

**ADRODDIAD PENNAETH
CYNLLUNIO, CYFARWYDDIAETH
YR AMGYLCHEDD**

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

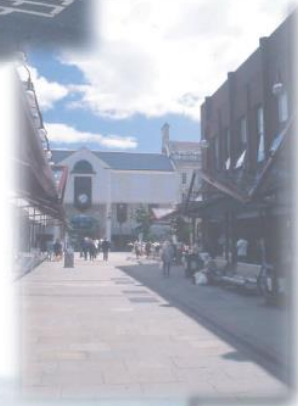
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 03 RHAGFYR 2020
ON 03 DECEMBER 2020**

**I'W BENDERFYNU
FOR DECISION**

***Ardal
Gorllewin/
Area West***



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	03 DECEMBER 2020
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
W/40612	PROPOSED DEMOLITION AND REBUILDING OF GARAGE INCLUDING EXTENDING THE CURTILAGE AND NEW VEHICULAR ACCESS AT WERN VILLA, MEIDRIM, CARMARTHEN SA33 5QN
PL/00015	GARDEN SHED AT 25 LLANDEILO ROAD, GORSLAS, LLANELLI, SA14 7LL

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
W/40030	<p>PROPOSED RURAL ENTERPRISE DWELLING TO INCLUDE VEHICULAR ACCESS, AND INSTALLATION OF PACKAGE TREATMENT PLANT AT MOELFRYN, PANTYBWLCH, NEWCASTLE EMLYN, SA38 9JE</p>

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/40612
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Application Type	Full
Proposal & Location	Proposed demolition and rebuilding of garage including extending the curtilage and new vehicular access.

Applicant(s)	Miss Bethan Brown
Case Officer	Charlotte Greves
Ward	Trelech
Date registered	19 th May 2020

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

Site

The application site comprises partly of the two storey detached dwelling and its curtilage known as Wern Villa and an area of land immediately adjacent to the side (west) which front the B class road, approximately mid-way between the primary school and the junction with Drefach Road in the settlement of Meidrim. The house is rendered with a slate roof, with the existing access provision immediately to the side (west) of the house. Adjacent to the existing access is a modest garage building, part stone, part rendered and under a curved metal roof, to the side and rear of which there is a range of dilapidated outbuildings within what is an irregularly shaped area of land, also within the ownership of the applicant. Beyond and adjoining the boundaries of the application site both to the side and to the rear are neighbouring residential properties.

Proposal

The application seeks full planning permission to annex the irregular area of land to form part of the residential curtilage of Wern Villa, the demolition of the existing range of outbuildings on that land and the construction of a new pitched roof garage with a smaller footprint in their place and the creation of a new vehicular access to serve the property.

The proposed garage would be rectangular in footprint measuring 8.45m in length and 6.75m wide. The height of the garage would be 5.8m to ridge and 3.1m to eaves. The walls of the garage would be finished in smooth painted or textured render with UPVC windows and doors to match the existing property. The proposed floor plan indicates that

the ground floor would be used for vehicles and tools and space within the roof would be utilised for additional storage purposes. This area would be served by 3 rooflights which would be on the front elevation roof plane.

The proposed footprint of the garage would be smaller than the footprint of the existing outbuildings, which would result in the garage being set back further in the site. As the block plan demonstrates this would allow space for increased parking within the site and also an area for turning which the site currently does not have.

Where the existing outbuildings from the boundary with the properties of Croft House and The Knoll a new 1.8m high timber fence is proposed to be erected. In addition where the existing access is proposed to be stopped up a new 1m high stone wall is to be erected along the property frontage.

Planning Site History

There is no relevant planning history on the application site.

Planning Policy

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

GP1 Sustainability and High Quality Design
GP6 Extensions

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Meidrim Community Council – Has not responded to consultation.

Local Member(s) – County Councillor Jean Lewis is a member of the Planning Committee and has made no prior comment.

Head of Highways and Transport – No objection subject to conditions.

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. Six third party representations were received from 5 different households objecting to the proposed development and the issues raised are summarised as follows:

- The proposed design is not in keeping with the area.

- The proposed new building is substantially larger than the existing buildings, particularly in height.
- The facilities to be provided within the garage are unusual in a domestic garage and the need for a first floor is questioned given the intended use.
- Potential for later change of use to be applied for to a dwelling, holiday let or business use which may have noise generating impacts in a residential area.
- Proximity of proposed garage to boundary.
- Privacy and overlooking impacts.
- Overbearing and overshadowing impacts.
- Loss of light.
- Impact on view from property.
- Impact on value of property.
- Noise disturbance arising from demolition and construction.
- The adequacy of publicity of the planning application.

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

Appraisal

Principle of Development

The extension to the existing curtilage of the dwelling is considered to form a logical extension immediately beyond the existing boundary of the property into an area adjacent to existing dwellings. This area is located within the settlement limits and inclusion of this area as part of the curtilage of the dwelling would facilitate the provision of a new access, increased parking and a turning area within the site. There are no objections on grounds of highway safety.

The principle of a domestic garage in this location associated with an existing dwelling would be acceptable.

