

**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**

25/05/2023

**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:	25/05/2023
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/03849	Variation of Condition 3 on W/35339 (erection of gates) at Cartref Cynnes, Peniel, Carmarthen, SA32 7HT

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
PL/04739	Erection of a rural enterprise dwelling and associated works at Treale, Velindre, Llandysul, SA44 5XU
PL/05366	Replacement of lawful caravan & decking with dwelling & integral garage (Re-submission following refusal of PL/04327) at The Caravan, Springwells Farm, Llanboidy, Whitland, SA34 0EB

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/03849
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Application Type	Removal/variation of conditions
Proposal	Variation of Condition 3 on W/35339 (erection of gates)
Location	Cartref Cynnes, Peniel, Carmarthen, SA32 7HT

Applicant(s)	Wyn Thomas
Agent	Ceri Davies Planning Ltd - Mr Ceri Davies
Officer	Helen Rice
Ward	Abergwili (Historical)
Date of validation	28/04/2022

Reason for Committee

This application is being reported to the Planning Committee following the receipt of three or more objections from third parties.

Site

The application site is located to the west of the village of Peniel and relates to a recently built two storey dwelling situated to the rear of other residential properties which front onto an unclassified road known as Trefynys Road which links the villages of Peniel and Bronwydd. The dwelling itself is accessed from the unclassified highway by a single track driveway that also serves as access to a property named Bryn Hawddgar and its associated annexe on the western side of the road and a property known as Cwm Parc Farm and its associated outbuildings on the eastern side of the driveway wit. The access driveway is in shared ownership with a right of access to the application site itself.

Proposal

The proposal seeks permission to vary a condition on the planning permission for the dwelling to enable the erection of gates on the shared access drive. When planning permission was originally granted a condition was imposed that stated :

The vehicular access into the side shall at all times be left open, unimpeded by gates or any other barrier.

Reason: In the interest of highway safety.

This application seeks to vary the above condition to enable the erection of gates located 32m back from the near edge of the unclassified highway edge adjacent to the side projection of Brynhawddgar's annexe building. The gates would comprise vertical composite boards on a galvanized steel fence and posts with an angled design being of a height of 1.75m near each side rising to a mid-point of 1.95m and 3.7m wide and would open inwards. The proposed plans indicate the provision of a pedestrian side access gate between the proposed gates and the corner of the annexe building's side projection. The applicant has advised that the gates would be electronically controlled, open inwards, include a intercom system with built in keypad and could be operated remotely via wi-fi connection. Therefore enabling operation of the gates by the applicant even if they are not at home at the time should visitors/deliveries arrive.

The applicant's agent advises that the above conditions were not challenged when originally imposed as it was accepted, given the nature of the unclassified road, that vehicles were able to fully leave the unclassified highway to avoid highway safety concerns. However, concerns over security due to the unimpeded access into the property has increased in recent years with the applicant's agent advising of instances where access has been gained by foot and by vehicle to the property by unknown person(s) and the need to keep his dogs contained within the wider application site area. It is contended that by positioning the gates 32m back from the highway edge that vehicles would remain to be able to safely pull off the highway and would not impede access to other properties on the shared drive.

Members are advised that during the course of the application correspondence was received that advised that not all of the owners of the road had been duly notified of the application and served with the required notices. In addition, the submitted application site plan did not truly reflect the original application site boundary which appeared to include a larger width of entrance beyond the proposed gates in comparison to the application site boundary itself. Members are advised that both these matters have been addressed during the course of the application with the requisite notices served and the application site boundary plan duly amended.

Planning Site History

W/39665 - Variation of condition 2 of W/35339 (construction of dwelling and garage) extend width of approved raised terrace area - Granted - 25/11/2019

W/38555 - Construction of garage - Full Granted 03/05/2019

W/37518 - Variation of condition 2 of W/35339 to amend height of house to enable attic space to be used as a snooker room for personal use – VOC Granted 15/11/2018

W/35339 - Construction of dwelling and garage - Full Granted 24/05/2017 Affordable Housing Contribution (no S106)

W/17138 - 1 dwelling house & garage - Reserved Matters Granted - Delegated 24/10/2007

W/11224 - Residential development 1 plot - Outline Granted - Delegated 30/01/2006

Planning Policy

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

SP1 Sustainable Places and Spaces

GP1 Sustainability and High Quality Design

H2 Housing within Development Limits

TR3 Highways in Developments- Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

[Nature Conservation and Biodiversity - Draft 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 – have advised that they raise no objections

Abergwili Community Council - confirmed that they have received numerous complaints in relation to the application and therefore the community council has no choice but to object to the application to protect residents' concerns and interests. It is understood that the gates would encroach onto neighbouring land and restrict access to their property which could be perceived as trespassing. The application should be determined by the Planning Committee and a site visit should take place with all parties concerned.

