

**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Adran yr Amgylchedd**

**Report of the Head of Place  
and Sustainability  
Environment Department**

**08/12/2022**

**I'W BENDERFYNU  
FOR DECISION**

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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>08.12.2022</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>	<b>PAGE NO</b>
<b>PL/04317</b>	<b>Local need dwelling at Land adjacent to Pen Rhos, Llanelli, SA14 7HA</b>	<b>9-17</b>
<b>PL/04868</b>	<b>Construction of dwelling for local needs eligibility at Plas Newydd, Llangain, Carmarthen, SA33 5AY</b>	<b>18-24</b>

**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>PL/04317</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Local need dwelling
<b>Location</b>	Land adjacent to Pen Rhos, Llanelli, SA14 7HA

<b>Applicant(s)</b>	Tom Rogers
<b>Agent</b>	Ceri Davies
<b>Officer</b>	Eilian Jones
<b>Ward</b>	Gorslas
<b>Date of validation</b>	19/07/2022

## Reason for Committee

This application is being reported to the Planning Committee at the request of the Local Members. This application was deferred from the 13 October 2022 committee to enable Local Members to address the planning committee.

## Site

The proposal comprises of a rectangular parcel of land fronting onto the C2222 public road. The land is relatively flat, albeit with a gentle slope from east to west and north to south respectively. The site is bounded on all four boundaries by trees/hedgerows, albeit with a section fronting the public road removed for access.

Prior to 2021, the land did not have an access and was covered in trees and vegetation. The land has been subject to recent enforcement investigation following the clearance of land, access works, the laying of hardstanding and the siting of a building comprising of shipping containers enclosed in a wooden structure by a member of the applicant's family in 2021. Based on a statement by the applicant's agent, the original intention was to acquire the site with a view of utilising it as a paddock for the keeping of horses.

The site is located outside any defined settlement limits and, as such, is considered to be in the countryside. The nearest settlement is Foelgastell which is approximately 650m away from the site and is severed by the A48 dual carriageway. Maesybont is the nearest settlement to the site which is on the same side of the A48 and is approximately 2.4km away.

## Proposal

The application seeks consent for a new detached, two-storey dwelling and the change of use of the entire site to be used as residential curtilage associate with the new dwelling. The proposal is for a local needs dwelling and a supporting statement has been submitted outlining the rationale for the proposal and information relating to the circumstances of the applicant.

The dwelling would have an L-shaped footprint, with the main section being two-storeys and rectangular in shape and an attached single-storey rear wing. The dwelling would have a pitched roof and a relatively symmetrical appearance to its principal elevation that would face the public road. The dwelling would be positioned in the south-western corner of the site with the access, drive, parking and turning area located to the east. The remainder of the site would become private garden/amenity spaces. The existing buildings/containers on the site would be removed.

The floorplans indicate that the ground floor of the dwelling would comprise of a porch, large open plan kitchen/dining room, a study/office, sitting room, utility room, hallway and an attached garage. The first floor would comprise three bedrooms, two bathrooms and a changing room.

The plans indicate that the dwelling would have a floorspace of 164sqm. However, the garage is integral and considered to be part and parcel of fabric of the dwelling which should be included in its floorspace. As such, the total floorspace would equate to approximately 185sqm.

## Planning Site History

None.

## Planning Policy

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

SP1 - Sustainable Places and Spaces

SP2 - Climate Change

SP3 - Sustainable Distribution- Settlement Framework

SP14 - Protection and Enhancement of the Natural Environment

GP1 - Sustainability and High Quality Design

GP2 - Development Limits

GP3 - Planning Obligations

AH2 - Affordable Housing – Exceptions Sites

AH3 - Affordable Housing – Minor Settlement in the Open Countryside

TR2 - Location of Development – Transport Considerations

TR3 - Highways in Developments – Design Considerations

EQ4 - Biodiversity

EQ5 - Corridors, Networks and Features of Distinctiveness

EP1 - Water Quality and Resources  
EP2 - Pollution  
EP3 - Sustainable Drainage

## Carmarthenshire Supplementary Planning Guidance

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

## Summary of Consultation Responses

**Head of Transportation & Highways** - No objections subject to conditions.

**Head of Public Protection** - No objections subject to conditions.

**Gorslas Community Council** - No observations received to date.

**Local Member - Councillor D. Price** - Supports the proposal. Requests that the application is referred to the Planning Committee for determination for the following reasons:-

