that the section of hedgerow to be removed is to be translocated onto the site and/or rear boundaries in line with a hedgerow translocation methodology that has been submitted with the application. The proposal also includes the provision of new hedgerows to supplement and extend the translocated sections to create complete hedgerow boundaries on the sites' northern and eastern boundaries with the remaining agricultural field. The hedgerow translocation methodology has been reviewed as acceptable by Officers and provides sufficient detail to give the best possible prospects of the relocated hedgerow to establish. The proposals to include creation of further new hedgerows, to include hedgehog tunnels, also provide a net benefit for biodiversity in line with guidance set out in Planning Policy Wales Edition 12 and Policy 9 of Future Wales: The National Plan 2040.

The application site is within the phosphate sensitive catchment areas of the river Teifi Special Area of Conservation (SAC) where there is a requirement to demonstrate that any development would not result in a significant impact upon the SAC. The application site is within a main sewered area that is served by the Drefach Felindre Waste Water Treatment Works (WwTW). Following recent confirmation that the WwTW permit has been reviewed by Natural Resources Wales and confirmation from Dwr Cymru Welsh Water that there is sufficient capacity within the WwTW to treat the additional foul flows from the development within the revised limits, it is now possible to conclude that the development will not have a significant impact upon the SAC. The development therefore complies with Policy SP14 of the Carmarthenshire LDP 2014.

Planning Obligations

As stated above, a Section 106 Agreement to restrict the occupancy of the dwelling to those who comply with the Local Needs definition would be required in the event that planning permission would be required. This has not been pursued to date due to the above concerns with the application, however the applicant is aware of the need for a Section 106 and has confirmed they would be willing to enter a Section 106 in the event planning permission would be granted.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle

through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

After careful consideration of the scheme as submitted it is concluded that the proposed dwelling, by reason of its excessive scale, is not compatible with an affordable dwelling that would be available to those on low to moderate incomes and as such it is not considered that the initial affordability would be retained for all subsequent occupants and future generations in need of local needs dwellings in the locality. The proposal therefore fails against the fundamental objective of Policy AH2 to deliver an affordable dwelling for both existing and future residents and would rather amount to a new unjustified dwelling in the countryside contrary to the spatial strategy of the LDP and national planning policies. Whilst the applicant's compliance with the definition of local need, the site's location next to the existing settlement, and no concerns in relation to highways or biodiversity impacts, it is not considered that these factors outweigh the fundamental conflict with the exception policy in that the dwelling cannot be considered as an affordable dwelling. The application is therefore recommended for refusal for the following reasons:

RECOMMENDATION - Refusal

Reasons

Reason 1

The proposal is contrary to Policy AH2 (Affordable Housing - Exception Sites) of the Adopted Carmarthenshire Local Development Plan (2014) in that the scale of the proposed dwelling is not considered to be compatible with that of an affordable dwelling that would be available to those on low or moderate incomes. The proposed dwelling would therefore be an unjustified dwelling the countryside contrary to the spatial strategy of the LDP and guidance set out in Planning Policy Wales 12th Edition paragraph 3.60.