Local Member(s) - Councillor Neil Lewis has advised, following a site visit, that the proposal would heavily impact upon the immediate neighbours in terms of loss/inhibition of access and the impact of vehicles obstructing views from the adjoining property for significant periods whilst gates are closed. The neighbours need to work together to find an acceptable solution and one compromise would be to position the gates further back closer to the applicant's property.

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

Summary of Public Representations

The application was initially the subject of notification by way of neighbouring letters and following amendments to the application the subject of a further re-consultation exercise with neighbours.

In total, representations were received from 4 different households, objecting to the development on the following grounds:

Initial consultation

- The erection of gates would be in breach of all previous planning permissions granted on the site as they have all stipulated that the accessway should be uninterrupted.

- A free accessway is necessary for emergency services and visitors to avoid waiting on the driveway for the gates to open.
- Any parking in front of the gateway would be in breach of a covenant on the land and would impede access to the owners of Coombe Park.
- Owners of adjacent properties have rights granted to access buildings for maintenance and service and therefore must have uninterrupted access, this cannot be achieved if to be operated electronically
- Unable to access rear of property in an emergency
- Delivery vehicles would frequently be unable to access the property and park in driveway impeding access
- Would result in significant loss of residential amenity from the annexe building due to the presence of windows on that elevation and vehicles parked in close proximity and the proposal to erect a fence within 1m of the window.
- Line of fence does not match the actual boundary and would impede essential maintenance of neighbouring buildings.
- Original proposal designed to have sufficient turning space within the site and thus avoiding the need for vehicles who cannot retain access to reverse down the driveway.
- Applicant has failed to serve the required notices on all owners of the driveway.

Re-consultation responses

- Revised plans are exactly the same as previous and not accurately drawn
- The bedroom window to the annexe of Brynhawddgar is a fire escape window and should there be a fire any person escaping from the window would be trapped by the gates and not be able to escape to the roadway.
- If this condition is removed then there is nothing preventing any of the other owners of the lane to erect gates on the driveway.
- The materials would not blend into the surrounding area and buildings.
- Vehicles would be idling immediately adjacent to bathroom, bedroom and hallway windows of neighbouring annexe building resulting in loss of privacy and noise disturbance.
- No turning facilities for vehicles unable to gain access is provided so vehicles would have to reverse back onto the highway or would be tempted to use other access
- Impinge upon legal right of access to property to enable essential maintenance
- Side gate is unacceptable and insufficient for neighbours needs to carry out repairs and maintenance and would block emergency vehicles.
- Drain and sewer pipes would be located behind gates and thus gates would vent emergency repairs as evidenced earlier in the year
- No reason to improve security as property is open to the countryside
- The changes proposed do not overcome previous objections.

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

Appraisal

The main considerations of this case is the impact upon the living conditions of neighbouring residents, highway safety and impact upon the character and appearance of the area.

Highway Safety

All previous applications on the site have consistently imposed a condition requiring that the access lane leading to the dwelling remains unimpeded for highway safety reasons. The application now put forward seeks to vary that condition to enable the insertion of a gate 32m from the nearside edge of the highway.

The Council's Highway Officer has reviewed the application and has commented that in general for a single residential dwelling, conditions are imposed to ensure that any gates are set back at least 5m from the carriageway edge and open inwards to ensure that a standard vehicle can leave the highway and park temporarily to enable opening of the gates. Where there is a shared drive with a shared turning/parking area, a condition is imposed requiring that the access remains unimpeded.

In this case, the situation is irregular in that each of the properties served by the shared drive have their own parking/turning area including the application site property and therefore the installation of a gate at the proposed location would not affect the turning area associated with other properties. It is however recognised that in situations where vehicular access is required and the gates are closed that vehicles may have to reverse down the access road and back onto the highway. However, following further clarification of the intended operation of the gates via electronic means which can be controlled remotely thus enabling visitors/deliveries to access the property and turn within the property itself even if the applicant is not at home at the time, it is considered that instances where access cannot be gained would be limited.