- This application has been submitted as a result of the applicant's current personal circumstances and the inability to secure a family home to meet his personal needs and that of his partner. The failure to find a suitable property within the community area or any adjoining community areas means that the applicant and his partner continue to reside in inadequate and unsuitable accommodation. It has been put to me that the only realistic alternative is the possibility of constructing a dwelling on this land.
- I believe that given the location of the application site and its proximity to other dwellings and commercial buildings, the site does not represent a remote form of development in the open countryside. Neighbouring buildings range from residential dwellings, businesses and commercial properties to industrial and agricultural buildings. There is clearly therefore built development in close proximity to the site.
- While the proposed development would inevitably change the character of the site itself, I do not believe that the proposed changes would result in an unacceptable impact on the surrounding landscape nor would they have an adverse impact on the existing neighbouring developments.
- I believe that the applicant meets the requirement for a genuine identified local need. Policy AH3 states that proposals for affordable housing for a single dwelling will also be permitted within 'groups of dwellings without Development Limits', and for those reasons I am supportive of the application.

**Local Member - Councillor A.V. Owen** - Supports the proposal. Requests that the application is referred to the Planning Committee for determination for the same reasons as Cllr. D. Price.

**Sustainable Drainage Approval Body (SAB)** – No objections to the proposal. Confirms that the site is not at flood risk and that separate drainage approval is required.

**Natural Resources Wales** – No objections subject to advisory notes.

**Dwr Cymru/Welsh Water** – No objections to the proposal.

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. One letter of support and one letter of objections have been received. The matters raised are summarised as follows:

- i. Unauthorised works already taken place at the site.
- ii. The proposal would set a precedent for the area and cause further applications for other residential properties being submitted.

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

## Appraisal

The application seeks consent for a new detached, two-storey dwelling and the change of use of the entire site to be used as residential curtilage associated with the new dwelling. The proposal is for a local needs dwelling.

Paragraph 4.2.3 of Technical Advice Note 6 states that: “Planning authorities should ensure that the affordable housing provides for genuine local needs, is affordable in perpetuity, well designed and of the right scale”.

The site is located in the countryside where there is a presumption against new residential development. However, limited development can occur in very exceptional circumstances where there is clear, compelling and robust evidence-based justification in its support. The Authority will not set aside normal countryside protection policies lightly.

The case presented is primarily based on local needs and affordability. The principal policy applicable to the application is Policy AH3 Affordable Housing – Minor Settlement in the Open Countryside. A local needs dwelling in the countryside is an exception to normally accepted forms of countryside development. The level of evidence to justify such development therefore must also be equally exceptional. In the consideration of applications for local needs, it is reasonable for the Authority to understand the applicant’s personal circumstances and to substantiate the claim concerning (un)affordability.

In terms of personal circumstances, the supporting statement which accompanies the application explains that the applicant is a professional rugby player, and along with his partner, currently resides with his parents in Cross Hands. The applicant’s intention is to start a young family and as such, the parental home is deemed unsuitable and is now seeking a long-term solution. It is claimed that due to rising house prices, the applicant’s ability to purchase a suitable property within his financial means is becoming increasingly difficult.

The applicant is from Cross Hands and the supporting statement has shown reasonable established links within the community, albeit not exclusively associated with either the nearest settlements of Foelgastell or Maesybont. The application site sits within the Gorslas ward and neighbours Llannon Ward which contains Cross Hands and the current home of



the applicant. The applicant attended Maes y Gwendraeth secondary school which is within the Gorslas ward and has links to local rugby clubs.

The definition of local need is defined in the Glossary of Terms in the LDP. Having regard to the supporting statement which accompanied the application, it is concluded that the applicant would meet the definition of local need. However, this is only one aspect of Policy AH3 and the remaining fundamental components of this policy must be met and regard to any other relevant policies, guidelines and material planning considerations.

