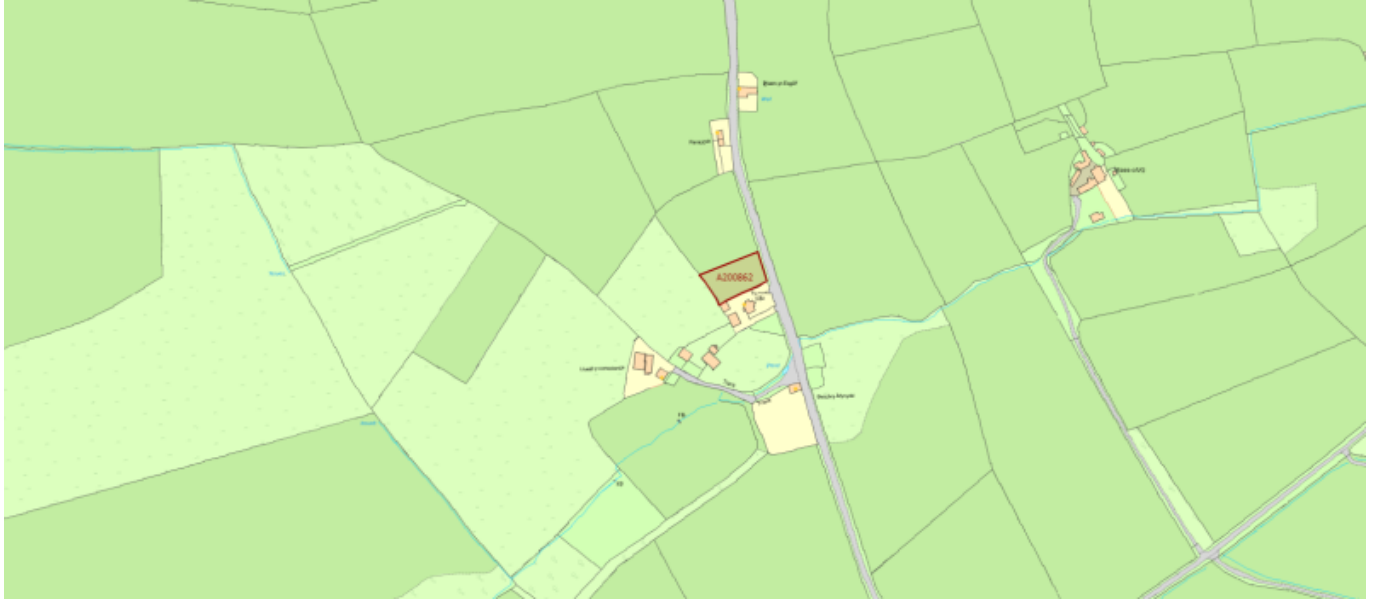


2. Prif Eitemau/Main Items

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A200862	09-10-2020	Mr S Lewis	Erection of a Dwelling	Tycoch, Trefenter, Aberystwyth, SY23 4HE	Refuse
2	A201095	18-12-2020	J & M James & Hughes	Erection of a dwelling	Plot adjacent to Gwyn Ley, Penrhyncoch, Aberystwyth. SY23 3ES	Refuse
3	A200879	14-10-2020	Mr Rhys James	Removal of agricultural condition 4 of planning permission D1/1000/87 erection of a dwelling for an agricultural worker	Rhos Rhydiol, Bwlchllan, Lampeter, Ceredigion, SA48 8QR	Refuse
4	A200994	23-11-2020	Mr F Bowes (Mows n Grows)	Proposed storage shed for agricultural & horticultural machinery	Land Adjacent To Waun Fach, Cwm Cou, Newcastle Emlyn, SA38 9PE	Refuse

2.1. A200862



Pwyllgor / Committee

Rhif y Cais / Application Reference	A200862
Derbyniwyd / Received	09-10-2020
Y Bwriad / Proposal	Erection of a Dwelling
Lleoliad Safle / Site Location	Tycoch, Trefenter, Aberystwyth, SY23 4HE
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr S Lewis, Tycoch, Trefenter, Aberystwyth, Ceredigion, SY23 4HE
Asiant / Agent	Mr Robert Thomas (Thomas Login Architecture), Plas Y Berllan, Ffostrasol, Llandysul, Ceredigion, SA44 4TE

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn rhan o gae amaethyddol sy'n ffinio'n uniongyrchol i'r gogledd ag eiddo Tycoch Villa sy'n wynebu ffordd y B4576 rhyw 2.5km i'r de o bentref Llangwryfon. Mae datblygiadau preswyl yn y lleoliad hwn yn wasgaredig; mae pedwar eiddo yn yr ardal gyfagos a'r eiddo agosaf (ar wahân i Dycloch Villa) rhyw 110m i ffwrdd.