As such the principle of the proposed development is considered to also comply with Policies GP 1, GP 6 and TR3 in this regard.

It is noted that the objections received to the proposal are not in relation to the principle of the development as such but largely focus on the impacts of the proposed garage and related issues. In particular, the height of the garage.

Scale and design of the proposed garage

The garage proposed, despite being higher than the existing outbuildings it is to replace, would be subordinate to the main house, the proposed materials are considered to be compatible with those on the existing dwelling and surrounding buildings and as such would have an acceptable appearance within the context of the existing and surrounding dwellings. It is considered that the design of the proposed garage would respect of the design of the existing dwelling and surrounding developments and would therefore not cause any adverse impacts to the character and appearance of the surrounding area.

Whilst concern is raised that the garage would be much larger than the existing buildings on site, the footprint of the proposed garage would in fact be reduced and furthermore, the demolition of the existing dilapidated outbuildings and the proposal to include this area as part of the curtilage of Wern Villa would overall improve its appearance notwithstanding the additional highway benefits that the proposal would achieve.

It is therefore considered that the proposal would comply with Policy GP6.

Residential Amenity

It is considered that the scale, including height, of the new garage is acceptable and together with its siting and proximity to the boundaries of the application site would be acceptable so as not to cause any significant adverse impacts upon residential amenity in terms of overbearing impact and overshadowing/loss of light.

There would be no overlooking impacts that would result in a loss of privacy to neighbours given the absence of any fenestration facing in the direction of neighbouring properties.

Other matters

It has been stated that inadequate publicity of the planning application has been undertaken. The Authority is satisfied that publicity, in this case by way of neighbour consultation letters, has been carried out in accordance with the relevant legislation.

Third parties consider that the proposal would have an impact on the view from their property and also an impact on the value of their property. Such issues are not material planning considerations.

Concern has also been raised regarding the noise from demolition of the existing garage and also construction activities. It is unlikely, given the scale of the development and the fact that any impact would be temporary, that impact arising from demolition and/or construction would be significant. It is not considered necessary to impose any conditions relating to construction hours given that this is governed under other legislation, namely (The Control of Pollution Act 1974 and Environmental Protection Act 1990).

Further concerns raised by third parties relate to the applicant's intentions in respect of the use of the proposed garage both when built and in the future. The information included within the application states that the garage is required for domestic purposes. A condition will be included to restrict the use of the garage for private domestic purposes only.

In terms of the applicant's future intentions, this is irrelevant to the merits of the current proposal and any further proposals to develop the site would be considered on its own merits and subject to the relevant planning controls and policy at that time.

Highways Impacts

The application proposes a new access, parking and turning area which is to replace the existing access and parking space which is to be stopped up. The Head of Highways and Transportation has been consulted on the proposed development and has no objection to the proposed development subject to conditions which include a requirement to stop up the existing access and also to restrict the use of the garage for domestic purposes only. The conditions recommended will be included in any planning permission.

Biodiversity

The application has been reviewed by the Council's Planning Ecologist who has no objection to the proposals which include the demolition of existing buildings. A bat advisory note is to be sent to the applicant with any planning permission granted.

Planning Obligations

Not 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 WBFG Act.

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposal complies with the policies set out in the local development plan and is therefore recommended for approval.

Recommendation - Approval

Conditions and 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 plans received 11th May 2020:-

- 1:1250 scale Location Plan;
- 1:200, 1:100, 1:50 scale Proposed Block Plan, Floor Plans, Sections and Elevation.

Reason:

In the interests of visual amenity in accordance with Policy GP1 of the LDP.

Condition 3

The garage hereby approved shall be used for private domestic purposes only and not for any trade or commercial purposes.

Reason:

To protect the amenity of third parties in accordance with Policy GP1 of the LDP.

Condition 4

The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Councils (Highways and Transport services) Typical Layout No. 1 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

Reason:

In the interests of highways safety in accordance with Policy GP 1 and TR 3 of the LDP.

Condition 5

There shall be no gate or other obstruction within the first 5m of the highway boundary. Any gates shall open inwards into the site only.

Reason:

In the interests of highways safety in accordance with Policy GP 1 and TR 3 of the LDP.

Condition 6

The means of vehicular access as shown on the 1:200, 1:100 and 1:50 Scale Proposed Block Plan, Floor Plans, Sections and Elevation received 11th May 2020 into the site shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.

Reason:

In the interests of highways safety in accordance with Policy GP 1 and TR 3 of the LDP.

Condition 7

The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason:

In the interests of highways safety in accordance with Policy GP 1 and TR 3 of the LDP.

Condition 8

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason:

In the interests of highways safety in accordance with Policy GP 1 and TR 3 of the LDP.

Condition 9

The access shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the nearside edge of carriageway, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

Reason:

In the interests of highways safety in accordance with Policy GP 1 and TR 3 of the LDP.

Notes/Informatives

- 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 if 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.

- 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).