The applicant claims that he is unable to afford a suitable 3-bedroom property in the locality. Unfortunately, no evidence, in confidence, has been provided concerning the applicant's financial situation such as income/savings, including the occupation and income/savings of his partner. Furthermore, no additional evidence has been provided which could assist in the matter, such as demonstrating that he is on the Council's housing register and/or meets the eligibility criteria for assistance for low cost home ownership, and/or documents from banks/building societies of being unable to secure mortgages or loans when attempting to purchase a suitable dwelling in the area. Such information, which should not be regarded as an exhaustive list, is considered reasonable to enable the Authority to substantiate the claim of housing (un)affordability.

Based on the supporting statement, it is understood that a member of the applicant's family purchased the application site. The original intention was to acquire the site with a view of utilising it as a paddock for the keeping of horses. Unauthorised works have occurred on the site which has been subject to enforcement investigation and this application for residential development, is now before the Authority for consideration.

The statement does not disclose whether the site would be gifted to the applicant or would be subject to purchase costs. The applicant intends to use members of the family to assist in the construction of the dwelling to keep costs down although some works will be contacted to companies. The supporting statement explains that the applicant's budget is £180,000-£190,000. The application has not been supported with a viability appraisal to demonstrate how the overall cost of the project would be completed within the stated budget. The supporting statement simply claims a build cost of £1,200 per square metre. Based on this figure and with the floorspace of the dwelling being 164sqm, the statement explains that the cost would be approximately £196,800 but could be reduced to within the applicant's budget due to his father being a ground contractor. However, this floorspace has excluded the well-integrated attached garage which should be included in the total floorspace of the dwelling to approximately 185sqm. This would have a cost of approximately £222,000, far exceeding the applicant's budget.

The supporting statement claims that it has not been possible to secure a 3-bedroom dwelling within the local area on the applicant's budget. This has not been well-evidenced within this submission particularly with regards to the lack of information concerning the applicant's own personal financial circumstances and understanding of the local housing market.

The supporting statement has provided a list of detached and semi-detached properties for sale in the community of Llannon, Gorslas and neighbouring communities during the last 12 months prior to the submission of the application in July, all of which being outside the applicant's budget. The addresses of those properties have not been specifically provided, although the name of the estate agent has been disclosed.

Of properties within the applicant's budget, the supporting statement explains they were discounted due to being too small or needed to be extended or extensively renovated, which would have additional costs. These properties have not been specifically evidenced in the statement to enable scrutiny by the Authority and comparison with Design Quality Standards set by Welsh Government.

In July, the Council's Valuer undertook an online search of 3-bedroomed properties currently available on the market within a 3 mile radius of the subject suite and found 10 being advertised for prices ranging from £125,000 - £200,000, ranging from ex-Council houses, traditional properties and new-build houses. The Council's Valuer also undertook an online search for building plots which are available within a 3 mile radius of the subject site. Several plots were available, some serviced with outline planning consent for single dwellings. With a budget of £190,000 and a build cost rate of £1,200 per sqm (as specified by the agent), it should be possible to build a 3 bedroomed property meeting Welsh Government's design quality standards for £111,600, which would leave circa £78,000 budget to purchase a plot within settlement limits being advertised as having the benefit of outline planning permission.

Having regard to the above, the evidence presented by the applicant with regards to matters of (un)affordability and the local housing market cannot be corroborated and, in some cases, contradicts the evidence of the Authority.

Policy AH3 of the LDP enables the development of affordable dwellings in areas without development limits but which are within settlements, hamlets and groups of dwellings where it is to meet a genuine identified local need. Although there are some properties within the site's general locality, these would not be categorised as either a settlement or a hamlet. The supporting statement contend that these should be considered a 'group of dwellings' for the purposes of the policy. However, following a review of the area and information provided by the applicant, it is considered that the dwellings within the locality of the application site are located some distance from the site both to the east and to the west. They are dispersed in a fragmented pattern some distance away from each other, not close enough to reasonably be considered a group of dwellings for the purposes of this policy. As such, it is considered that the location of the proposal does not meet this component of Policy AH3 of the LDP. Notwithstanding this, consideration has been given the remaining criteria of Policy AH3.