Mae safle'r cais yn wastad ac wedi'i nodweddu gan glawdd aeddfed y tu blaen wrth y briffordd a thir amaethyddol agored i'r gogledd a'r gorllewin.

Ni chyflwynwyd ceisiadau cynllunio blaenorol mewn perthynas â'r darn hwn o dir yn benodol.

MANYLION Y DATBLYGIAD

Cais llawn yw hwn ac mae'n ceisio caniatâd cynllunio i godi annedd ar y farchnad agored.

Mae'r cynlluniau yn dangos darpariaeth ar gyfer tŷ mawr, pedair ystafell wely â garej ddwbl ar y tir. Mae'r eiddo ynghyd â phortsh/darn aml-bwrpas ar yr ochr yn rhyw 18m o hyd, 14m o led ag iddo do talcen slip.

Mae'r llawr gwaelod yn rhoi llety ar gyfer lolfa, stydi, cegin/ystafell fwyta fawr, cynllun agored ac ystafell gefn, ystafell aml-bwrpas a thoiled lawr grisiau. Mae'r llawr cyntaf yn darparu ar gyfer pedair ystafell wely, dau *en-suite* ac ystafell wisgo y gellir cerdded i mewn iddi, ystafell ymolchi, landin oriel a mynediad i ardal falconi y tu allan.

Defnyddir yr un deunyddiau i godi'r tŷ a'r garej, a'u rendro â gwaith brics a tho o lechi naturiol. Bwriedir cael mynediad newydd i gerbydau o'r is-ffordd (ffordd B) a rhoi tanc carthion/cyfleuster trin carthion ar gyfer y dŵr brwnt.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Mae polisiâu canlynol y Cynllun Datblygu Lleol yn berthnasol wrth wneud penderfyniad ynghylch y cais hwn:

DM06: Dylunio a Chreu Lle o Safon Uchel

DM13 Systemau Draenio Cynaliadwy

DM14 Cadwraeth Natur a Chysylltedd Ecolegol

DM15 Cadw Bioamrywiaeth Leol

DM17 Y Dirwedd yn Gyffredinol

S01 Twf Cynaliadwy

S04: Datblygu Mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'

S05 Tai Fforddiadwy

YSTYRIAETHAU PERTHNASOL ERAILL

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau

amrywiol gan roi sylw dyledus i effaith debygol gweithredu'r swyddogaethau hynny ar droseddau ac anhrefn yn ei ardal, ac i wneud popeth y gall, yn rhesymol, i atal troseddau ac anhrefn. Rhoddwyd ystyriaeth i'r ddyletswydd hon wrth werthuso'r cais hwn. Ystyrir na fyddai cynnydd mawr nac annerbyniol mewn troseddau ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn dynodi nifer o 'nodweddion gwarchoddedig' sef oedran; anabledd; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw priodol i hyrwyddo cydraddoldeb yn cynnwys:

- dileu neu leihau'r anfanteision y mae pobl yn eu dioddef yn sgil eu nodweddion gwarchoddedig;
- cymryd camau i gwrdd ag anghenion pobl o grwpiau gwarchoddedig lle bo'r rhain yn wahanol i anghenion pobl eraill; ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle bo'u cyfranogiad yn anghymesur o isel.

Rhoddwyd ystyriaeth briodol i'r uchod wrth wneud penderfyniad ynghylch y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn un sydd â goblygiadau sylweddol i bobl â nodweddion gwarchoddedig nac yn cael effaith arnynt yn fwy nag ar unrhyw un arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar y Cyngor i gymryd camau rhesymol wrth ymarfer ei swyddogaethau i gwrdd â'r saith nod llesiant sy'n rhan o'r Ddeddf. Paratowyd yr adroddiad hwn gan ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y'i gosodir yn Neddf 2015. Wrth bennu'r argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb amharu ar allu cenedlaethau'r dyfodol i fodloni eu hanghenion eu hunain.

YMATEB I'R YMGYNGHORI

Priffyrdd Ceredigion - Dim gwrthwynebiad yn ddibynnol ar amodau.

Draenio Ceredigion - Sylwadau

Dŵr Cymru/Welsh Water - Dim sylwadau

CASGLIAD

Mae Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004 yn datgan: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise".

