

**ADRODDIAD PENNAETH
CYNLLUNIO, CYFARWYDDIAETH
YR AMGYLCHEDD**

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

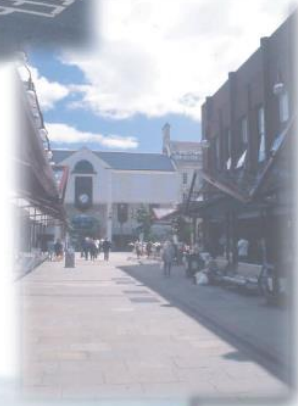
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 24 MEHEFIN 2021
ON 24 JUNE 2021**

**I'W BENDERFYNU
FOR DECISION**

***Ardal
Gorllewin/
Area West***



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	24 JUNE 2021
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/01932
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Application Type	Full planning permission
Proposal & Location	CONSTRUCTION OF A DETACHED DWELLING AND NEW WORKSHOP AT LAND ADJACENT TO RHYDYGWIN, CYNWYL ELFED, CARMARTHEN, SA33 6SU

Applicant(s)	B REES
Agent	MARK BAGGOTT LIMITED
Case Officer	Helen Rice
Ward	Cynwyl Elfed
Date registered	17/05/2021

Reason for Committee

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

Site

The application site is located in an elevated position in the countryside, directly off the B4333 which leads from Cynwyl Elfed, through Hermon and onto Newcastle Emlyn. This area is characterised by its elevated position with far reaching views across the surrounding countryside with scattered dwellings and farmsteads.

The site itself lies to the west of a property known as Rhydygwin, to the rear of which is a former agricultural building which is now occupied by the applicant's business, known as Old Oak Kitchens. The dwelling at Rhydygwin is understood to be occupied by the applicant's parents. To the north and east of the site lies existing agricultural fields, with the site's southern boundary defined by the B4333. The site itself is currently an agricultural field laid to grass. Along the eastern boundary is an access and track that leads down to a small scale wind turbine.

Proposal

The proposal seeks permission to erect a new detached 4 bedroom dwelling and a workshop building. The dwelling would be situated towards the north eastern corner of the site, set back from the main road with the proposed workshop building located

towards the south western corner of the site and closer to the main road itself. Access would be achieved via the existing access onto the B4333.

The dwelling would comprise a part one and part two storey property providing a kitchen/diner, lounge, playroom on the ground floor, with a utility, shower and W/C on the ground floor of a single storey side projection, with 1 master en-suite bedroom, 3 further bedrooms and a bathroom on the first floor above. The maximum width of the dwelling would be 20.5m with a depth of 9.2m, with a maximum eaves' height of 5m and maximum ridge height of 9m. The dwelling would be finished in a mix of render with stone work detailing, uPVC or wooden windows and doors with a slate roof.

The workshop building would be a rectangular industrial style building measuring 18m by 9m with a ridge height of 4.5m with floor to eaves openings on one elevation with all other elevations closed with 8 roof openings.

The application is supported by a planning statement and a rural enterprise dwelling appraisal. Both documents set out that the applicant currently runs his kitchens business, Old Oak Kitchens from the existing building at the yard in neighbouring Rhydygwin where Mr Rees' parents reside in the associated dwelling. The application site area is currently owned by Mr Rees' parents. The applicant currently resides in nearby Rhos, and wishes to relocate closer to the business to help grow the business further. The proposed erection of a new workshop is intended to enable both growth of the business and future proof the business as the applicant's parents are considering selling their existing property and yard area. The documents also explain that it is the applicant's intention to have additional income streams in the future to include a silver smith business, installation of micro-generation systems and keeping of a flock of rare breed sheep.

The application considers that creation of a dwelling on the site is essential to enable the business to remain in the locality and grow as well as enabling the applicant to continue to reside within the community. The current business employs 2 full time staff and 1 part time staff. Should planning permission be granted 1 additional full time and 1 additional part time roles would be generated.

These detailed documents can be read in full on the Council's website.