*Criterion 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.*

It is considered that the proposal would not represent infill development given the large distance between the nearest properties. The applicant's own supporting statement recognises that not all the existing dwellings are sited immediately adjacent to one another, and the gaps in the built form vary considerably. In this regard, there is approximately 90 metres separating the site and the curtilage of Pen Rhos to the West. To the east there is a vehicle restoration business which is closer to the site. However, it is secluded, and separated from the site by trees and vegetation with its access approximately 120m away. The site has no continuous built-up frontage but is largely characterised by rows of mature trees and hedgerows. Opposite the site's public road frontage are agricultural fields and field hedgerows which are largely continuous apart from the occasional field access.

It must be noted that access onto a classified road requires planning permission. Prior to 2021, the hedgerow fronting the site and the public road was continuous which would have

reinforced the rural and spatial character of the area. The current gap within the hedgerow at the site frontage is unauthorised and does not have the benefit of planning permission.

With regards the second part of this criterion, it is considered that the site's distance from the nearest dwellings means it would not be sufficiently close to be considered an extension. At this location, the development of a new dwelling would create a fragmented pattern of development without a visual or appropriate spatial relationship to the existing built form of the nearest dwellings.

Having regard to the above, it is considered that the proposal does not satisfy criterion a) of Policy AH3 of the LDP.

Criterion b), c) and d) of Policy AH3 of the LDP are considered together since they are inextricably linked.

*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.*

Regard is given the Welsh Government document "Welsh Development Quality Requirements 2021 – Creating Beautiful Homes and Places". This sets out the National minimum functional quality standards for new and rehabilitated general needs affordable homes. According to this document a 4 person/3 bedroom two-storey dwelling can be achieved with a floorspace of 88sqm. A 5 person/3 bedroom two-storey dwelling has a floorspace of 93sqm. In this regard, the proposed dwelling at 185sqm (inclusive of the integral garage), is double the floorspace standards set by Welsh Government for an affordable 3-bedroom unit.

A minor internal configuration of the floorplan of the proposed dwelling could enable the dressing/changing room on the first floor becoming a fourth bedroom as it of sufficient size to be considered as a habitable room. Furthermore, having regard to the pitch and size of the roof, it is likely that the loft of the dwelling could be converted to provide additional habitable space, albeit some controls could be imposed via the imposition of a condition removing permitted development rights. However, it is worth noting that the largest affordable dwelling specified in the Welsh Government document is 114sqm, which is suitable for 7 persons/4 bedrooms. The proposed dwelling significantly exceeds this standard as well.

Paragraph 4.2.4 of Technical Advice Note 6 states: "Whilst the price of the affordable home covers development costs, prices are well below market values. For this model to work planning authorities must ensure that properties constructed are affordable to the local community as a whole, not only the initial occupier, and requests to allow disposal on the open market (except where the mortgagee is in possession) resisted".

It is considered that the proposed dwelling is not of a size, scale, and design compatible with an affordable dwelling, and significant concerns are raised in terms of the final value of the property not being readily available or affordable to those on low or moderate incomes should the property be sold in the future. This is amplified by the excessively large residential curtilage that is proposed to accompany the affordable unit and is much larger than other properties in the locality. Such factors would also need to be considered in the valuation of

the property and for it to be considered as a realistic affordable dwelling-unit. The Council's Valuer has advised that the proposed dwelling is substantially larger than expected standards for an affordable unit and reinforces the concerns of the Local Planning Authority.

Whilst legal agreements are used to ensure properties are kept as affordable units of accommodation (criterion c), it would not be appropriate to do so if, from the outset, the dwelling under consideration far exceeds what could be afforded by subsequent and qualifying occupants. A legal agreement under such circumstances would be at significant risk of challenge on the basis that it can no longer fulfil its purpose, with the resultant effect being the establishment of private market dwelling in the countryside. This would be at odds to the fundamental planning principle of protecting the countryside from inappropriate development. On this related matter, the Planning Committee considered and refused an application in December 2021, to remove a condition and discharge the requirements of a legal agreement imposed on a local needs dwelling in Dryslwyn (PL/02533 refers). Under that application, the agent, who is the same agent associated with this application, asserted amongst several reasons, that the value of the property, even when applying the affordable housing discount, was still beyond the means of a qualifying person, thereby rendering the restrictive condition and legal agreement ineffective and unreasonable.