Mae'r cais yn ceisio caniatâd cynllunio i godi annedd fawr ar y farchnad agored mewn cefn gwlad agored.

Egwyddor Datblygu

Ar hyn o bryd, mae safle'r cais yn rhan o gae amaethyddol y mae'r eiddo cyfagos, Tycoch Villa, yn berchen arno. Fe'i lleolir mewn cefn gwlad agored rhyw 2.5km i'r de o Langwryfon. Ar wahân i Dycloch Villa ei hun, tyddyn â llai na 5 hectar, mae'r annedd breswyl agosaf rhyw 110m i ffwrdd. Y polisi allweddol sy'n berthnasol wrth ystyried y cais hwn yw S04 sy'n mynd i'r afael â chynigion datblygu mewn "aneddiadau cyswllt a lleoliadau eraill".

Mae'r polisi yn cymryd Polisi Cynllunio Cymru i ystyriaeth yn y ffaith y dylai'r datblygiad fod wedi'i leoli o fewn ac yn ffinio â'r aneddiadau hynny lle y gellir darparu orau ar ei gyfer o ran seilwaith, mynediad a chynefinoedd a thirweddau cadwraeth. Gall mewnlenwi neu roi estyniadau bach ar aneddiadau sy'n bodoli fod yn dderbyniol, yn enwedig lle y mae'n bodloni'r angen am dai fforddiadwy yn lleol, ond mae'n rhaid i adeiladu o'r newydd mewn cefn gwlad agored i ffwrdd o aneddiadau sy'n bodoli neu ardaloedd a neilltuwyd ar gyfer datblygu mewn cynlluniau datblygu barhau i gael eu rheoli'n llym.

Mae Polisi S04 y Cynllun Datblygu Lleol yn ceisio rheoli ymlediad datblygiadau preswyl mewn 'lleoliadau eraill' drwy ganiatáu anheddau newydd dim ond lle y bo angen y gellir ei gyfiawnhau o ran mentrau gwledig neu lle y bo gofyn ar sail angen na chafodd ei ddiwallu am dai fforddiadwy.

Nid yw'r ymgeisydd yn honni bod angen yr annedd ar gyfer menter wledig nac ar sail annedd fforddiadwy. Oherwydd hynny, yna ystyrir bod y cynnig yn gais i godi annedd ar y farchnad agored.

Felly, y farn yw bod y cynnig yn gwrthdaro â pholisïau S01, S04 a S05 y Cynllun Datblygu Lleol ac mae mewn safle maes glas y tu allan i unrhyw anheddiad neu nid o fewn ffurf adeiledig.

Effaith ar y Dirwedd a Chymeriad yr Ardal

Mae'r cynlluniau yn dangos darpariaeth tŷ deulawr mawr iawn ag iddo garej ddwbl mewn lleoliad yng nghefn gwlad agored. Dadleuir bod dyluniad yr adeilad yn ymddangos yn fwy trefol na gwledig a fyddai'n gwrthdaro â chymeriad gwledig yr ardal. Y farn yw y bydd annedd fawr mewn cefn gwlad agored, heb gyswllt o ran cymeriad ag eiddo cyfagos, yn cael effaith andwyol ar gymeriad yr ardal, ac yn ychwanegiad anghyson i'r dirwedd.

Ystyriaethau Perthnasol Eraill

Nodir nad oes gwrthwynebiadau i'r cynnig o safbwynt priffyrdd, draenio a'r trefniadau ar gyfer dŵr brwnt.

Fodd bynnag, nid yw'n gwrthbwysu'r gwrthwynebiad polisi i'r cynnig.

Canlyniad

I grynhoi, mae darpariaeth annedd fawr na ellir ei chyfiawnhau yn y lleoliad hwn yn gwbl groes i egwyddorion datblygu cynaliadwy a bydd yn arwain at ffurf annerbyniol o ddatblygu mewn cefn gwlad agored. Mae'r cynnig yn groes i bolisïau cynllunio lleol a chenedlaethol.

AWDURDOD DIRPRWYEDIG

Mae'r Cynghorydd R Rees-Evans, yr Aelod Lleol, wedi datgan buddiant yn y cais ac felly cyflwynir y cais i'r Pwyllgor Rheoli Datblygiad i'w ystyried am y rheswm hwnnw'n benodol.

ARGYMHELLIAD:

Gwrthod y cais am fod yn anghydweled â polisi cenedlaethol a lleol.

