

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

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

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

27/04/2023

**I'W BENDERFYNU
FOR DECISION**

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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	27/04/2023
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/04946	Proposed reinstatement of abandoned dwelling to include conversion of adjacent outbuilding into part of the dwelling and all associated works to include a modest side extension to link the two buildings at Blaenauforest, Ffarmers, Llanwrda, SA19 8QH
PL/05480	Replacement of the existing temporary amenity block with a permanent structure at Pembrey Caravan Club, Factory Road, Pembrey, Burry Port, SA16 0EJ

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
PL/04641	Proposed part conversion of an agricultural building adjacent to the Farmhouse at Cilwr Uchaf to provide ancillary accommodation, together with all other associated works at Cilwr Uchaf, Talley, Llandeilo, SA19 7BQ

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/04946
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Application Type	Full planning permission
Proposal	Proposed reinstatement of abandoned dwelling to include conversion of adjacent outbuilding into part of the dwelling and all associated works to include a modest side extension to link the two buildings
Location	Blaenaufforest, Ffarmers, Llanwrda, SA19 8QH

Applicant(s)	Paul Davies
Agent	Castle Architectural Designs Ltd - Matt Edwards
Officer	Kevin Phillips
Ward	Cilycwm
Date of validation	26/10/2022

Committee Update

This application was previously reported to the Planning Committee on 2 March 2023. A copy of the original committee report is reproduced below for Members information. The application was recommended for refusal by Officers for the reasons set out in the original report below.

Following discussion, Members considered that what remained of the property was deemed capable of being utilised, was physically sound and only required remedial works and therefore was considered to comply with the requirements of Policy H8 Renovation of Derelict or Abandoned Dwellings of the Carmarthenshire Local Development Plan 2014. Members therefore were minded to permit the development subject to the imposition of conditions and the applicant providing a financial contribution towards affordable housing provision secured by way of a Section 106 Legal Agreement. Members were advised by Officers that discussions would need to take place with the applicant with regards the affordable housing contribution as no such discussions had taken place to date due to the recommendation for refusal and that the application would be brought back before the committee following such discussions. This would also provide opportunity for the departure procedures to be complied with and to confirm the conditions intended to be imposed on the application.

Since the planning committee, the applicant has been advised that a financial contribution of £27,978 towards affordable housing is required which would need to be secured by way of a legal agreement. This contribution is calculated based upon the floorspace of the dwelling. To date, the applicant has not confirmed that he is willing to enter into such an agreement.

To comply with the legal requirements, everyone who has a legal interest in the land must be signatory to the legal agreement. On this basis, Officers have been made aware that the application site along with some adjoining fields is currently for sale, with the sales particulars stating that the site benefits from planning permission to reinstate the dwelling, despite the permission having not been ratified and therefore issued by the Local Planning Authority as yet. Nevertheless, onward sale of the property prior to completion of the legal agreement will result in delays as it would necessitate any new owners being party to the agreement and themselves agreeing to the payments included therein. Officers have made the applicant's aware of this.

CONCLUSION

Whilst the officer's recommendation to refuse the application based on the reasons set out in the original report still stands, in the event that the Planning Committee continue to resolve that planning permission should be granted, it is recommended that such a decision is subject to completion of the legal agreement to secure the above-mentioned affordable housing contribution and the below recommended planning conditions.

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

CONDITIONS AND REASONS

Condition 1

The development hereby permitted shall be commenced before the expiration of two 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 above approved development relates to the following plans and documents and works shall be carried out in accordance with them unless amended by any conditions below;

- Existing Floor, Elevations, Block and Location Plan (1832-01), received 20 October 2022
- Elevations and Typical Section Through Plan (1832-05), received 20 October 2022
- First Floor and Roof Plan (1832-04), received 20 October 2022
- Elevations and Sections Plan (1832-02), received 20 October 2022
- Ground Floor and Site Plans (1832-03), received 28 November 2022
- I&G Ecological Consulting Bat Report, received 20 October 2022
- Structural Report by Nexus dated 9 February 2023, received 15 February 2023

Reason: In the interest of visual amenity and to define the permission

Condition 3

The permission hereby approved is for the reinstatement of the former dwelling at the site and conversion of the associated outbuilding therefore the demolition works to all walls, required to enable a stable condition to be attained to allow the dwelling to be reinstated shall not proceed beyond the works identified as the areas to be rebuilt within Appendix B of the Revised Structural Report, received 15 February 2023.