With regards to this latest application, by virtue of the unjustified size and scale of the proposed dwelling and curtilage as an affordable unit, and the subsequent concerns over its realistic prospect of being retained as an affordable unit in future, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful visual amenity, the character and appearance of the countryside and at odds with the principles of sustainable development. This would be contrary to criterion b), c) and d) of Policy AH3 and Policies SP1 and GP1 of the LDP.

Given the remote location of the dwelling, the proposal would not result in any unreasonable harm to the amenity of neighbours or future occupiers of the dwelling. The Head of Public Protection has not raised an objection to the proposal but has recommended conditions relating to contamination. This is on the basis of the site being in a coal mining area. However, the site is over 750m from the nearest recorded high risk area defined by the Coal Authority and, as such, it is considered unreasonable to impose this condition.

It is considered that the recent clearance of the land has resulted in the inner parts of the site being devoid of any significant trees or landscape feature and is currently largely maintained grass. There are however trees and hedgerows located on the periphery of the site and the site frontage which are considered important rural features. The proposed dwelling and associated access, drive, parking and turning area would be set-in from the boundaries and it is likely that it could be accommodate with further adverse effects to the remaining landscape features. The provision of tree and hedgerow protection measures and biodiversity/ecology enhancements could be controlled via conditions. This is considered sufficient to address the concerns of the Council's Arboriculture Officer. The proposed plans does not show the unauthorised building within the site, implying that it would be removed. A condition could be imposed to ensure its removal.

The applicant's statement refers to other sites and proposals for local needs and rural residential development across the County. These have been considered but do not override the fundamental principle that each application must be considered on their own merits. This is especially the case when considering local needs proposals given the unique circumstances of each applicant, the precise conditions of the housing market and values attributed to a very specific time and locality, together with consideration of the bespoke

geographical context and constraints of each site. The principle of each application being considered on their own merits also apply to matters of precedent which was raised by a local resident.

## **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, together with the representations received, it is concluded on balance that the proposal represents an unjustified development in the open countryside that is at odds with the policy objectives of the Local Development Plan.

## **RECOMMENDATION - Refusal**

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## **Reasons**

### **Reason 1**

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The proposal is contrary to Policies SP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014) in that it has not been proven that the personal circumstances of the applicant (and their dependents) is exceptional, to substantiate the claim concerning the inability to afford a suitable and available dwelling in the locality and to justify the need for a new dwelling in the countryside.

### **Reason 2**

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The proposal would result in a sporadic, fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. Furthermore, the excessive size, scale and design of the dwelling and related residential curtilage are not compatible with an affordable dwelling that would be available to low or moderate income groups. As such, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful to visual amenity, the character and appearance of the countryside and at odds with the principles of sustainable development, contrary to Policies SP1, SP14, GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014).

<b>Application No</b>	<b>PL/04868</b>
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<b>Application Type</b>	Outline planning consent: all matters reserved
<b>Proposal</b>	Construction of dwelling for local needs eligibility
<b>Location</b>	Plas Newydd, Llangain, Carmarthen, SA33 5AY

<b>Applicant(s)</b>	Vivian Jenkins
<b>Agent</b>	Harold Metcalfe Partnership - Ceri Evans
<b>Officer</b>	Charlotte Ford
<b>Ward</b>	St Clears and Llansteffan
<b>Date of validation</b>	14/10/2022

## Reason for Committee

This application is being reported to the Planning Committee at the request of the Local Member Cllr Carys Jones (Vice Chair of the planning Committee)

## Site

The application site comprises part of an agricultural field situated off the C2079 (Glasfryn Square to Rhydlydan B4312) and subsequent track road with Plas Newydd Farm being to the south east of the site. The application site is located some 1.6km west of the development limits of Llangain and 2.4km south east of Llangynog.

The site itself comprises the northern corner of an agricultural field with a frontage onto the unclassified track road that serves Plas Newydd Farm. The remainder of the agricultural field, within which the application site is located, is currently delineated by hedgerow on all sides. The area surrounding the application site is characterised by scattered farmsteads and dwellings with no defined settlement in close proximity.