Application No	PL/00015
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Application Type	Householder
Proposal & Location	Garden Shed, 25 Llandeilo Road, Gorslas, Llanelli, SA14 7LL

Applicant(s)	Mr. Eifion James
Agent	
Case Officer	Eilian Jones
Ward	Gorslas
Date registered	3 September 2020

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

Site

The application property forms part of a small cluster of dwellings located behind the more established row of dwellings located along the public Llandeilo Road frontage (A476). The small cluster of properties, inclusive of the application property, are accessed via a private road located between 23 and 33 Llandeilo Road. This is a no-through road solely providing access to a small number of properties. The site is located in an elevated position to the nearest public position which is the Llandeilo Road frontage and at a distance of approximately 90m. The site is located in a predominantly residential area with all immediate neighbouring properties in residential use.

Proposal

The application seeks consent for an outbuilding located within the curtilage of a domestic property. It is a part retrospective application in that the majority of the outbuilding has already been constructed. It is currently finished with a flat roof but the proposal seeks to retain what has been built albeit modifying the structure to incorporate a pitched roof.

Planning Site History

W/31659 Extension to the front and rear elevations
Granted with Conditions

24 April 2015

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) (CLDP)

SP1 Sustainable Places and Spaces

GP1 Sustainability and High Quality Design

GP2 Development Limits

GP6 Extensions

TR3 Highways in Developments – Design Considerations

National Planning Policy and Guidance

[Planning Policy Wales](#) (PPW) Edition 10, December 2018 is considered relevant to the determination of this application.

The following [Technical Advice Notes](#) (TANs) published by Welsh Government are considered relevant to the determination of this application:

TAN 12 Design (2016) seeks to promote sustainability principles through good design and identifies how Local Planning Authorities can facilitate this process through the planning system.

Summary of Consultation Responses

Head of Transportation & Highways – The proposal is considered to be below thresholds.

Gorslas Community Council - No observations received to date.

Local Member(s) - Councillor A. V. Owen has not commented to date.
Councillor D. Price has not commented to date.

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.

2 representations were received, 2 objecting and the matters raised are summarised as follows:

- Structure too large
- It has been sited too close to boundary
- Loss of view and outlook
- Concerns of potential business use

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

Appraisal

The application seeks consent for an outbuilding located within the curtilage of a domestic property. The property and the majority of its curtilage is within development limits. It would however appear that the garden has been gradually extended over the years and has incorporated a parcel of land which is outside limits and appears to now be established domestic curtilage. The building, which is the subject of this application, is positioned outside but immediately adjacent to development limits.

The application, which has been submitted on householder forms, describes the proposal a garden shed. The majority of the building has already been constructed. It is currently finished with a flat roof but the proposal seeks to retain what has been built albeit modifying the structure to incorporate a pitched roof. The plans indicate that the proposed building measures 4m x 8m with heights of 3m (eaves) and 4.8m (ridge). Due to minor changes in ground levels, part of the garage is positioned on a dwarf retaining wall approximately 500mm high. The plans indicate that the building is set-in from the boundary by approximately 800mm.

The building has been sited towards the south-western corner of the site. It is located in-front of the principal elevation of the dwelling but at a right angle with its front elevation facing towards the property. There is direct access to the hardstanding area surrounding the property which is used for private parking, turning and a degree of amenity space.

The building would have a scale, design and appearance similar to a domestic garage. In this respect, its front elevation which faces the property would have a set of double doors and its orientation allows a natural linkage to hardstanding areas used for parking. The side elevation facing its own garden would have a window and a door. All other elevations would not have any openings.

The main external finishes of the building would be rather low-key materials and colours, namely grey fibreglass cladding for the elevations and slates for the roof. The building would not be significantly visible from public positions with the nearest public position being the Llandeilo Road frontage which is at a distance of approximately 90m. The lane leading to the site is private and unadopted and only provides access to a small number of properties. Some screening is provided by mature trees and hedgerows along the boundaries of neighbouring properties. It is therefore concluded that the degree of public visibility of the development is limited and it would not constitute an unduly prominent or incongruous feature. Furthermore, the character, appearance and design of buildings in the area are mixed and it is considered that this single-storey outbuilding would not result in a harmful visual impact.

The proposed building with the proposed roof modifications, would reflect a single-storey structure and is not considered to be excessively large or out of character with the area. The building, despite being outside development limits, is within a residential curtilage and does not unduly harm or erode the character and appearance of the countryside. It is acknowledged that the building is located close to the rear boundary of 17 Llandeilo Road (and to some degree to 19 Llandeilo Road). At the time of the site visit, it was noted that only heras-type fencing was present to separate the immediate curtilage with No.17. Despite of this, Nos. 17 and 19 benefit from long rear gardens with the development being approximately 80m away from their rear elevations.

The properties of 17 and 19 Llandeilo Road are located on a lower level than the application site with their rear gardens gradually rising and whilst the outbuilding generates a minor degree of localised impact at the far end of the garden, it is considered that this does not unduly harm the overall residential amenities of neighbouring properties. Loss of view is not a material planning consideration whilst loss of outlook is not considered a significant factor given the long distance between the proposed building and neighbouring properties and the extent of outdoor amenity spaces that are not substantially affected.