Reason: In the interest of ensuring that that the proposed development is a reinstatement of the dwelling and not a rebuild in accordance with Policy H8 of the Carmarthenshire Local Development Plan 2014.

Condition 4

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, amending and re-enacting that Order), no development of the types described in Schedule 2, Part 1 Classes A, B, C and E other than that hereby approved, shall be carried out without the written permission of the Local Planning Authority.

Reason: To exert control over the future development of the site to ensure that the character and appearance is maintained in accordance with policy GP1 of the Carmarthenshire Local Development Plan 2014.

Reasons for Decision

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed development is considered to comply with Policies SP14, GP1, H8, EQ4 and TR3 of the Carmarthenshire Local Development Plan (2014) in that the existing structure is considered to be physically sound and would only require remedial works to reinstate the dwelling and there are no adverse effects upon nature conservation interests and there are no adverse effects on access, parking, utility services or local amenity.

Note 1

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

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

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

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

Note 2

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

Note 3

The following should be adopted with respect to external lighting requirements in condition 2 above; where external lighting is necessary, this should utilise a number of key design points to limit any impact, as follows:

- Low level lighting pointed towards the ground; LED bulbs to be used of 3000 Kelvin and below (Warm White light and not daylight);
- Use of light shields and hoods to direct the light downwards and prevent vertical and horizontal light spill; and
- Use of passive infrared (PIR) motion sensors on timers to ensure lights only come on when necessary.

Previous report submitted to the Planning Committee on the 02/03/2023:

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by the Local Member, Cllr Arwel Davies.

Site

The application site is the ruined remains of a former traditional stone dwelling and adjacent outbuilding at a remote rural location, approximately 300 metres southeast of the existing Blaenaufforest farm and 1.7 kilometres west of the village of Ffaldybrenin, Llanwrda as the crow flies. The site has a 675 metre rough track leading from the C2191 road to the west of the site, the track is also the route of the unclassified U4105 road, which runs in front of the dwelling to the South.

Proposal

The proposed development seeks reinstatement of the abandoned remains of a former dwelling into a new four bedroom dwelling to include a living room, home office/bedroom and an en suite bathroom at ground floor and Master bedroom, walk-in wardrobe and en suite bathroom a first floor, with the adjacent outbuilding proposed as part of the dwelling with a kitchen, dining room and family area, and a two storey side extension to link the two buildings, which includes two bedrooms each with an en suite bathroom at first floor and a large hallway, utility room, 2 toilets, plant room and storage cupboard at ground floor. The dwelling will be finished in stone and cement render with a natural or synthetic slate finish roof.

The application is supported by a bat report that concludes that there are no bats at the ruined building and no bat licence is required, and a Structural Report that relays the works that are required to bring the existing ruined building to a condition that can be reinstated, which shall be discussed further in this report.

Planning Site History

PL/04289 - Proposed reinstatement of abandoned dwelling to include conversion of adjacent outbuilding into part of the dwelling and all associated works to include a modest side extension to link the two buildings. Refused 9 September 2022

Planning Policy

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

Policy GP1 Sustainability and High Quality Design
Policy H8 Renovation of Derelict or Abandoned Dwellings
Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use
Policy EQ4 Biodiversity
Policy EP1 Water Quality and Resources
Policy TR2 Location of Development – Transport Considerations
Policy TR3 Highways in Development – Design Considerations

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

Llanycrwys Community Council - No observations received to date.

Local Member - Councillor A Davies has requested that the application be called in to be considered by the Planning Committee. The Local Member conveys that he fully supports the application for the following reasons.

1. Proposed development complies with Policy H8 regarding the reinstatement of abandoned dwellings.

2. The structural survey makes clear that a significant part of the structure is physically sound and structurally intact only requiring limited amount of structural remedial works again in line with policy.
3. The wider site is currently underutilized, and the development will secure this old farmstead.
4. Not allowing the development will likely result in the loss of the farmhouse and outbuildings. Policies would allow for the conversion of the building but not the main dwelling. Therefore, this should be challenged.

Sustainable Drainage Approval Body- The Sustainable Drainage Approval Body (SAB) has identified that this project application requires a full SuDS Application because the proposed development has a construction area greater than 100m². Therefore, the development, as required under Schedule 3 of the Flood and Water Management Act 2010, must implement SuDS infrastructure in accordance with Statutory SuDS Standards. As such, a full SuDS application for this development must be submitted for assessment and approved by the Sustainable Drainage Approval Body (SAB) at Carmarthenshire County Council.