In addition to the documents, 6 letters of support have been submitted with the application. These outline the significant contribution that the applicant has made to the wider local community via various community organisations and set out the need to ensure that young Welsh speaking adults remain within communities as well as supporting their business which would only thrive having a dwelling located alongside.

Relevant Planning Site History

There is no relevant planning history on the application site.

Planning Policy

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

SP1 Sustainable Places and Spaces

SP3 Sustainable Distribution- Settlement Framework

SP14 Protection and Enhancement of the Natural Environment
GP1 Sustainability and High Quality Design
GP2 Development Limits
H2 Housing within Development Limits
H5 Adaptation and Re-use of Rural Buildings for Residential Use
AH3 Affordable Housing- Minor Settlement in the Open Countryside
TR3 Highways in Developments- Design Considerations
EQ4 Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Cynwyl Elfed Community Council – No comments to date.

Local Member(s) - Councillor Irfon Jones is a Member of the Planning Committee and has expressed his support for the application on grounds that it would ensure that the family business can remain in the area and the applicant can co-locate his dwelling and business.

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 comments were received as a result.

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

Appraisal

Principle of Development

The application site, whilst situated next to the existing business and a dwelling, is nevertheless not within a defined settlement and is rather within the countryside. It is only in exceptional circumstances that planning permission for the creation of a dwelling is considered within the countryside, such exceptions include conversions of traditional rural buildings to dwellings, local affordable housing needs, dwellings associated with One Planet Developments and Rural Enterprise Dwellings.

The submission has drawn attention to the underlying desires within PPW and TAN6 and TAN23 to support the rural economy. It is indeed the case that there is an underlying general objective to support the rural economy throughout Welsh Government policy to enable people to live close to their places of work. However, the overarching principle of sustainability is at the core of planning policies and continues to require development to be located in sustainable locations where possible. The guidance with regards new

dwelling within the countryside is more stringent as set out in TAN6 which specifies at paragraph 4.3.1 that,

“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence”.

It further clarifies at paragraph 4.3.2 that

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

Therefore, whilst the underlying objective of supporting economic development is acknowledged, where a new dwelling is concerned, it must comply with the requirements set out in TAN6.

In this case therefore, it firstly needs to be established whether the enterprise falls to be considered as a rural enterprise as defined by TAN6. Members are advised that just because a business is located within the countryside, it does not mean that it automatically can be considered as a rural enterprise under TAN6, to qualify as a rural enterprise to support a rural enterprise dwelling, the enterprise must comply with the above definition.

In this case, the existing business is a kitchen manufacturing business. Evidently, such a business would not fall within the clear definition set out in TAN6 in that it is a form of business that would ordinarily be situated within an established industrial area or within an existing town/village centre where there is greater population concentrations, co-located complementary businesses and good transport links. A manufacturing kitchen business is not a land related business that takes its primary input from the site itself. Furthermore, whilst the intended future flock of rare breed sheep would qualify as such an enterprise, this is not as yet established and there is limited information submitted to demonstrate when that would take place. As such, given that the existing business cannot be classed as a rural enterprise business, it follows that the application fails against the fundamental policy requirement for a rural enterprise dwelling to be erected.

Notwithstanding the above, there are further tests set out in TAN6 that need to be met when considering Rural Enterprise Dwellings, these are referred to as :

- The Functional Test – that it is essential for a worker to be readily available at most times, at or in close proximity to the site of need, for an appropriate rural enterprise to function properly.

- The Time Test –where there is a functional need there must be a full time requirement for a worker to be present.
- The Financial Test – the rural enterprise must be sustainable and financially sound to fund the proposal.
- The Alternative Dwelling Test – demonstration that there is no other alternative dwelling options available.

Functional Test

The applicant's current business is a kitchen manufacturing business, centering on providing bespoke oak kitchens for mainly domestic clients within the area closer to the site and within local neighbouring counties. The day to day business is described as employees driving to a client's location and then manufacturing and/or fitting the kitchens. It is mentioned that some emergency repairs may be required where a short response time would be required. It is not made clear what type of emergency repairs this would entail, but it is advised that being in a central location such as the application site would serve to ensure suitable response times.