The plans indicate that landscaping/trees are located at the end of the rear garden of No.19 Llandeilo Road, adjacent to the side elevation of the proposed building. The features were not present at the time of the site visit. If this is intended to be new planting, it would not be possible for this to be controlled or enforced through the granting of this development since they are features located outside of the application site and on land which is not under the control of the applicant. Notwithstanding this, the development has been assessed on its own merits and it is considered that the development is acceptable in visual and residential amenity terms without any additional landscaping/screening. It is however considered prudent to impose a condition which restricts any windows or openings to be created under permitted development rights on the south-eastern elevation which faces No.19 Llandeilo Road, in the interest of privacy and residential amenity. Whilst concerns have been expressed by neighbouring properties that the building could be used for commercial purposes, the application has been submitted on householder forms and describes the proposal as a garden shed. It is considered that the domestic use of this building is acceptable and compatible with its surroundings however it is considered prudent to impose a condition which restricts any commercial or trade use, in the interests of residential amenity and to protect the residential character of the area.

The Highways Authority have assessed the proposal and has no objection to the development. It is therefore considered that the proposal would not have a detrimental impact on highway/pedestrian safety.

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 on balance that the proposed development complies with Policies SP1, GP1, GP6, TR3 of the LDP in that the provision of the proposed domestic outbuilding is considered appropriate in scale and design and would not have any significant adverse effect on visual amenity, residential amenity, general amenity or highway/pedestrian safety.

Conditions and Reasons

Condition 1

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 28 December 2018.

Reason:

To comply with Section 73A of the Town and Country Planning Act (as amended).

Condition 2

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

EJ01 – Site/Block Plan (Scale 1:500, received 2 September 2020)

EJ03 – Proposed Layouts [Floor Plan & Elevations] (Scale 1:100, received 2 September 2020)

Reason:

In the interests of visual amenity and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

Condition 3

The outbuilding hereby approved shall be used for private domestic purposes only which is ancillary to the enjoyment of the dwelling and shall at no time be used for trade or commercial purposes.

Reason:

In the interests of residential amenity, to protect the character of the area and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

Condition 4

No windows or openings shall be created on the south-eastern elevation of the building hereby approved without the prior written approval of the Local Planning Authority.

Reason:

In the interests of privacy and residential amenities.

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).

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	W/40030
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Application Type	Full
Proposal & Location	Proposed Rural Enterprise Dwelling to include vehicular access, and installation of package treatment plant at Moelfryn, Pantybwllch, Newcastle Emlyn, SA38 9JE

Applicant(s)	Mr Gareth Morgan
Agent	Mr Gareth Flynn
Case Officer	Helen Rice
Ward	Llangeler
Date registered	2 January 2020

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Ken Howell. The call-in by Cllr Howell also requests a site visit. However this request was received in February 2020 and therefore prior to current Covid19 restrictions on site visits.

Site

The application relates to an existing farm known as Blaenffos, located in the open countryside approximately 3.5km due south of Newcastle Emlyn.

The farm is centred at Blaenffos where the existing dwelling is co-located with a range of agricultural buildings. Situated in an elevated position, the farm yard is on a plateau whereas the surrounding farm land generally slopes down from south to north, with the field areas to the west and south rising steeply up towards a highpoint known as Pen y Garn.

The application site relates to a field area approximately 1km due south of the main farm yard, within a 66 acre parcel of the holding under the ownership of the applicant with the remaining holding of circa 209 acres in the ownership of the applicant's parents. The application site is at a higher level (circa 240mAoD) than the farm yard area (circa 180mAoD) and in combination with the distance, the farm yard is not clearly visible from the application site. The application site itself is exposed with open far reaching views towards the north east. The site is defined by field boundaries comprising hedgerows and small trees, and gently slopes west to east.

The site is currently accessed via a field gate, with recent works having been carried out to create a hard-surfaced track that leads up to a newly laid concrete slab hardstanding upon which a caravan is located. There are also wooden stable style buildings located to the side of the caravan/concrete slab. There is no planning permission in place for either the stables building or the caravan. However, in terms of the stables, historic aerial photography suggests that a building resembling the stables has been in situ in this location since at least 1999. There is also evidence of a caravan having also been placed on the land, although this appears to have been replaced a few times and, until more recently, appeared to be on the land for storage purposes rather than residential use.

Proposal

The proposal seeks permission for a rural enterprise dwelling on the application site in association with the agricultural holding at Blaenffos. Given that Blaenffos is already served by a dwelling situated on the main farm yard the application is to be viewed as a second dwelling on the existing holding.

The proposed dwelling would be centrally sited within the application site, set back from the highway edge with the creation of a central new access, designed to accord with the Council's Typical layout 1, with the closure of the existing access and its replacement with a native hedgerow. A proposed passing place is also proposed to be provided to the east of the existing access position. A parking and turning area would be provided off the new access along with a detached garage to the side of the proposed dwelling. The remaining land surrounding the proposed dwelling within the application site area would be laid to grass and it appears that the existing stable building would be retained. Due to the relatively level site, no substantial ground works would be required. The 230sqm two storey dwelling would have a lounge, kitchen, dining, utility, sunroom, study and hallway on the ground floor with a master bedroom with en-suite and 3 further bedrooms and family bathroom on the first floor. The walls would be finished in smooth render with natural stonework detailing above window openings, with the proposed single storey porch area finished in natural stonework with the roof finished in natural slates. A package treatment plant would provide foul drainage with details of the surface water drainage subject to further detail but likely to be soakaways subject to satisfactory percolation tests.