Natural Resources Wales – No objection to the proposed development as submitted and provide the following advice. The application site is within the catchment of the River Tywi Special Area of Conservation (SAC). As you are aware, on the 21 January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with their Planning Advice (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Tywi SAC

The bat report submitted in support of the application has identified that bats were not using the application site. Therefore, no comments are made on the application as submitted.

Head of Transport - No observations on 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 site notice and no representations were received.

Appraisal

Principle of development

The proposal is for the reinstatement of an abandoned dwelling, which is in a very poor state of repair, into a 4 bedroomed dwelling. It is considered the remains of the former dwelling can be described as a ruin in that it has had no roof for many years, trees have been growing inside what remains of the former dwelling and walls have fallen away at the front first floor, rear western side and rear elevation.

Policy H8 of the LDP allows for the renovation of derelict or abandoned dwellings where:

- a) *It can be demonstrated that a significant part of the original structure is physically sound and substantially intact requiring only a limited amount of structural remedial works;*
- b) *The existing structure displays sufficient original architectural detail (walls, roofs, apertures etc) to enable an accurate and faithful renovation that reflects its former prime state and condition;*
- c) *It is sympathetic to the original dwellings architectural qualities and makes a positive contribution to the landscape;*
- d) *There are no adverse effects on the setting or integrity of the historic environment.*

In exceptional instances where it can be demonstrated that the original dwelling played a recognised and significant role in the history, culture, and development of Carmarthenshire, the use of photographic or documentary evidence may be accepted as a means to illustrate the original details of the dwelling

A previous application was refused for this proposal on the following grounds;

“The proposal, if approved would be contrary to Policy H8 (Renovation of Derelict or Abandoned Dwellings) of the Carmarthenshire Local Development Plan in that the structure the subject of the application is not supported by a structural report from a qualified structural surveyor that concludes that the original structure is physically sound and substantially intact and requires only a limited amount of structural remedial works to enable its renovation into a dwelling. The structure does not display sufficient original architectural detail (walls, roofs, apertures etc) to enable an accurate and faithful renovation to a dwelling that reflects its former prime state and condition. It is considered that the renovation of the structure would require more than a limited amount of structural remedial works to enable its renovation into a dwelling, which would be tantamount to the construction of a new dwelling in the countryside contrary to Development Plan policy.”

This application has been supported by a structural report and the agent for the applicant conveys in the submitted Planning Statement to the application that the existing dwelling and adjacent outbuilding have been on site for over 100 years. The structural report conveys that the remaining walls are in ‘reasonable order and can be remedied with localised repairs and re-pointing’, and it is evident that the main elements of the buildings such as end walls are physically sound and substantially intact in line with criteria a. of policy H8.”

The aforementioned is not accepted and it is considered that what remains of the former dwelling is considered to be a ruin, is not considered to be structurally sound and capable of being utilised to form a dwelling. The original structural report did not quantify clearly at all what elements of the walls are to remain to allow for the faithful resurrection of the abandoned and ruinous structure, to adhere to criterion a of policy H8 of the LDP. The agent/structural surveyor had been requested to provide a plan to clearly identify how much of the existing walls are to be retained to allow the proposed development to advance to completion. A secondary report has been provided which identifies therein how much of what remains of the former dwelling, is to be removed and retained; this detail is included within the "Powerpoint" presentation to the Planning committee. However, it is considered that in terms of the relevant H8 policy, there is already sufficient loss of the original dwelling following the demise of the roof, to determine that the proposal does not adhere to the said policy and the removal of further walls, chimneys etc retains significantly less of the original dwelling. The proposal is not considered to be the renovation of a former dwelling, but is

considered to be tantamount to the re-construction of a new dwelling in the countryside, contrary to LDP and National rural restraint policies.

From an assessment of historic aerial photography, it is evident that the former dwelling has been in a ruinous condition without any roof for more than 22 years and during this time it is reasonable to determine that the structural condition of the building has significantly deteriorated to its present poor condition. The submitted Structural Reports clearly show that there will be limited remains of the original dwelling and what will remain will be structurally unsound and prone certain collapse. It is considered that the proposed development would require further significant demolition of much of the walls to ensure that there is a structurally sound base to commence from, leaving poor remains of the original dwelling to move forward with the construction of the proposed dwelling.