Whilst the arguments put forward are noted, it is not considered that there is an essential functional need for a worker to be readily available on site for a kitchen manufacturing business to sustain its viability. Reference for the need to be able to respond to emergency situations would also contradict the need to be located in a remote rural location as it would certainly be more logical to be located in areas of higher population /customers such as a town or village to provide such an emergency service, although evidently it is not clear what those emergency situations would be that are so fundamental to the business. TAN6 is clear in stating that a new dwelling must be justified on grounds of the needs of the business rather than the applicant's personal preference.

With regards the applicant's future intention to have a flock of 100 rare breed sheep, which such an enterprise would more readily require someone to be on hand, this is not established at present and therefore cannot be relied upon to justify a functional need.

Therefore, it is not considered that the applicant has demonstrated a functional need for a worker to be readily available at most times to enable the existing enterprise to function properly. It should be noted that the existing business has evidently been functioning well to date without having a worker readily available on site at most times.

Time Test

This test relates to the number of workers needed to meet the functional need. This cannot relate to a part time requirement or a requirement that does not relate to the enterprise. The TAN also states that all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons or by workers and their dependents last employed in a rural enterprise. In this case, evidently the existing business employees 2 full time and 1 part time workers, as such for the needs of this particular business would appear to meet the time test.

Financial Test

TAN6 requires a rural enterprise to be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time usually at least 5 years. In support of this element, financial records for the business have been provided that demonstrate that the current business is financially sound and there is nothing to suggest that this would change. Furthermore, it is advised in the submission that the applicant can fund the new dwelling and workshop as the land is owned by family members and the income that would be generated following the sale of their existing dwelling.

However, another key requirement of the rural enterprise dwelling policy is that such dwellings are available for future rural enterprises or as an affordable dwelling. As such it follows that such dwellings should be of a modest scale that would be affordable for future rural enterprises or as an affordable dwelling. The proposed dwelling would have a floorspace of 295sqm. This would compare with a floorspace of 110sqm that is deemed to be an equivalent 4 bedroom affordable dwelling in this location. Officers accept however that rural enterprises generally require additional study/utility rooms and therefore allowances can be made for a larger dwelling than for an affordable dwelling. However it is considered that a dwelling that would be nearly 3 times the size is excessive, and coupled with the plot size and workshop building, would not qualify as an affordable dwelling. The proposal therefore fails to have regard to the requirement that such dwellings must be available for future rural enterprises and/or as an affordable dwelling contrary to the advice set out in TAN6.

Other Dwelling Test

The submitted supporting documentation sets out the availability of other dwellings within the area which has the potential to also provide a suitable workshop area and concludes that no such properties are available within the area that would meet the applicant's requirements. However, the applicant has failed to mention the existing property at Rhydygwin. The supporting documentation indicates that one of the key reasons for a new workshop is that the applicant's parents are considering selling the existing property and yard at Rhydygwin. Therefore, evidently this property is available and would effectively provide a dwelling and secure the existing workshop for the applicant and as such would not require the costs of erecting a new workshop. It is the case that the proposal submitted is in effect a duplication of the existing situation and given that the supporting documentation indicates that the existing arrangement is potentially available, there is limited justification to provide a new replacement dwelling and workshop. No information has been provided to demonstrate the purchase cost of the existing dwelling balanced against the creation of a new dwelling and workshop. As such, insufficient justification has been provided to fully demonstrate that the other dwelling test would be met.

Summary Compliance with TAN6

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

Local Need

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

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

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

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

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

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

Based upon the information provided with the application, it could be considered that the applicant does comply with the definition. However, the application site is not within a settlement, hamlet or group of dwellings as required by the policy but rather in an agricultural field. A dwelling in this location does not represent a minor infill and would result in ribbon development directly contrary to the above policy. Furthermore, and as mentioned above, given the scale of the dwelling being 295sqm, coupled with the workshop and plot size, the dwelling is not compatible with an affordable dwelling and it is highly unlikely that those on low or moderate incomes would be able to purchase the property. The development would therefore fail against key criteria of Policy AH3.