It is therefore considered, on balance, that the proposal would not have an unacceptable impact upon highway safety and would therefore comply with policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Impact upon living conditions

The proposed location of the gates would be adjacent to the annexe property associated with Brynhawddgar. Whilst it is not considered that the physical presence of the gates by reason of their siting, scale and design would directly impact upon the living conditions of users of the annexe building, the indirect impacts caused by vehicles idling by the gates when they are closed as raised by neighbouring residents are acknowledged. There will evidently be times when vehicles would be parked/idling in front of the gates to await opening and that these vehicles would be within the lane adjacent to the annexe at Brynhawddgar. However, it is considered, that such vehicles would only be parked/idling for a short period of time whilst the gates are opening and that the frequency of such movements would be limited given the domestic use of the property. It is therefore considered, on balance, that the presence of vehicles adjacent to Brynhawddgar for short periods of time would not amount to a level of disturbance to the living conditions of those utilising the annexe that would be unacceptable to warrant a refusal of the application.

A number of concerns have been raised by neighbouring residents regarding their stated rights of access to enable maintenance of their respective properties and general access. It

is stated that the imposition of the gates would block this right of way and be in breach of covenants on the land. Issues regarding land ownership, rights of way and legal covenants on land are not material planning considerations and are rather civil issues that are subject of separate legislation. Nevertheless, the agent advises that the applicant is aware of this legal requirement to ensure access for maintenance of neighbouring properties is maintained. The proposal includes the installation of a pedestrian side gate.

Therefore on balance, it is not considered that that the proposal would have an unacceptable impact upon the living conditions of neighbours and therefore complies with Policy GP1 of the Local Development Plan 2014.

Impact upon character and appearance of the area

The proposed gates would introduce a solid gated feature within the current open access road. However, it is not considered that the installation of such a feature set back from the highway would have a detrimental impact upon the character and appearance of the area to warrant a refusal on such grounds and is therefore considered to comply with Policy GP1 of the LDP.

Other Matters

The planning matters raised by local residents have been considered above. The remaining issues relate to matters of land ownership and rights of way which, as referenced above, are civil matters rather than material planning considerations.

Planning Obligations

The original permission would have triggered an affordable housing contribution. It is confirmed that the full contribution has been received and therefore there is no requirement for a further legal agreement.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed variation of the original permission to enable the construction of vehicular gates, along with a pedestrian access gate and fencing would not, having regard to the particular circumstances of the case have a detrimental impact upon highway safety, the living conditions of neighbouring residents or the character and appearance of the area. The application is therefore considered to comply with policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014 and as such is recommended for approval subject to the below conditions. Members are advised that as this is a variation of the original

permission, that the conditions originally imposed and as partially varied by subsequent applications as referred to above are restated albeit duly amended to reflect the proposals put forward.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 12th July 2018.

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

Condition 2

The development shall be carried out in accordance with the following approved plans and documents:-

- Location Plan – 1:1250 scale received on 19 October 2022
- Block Plan – 1:500 scale received on 24 October 2022
- Proposed Elevation of Gates received 4 April 2022
- Block Plan (C/4574/7) received 18 September 2019
- Section X-X and Section Y – Y (C/4574/8) received 18 September 2019
- Elevations (as built) – 1:100 scale received on 10th August 2018;
- Section (as built) – 1:50 scale received on 10th August 2018;
- Second Floor Plan – 1:50 scale received on 14th December 2018;
- First Floor (C/4574/2A) - 1:50 scale received on 23rd February 2017;
- Ground Floor (C/4574/1A) - 1:50 scale received on 23rd February 2017;
- Floor Plan (C/4574/5) - 1:100 and 1:50 scale received on 23rd February 2017;
- Arboricultural Method Statement received on 23rd February 2017;
- Surfacing Material Details received on 3rd May 2017
- Supplementary Information report by Ceri Davies Planning Ltd, dated March 2023

Reason: For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

Condition 3

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole U2097 Road frontage as delineated on

the Location Plan received on 19 October 2022 within 2.4 metres of the near edge of the carriageway.

Reason: In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 4

The access, visibility splays and turning area shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 5

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

Reason: In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 6

The shared private drive shall be hard surfaced for a minimum distance of 10.0 metres behind the highway boundary in tarmac. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.

Reason: In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

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).

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/04739
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Application Type	Full planning permission
Proposal	Erection of a rural enterprise dwelling and associated works
Location	Treale, Velindre, Llandysul, SA44 5XU

Applicant(s)	Rhydian and Caryl Williams
Officer	Charlotte Ford
Ward	Cenarth and Llangeler
Date of validation	28/09/2022

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Ken Howell on grounds that he wishes for the committee to have the opportunity to discuss the principle of the application and its compliance with national policy.