Rhif y Cais / Application Reference	A200862
Derbyniwyd / Received	09-10-2020
Y Bwriad / Proposal	Erection of a Dwelling
Lleoliad Safle / Site Location	Tycoch, Trefenter, Aberystwyth, SY23 4HE
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr S Lewis, Tycoch, Trefenter, Aberystwyth, Ceredigion, SY23 4HE
Asiant / Agent	Mr Robert Thomas (Thomas Login Architecture), Plas Y Berllan, Ffostrasol, Llandysul, Ceredigion, SA44 4TE

THE SITE AND RELEVANT PLANNING HISTORY

The application site is part of an agricultural field directly adjoining to the north the property of Tŷ Coch Villa which fronts onto the B4576 road approx 2.5km to the south of the village of Llangwryfon. Residential development at this location is sporadic with four properties in the immediate area with the nearest property (apart from Tŷ Coch Villa) being around 110m away.

The application site is level and characterised by mature hedgebank fronting the highway and by open agricultural land to the north and west.

No previous planning applications have been made on this particular parcel of land.

DETAILS OF DEVELOPMENT

The application is in full and seeks planning permission for the erection of an open market dwelling.

The plans show the provision of a large four bedroomed house with a detached double garage within the grounds. The property together with a side utility / porch is approx 18m long, 14m wide and has a hipped roof.

The ground floor provides accommodation for a lounge, study, large open plan kitchen / dining area with snug and an utility and downstairs toilet area. The first floor accommodates four bedrooms, two en-suites, a walk through dressing room, a bathroom, gallery landing and access to an outside balcony area.

Both the house and the garage are to be constructed of the same materials, being rendered with brick detailing and roofed with natural slates. A new vehicular access from the B road is proposed and foul water is to be served by a septic tank / treatment plant.

RELEVANT PLANNING POLICIES AND GUIDANCE

Mae'r polisiâu canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn:: / These Local Development Plan policies are applicable in the determination of this application:

DM06 High Quality Design and Placemaking

DM13 Sustainable Drainage Systems

DM14 Nature Conservation and Ecological Connectivity

DM15 Local Biodiversity Conservation

DM17 General Landscape

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

S05 Affordable Housing

OTHER MATERIAL CONSIDERATIONS

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

EQUALITY ACT 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

Ceredigion Highways - No objection subject to conditions.

Ceredigion Drainage - Comments

DC/WW - Comments

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise".

The application seeks planning permission for the erection of a large open market dwelling in an open countryside location.

The Principle of Development

The application site is currently part of an agricultural field which belongs to the neighbouring property of Tŷ Coch Villa which is located in an open countryside location some 2.5km to the south of Llangwryfon. Apart from Tŷ Coch Villa itself, which is a small-holding with less than 5 hectares, the nearest residential dwelling is approx 110m away. As such the key policy relating to the consideration of this application is S04 which deals with development proposals in 'linked settlements and other locations'.

The policy takes account of Planning Policy Wales in that the development should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled.

Policy S04 of the LDP seeks to control the proliferation of residential development in 'other locations' by permitting new dwellings only where there is a justifiable rural enterprise need or is required on unmet affordable need basis.

No claim has been made by the applicant that the dwelling is required as a rural enterprise dwelling or on the basis of an affordable dwelling. As that is the case then the proposal is considered as an application for the erection of an open market dwelling.

As such then it is the opinion that the proposal is in conflict with policies S01, S04 and S05 of the LDP as it is in a greenfield site outside of any settlement or not within any built form.

Impact on the Landscape and Character of the Area

The plans show the provision of a very large two storey house with a detached double garage in an open countryside location. It is argued that the design of the building has more of an urban rather than rural appearance which would be in conflict with the rural character of the area. It is the opinion that a large dwelling in an open countryside location with no link in character with any nearby properties will detrimentally impact the character of the area, constituting an incongruous addition on the landscape.

Other Material Considerations

It is noted that there are no objections to the proposal from a highway, drainage and foul water arrangement perspective. However, it does not outweigh the policy objection to the proposal.

Outcome

To conclude, the provision of an unjustified large dwelling at this location is completely contrary to the principles of sustainable development and will result in an unacceptable form of development in the open countryside. The proposal is contrary to both national and local planning policy.