The ruin that remains does not have a significant part of the original structure to a structurally sound condition and is substantially intact, there will be more than a limited amount of structural remedial work required to be undertaken.

The existing ruin does not have significant elements of the original walls in existence, the roof does not exist and has not existed for a significant number of years and window openings are also non-existent as a result, which does not enable an accurate and faithful renovation of the building. The application has not been accompanied by any photographic or documentary evidence as a means to illustrate the original details of the dwelling.

The structure that remains is considered to be a ruin and works required as per the proposed development will involve significant rebuilding that clearly conflicts with policy H8 of the LDP.

Biodiversity Impacts

The proposal confirms that no bats are utilising the building and therefore there are no concerns from a protected species perspective. The application includes biodiversity enhancement measures which is welcomed however, such measures are not considered to overcome the fundamental reasons mentioned above. The site is within the River Tywi Phosphate Sensitive Catchment Area where development must demonstrate phosphate betterment or neutrality. The proposal has been supported by details of the proposed private treatment plant along with percolation test results which collectively confirms that the proposed drainage complies with current NRW guidelines to the extent that it can be concluded that the development would not have a significant impact on the Afon Tywi SAC and thus would comply with Policy Sp14 of the LDP along with the Conservation of Habitats and Species Regulations 2017 (as amended).

Planning Obligations

None required.

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 including supporting reports it is concluded on balance that the proposal fails to accord with the requirements of Policy H8 of the LDP and is therefore recommended for refusal on the below grounds.

RECOMMENDATION - Refusal

Reasons

Reason 1

The proposal, if approved would be contrary to Policy H8 (Renovation of Derelict or Abandoned Dwellings) of the Carmarthenshire Local Development Plan in that the structure the subject of the application is not physically sound and substantially intact and requires more than a limited amount of structural remedial works to enable its renovation into a dwelling. The structure does not display sufficient original architectural detail (walls, roofs, apertures etc) to enable an accurate and faithful renovation to a dwelling that reflects its former prime state and condition. It is considered that the renovation of the structure would require more than a limited amount of structural remedial works to enable its renovation into a dwelling, which would be tantamount to the construction of a new dwelling in the countryside contrary to Development Plan policy.

Application No	PL/05480
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Application Type	Full planning permission
Proposal	Replacement of the existing temporary amenity block with a permanent structure.
Location	Pembrey Caravan Club, Factory Road, Pembrey, Burry Port, SA16 0EJ

Applicant(s)	Carmarthen County Council - Jason Jones
Agent	
Officer	Paul Roberts
Ward	Pembrey
Date of validation	27/02/2023

Reason for Committee

This application is being reported to the Planning Committee as Carmarthenshire County Council has a financial and land ownership interest.

Site

The application site consists of an existing amenity building located within the touring caravan and camping site in Pembrey Country Park. The building is located adjacent to the access into the caravan park and immediately to the north of the 'Yr Orsaf' café facility which serves the facility and wider Country Park. The amenity block has previously been granted planning permission on a temporary basis and consists of a number of timber clad storage containers that provide toilet, shower and washing facilities for the caravan park. The rear elevation is adjoined by a storage compound that is enclosed by metal fencing.

Proposal

The application seeks full planning permission for the replacement of the existing temporary amenity building with a new permanent purpose-built structure that will provide improved toilet and shower facilities for the caravan park. It will have a 'U' shaped layout being of a single storey design with a mono pitch roof. The elevations of the building will be clad with timber boarding similar to the existing structure, while the roof will consist of a metal sheeting

finish and have a number of solar panels and velux style windows that will provide electricity and natural light to the new facilities. The existing storage compound is to be retained to the rear of the new building and will be enclosed by new security fencing.

The design incorporates external seating and landscaped areas to the front of the new building together with the provision of parking facilities for cyclists.

The application has been accompanied by an ecological appraisal of the site which concludes that the building is of negligible bat roost potential and makes a number of recommendations with regard to its removal to safeguard against any unacceptable impact upon bats and nesting birds.