Site

The application site known as Treale Farm is located in the open countryside with the nearest town being Newcastle Emlyn located to the North West. The site is located within the community ward of Llangeler. The site has no immediate neighbours and is surrounded by the farm yard and facilities and open countryside. Access to site is via an existing farm track which leads both to the B4333 to the South West or a minor county maintained highway to the North East. The Afon Bran runs to the North West and North East of the Farm holding, which is a tributary to the Afon Teifi.

The application site relates to a field area approximately 32m south west of the main farm yard with the application site being at a higher level than the farm yard area. The application site itself is currently down to improved grass and used for grazing and is exposed with open far reaching views towards the north. The site is defined by field boundaries comprising hedgerows and gently slopes to the south.

Proposal

Full planning permission is sought for the construction of a rural enterprise dwelling and associated works in line with TAN6 policy. The proposed dwelling is to be located to the south west of the existing farm house and farm complex on an area of land historically known as y 'berllan'. The applicant has stated this parcel of land has been used for domestic purposes such as the clothes line, and keeping pet lambs etc.

The proposed dwelling will be made up of a two storey main element and subservient single storey side elements. The westerly side element will provide a day room, the easterly element will be utilised for farm use only, with the inclusion of a farm office and space for seasonal farm workers accommodation, below this element there is a garage. As illustrated by the submitted floor plans, the proposal is for a 4 bedroom property to provide suitable accommodation to the applicant's family whom require 4 bedrooms. With regards to highways arrangements, parking and turning will be provided to the front of the dwelling, and amenity space to the sides and rear.

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

Planning Site History

PL/05015 - Construction Of Concrete Slurry Store, Agricultural Shed And Associated Works
- Full Granted - 14/02/2023

PL/04992 - Erection Of A Concrete Silage Clamp, Roof And Associated Works - Full Granted
- 28/02/2023

PL/03816 - Erection Of Roof Over Existing Silage Clamp - Full Granted - 28/04/2022

PL/03592 - Erection Of General Purpose Agricultural Storage Building - Full Granted -
24/03/2022

W/38791 - Erection Of An Agricultural Portal Building To Cover An Existing Cattle Handling
Yard - 30/05/2019

W/38789 - Construction Of An Agricultural Silage Clamp And Associated Engineering
Operation - Full Granted - 30/5/2019

W/37630 - Erection Of Agricultural Building Over Existing Cattle Feeding Area (As Approved
Under Planning Permission W/35520) - Full Granted 16/10/2018

W/35520 - Erection Of Agricultural Building And Associated Engineering Operation To
Include Slurry Storage Facilities - Full Granted - 20/6/2017

W/30704 - Excavation Of Shale To Create Farm Cattle Tracks - Prior Approval Not Required
- 08/09/2014

W/30703 - New Agricultural Building - Prior Approval Not Required - 08/09/2014

W/30702 - Proposed Road - Prior Approval Not Required - 08/09/2014

W/30419 - Application To Dismantle And Re-Route A Section Of Overhead Electricity Line, Including Changing Some Poles And Laying Some Underground Cable - Overhead Line Approval - 20/08/2014

TMT/02609 - Multi Purpose Agricultural Building - Full Granted 06/12/2002

W/00029 - Alterations To Dwelling And Installation Of New Septic Tank - Full Granted 21/05/1996

D4/20876 - Electricity Supply - Full Granted - 11/3/1991

D4/20324 - Construction of an Agricultural Dwelling- Full Granted - 26/10/1990

Planning Policy

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

SP1 Sustainable Places and Spaces.

SP14 Protection and Enhancement of the Natural Environment

GP1 Sustainability and High Quality Design

TR3 Highways in Developments – 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.

(TAN) 6: Planning or Sustainable Rural Communities (July 2010) is particularly relevant for this application.

Summary of Consultation Responses

Head of Transportation & Highways - No objections.

Valuations Manager – Comments received state that there is a functional need for the farming enterprise to have worker on site. However, has raised concerns that the 310sq.m dwelling does not comply with the TAN6 requirements that the property be alternatively available as an affordable dwelling whilst taking into account flexibility to allow for extra office/boot room/utility space associated with a rural enterprise dwelling. It is also stated that the seasonal workers accommodation is not justified in the application and as such is not supported.

Llangeler Community Council – No Comments received.

Local Member(s) - Councillor Ken Howells has requested the application be determined at committee. Councillor Hazel Jones has supports the application.

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

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

Summary of Public Representations

The application was the subject of notification by way of the posting of a site notice, no representations were received on the application at the time of writing this report.