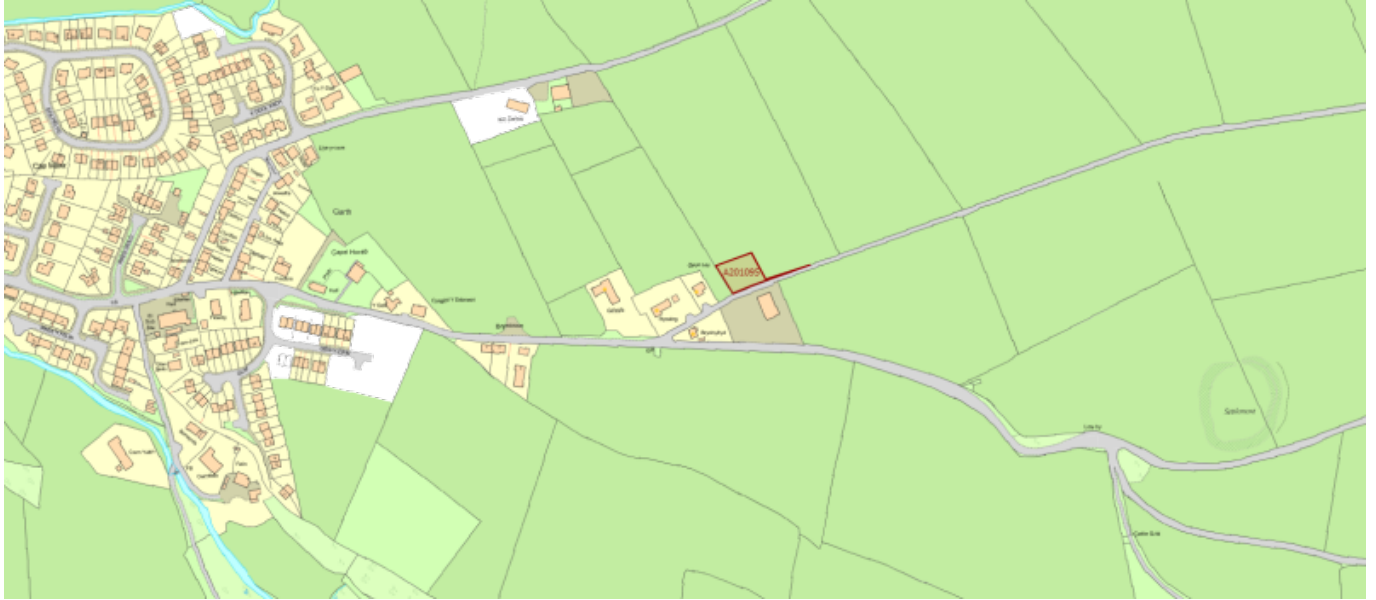
DELEGATED AUTHORITY

Cllr R Rees-Evans, the local Member, has declared an interest in the application and therefore the application is presented to the Development Control Committee for consideration for that particular reason.

RECOMMENDATION:

Refuse the application as being contrary to both national and local policy.

2.2. A201095



Rhif y Cais	A201095
Derbyniwyd	18-12-2020
Y Bwriad	Codi annedd
Lleoliad Safle	Plot ger Gwyn Ley, Penrhyn-coch, Aberystwyth. SY23 3ES
Math o Gais	Caniatâd Cynllunio Amlinellol – yr holl/rhai materion wedi'u cadw'n ôl
Ymgeisydd	J & M James & Hughes, Penybanc, Penrhyn-coch, Aberystwyth, SY23 3ER
Asiant	Mr Iwan Jones, Gellimanwydd, Talybont, SY24 5HJ

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn cyfeirio at gae amaethyddol ar hyd ffordd ddi-ddosbarth sy'n arwain o bentref Penrhyn-coch i bentrefan bach Salem. Mae caeau amaethyddol yn ffinio â safle'r cais i'r Gogledd a'r Dwyrain. I'r Gorllewin mae clwstr bach o fyngalos sengl.

Mae hanes cynllunio blaenorol y safle fel a ganlyn:

901414 – Caniatâd Cynllunio Amlinellol – tir wrth ymyl Gwynley, Penrhyn-coch – codi bynglo – Gwrthodwyd (07-12-1990)

MANYLION Y DATBLYGIAD

Mae'r cais hwn yn gofyn am ganiatâd cynllunio amlinellol, gyda'r holl faterion wedi'u cadw'n ôl, ar gyfer codi un annedd fforddiadwy. I gyd-fynd â'r cais mae cynllun bloc dangosol sy'n dangos lleoliad yr annedd ac ymhle y ceir mynediad o briffordd y sir. Cyflwynwyd y terfynau uchaf ac isaf canlynol:

- Hyd: Ar y lleiaf 8m – ar y mwyaf 18m
- Lled: Ar y lleiaf 6m – ar y mwyaf 18m
- Uchder (to bondo) – ar y lleiaf 2.4m – ar yr uchaf 6.5m
- Uchder (to crib) – ar y lleiaf 4m – ar yr uchaf 9.5m

Cefnogir y cais gan ddatganiad tai fforddiadwy, sy'n nodi bod yr ymgeiswyr yn bodloni meini prawf Deiliadaeth Tai Fforddiadwy Ceredigion. Mae gwerthusiad ecolegol rhagarweiniol byr hefyd wedi'i gyflwyno i gefnogi'r cais.

POLISIËU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiâu Cynllunio Cenedlaethol Perthnasol:

- Cymru'r Dyfodol: y Cynllun Cenedlaethol (2021)
- PPW11 Polisi Cynllunio Cymru (rhifyn 11, Chwefror 2021)
- TAN2 Cynllunio a Thai Fforddiadwy (2006)
- TAN5 Cynllunio a Chadwraeth Natur (2009)

Mae polisiâu canlynol y Cynllun Datblygu Lleol yn berthnasol wrth benderfynu ar y cais hwn:

Polisiâu Cynllunio Lleol Perthnasol

- S01 Twf Cynaliadwy
- S04 Datblygu mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'
- S05 Tai Fforddiadwy
- LU02 Gofynion sy'n ymwneud â phob Datblygiad Preswyl
- LU05 Sicrhau Cyflenwi Datblygiadau Tai
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM06 Dylunio a Chreu Lle o Safon Uchel
- DM10 Dylunio a Thirweddu
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol
- DM20 Gwarchod Coed, Gwrychoedd a Choetiroedd

Canllawiau Cynllunio Atodol Mabwysiedig Perthnasol

- Tai Fforddiadwy – Medi 2014
- Tai Fforddiadwy, taflenni cymorth Canllawiau Cynllunio Atodol (SPG)
- Taflen Arweiniad: Angen Tystiolaeth am Dai Fforddiadwy a Meini Prawf Cymwys
- Gwarchod Natur, Canllawiau Cynllunio Atodol – Ionawr 2015
- Dylunio a'r Amgylchedd Adeiledig, Canllawiau Cynllunio Atodol – Ionawr 2015
- Safonau parcio CSC, Canllawiau Cynllunio Atodol – Ionawr 2015

YSTYRIAETHAU PERTHNASOL ERAILL

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol arfer y swyddogaethau hynny ar ei ardal, a'r angen i wneud popeth y mae'n rhesymol iddo ei wneud i atal trosedd ac anhrefn yn ei ardal. Cafodd y ddyletswydd hon ei hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai unrhyw gynnydd arwyddocaol neu annerbyniol mewn trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oedran, anabledd, ailbennu rhywedd, beichiogrwydd a mamolaeth, hill, crefydd neu gred, rhyw, cyfeiriadedd rhywiol, priodas a phartneriaeth sifil. Mae rhoi sylw dyledus i hyrwyddo cydraddoldeb yn cynnwys:

- dileu neu leihau effaith yr anfanteision a ddiroddferir gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchoddedig pan fydd y rhain yn wahanol i anghenion pobl eraill; ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu weithgareddau eraill os yw'r nifer sy'n cymryd rhan yn anghymesur o isel.

Mae'r ddyletswydd uchod wedi cael ystyriaeth briodol wrth benderfynu ar y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn creu unrhyw oblygiadau arwyddocaol neu effaith ar bobl sydd â nodwedd warchoddedig yn fwy nag unrhyw unigolyn arall.

DEDDF LLESIANT CENEDLAETHAU'R DYDODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau i fodloni'r saith nod llesiant o fewn y Ddeddf. Mae'r adroddiad hwn wedi cael ei baratoi wrth ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y nodwyd yn Neddf 2015. Wrth wneud yr argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb gyfaddawdu gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain.

YMATEBION YMGYNGHORI

Cyngor Cymuned Trefeurig – dim gwrthwynebiad cyn belled â bod y datblygiad o fewn ardal y Cynllun Datblygu Lleol.

Priffyrdd – dim gwrthwynebiad yn destun amodau

Draenio Tir – sylwadau

Cyfoeth Naturiol Cymru – dim gwrthwynebiad

Dŵr Cymru – dim gwrthwynebiad yn destun amodau

Hawliau Tramwy – sylwadau

Derbyniwyd un llythyr yn gwrthwynebu ac un llythyr pryder yn ymwneud â'r datblygiad arfaethedig.