Planning Site History

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

PL/00848 Variation of Condition 1 on S/36935 (Extend the time period for a further 36 months) - Variation of Planning Condition Granted 07/01/2021

S/36935 Variation of condition 1 and 2 on S/31876 (extend time period for a further 36 months) - Variation of Planning Condition Granted 30/04/2018

S/31876 Proposed siting of 2 no toilet and 2 no shower blocks in adapted steel containers on a newly laid 200mm reinforced 13m x 10m concrete slab. Proposed construction of a LPG compound - Full Planning Permission Granted 22/06/2015

Planning Policy

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

SP1 Sustainable Places and Spaces
SP2 Climate Change
SP15 Tourism and the Visitor Economy.
GP1 Sustainability and High Quality Design
EQ4 Biodiversity
TSM2 Touring Caravan and Tent Sites

National Planning Policy

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 Public Protection – Has no objection subject to the imposition of appropriate conditions.

Pembrey and Burry Port Town Council – Have raised no objection.

Local Members - County Councillor Hugh Shepardson has raised no objection to the application, while Cllr Michael Thomas is a member of the Planning Committee and has not commented on the application to date.

Dwr Cymru/Welsh Water – Have raised no objection.

Sustainable Drainage Approval Body (SAB) – Have confirmed that the surface water drainage scheme proposed to serve the development will require separate SAB approval.

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

Summary of Public Representations

The application was the subject of notification by way of the posting of a site notice at the site. In response, no third-party representations have been received to date.

Appraisal

The existing amenity block in the caravan park was originally granted planning permission on a temporary basis in June 2015 with the permission having subsequently been extended with two further planning applications. The latter of these permits the retention of the structure up until 7 January 2024 and the current proposal seeks to replace it with a new purpose-built amenity building that will significantly improve the toilet and shower facilities available to those visiting the caravan park.

Policy TSM2 – ‘Touring Caravan and Tent Sites’ of the LDP provides the principal policy context for the proposal and permits extensions and improvements to existing sites subject to compliance with a number of criteria. These include, amongst others, the need for proposals to be directly related to an identified growth area, service centre or sustainable community, and not have an unacceptable effect upon the surrounding landscape. Proposals are also permitted where they provide for the significant improvement of the overall quality and appearance of the site, and new ancillary structures should demonstrate that there are no existing buildings that could be re-used for the proposal and will only be permitted where they are appropriate in terms of their siting, need and scale.

The proposal is located within a well-established caravan and camping site that forms part of the tourist facilities available at Pembrey Country Park which is one of the main visitor attractions in the County. The Park itself is directly related to the settlements of Burry Port and Pembrey which are designated as service centres in the LDP. The new purpose-built building will significantly improve the amenity facilities available to visitors to the Park, and its high quality design and associated hard and soft landscaping will enhance the overall quality and appearance of the caravan site in the wider Country Park. Moreover, there are no existing buildings within the caravan park that could be re-used to provide the new improved facilities, and the proposal will include provision for the generation of renewable energy and active travel facilities in accordance with the sustainability objectives of the LDP.

The proposal is therefore considered to be in accord with the objectives of Policy TSM2 and it has attracted no objections from the relevant statutory consultees. Further, no third-party objections have been received from neighbouring residents.

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 examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's LDP as well as those of National Planning Policy.

For these reasons, the application is put forward with a favourable recommendation subject to the following:

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

Reason:

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

Condition 2

The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans and documents:

- Proposed site block plan (0002A)
- Proposed floor, roof and elevation plan (102B)
- Set location and Block plan (001)
- Preliminary Ecological Report prepared by Bayecology dated 24 January 2023

received on 16 February 2023

Reason:

In the interest of clarity as to the extent of the permission.

Condition 3

No development shall take place on the application site until the applicant has:

1. Prepared a Preliminary Risk Assessment to identify any potentially unacceptable risks arising from contamination at the site. The Preliminary Risk Assessment shall include current and historical information about the site. This can be obtained by undertaking a desk study and a site walkover to identify previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.

The risk assessment shall include a mine gas risk assessment that considers the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021'.

2. Designed and implemented a scheme for the investigation and recording of contamination on the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) should aim to provide information to refine and update the conceptual model outlined in the Preliminary Risk Assessment. This investigation should confirm and evaluate the significance of the identified potential contaminant linkages.

The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The report shall be submitted to and approved by the Local Planning Authority.

3. Based on the findings of the site investigation and risk assessment, submit detailed proposals for site remediation and verification (Options Appraisal and Remediation Strategy) giving full details of the remediation measures required and how they are to be undertaken. This will demonstrate how the site will be brought to a condition suitable for the intended use by removing any unacceptable risks posed from contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason:

To ensure that ground contamination is addressed in an acceptable manner.