Appraisal

The proposal involves the creation of a new dwelling in the countryside which is generally not considered acceptable in principle. It is only in exceptional circumstances that planning permission for the creation of a dwelling is considered within the countryside, such exceptions include conversions of traditional rural buildings to dwellings, dwellings in association with local affordable housing needs, dwellings associated with One Planet Developments and Rural Enterprise Dwellings. This application has been submitted on the basis of seeking permission for a Rural Enterprise Dwelling.

The total area farmed by the farming enterprise is approximately 550 acres 180 of which are located at Treale. A planning history search of the application site indicates that a rural enterprise dwelling has previously been granted for the farm known as 'Treale' under application reference D4/20324 in 1990. Although the applicant has stipulated in correspondence that the dwelling is not in the ownership of the applicant and is not currently associated with the farm Treale. Nevertheless, in light of this, the proposed dwelling is considered to be the third dwelling in association with the agricultural holding. As such, the main consideration of this case is whether the proposal complies with Welsh Government's guidance set out in TAN6 in relation to a new rural enterprise dwelling on an existing holding. Section 4.4.1 (TAN6) states that:

'New permanent dwellings should only be allowed to support established rural enterprises providing:

- a) there is a clearly established existing functional need;
- b) the need relates to a full-time worker, and does not relate to a part-time requirement;
- c) the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- d) the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned;
- e) other normal planning requirements, for example siting and access, are satisfied.'

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

Functional Test

A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. This application relates to a large dairy enterprise with additional beef and sheep rearing elements. Farming activities include; calf rearing, lambing from January to March, Feeding milk to young calves, general feeding, bedding etc, health monitoring, taking deliveries and security of the site.

Given the size and scale of the business and the lambing, calving and milking operations the functional need for a workers dwelling is accepted.

Time Test

As the functional requirement is established, it is necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. The current workers on site are the 3 farm partners and the occasional milk relief staff, however only 2 farm partners reside on the application site with 1 working at present and the level of work carried outside normal working hours proving unsustainable. The application shows a total calculated annual labour requirement for the holding of 9.3 Standard Man Days. The calculation has been assessed and it appears realistic given the activities and scale of the enterprise. This is accepted and confirms that there is the additional full time job needed in relation to this application

However, the proposed plans includes a farm office and one additional room on the ground floor for a seasonal farm worker/student worker. Due to the scale of the enterprise it is envisage in the future that student placements will be offered. It is hoped that a purpose built space would attract such help during busy times. The application does not fully justify this element of the proposal and its requirement and as such it is not supported.

Financial Test

Tan6 stipulates the rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years. The agricultural enterprise has been in existence for a number of years and the application has been supported by details of the financial accounts for the farm which indicate that the farm has been profitable and it is considered based on the information before the Authority that there is a reasonable prospect that the business will remain viable. The application is therefore considered to comply with this element of the financial test.

However, TAN6 specifies that the enterprise needs to be able to afford to build and maintain the dwelling and that dwellings that are unusually large in relation to the needs of the enterprise should not be permitted. It further explains that it is the requirements of the enterprise rather than of the intended occupier which are relevant to determine the size of the dwelling that is appropriate. The agricultural appraisal stipulates the dwelling is to become the principle farm dwelling and is stated to be reflective of the scale of the farming enterprise and to home the applicants family which includes 3 children.

In this case, the dwelling is a large 4 bedroom detached property with a gross internal floor area of 310sq.m. This would compare with a floorspace of 107sq.m that is deemed to be an equivalent 4 bedroom affordable dwelling in this location. Officers accept the needs for additional study/utility rooms in association with rural enterprise dwellings and therefore allowances can be made for a larger dwelling than for an affordable dwelling but not more than double the floorspace as is proposed in this instance. Therefore, it is considered that the proposed dwelling, by reason of its excessive scale, fails to have regard to its use as an affordable dwelling contrary to policy AH3 of the Carmarthenshire LDP and the advice set out in TAN6.

Other Dwelling Test

As previously stated planning permission was granted in 1990 for the erection of a rural enterprise dwelling for the agricultural holding associated with Treale, however the applicant has stated this is not associated to the holding and is not in the ownership of the enterprise. There is currently one dwelling on site known as Treale which is a sizeable farmhouse on the property. It is noted that there are existing buildings on site which could be suitable for conversion, however some are still in use and those further from the working buildings are small and not well suited to creating a four bedroom dwelling without significant repair, alteration and extension.