Gwrthwynebiad:

Hilary A Peters (dim cyfeiriad) – Gwrthwynebu ar sail diogelwch priffyrdd a diogelwch cerddwyr ar y lôn sy'n mynd at y datblygiad.

Pryderon:

G Morton (Bysaleg, Penrhyn-coch) – Pryderon ynghylch datblygu pellach mewn cefn gwlad agored. Pryderon ynghylch maint yr annedd arfaethedig wrth ystyried yr eiddo cyfagos.

CASGLIAD

Mae Adran 38 (6) Deddf Cynllunio a Phrynu Gorfodol 2004 yn nodi: "Os ystyrir y cynllun datblygu at bwrpas gwneud penderfyniad o dan Ddeddfau Cynllunio bydd yn rhaid gwneud y penderfyniad hwnnw yn unol â'r cynllun oni bai fod ystyriaethau o bwys yn nodi fel arall."

Mae safle'r cais o fewn 'Lleoliadau Eraill' fel y'i nodwyd yn y Cynllun Datblygu Lleol (CDLI) mabwysiedig lle caiff datblygu ei reoli'n llym er mwyn cael datblygu cynaliadwy a gwarchod cefn gwlad agored. Mae Polisi S04 y CDLI yn nodi bod tai cyffredinol yn amhriodol o fewn 'lleoliadau eraill' oni bai bod cyfiawnhad iddynt ar y sail eu bod yn diwallu angen am dai fforddiadwy yn yr ardal ac yn unol â Pholisi S05; neu'r angen am annedd menter wledig yn unol â TAN6. Mae'r cais cynllunio hwn ar gyfer annedd fforddiadwy.

Mae'r Polisi hefyd yn ei gwneud yn ofynnol i dai fforddiadwy gael eu lleoli yn union wrth ymyl grwpiau o anheddau sy'n bodoli eisoes yn unol â bwriadau paragraff 9.2.22 Polisi Cynllunio Cymru (PCC). Er bod PCC wedi'i ddiweddarau ers hynny, mae paragraff 3.60 yn parhau i fynnu bod datblygiad yng nghefn gwlad yn cael ei leoli o fewn aneddiadau eraill neu'n gyfagos iddynt lle y gellir darparu orau ar ei gyfer o ran isadeiledd, mynediad, cynefin a chadwraeth tirlunio. Efallai y bydd mewnlenni neu fân estyniadau i aneddiadau presennol yn dderbyniol yn enwedig pan fyddant yn diwallu angen lleol am dai fforddiadwy, ond rhaid parhau i reoli adeiladu newydd mewn cefn gwlad agored sydd i fwrdd o aneddiadau sy'n bodoli eisoes.

Mae safle'r cais yn ffinio â chaeau amaethyddol i'r Gogledd a'r Dwyrain gyda chlwstwr bychan o anheddau i Orllewin y safle. Mae safle'r cais 160m o ffin anheddiad Penrhyn-coch ac nid yw wedi'i leoli o fewn anheddiad presennol neu'n gyfagos iddo. At hynny, nid oes palmentydd i'r anheddiad i ganiatáu cerdded yn ddiogel, ac nid oes darpariaeth trafndiaeth gyhoeddus o fewn pellter cerdded diogel i safle'r cais. Felly byddai preswylwyr yn debygol o ddiwynnu ar ddefnyddio cerbyd preifat i gael mynediad at wasanaethau a chyfleusterau. Mae hyn yn mynd yn groes i bolisi cynllunio cenedlaethol a lleol sy'n ceisio hyrwyddo dulliau teithio cynaliadwy trwy sicrhau bod datblygiad tai yn cael ei adeiladu mewn lleoliadau lle gellir mynd at wasanaethau a chyfleusterau yn y lle cyntaf trwy gerdded a beicio, yna ar drafnidiaeth gyhoeddus ac yna yn olaf mewn cerbydau modur preifat.