Condition 4

Prior to the use of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If required, it shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified

in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason:

To ensure that ground contamination is addressed in an acceptable manner.

Condition 5

Prior to the use of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority (where necessary). The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms
- Timescales for submission of monitoring reports to the Local Planning Authority
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason:

To ensure that ground contamination is addressed in an acceptable manner.

Condition 6

If, during development, any contamination is encountered that has not been identified previously then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.

Reason:

To ensure that ground contamination is addressed in an acceptable manner.

Condition 7

No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of visual amenity and to safeguard existing trees to be retained as part of the development.

Condition 8

No development shall commence until a scheme of biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and prior to the use of the development. Thereafter, the enhancements shall be retained as approved in perpetuity.

Reason:

In the interests of biodiversity.

Condition 9

Prior to the commencement of development, an external lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall take into account all of the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas.

The scheme shall include:

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site, including in the woodland areas.
- See Guidance Note 8 Bats and Artificial Lighting / Bat Conservation Trust and the Institution of Lighting Professionals, 2018.

Reason:

To safeguard against any unacceptable ecological impacts.

Condition 10

No development shall commence until details of a scheme for the disposal surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason:

To ensure the development is drained in an acceptable manner.

Condition 11

Prior to the commencement of the development hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of visual amenity.

Notes / Informatives

Note 1

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

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

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

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

Note 2

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

Note 3

The Sustainable Drainage Approval Body (SAB) has identified that this project application requires a full SuDS Application because the proposed development has a construction area greater than 100m². Therefore, the development, as required under Schedule 3 of the Flood and Water Management Act 2010, must implement SuDS infrastructure in accordance with Statutory SuDS Standards. As such, a full SuDS application for this development must be submitted for assessment and approved by the Sustainable Drainage Approval Body (SAB) at Carmarthenshire County Council. Further information can be found at www.carmarthenshire.gov.wales/sab.

Please be advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB.

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/04641
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Application Type	Full planning permission
Proposal	Proposed part conversion of an agricultural building adjacent to the Farmhouse at Cilwr Uchaf to provide ancillary accommodation, together with all other associated works
Location	Cilwr Uchaf, Talley, Llandeilo, SA19 7BQ

Applicant(s)	DE and DM Roberts
Agent	Roger Parry and Partners - Gail Jenkins
Officer	Kevin Phillips
Ward	Manordeilo and Salem
Date of validation	07/09/2022

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by the Local Member, Cllr F Walters.

Site

The application site is an agricultural building located approximately 12 metres to the south-west of Cilwr Uchaf farmhouse, Talley which is approximately 3.75 km West of the village of Talley on the southern slopes of the Cothi Valley.

Proposal

The application is partly retrospective in that the part of the building that the proposal is seeking to convert was erected without planning permission. The building comprises a modern two storey concrete block extension, approximately 9.8 metres x 6.5 metres in area that was completed in 2020. The proposal seeks to utilise this extension as ancillary accommodation to Cilwr Uchaf farmhouse adjacent. The proposal will have a living room and kitchen at ground floor and 2 bedrooms and a bathroom at first floor with a further 4.7 metres x 2.6 metres extension to the rear with a hall way and toilet at ground floor (Total Floor Area is 151.84m²). The proposal forms an extension within and externally, being part

of a modern concrete block and box profile sheeted agricultural building (30 metres x 9 metres), which was approved under planning approval E/31575. The Eastern section (approximately 6.6 metres in width and 9.0 metres in depth) of this approved agricultural building is also being used for undercover vehicle parking in association with the proposed development.

Planning Site History

E/31575 Portal steel framed agricultural building for sustainable lamb production and hard surfaced area. Full Approval – 10 April 2015

PL/03014 Proposed part conversion of agricultural building to tourism accommodation. Full Refusal -15 December 2021

PL/03892 Proposed conversion of agricultural building to ancillary accommodation. Full Withdrawn - 7 July 2022

Planning Policy

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

Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use

Policy GP1 Sustainability and High Quality Design

Policy GP2 Development Limits

Policy EQ4 Biodiversity

Policy EP1 Water Quality and Resources

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

Local Member – The Local Member has requested that the application be considered by the Planning Committee. The grounds raised for the call in are:

1. The proposed development is a part conversion of an existing building, otherwise regarded as a brown field site. It will enhance the character within the Cilwr Uchaf curtilage.
2. The development is to provide a home for a local born and bred resident who speaks Welsh and works within the local community. "Local housing for local people".
3. The development meets within the requirements of the essential Design and Access Statement. There is no impact to the services required, as all are already in place on site from the main house. There is no impact to neighbours or to the open landscape, enabling a 2 bedroom dwelling to provide a home to a single parent and her daughter.