With regard to the size and scale of the dwelling this is considered overly large. To comply with the policy the dwelling must have the potential for alternative use as an affordable dwelling in the event the farm enterprise no longer needs it. The proposed 4 bedroom dwelling is comprised of the garage (38sq.m), the office/ farm worker element (40sq.m), the ground floor (125sq.m), and first floor measuring 107sq.m. Consultee comments received from the valuations officer conclude and supports that farm workers dwellings typically need additional facilities such as a ground floor shower room, boot room and office. Nevertheless, a floor area of circa 145-150sq.m is typical, with the average size for a 6 person 4 bedroom affordable unit being 107sq.m. Furthermore, the extra accommodation for the seasonal farm worker is not justified as part of the proposal.

In light of the above it is considered the proposed dwelling is overly large and is not supported.

Other Planning Requirement Test

Siting

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

In addition to the TAN6 locational criteria, it is also necessary to consider the impact of the dwelling on the wider landscape. The immediate surrounding area is characterised by open agricultural fields on the upper slopes of elevated ground, defined by low largely windswept hedgerows. Whilst there are scattered dwellings within the wider area, the majority are historic properties associated with historic farmsteads which are co-located with agricultural buildings. The site is adjacent to the existing farm yard. It is deemed the location of the proposal is adjacent to the existing farm house and will not negatively impact on the local landscape in line with policy GP1 Sustainability and High Quality Design of the LDP, and TAN 6.

Design

With regard to the size and scale of the dwelling this is considered overly large and there is already a sizeable farmhouse on the property. Consultee comments received from the valuations advise a floor area of circa 145-150sq.m is typical, with the average size for a 6 person 4 bedroom affordable unit being 107sq.m. As part of the planning application process

these concerns were raised to the applicant and amendments to the scale of the dwelling were requested as the original scale of the proposed dwelling measured in excess of 391sq.m. Following this, amendments to the scale were submitted however these were not sufficient to alleviate the concerns of officers as the reduction was only minimal taking the dwelling to 310sq.m.

In light of the above it is considered the proposed dwelling is overly large and is not supported and is contrary to Policies GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014) and Sections 4.4 and 4.10.2 of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).

Access

The application site is served by an existing access track and two access points onto county maintained highways. There is more than sufficient space within the plot which would be provided for car parking. Following consultation with the highways department no objection has been received. As such, the application would not have an unacceptable impact upon highway safety and therefore is compliant with policies TR2 and TR3 of the LDP and TAN18.

Other Material Planning Considerations

Phosphorous Sensitive Area

The application site is within the catchment of the River Teifi Special Area of Conservation (SAC). As part of the application a new package treatment plant and drainage field are to be installed, replacing the existing septic tank, to serve the new dwelling and the existing property on site. Concerns were raised regarding phosphorous from NRW however following further information submitted by the applicant including percolation tests CCC ecologists reviewed the application and 'screened out' the application from undertaking a Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) following NRW's guidelines.

Biodiversity

The Environment (Wales) Act 2016, PPW (Edition 11, February 2021) and Future Wales, The National Plan 2040 (Policy 9) requires the Local Planning Authority to seek to enhance biodiversity through the planning process, Within the Planning Statement submitted it states a native species hedge will be planted around the site boundary and the mature tree in the East of the site will be retained. It is deemed this is adequate ecological enhancement given the nature and scale of the proposal.

Contaminated Land

As the application site is adjacent to an agricultural enterprise contaminated land were consulted as part of the proposal. Following consultation there was no objection raised.

Planning Obligations

The initial affordability and use as a rural enterprise dwelling 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 that the proposed development would be contrary to Policy and does not comply with the requirements of Welsh Government Technical Advice Note 6: Planning for Sustainable Rural Communities and is therefore recommended for refusal. It is considered that a dwelling of the scale proposed is not acceptable and would not be compatible with that of an affordable dwelling that could, in the future, be available to those on low or moderate incomes. The proposal therefore represents a prominent, unjustified development in the open countryside contrary to Policies GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014).

RECOMMENDATION - Refusal

Conditions & Reasons

Reason 1

Insufficient justification has been provided to demonstrate that the scale of the proposed dwelling is necessary and would reflect the needs of the enterprise. Furthermore, it is not considered that a dwelling of the scale proposed would be compatible with that of an affordable dwelling that could, in the future, be available to those on low or moderate incomes. The proposal therefore represents a prominent, unjustified development in the open countryside that is considered to be detrimental to the character and appearance of the area. The proposal is contrary to Policy GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014) and Sections 4.4 and 4.10.2 of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).