The application is supported by a Rural Dwelling Appraisal with supplementary information and Agricultural Questionnaire which gives further details of the existing enterprise and the justification for the proposed second dwelling.

The farm holding extends to some 275 acres, with a suckler herd of 20 cows, 4 followers and 43 beef cattle for finishing with 500 ewes and ewe lambs. 200 acres is used for grazing, 60 acres for silage/hay, with the remaining areas covered by woodland and infrastructure. The enterprise is understood to be trading as an equal partnership between the applicant Mr Gareth Morgan and his parents Mr & Mrs Morgan, with the land ownership split between the partners.

It is understood that Mr & Mrs Morgan are taking a step back from the day to day management of the business with Mr G Morgan taking on more responsibility. However it is mentioned that Mr & Mrs Morgans' assistance will remain to be required and hence there will be an ongoing need for Mr & Mrs Morgan to continue residing on the holding.

However with Mr Morgan's increasing involvement on the farm, he wishes to remain on the holding albeit in a separate dwelling to his parents.

A partnership agreement between the current land owners has been submitted that explains that Mr Gareth Morgan will take over the farm's management, should planning permission be granted for a second dwelling on the farm. In addition, a signed letter from the applicant's parents has been provided which appears to confirm that the applicant currently runs the farm and has full responsibility.

The submitted information advises that the applicant previously resided at the farmhouse in Blaenffos, and whilst the applicant remains to use Blaenffos as the address for the supporting forms submitted with the application, it is mentioned that he currently resides in the caravan on the application site. This is unauthorised. Following discussions with the Council's Council Tax Department, it has been confirmed that residential Council Tax on a caravan at the application site has been paid for since 1 October 2018. During a site visit to the farm, Officers were advised that the applicant currently resided in the existing farmhouse on the farm with his parents living at an alternative address, however, since that visit the applicant via his agent has advised that the information given to Officers on site was incorrect and that the applicant's parents live at the existing farmhouse at Blaenffos, with the applicant residing at the caravan. However, information held by the electoral roll confirms that Mr Gareth Morgan is the registered person at Blaenffos. This conflicting information has given rise to confusion when dealing with the application especially given its nature being a second dwelling on the farm.

Notwithstanding the above, the submitted rural enterprise appraisal sets out how the proposal meets the various tests for Rural Enterprise Dwellings which is set out in Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010). In summary, the report considers that by reason of the extent of the agricultural holding there is a functional need for an additional 0.5 full time worker, and coupled with the presence of the partnership agreement that the proposal meets the initial tests for a second dwelling on the farm. Furthermore, the submission provides financial details for the last three years to demonstrate viability of the enterprise and advises that there are no other buildings on the farm or in the locality that would meet the need for an additional dwelling. The report also comments that the location of the property would enable greater security of the site, with the agent advising that the proposed site is at the end of the farm lane and as such is deemed to be a suitable location. Further details of the information provided that seeks to address the TAN6 tests is set out in the report below.

Planning Site History

The current application was submitted following a refusal of an identical submission (planning reference W/39177) on 17 October 2019. The reasons for refusal were:

- 1 The proposal is contrary to Section 4.5 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010) in that insufficient and contradictory information has been submitted to demonstrate the need for a second dwelling to serve the agricultural holding. The submitted appraisal is not accompanied by a secure and legally binding agreement to demonstrate that management of the farm business has been transferred to the applicant nor does the submitted

appraisal confirm that there is an **existing** functional need for an additional 0.5 or more full time worker. The dwelling would therefore be an unjustified form of development in the open countryside.

- 2 The siting of the proposed dwelling is both physically and visually divorced from the established farm complex at Blaenffos resulting in a sporadic form of development in the open countryside, visible from various public vantage points. The proposed siting of the dwelling, away from the complex of livestock and machinery housing, weakens the functional test arguments put forward for the applicant to reside on site to work on the farm and provide security. No details have been provided to justify the proposed siting and no details regarding possible alternative locations have been provided. Reference to the applicant's personal preference to live independently from his parents is not considered sufficient justification for the siting and in any event falls outside the scope of the policy set out in Technical Advice Note 6. The proposal is therefore deemed contrary to section 4.4.1 (e) of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and Policies SP1 and GP1 of the Carmarthenshire County Local Development Plan (2014).
- 3 The size of the dwelling proposed is not considered to have regard to its potential future use as an affordable dwelling as now required under Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010). The scale of the dwelling is therefore considered excessive and disproportionate to the needs of the rural enterprise and its potential future as an affordable house.
- 4 Insufficient information has been submitted to ensure that the proposed development would not have an unacceptable impact upon highway safety and thus, based on the current proposals, it is considered that the development would be contrary to Policy TR3 of the Carmarthenshire County Local Development Plan (2014).