Valuations Manager – We understand that the large agricultural shed for which this current application is for the conversion of part was approved circa 7 years ago as a lamb processing shed.

From our recent site inspection (9/12/21) we can confirm that the shed appears to be utilised a general purpose store and workshop only. The area of the proposed conversion appears to be a later addition built with a concrete floor slab and block walls over two floors. Whilst this looks to provide additional workshop and storage space the original use is unclear. The fact that the proposed extension forms part of a modern workshop shed is not ideal. Issues such as noise, fire risk and insulation would all need careful consideration and building regulation approval. Whether the building and the lamb processing unit adjacent are truly redundant having only been constructed in the last 6 years is open to question. The property is also immediately adjacent to the working farm yard area and therefore is not well situated for the proposed use.

Having considered the above and the absence of sufficient farm business justification we cannot support this application. If you have any queries please contact us.

Head of Public Protection - No adverse comments to make.

Talley Community Council – It is the policy of the Community Council to support the use of ancillary farm buildings to create living accommodation for family members, where the application is considered suitable.

It is important that young adults who have grown up in the area are able to live and contribute economically to the local community and not be driven to move away when they find it difficult to get onto the housing ladder. House prices in this village have increased considerable in the last three years and people from further afield are able to pay prices far higher than young local people.

In this particular case the building being considered for conversion is at the heart of the farmyard cluster of buildings and would not be suitable for resale to a non-family member. This application is also outside the area of concern by Natural Resources Wales for the pollution by phosphates. and so causes no problem. This dwelling would be served by a private septic tank which already serves the nearby farmhouse.

This proposed conversion would provide a home for Miss Sara Roberts and her daughter on the family farm. It is a small development in part of a farm building. Miss Roberts is a Welsh speaking lecturer at Coleg Sir Gar. She has lived in this village all her life and is a valued member of the community.

This application would also contribute to the Welsh Government's target of increasing the housing stock in rural areas. The Community Council is happy to support this application and hope it is approved.

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

Summary of Public Representations

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

2 letters of support have been received for the application wherein it is conveyed that support should be forthcoming as there is difficulty for young people to find affordable dwellings in the community.

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

Appraisal

The proposal is to utilise the existing unauthorised extension to the modern agricultural building as ancillary accommodation to the dwelling. This application was submitted following a recently refused application for its use as holiday accommodation. That application was refused on grounds that the proposal is contrary to Policies TSM4 Visitor Accommodation and H5 Adaptation and Re-use of Rural Buildings for Residential Use, of the Carmarthenshire Local Development Plan, in that the proposed development does not accord with criteria e) of the policy, in that the existing building is not of an appropriate architectural quality which incorporates traditional materials. Furthermore, supplementing Policy H5, Paragraph 6.2.30 specifies that "Proposals for buildings of a modern, utilitarian construction such as portal framed units, temporary structures or those which utilise materials such as concrete block work, metal or other sheet cladding finishes will not generally be considered appropriate for conversion". The submission is for the use of the extension to the approved agricultural building as ancillary accommodation to the farmhouse Cilwr Uchaf, which is a four-bedroom rural enterprise dwelling. The application is supported by justification statements that considers the planning issues relating to the application proposal to part convert a modern agricultural building into ancillary residential accommodation.

Principle of development

Policy H5 of the LDP applies in particular to this proposal and criterion e) requires that buildings to be converted for residential use must demonstrate and retain sufficient quality of architectural features and traditional materials. In this application the building is a mass concrete and metal sheeted building that was erected in approximately 2016 to serve the agricultural needs of the agricultural holding. Paragraph 6.2.30 in the supporting text of the aforementioned policy states that only those buildings which are of an appropriate architectural quality, and which incorporate traditional materials will be considered. Proposals for buildings of a modern, utilitarian construction using materials such as block concrete and metal finishes will not generally be considered appropriate for such conversions.