Impact Upon Character and Appearance of the Area

Policy GP1 of the LDP requires all developments to have regard to the character and appearance of the area. The proposal would result in a substantial new dwelling and associated workshop in an elevated position with far reaching views across the countryside. Whilst it is acknowledged that there are scattered dwellings in the area, these are generally of modest, traditional proportions. It is considered that the scale of the dwelling, coupled with its location within an elevated area in the open countryside and limited landscaping, would appear as an incongruous addition to the detriment of the overall visual amenity, character and appearance of the area. Furthermore, the presence of a large scale workshop to the front of the dwelling, which is to be set further back into the field, would also have a detrimental visual impact having regard to the character of the area.

Highway Impacts

Policy TR3 requires all developments to be served by a suitable access. The proposal would utilise an existing access and it appears to be capable of being improved to provide the required visibility splays. The Highway Authority offer no objections subject to the imposition of conditions to secure the visibility splay requirements, parking and turning area requirements.

Water Quality

The application site lies outside of the River Teifi SAC Phosphorous catchment area and as such it is not required to consider the impacts of the development on phosphorus levels reaching the Teifi.

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, fundamentally, the business cannot be considered as a rural enterprise as defined in TAN6 and therefore it falls that the rural enterprise dwelling exception policy is not applicable. The dwelling and business would therefore amount to a new unjustified and isolated dwelling in the countryside. Notwithstanding the above, due to the nature of the use there is no essential functional need for someone to be readily available at most times by being resident on the site for the business to function properly. Furthermore, the scale and plot size of the dwelling would not amount to a rural enterprise dwelling or affordable dwelling as is required by TAN6. Whilst the personal circumstances of the applicant are recognised, such personal reasons are not matters that can be considered

under the policy as stipulated in TAN6. Furthermore, whilst it could be argued that the applicant meets the definition of those in local need, the remote location of the property is contrary to the locational criteria of Policy AH3 and the overall scale is not compatible with an affordable dwelling that would be available for those on low or moderate incomes. The application is therefore recommended for refusal for the reasons set out below.

Recommendation - Refusal

Reasons for Refusal

Reason 1

The proposal is contrary to Section 4.3.2 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010) in that the business, whilst located in a rural area, is not a land related business that obtains its primary input from the site and is a use that does not specifically require a countryside location. The business therefore cannot be considered as a Rural Enterprise as defined by TAN6 and therefore it falls that the Rural Enterprise Dwelling policy is not applicable in this instance. The proposal would therefore lead to an unjustified and isolated dwelling in the countryside.

Reason 2

The proposal fails to demonstrate that there is an existing functional need for a full-time worker to be present on the site at most times for the proper functioning of the business and therefore does not comply with paragraph 4.4.1. (a) and (b) of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010).

Reason 3

The proposed location of the dwelling is not within a minor settlement, hamlet or group of dwellings and therefore fails to meet the locational criteria of Policy AH3 of the Carmarthenshire Local Development Plan 2014. The proposal would therefore result in a sporadic unjustified and isolated new dwelling in the countryside contrary to paragraph 3.60 of Planning Policy Wales (Edition 11, February 2021), paragraphs 4.2.3 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010) and Policies SP1(a) and AH3 of the Carmarthenshire Local Development Plan 2014.

Reasons 4

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) and is not compatible with an affordable dwelling available to those on low to moderate incomes contrary to Policy AH3 of the Carmarthenshire Local Development Plan 2014.

Reason 5

The proposal, by reason of the site's open and elevated location coupled with the scale of the dwelling and the associated workshop located forward of the dwelling, would

appear as a disproportionate addition to the area. The proposal is not considered to conform with or enhance the character and appearance of the area contrary to Policy GP1 of the Carmarthenshire Local Development Plan 2014.