The application now before Members has sought to address the above reasons for refusal with the submission of further information such as a partnership agreement, letter from the applicant's parents and amendments to the highways proposals. However, siting and design of the dwelling remains unchanged.

Planning Policy

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

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution- Settlement Framework
- SP5 Housing
- SP14 Protection and Enhancement of the Natural Environment
- GP1 Sustainability and High Quality Design
- TR3 Highways in Developments- Design Considerations

There is no specific policy within the LDP relating to Rural Enterprise Dwellings as this is covered by Welsh Government's Policy for Rural Enterprise Dwellings set out in [Technical Advice Note 6 : Planning for Sustainable Rural Communities \(2010\)](#) and its associated [Rural Enterprise Dwellings : Practice Guidance \(2012\)](#).

Summary of Consultation Responses

Head of Transportation & Highways - No objections subject to the imposition of various highway conditions to secure a satisfactory access, parking and turning layout and provision of the passing bay.

Valuations Manager – has raised several concerns in relation to the proposed development in particular that the location of the proposed new dwelling approximately 1km away from the farm is unrealistic and goes against the animal welfare arguments put forward in the application to justify a second dwelling. It is also stated that a house to serve the farm business needs to be close to the existing farm buildings / complex rather than in a remote location as proposed. Further, that the 230sqm dwelling does not comply with the TAN6 requirements that the property be alternatively available as an affordable dwelling whilst taking into account flexibility to allow for extra office/boot room/utility space associated with a rural enterprise dwelling. It is also stated that should planning permission be granted this needs to be subject to the dwelling being tied to the holding via a Section 106 agreement and a signed legally binding management agreement being in place.

Llangeler Community Council – raise concerns that the erection of an enterprise dwelling at the application site would not blend in with the surrounding environment and neither would it be suitable having regard to the suitability and condition of the road towards the site.

Local Member(s) - Councillor Ken Howells is a member of the Planning Committee and requested that the application be heard by the committee as he considers that as the farm extends to 270 acres it fully justifies another dwelling for a farm worker. He also requests a site visit to the dwelling although this was requested in February 2020 prior to current Covid restrictions.

Sustainable Drainage Body – has confirmed that a Sustainable Drainage Body consent for the development will be required prior to any works commencing.

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 representations were received as a result.

Appraisal

The main considerations of this case is whether the proposal complies with Welsh Government's guidance set out in TAN6 in relation to a second rural enterprise dwelling on an existing holding.

TAN6 specifies at paragraph 4.5.1 that it is the Welsh Government's objective to "encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable".

The policy specifies that to accord with this objective the following tests are required to be met :

Firstly, the **second dwelling test** :

“Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business;

or,

There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business”.

And provided either of the above are met, the following tests are also required to be met:

financial test - the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;

other dwelling test - the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned;

other planning requirements test - for example siting, sustainability, scale, design and access, are satisfied.

The following sets out how the development addresses each of the above tests:

Second Dwelling Test

As set out above, it is firstly necessary to establish whether the proposal complies with either of the second dwelling tests set out in TAN6.

Dealing with the part time agricultural worker test firstly, the information submitted with the application advises that based on the current stocking levels, the current total hourly requirement equates to 1.2 standard man days, which equates to 1 full time and 1 part time member of staff employed for 40 hours/week. Therefore, based upon the information submitted to date, the holding, at present, does not have an existing functional need for 0.5FTE agricultural worker or more.

However, the applicant is proposing to increase stock numbers through increasing the suckler cow herd from 20 to 50 in the future, which will in turn equate to 1.8 standard man days and therefore in the future the holding would have a functional need for 0.5FTE agricultural workers. However this is based upon the proposed increase in stock not the existing situation. TAN6 specifies that the 0.5FTE requirement needs to be based on the existing functional need and whilst there is presently demand for a part time member of staff, it is not considered that this equates to 0.5FTE at present. Therefore it is not

considered that the proposal fully complies with this element of the second dwelling test at present.

The alternative test is the presence of a secure and legally binding agreement that demonstrates a succession plan is in place, subject to any grant of planning permission. Such an agreement was not submitted with the previous application that was refused, however, a partnership agreement has now been submitted that seeks to address this issue. The agreement put forward sets out that Mr Gareth Morgan (the applicant) would have control over the farm business and would be the decision maker for the business. The partnership agreement specifies, *"The partners have agreed to enter into the Partnership Agreement so as to allow Mr Gareth Morgan to take over the management of the farm business from Mr Gerwyn Morgan and Mrs Mair Morgan, only conditional upon the grant of the Planning Permission for the proposed second dwelling on the farm"*.

However, the partnership agreement provided is unsigned and whilst Officers have sought to obtain a signed version to confirm the status of the agreement, the applicant's agent has advised that it will only be signed should planning permission be granted. However, there is a clause in the agreement that specifies that it would only commence on the date of the planning permission and therefore there is no reason why the parties cannot sign the document now as it would only come into force should planning permission be granted. As such, the agreement can only presently be considered as a draft and not a secure or legally binding agreement as required by TAN6.