## Proposal

The application is a resubmission of a previously refused application and seeks outline consent (all matters reserved) for a new detached dwelling. The submitted block plan indicates the following scale parameters for the proposed new dwelling; length 10-12m, width 8-10m, eaves 5-5.4m and ridge 8-9m. This approximately equates to a minimum floorspace of 160sqm and a maximum floorspace of 240sqm.

The proposal is for a local needs dwelling and a supporting statement has been submitted outlining the rationale for the proposal and information relating to the circumstances of the applicant. The applicant was born and raised in Llangain and is the 5th generation to live in the vicinity of Plas Newydd farm, and now being responsible for the 'up-keep' of the farms associated fields. The applicant and their partner both work in Ysgol Y Dderwen (Carmarthen) and state that they have been unable to secure a dwelling within Llangain given their budget and prevailing house prices.

## Planning Site History

PL/04230 - Construction of dwelling for local need eligibility - Outline Refusal - 12/9/2022

## Planning Policy

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

SP1 - Sustainable Places and Spaces

SP2 - Climate Change

SP3 - Sustainable Distribution- Settlement Framework

SP14 - Protection and Enhancement of the Natural Environment

GP1 - Sustainability and High-Quality Design

GP2 - Development Limits

GP3 - Planning Obligations

AH2 - Affordable Housing – Exceptions Sites

AH3 - Affordable Housing – Minor Settlement in the Open Countryside

TR2 - Location of Development – Transport Considerations

TR3 - Highways in Developments – Design Considerations

EQ4 - Biodiversity

EQ5 - Corridors, Networks and Features of Distinctiveness

EP1 - Water Quality and Resources

EP2 - Pollution

EP3 - Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

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

## Summary of Consultation Responses

**Head of Transportation & Highways** - No objections subject to conditions.

**Head of Environmental Health** - No objections subject to conditions.

**Llangynog Community Council** - The above application was reconsidered by Llangynog Community Council at their meeting on 8th November 2022. It was resolved to object to this planning application based on the previous correspondence submitted and that it was rejected by the County Council.

**Local Member - Councillor C. Jones** - Supports the proposal. Requests that the application is referred to the Planning Committee for determination for the following reason:-

- for discussion with the Planning Committee on a Local Needs basis.

**Sustainable Drainage Approval Body (SAB)** – No objections to the proposal. Confirms that separate drainage approval is required. NRW Flood Maps Planning indicate the proposed development is also located partially within a surface water or small watercourse Flood Zone 2/3 (Southern Side). This appears to be the side by which access to the development would be gained.

**Natural Resources Wales** – No objections subject to advisory notes.

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

## Summary of Public Representations

The application was the subject of notification by way of a site notice. No public representations have been received at the time of writing this report.

## Appraisal

### Principle of the development

Whilst there is a general presumption against the erection of new dwellings outside of defined settlements within the countryside, the LDP, having regard to guidance set out in PPW recognises that there are opportunities and that sensitive infilling or small gaps and/or minor extension to such groups could be considered acceptable provided that they provide for affordable housing to meet genuine identified local need.

Policy AH3 provides the criterion against which such applications must be considered and specifies:

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.

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

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

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

Having regard to the supporting statement which accompanied the application, it is concluded that the applicant would meet the definition of local need. It is considered on balance that the applicant has provided sufficient information to demonstrate that they meet the definition, in that they have a long standing link to the local area. The applicant and their partner are in full time employment in Ysgol Y Dderwen, Carmarthen (9.3km from the application site). The supporting information also indicates that the applicant provides assistance in regard to the maintenance for the family farm at Plas Newydd which is adjacent to the proposed application site and has aspirations for its future, although no further information as to the farming enterprise has been provided. The applicant states that they contribute to the local community of Llangain in a social and cultural sense through involvement in the organisation of town events. Within the supporting statement the applicant has advised that their budget is not sufficient to buy a home in Llangain, with house prices on average being £288,000 and increasing by 19% alone in the last year. No further details of these figures and/or searches or the type of property the applicant has looked in to previously have been submitted in support of this application. Following a desktop exercise, the local planning authority is aware that there is only a handful of properties in and around Llangain currently for sale with asking prices generally in excess of £345,000 which has been stated is out of the applicant's budget.