Reason 2

The applicant has failed to enter into a S106 legal agreement to control the occupancy of both the existing and proposed dwelling and to tie the proposed dwelling to the agricultural holding. The proposal would therefore result in an unencumbered and unjustified isolated new dwelling in the open countryside. As such, the proposal is contrary to Policies AH1 of the Carmarthenshire Local Development Plan (adopted December 2014) and Supplementary Planning Guidance documents: Affordable Housing (adopted June 2018) and Planning Obligations (adopted December 2014) paragraphs 4.5.3 and 4.13.3 of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and paragraphs 3.60, 4.2.36 – 4.2.37 of Planning Policy Wales (11th Edition) February 2021.

Application No	PL/05366
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Application Type	Full planning permission
Proposal	Replacement of lawful caravan & decking with dwelling & integral garage (Re-submission following refusal of PL/04327)
Location	The Caravan, Springwells Farm, Llanboidy, Whitland, SA34 0EB

Applicant(s)	Robert Kendall
Agent	Hayston Developments & Planning Ltd - Andrew Vaughan-Harries
Officer	Charlotte Greves
Ward	Llanboidy
Date of validation	02/02/2023

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by the Local Member and member of the Planning Committee, Councillor Dorian Phillips.

Site

The application relates to a triangular parcel of land which is currently occupied by a static caravan with associated garden and parking areas situated adjacent to a property known as Springwells Farm located approximately 1km north of Whitland. Access to the farm and site is achieved from the C3205 county road to the east.

The caravan has timber decking to the eastern side immediately adjacent to the parking area which then connects to the access lane which runs through the site. The site also contains a single storey storage building in a poor state of repair to the immediate north west of the caravan. The site benefits from mains electric and water connections and a private septic tank and soakaway.

The site is bordered by established hedgebanks (topped by trees) to the west whilst there is an access lane leading to a neighbouring farm Maes Y Deri to the east defined by post & wire fencing. The land surrounding the application site forms part of Springwells Farm which is in the ownership of the applicant's family, to the north is a bungalow (Springwell) which is

occupied by the applicant's parents whilst there is a large agricultural building accessed via the lane through the site immediately to the south.

Proposal

The application is a resubmitted planning application of PL/04327 which seeks planning permission for the erection of a single storey 4-bedroomed replacement bungalow on the site of the existing static caravan.

The proposed dwelling is to be L shaped and sited on a north-south axis within the site with parking and access areas to the north and east and a garden area to the south and west. Foul drainage is proposed to the existing septic tank to the east of the existing caravan whilst new surface water soakaways are also proposed within the garden area to the northwest and southwest of the proposed dwelling. The scheme also proposes new landscaping elements within the existing garden area.

The proposed dwelling design comprises a single storey pitched roof structure with a main forward projecting gable to the front (eastern) elevation and two smaller projecting gables to the front & rear elevations. The dwelling is to be finished in cement render with an area of composite cladding to the front elevation under a slated roof whilst windows & doors are to be finished in UPVC or powder coated aluminium (dark grey). Internally the dwelling will comprise four bedrooms, lounge, integrated kitchen/diner, utility room and bathroom. The larger forward projecting gable extension off the front elevation is to host an integrated double garage.

Planning Site History

PL/04327 - Replacement of lawful caravan and decking with dwelling and Integral Garage - Full Refusal - 10/10/2022

PL/03599 - Certificate of lawful development for the retention of a residential caravan and associated garden & Parking area (10 years) - CLEUD - Approval - 19/4/2022

D4/14617 - ELECTRICITY SUPPLY - Full Granted - 12/6/1987

Planning Policy

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

Policy SP1 Sustainable Places and Spaces

Policy SP 5 Housing

Policy SP 6 Affordable Housing

Policy GP1 Sustainability and High Quality Design

Policy H4 Replacement Dwellings

[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

Llanboidy Community Council - No observations received to date.

Local Member(s) – Cllr Dorian Phillips, Local Member and Member of the Planning Committee, has requested that the application is called to planning committee if it is to be recommended for refusal.

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

Summary of Public Representations

The application has been the subject of notification by way of a site notice. Three representations have been received expressing support for the proposed development.

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

Appraisal

Principle of the Development

The proposal relates to the replacement of a static caravan, which benefits from a certificate of lawfulness that confirms its residential status, with a permanent dwelling. That Certificate (planning reference PL/03599) was issued based on the details submitted which were considered sufficient to confirm that a caravan had been in position for a period in excess of 10 years and that the residential use of the caravan and the surrounding land as identified by the red line for that period of time had also been established. The Certificate is specific in that it refers to the unit as a caravan which complies with the requirements of the definition of a caravan as set out in the Caravan Act 1960 as amended by the Caravan Sites Act 1968. It was not deemed to be a permanent building, as such the present lawful status of the unit in question is that of a caravan and not a permanent building.