The application is for "ancillary accommodation" to the dwellinghouse which is a 4 bedroomed agricultural dwelling with the Reserved Matters approved in 2017. The dwelling is the subject of an agricultural occupancy condition. The application building is over 150m² in area, with 2 bedrooms and a large kitchen/lounge which is considered to be significantly large in terms of the needs of a family member and daughter as ancillary accommodation in that it comprises a self-contained unit akin to a separate dwelling. The applicant has put forward a justification that this is required as the applicant wishes to obtain a degree of independence from the main dwelling and that it is not possible to find appropriate accommodation in the locality. However, very limited information has been provided to corroborate this situation.

It is therefore considered on this basis that the proposed extension of the modern agricultural building for use as ancillary accommodation to the farmhouse is contrary to policy H5 of the LDP.

Impact upon living conditions

Residential development at a farm is usually detached from the functional arm of operations therein, however it is considered that in this case the extension onto a modern agricultural building with all the noise, odours and general disturbance associated, for use as a residential unit ancillary to a dwellinghouse is not an acceptable form of development as there will be noise and general disturbance impacts upon their living conditions and therefore would not accord with policy GP1 of the Carmarthenshire Local Development Plan 2014.

Impact on Biodiversity

The application site is within the catchment of the Afon Tywi Special Area of Conservation (SAC). CCC must screen these proposals through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The following guidance will also need to be adhered to:

NRW 'Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation,' version 3 issued in July 2022. Available here: [Natural Resources Wales / Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation.](#)

Welsh Government Circular 008/2018 issued July 2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants.

In particular, section 11 of the NRW guidance must be adhered to:

"Development proposals resulting in additional wastewater being discharged to an existing private treatment system are not likely to have a significant effect if:

- the existing discharge is to ground and
- the drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain and located more than 50m from a SAC boundary and
- the design of the existing private sewage system (including the drainage field) has the capacity to effectively treat and discharge the additional wastewater and
- increases in effluent discharge to ground can be made where the discharge remains eligible for an existing exemption under the Environmental Permitting Regulations or can operate in compliance with conditions of an extant environmental permit.

Where increases in wastewater to an existing private sewage treatment system are being proposed in association with a development, Planning Authorities are advised to obtain a detailed design of the private drainage system (including an assessment of ground conditions in the drainage field) to demonstrate that it can accommodate increased flow and continue to operate effectively."

Therefore, details are required of the design of the existing septic tank and an assessment of the drainage field to ensure it can operate with the increased flow. No such details have been provided with the application and therefore it cannot be concluded that the development would not have an effect on the River Tywi SAC and therefore would be contrary to Policy SP14 of the LDP and the Conservation of Habitats and Species Regulations 2017 (as amended). In addition, in response to the application, the Council's

Planning Ecologist requested biodiversity enhancement measures however due to the fundamental reasons outlined above this was not pursued.

Planning Obligations

No UU/S106 is required for the conversion of the building as ancillary accommodation to the dwelling.

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

Given the above Appraisal section of the report and after careful consideration of consultation responses, it is considered that the proposal conflicts with LDP planning policy and the application is recommended for refusal on the following grounds.

RECOMMENDATION - Refusal

Reasons

Reason 1

The proposal is contrary to Policy GP2 "Development Limits" of the Carmarthenshire Local Development Plan, in that the physical detachment and self-contained nature of the development shall result in an individual and separate dwelling that amounts to a new unjustified residential development in the open countryside. Insufficient information has been submitted to the Local Planning Authority to demonstrate that the required annex accommodation cannot be provided either as a physical extension to the main dwelling or within the dwelling itself. Each of these two alternatives would, at the time the annex is no longer required, allow for the additional accommodation to be readily incorporated within the dwelling and the whole used as a single dwelling-house.

Reason 2

The proposal is contrary to Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use of the Carmarthenshire Local Development Plan, in that it is not a building that demonstrates nor retains sufficient quality of architectural features and traditional materials to warrant its retention, and is rather a modern, recently constructed steel portal framed building.

Reason 3

The proposal, if approved, would be contrary to Policy SP14 (Protection and Enhancement of the Natural Environment) of the Carmarthenshire Local Development Plan in that the application site lies within the catchment area for the river Tywi, a designated Special Area of Conservation recognised under the Conservation of Habitats and Species Regulations 2017 for the species it supports, with regard to which new development within the catchment area has to demonstrate phosphate neutrality or betterment in its design and/or its contribution to the water body. The application fails to demonstrate that the phosphates within the wastewater associated with the proposed development of an ancillary residential unit shall not have any adverse impact upon the water quality of the river Tywi.