Therefore whilst Officers consider that there is a prospect of the applicant meeting either the 0.5FTE requirement in the future and/or securing a succession plan, at present this is not the case based on existing stocking levels and the fact that the partnership agreement has not been completed and therefore cannot be classed as being secure and legally binding as required by TAN6. Officers can only therefore come to the conclusion that presently, the proposal does not comply with the second dwelling test set out in TAN6.

Financial test

The agricultural enterprise has been in existence for a number of years and the application has been supported by details of the financial accounts for the farm which indicate that the farm has been profitable for at least one year and it is considered based on the information before the Authority that there is a reasonable prospect that the business will remain viable. The application is therefore considered to comply with this element of the financial test.

However, TAN6 specifies that the enterprise needs to be able to afford to build and maintain the dwelling and that dwellings that are unusually large in relation to the needs of the enterprise should not be permitted. It further explains that it is the requirements of the enterprise rather than of the intended occupier which are relevant to determine the size of the dwelling that is appropriate.

The previous application was refused on the basis that the proposed building was considered to be excessive and would not be deemed an affordable dwelling as also required by TAN6. In response, the applicant has advised the net profit achieved by the holding was enough in one of the last 3 years to cover the applicant's salary and expected mortgage costs and as such is acceptable. Whilst this may indeed be the case, it is also necessary to ensure that moving forward the dwelling is of a size that would be classed

as affordable, again as required by TAN6. In this case, the dwelling is a large 4 bedroom detached property with a gross external floor area of 230sqm (2500sqft), this would compare with a floorspace of 110sqm that is deemed to be an equivalent 4 bedroom affordable dwelling in this location. Officers accept the needs for additional study/utility rooms in association with rural enterprise dwellings and therefore allowances can be made for a larger dwelling than for an affordable dwelling but not more than double the floorspace as is proposed in this instance. Therefore, it is considered that the proposed dwelling, by reason of its excessive scale, fails to have regard to its use as an affordable dwelling contrary to the advice set out in TAN6.

Other dwelling test

There is no other dwelling on the holding at present, other than the existing farmhouse at Blaenffos, and whilst there are a range of agricultural buildings on the farm, all appear to be in use and none are considered suitable for conversion into a residential dwelling. Furthermore, given the remote location of the farm, there are no nearby dwellings in the vicinity that would meet the need set out by the applicant. It is therefore accepted that the proposal would meet the other dwelling test set out in TAN6.

Other planning requirement test

TAN6 specifies that applications need to also satisfy other planning requirements such as siting, design, sustainability and access.

Siting

Paragraph 4.12.1 of TAN6 specifies, “the siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape”.

The application site is considered to be isolated away from the main complex of buildings at Blaenffos where the functional need for someone to be present on site is required. This was a reason for refusal for the previous application as documented above.

The applicant has sought to address the need for a second dwelling in the Rural Dwelling Appraisal. This document specifies that it is essential for the applicant to be living on the site at all times, especially during the calving/lambing season to accord with Animal Welfare guidance, but also to deal with emergencies such as fire and stock escaping. Furthermore, the document specifies that the applicant needs to live close to the farm entrance for security reasons due to potential for rustling and the presence of a nearby public footpath (although there does not appear to be a defined public footpath within the vicinity of the farm). Officers do not dispute these requirements and indeed such reasons are generally accepted as justification for appropriately sited rural enterprise dwellings.

However, in this case the distance between the proposed dwelling and the farm gives rise to significant concerns. The application documentation states that the proposed dwelling is only 400m away from the farm and is at the top of the farm lane. Both these statements are incorrect in that the application site is 1km from the main complex of buildings at Blaenffos, is not at the top of the farm lane but is rather on a separate road to that which the farm lane takes its access from and due to topography and distance

has no clear line of sight to the farm. The justification therefore put forward in the statement regarding the need to be readily available on the farm and provide security by having a presence is contradicted by the choice of siting the dwelling 1km away from the farm. Furthermore, the justification put forward in the application is largely based on the applicant becoming the full time worker on the farm. It is therefore perplexing that the intended full time worker on the farm wishes to reside away and out of sight of the farm buildings and farm lane where the needs of the enterprise are concentrated.

Furthermore, the proposed siting is not centrally located within the wider holding area but is rather on the edge of the southern portion of the two separate parcels of land which is understood to already be within the ownership of the applicant. Therefore, given the siting of the dwelling away from the main farm area, split by distance, topography and intervening public highways, the potential for farm fragmentation is real and further dilutes the argument for a second dwelling on the existing farm.

The applicant has not provided any firm justification as to why this particular location for the second dwelling was chosen rather than what TAN6 clearly advocates, being a dwelling that is close to the existing farm and farm buildings. Whilst the applicant suggests he wishes to live independently from his parents, it is not the personal preference of the applicant that is the determining factor for the siting of such dwellings but rather the needs of the enterprise. Clearly, and as set out in the applicants own supporting document, the needs of the enterprise is concentrated at the farm yard and lane and as such the dwelling needs to be sited as a close as possible to the existing farm. Therefore, without a firm justification to suggest otherwise or any other material considerations, the proposed siting of the dwelling does not meet the needs of the enterprise, is isolated from the existing farm and could potentially lead to the fragmentation of the farm.