In terms of criteria (a) of LDP Policy AH3, the proposed development should represent a *"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"*. Having further regard to the site's location, Paragraph 3.56 of PPW Edition 11 states that *"development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation."* The site's location is not within the development limits of Llangain. Although there are some properties within the site's general locality, these would not be categorised as either a settlement or a hamlet. It is considered that the dwellings within the locality of the application site are located some distance from the site. They are dispersed in a fragmented pattern some distance away from each other, not close enough to reasonably be considered a group of dwellings for the purposes of this policy. Notwithstanding this, consideration has been given to the remaining criteria of Policy AH3.

In terms of the remaining criteria of Policy AH3, namely (b), (c) and (d), as stated above the application is for a property intended to meet a local need for affordable housing. Regard is given to the Welsh Government document “Welsh Development Quality Requirements 2021 – Creating Beautiful Homes and Places”. This sets out the National minimum functional quality standards for new and rehabilitated general needs affordable homes. According to this document the largest affordable dwelling specified is 114sqm, which is suitable for 7 persons/4 bedrooms. The proposed dwelling included in this outline application significantly exceeds this standard being a minimum of 160sqm and a possible maximum of 240sqm as suggested by the scale parameters given. This is substantially more than the floorspace standards set by Welsh Government. No supporting information regarding the estimated build budget, land value or professional fee have been submitted as part of this application.

Whilst the initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to control the future sale of the property and ensuring the property would remain affordable in the longer term, this has not been pursued given the fundamental policy objections to the development as outlined above. Such restrictions in respect of the long term affordability of the property are suggested to refer to the Affordable Housing Pricing Schedule, which is reviewed and published annually. The current Affordable Price within the Taf Myrddin Community Network Area for a 4 bedroomed 7 person dwelling is £102 579. It is expected that that future sales should be at the affordable price at the time of sale, with sales being restricted to persons eligible for affordable housing in accordance with the Council’s criteria at that time, or to a social housing provider. Given the scale of the proposed dwelling such restrictions would not appear realistic and further supports the view that the scale of the dwelling is not compatible with an affordable property and unlikely to be manageable for those on low incomes. Whilst legal agreements are used to ensure properties are kept as affordable units of accommodation (criterion c), it would not be appropriate to do so if, from the outset, the dwelling under consideration far exceeds what could be afforded by subsequent and qualifying occupants. A legal agreement under such circumstances would be at significant risk of challenge on the basis that it can no longer fulfil its purpose, with the resultant effect being the establishment of private market dwelling in the countryside. This would be at odds to the fundamental planning principle of protecting the countryside from inappropriate development.

The proposed dwelling by reason of its remote siting, scale and design therefore fails to meet Criteria (b), (c) and (d) of Policy AH3 and would result in an isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area.

#### Impact upon highway safety

Whilst access is not a matter for consideration at the outline stage, the site would be accessed via the private road which extends north of the adopted highway (C2079). The proposals would result in a minor intensification of the private road / C2079 junction which has poor westbound visibility due to the curvature of the road and the positioning of the hedge row. The Highways Authority do not object to the proposal but note that should any further intensification of use of the poor standard of access occur improvements would be required.

## Ecology

The proposal has the potential to impact upon the surrounding hedgerows during the construction phase and would result in the loss of a hedgerow to enable access into the site. As such, whilst the Planning Ecology have not raised in principle objections to the development, it is requested that additional Hedgerow Information and Biodiversity Enhancements would be required should planning permission be granted.

## **Planning Obligations**

The initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to effectively control the future sale of the property. This has not been pursued with the applicants given the fundamental objection to the development as outlined above.

## **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 represents an isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area which fails to comply with the requirements of a local needs dwelling by reason of its siting and scale and is therefore contrary with the policy objectives of the Local Development Plan. In light of this, it is recommended that planning permission be refused.

## **RECOMMENDATION - Refusal**

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## **Reasons**

### **Reason 1**

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The proposed site does not represent a sensitive infill of an otherwise continuous built up frontage nor does it constitute a minor extension and as such development of the site would result in a sporadic, fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. Furthermore, the indicative scale of the dwelling and related residential curtilage are not considered compatible with an affordable dwelling that would be available to low or moderate income groups. As such, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful to visual amenity, the character and appearance of the countryside and at odds with the

principles of sustainable development, contrary to Policies SP1, SP14, GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014).