Replacement dwelling

Policy H4 of the Carmarthenshire LDP states that the replacement of existing dwellings outside defined Development Limits will be acceptable subject to various criteria. The critical criterion in this case is criterion b) which specifies that the existing building cannot be a temporary structure nor the subject of a temporary consent. As set out above, the lawful status of the existing unit is that of a static caravan which by its nature is a temporary structure in that it is not considered to be a building. It is considered that the caravan remains capable of being moved and therefore remains to fall within the definition of a caravan as assessed under the recent CLEUD application. Furthermore, it is not considered that the fact that the caravan has an established residential use is sufficient to outweigh this policy position nor the assertion that its replacement with a permanent dwelling would create a more aesthetically pleasing development. As such its replacement with a permanent dwelling would directly conflict with criterion b) of Policy H4.

In terms of the remaining criteria of Policy H4 the proposed replacement dwelling and garage would be located on the footprint of the static caravan, albeit occupying a larger footprint, and therefore criterion a is satisfied. In terms of the scale of the dwelling, whilst larger than the existing caravan, it is not considered that the proposed dwelling would be disproportionate in scale to the existing caravan and the design and materials would be appropriate to the character and appearance of the area in accordance with criteria c and

d. Furthermore, the proposal does not give rise to concerns in relation to highways safety, utilities, local amenity, biodiversity or the surrounding landscape in accordance with the criteria e and f. Having regard to the final criterion, there will be a need for the existing caravan to be removed from the site to allow the new dwelling to be built and therefore the proposal would also accord with criterion f.

Notwithstanding the above it is considered that a proposal to replace the existing static caravan with a permanent dwelling would directly conflict with Policy H4 and there are insufficient material planning considerations to indicate otherwise.

Other matters

Personal circumstances

Whilst the applicant's personal circumstances as set out in the supporting information submitted with the application are acknowledged, the application has not been presented as a dwelling for local needs or as required for a rural enterprise and as such has not been assessed as such.

Fallback position and precedent cases

The applicant draws officers attention to the fall-back position relating to the fact that there is a lawful caravan that enjoys a certificate of lawful use for permanent residential purposes on the site that can be replaced and upgraded. Furthermore, the applicant contends that the use of the site can be intensified without the need for planning permission.

As explained earlier in the report, the fallback position is clear in that it specifically relates to a single residential caravan and associated garden and parking area as identified on the plan submitted with the approved certificate application. As such officers contend that only a single residential unit that would meet the definition of a caravan could be lawfully placed on the land and in residential use.

The applicant has also drawn attention to case law, appeal decisions and alleged precedent cases which they consider support their case however there is equally a number of cases that support the council's position and in any event each case is determined on its own individual merits.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

After careful consideration of the scheme as submitted, it is concluded that the proposed development would be contrary to Policy H4 Replacement Dwellings of the Carmarthenshire Local Development Plan 2014 in that the lawful status of the existing unit is that of a static caravan. The current unit as a whole is capable of being moved from one place to another and given its dimensions falls within the definition of a caravan. The current unit on site therefore is considered to be a temporary structure, the replacement of which by a permanent dwelling is not permissible by criterion (b) of Policy H4. The proposal would therefore result in the creation of a new permanent dwelling in the open countryside with no information having been provided to demonstrate that any exceptions would be applicable in this instance, contrary to Policy H4 and paragraph 3.60 of Planning Policy Wales Edition 11 (2021). It is not considered that there are sufficient material considerations that would outweigh the policy objection.

RECOMMENDATION - Refusal

Conditions & Reasons

Reason 1

The proposed development would be contrary to Policy H4 Replacement Dwellings of the Carmarthenshire Local Development Plan 2014 in that the lawful status of the existing unit is that of a static caravan. The current unit as a whole is capable of being moved from one place to another and given its dimensions falls within the definition of a caravan. The current unit on site therefore is considered to be a temporary structure, the replacement of which by a permanent dwelling is not permissible by criterion (b) of Policy H4. The proposal would therefore result in the creation of a new permanent dwelling in the open countryside with no information having been provided to demonstrate that any exceptions would be applicable in this instance, contrary to Policy H4 and paragraph 3.60 of Planning Policy Wales Edition 11 (2021). It is not considered that there are sufficient material considerations that would outweigh the policy objection.