In addition to the TAN6 locational criteria, it is also necessary to consider the impact of the dwelling on the wider landscape. In this case, the dwelling is located in an open elevated position, with far reaching extensive views across the Teifi valley. The immediate surrounding area is characterised by open agricultural fields on the upper slopes of elevated ground, defined by low largely windswept hedgerows. Whilst there are scattered dwellings within the wider area, the majority are historic properties associated with historic farmsteads which are co-located with agricultural buildings. It is considered that the proposed dwelling would appear as a standalone dwelling un-associated with an existing farm, in a prominent position with limited natural topography to help assimilate into the wider landscape and thus would appear as a dominant feature that would be prominent with the landscape to the detriment of the character and appearance of the wider area.

The application therefore fails to overcome the previous reason for refusal in terms and remains contrary to paragraph 4.4.1(e) of TAN6 and policies SP1 and GP1 of the LDP.

Access

The proposal has sought to address the previous reasons for refusal in relation to highway matters. In particular the application is now proposing an access that would meet required standards along with the creation of a nearby passing bay. More than sufficient space within the plot would be provided for off-street car parking. As such, the application would not, subject to the imposition of conditions to secure the access and

passing bay provision, have an unacceptable impact upon highway safety and therefore is compliant with policy TR3 of the LDP.

Planning Obligations

The applicant has not provided details of the need for a Section 106 agreement which is understandable given that Officers have raised various issues with the application. Nevertheless, the occupancy of rural enterprise dwellings requires control, which are in most circumstances covered by the standard occupancy condition. However, paragraph 4.13.3 of TAN6 states “authorities may use planning obligations, for example, to tie a rural enterprise dwelling to adjacent buildings or land, to prevent them being sold separately without further application to the authority”. It is considered in this instance, given that the dwelling’s location is so isolated from the hub of the farm and is already located on the southern periphery of the main holding, that it would be appropriate to tie the dwelling to the land. Furthermore, and as advocated by TAN6, in this case, given that it is stated that the applicant’s parents whilst stepping away from the day to day running of the farm, will remain to be employed by the farm and as such it is considered that an occupancy condition would also need to be applied to the existing dwelling on the farm should planning permission 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 on balance that the application has failed to address all of the previous reasons for refusal. Whilst Officers accept that the principle of a second dwelling could be considered acceptable in the future, it is not considered, based on the information received that this can be considered compliant at the present time as required by TAN6. This is due to the lack of sufficient information to confirm the need for an additional 0.5FTE or more agricultural worker and only a draft partnership agreement. Furthermore, and more fundamentally, the proposal by reason of the isolated siting of the second dwelling from the main farm contradicts the main arguments put forward in the submission for the need for a second dwelling on the site, and in addition, it is considered that the siting would have an unacceptable impact upon the character and appearance of the area. It is also considered that the overall scale of the dwelling is excessive having regard to its intended use as a rural enterprise dwelling as well as its potential use for an affordable dwelling, with the proposal being more than twice the size of what is deemed as an equivalent affordable 4 dwelling property in the area. Whilst the financial test in terms of the viability of the business is met, along with the lack of another dwelling to meet the need and that previous concerns relating to highways issues have now been addressed, these do not outweigh the clear conflicts with the guidance set out in TAN6 and policies SP1 and GP1 of the Local

Development Plan. The application is therefore recommended for refusal on the following grounds:

Reasons for Refusal

- 1 The proposal is contrary to Section 4.5 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010) in that the application is not currently accompanied by a secure and legally binding agreement to demonstrate that management of the farm business will be transferred to the applicant upon planning permission being granted nor does the application confirm that there is an **existing** functional need for an additional 0.5 or more full time agricultural worker. Therefore, presently, the dwelling does not meet either of the second dwelling tests set out in TAN6 and would therefore be an unjustified residential dwelling in the countryside.
- 2 The siting of the proposed dwelling is both physically and visually isolated from the established farm complex at Blaenffos resulting in a sporadic form of development in the countryside in a remote, elevated and prominent position visible from various public vantage points and far distances. The proposed siting of the dwelling, away from the complex of livestock and machinery housing at the farm yard some 1km to the north directly contradicts the functional test arguments put forward. Furthermore, the majority of the farm cannot be viewed from the application site area, which counters the arguments put forward for the need for the second dwelling to provide security to the farm lane. No details have been provided to justify the proposed siting and no details regarding possible alternative locations has been provided. Reference to the applicant's personal preference to live independently from his parents is not considered sufficient justification for the siting and in any event falls outside the scope of the policy set out in Technical Advice Note 6. The proposal is therefore deemed contrary to section 4.4.1 (e) of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and Policies SP1 and GP1 of the Carmarthenshire County Local Development Plan (2014).
- 3 The scale of the dwelling is considered excessive and disproportionate to the needs of a rural enterprise and has failed to have regard to its potential future use as an affordable dwelling as required under Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).