Mae datganiad tai fforddiadwy yn cyd-fynd â'r cais, sy'n honni nad oes anheddau fforddiadwy ym Mhenrhyn-coch na'r ardal sy'n diwallu anghenion penodol yr ymgeiswyr. Fodd bynnag, mae'r ACLI yn anghytuno â chanfyddiadau'r datganiad tai fforddiadwy ac yn ystyried nad oes angen dynodedig am dai fforddiadwy yn yr ardal nad oes darpariaeth ar ei gyfer. Mae sawl annedd y gellir eu hystyried yn 'fforddiadwy' ar y farchnad ar hyn o bryd ym mhentref Penrhyn-coch. Bu datblygiadau tai fforddiadwy yn ddiweddar ym mhentref Penrhyn-coch, gyda chaniatâd cynllunio pellach ar gyfer tai fforddiadwy yn dal i fod yn weithredol neu mewn bodolaeth o fewn ffin anheddiad Penrhyn-coch. O'r herwydd, nid yw'r ACLI o'r farn fod angen heb ei ddiwallu am dai fforddiadwy yn yr ardal.

Gofynion Nodweddion Corfforol:

Mae'r arwynebedd llawr net lleiaf a mwyaf i gartref fforddiadwy wedi'i nodi yn Atodiad 4 Taflenni Cymorth SPG Tai Fforddiadwy (gweler tudalen 10). Y safon uchaf absoliwt yw 137 metr sgwâr. Serch hynny, mae'r paramedrau'r meintiau a gynigir yn llydan, maent yn rhoi modd i'r eiddo fod yn 18m o led wrth 18m o hyd gyda'r uchder i'r grib yn 9.5m. Byddai hyn yn caniatáu ar gyfer eiddo sylweddol sy'n llawer mwy na'r safonau uchaf sy'n dderbyniol ar gyfer cartref fforddiadwy.

Gallai maint yr annedd yn y lleoliad hwn, o ystyried y paramedrau maint uchaf a nodir yn y cynllun dangosol, fod yn niweidiol i gymeriad ac elfen wledig yr ardal leol ac yn groes i bolisiâu DM06 a DM17 y CDLI.

Materion eraill:

Ni chodwyd unrhyw wrthwynebiadau gan ymgynghorwyr statudol. Nid oes unrhyw wrthwynebiad i'r datblygiad arfaethedig o ran priffyrdd a draenio tir, yn destun amodau priodol. Nododd y cyngor cymunedol lleol nad oeddent yn gwrthwynebu'r datblygiad cyn belled â'i fod o fewn ardal y cynllun datblygu lleol, ond mae'r safle y tu allan i ffin anheddiad Penrhyn-coch.

Pŵer Dirprwyo:

Mae'r Aelod Lleol, y Cynghorydd Dai Mason, wedi gofyn bod y cais yn cael ei benderfynu gan aelodau'r pwyllgor cynllunio, am y rhesymau canlynol:

- Gan mae cais am adeiladu tŷ fforddiadwy yw hwn, mae angen rhoi pob chwarae teg i alluogi i bobl ifanc yr ardal fyw yn eu cymuned. Mae'r ymgeisydd yn dymuno byw yn agos i'w gartref lle mae'n ffermio.

ARGYMHELLIAD:

Gwrthod

1. Byddai'r cais yn arwain at annedd fforddiadwy newydd mewn lleoliad anghynaliadwy a heb gyfiawnhad mewn cefn gwlad agored yn groes i'r polisi cynllunio cenedlaethol a nodir ym Mholisi Cynllunio Cymru a Nodyn Cyngor Technegol (TAN) 2: Cynllunio a Thai Fforddiadwy (2006) a'r Cynllun Datblygu Lleol mabwysiedig, polisiau S01 a S04.
2. Byddai'r cais, o'i ganiatáu, yn tanseilio cyflawni strategaeth dai y Cynllun Datblygu Lleol mabwysiedig, yn benodol polisiau S01 ac S04.

Application Reference	A201095
Received	18-12-2020
Proposal	Erection of a dwelling
Site Location	Plot adjacent to Gwyn Ley, Penrhyncoch, Aberystwyth. SY23 3ES
Application Type	Outline Planning Permission - All/Some Matters Reserved
Applicant	J & M James & Hughes, Penybanc, Penrhyncoch, Aberystwyth, SY23 3ER
Agent	Mr Iwan Jones, Gellimanwydd, Talybont, SY24 5HJ

THE SITE AND RELEVANT PLANNING HISTORY

The application site refers to an agricultural field along an unclassified road, which leads from the village of Penrhyncoch to the small hamlet of Salem. The application site is bounded to the North and East by agricultural fields. To the West is a small cluster of detached bungalows.

The site has the following planning history:

901414 – Outline Planning Permission – Land adj Gwynley, Penrhyncoch – Erection of a Bungalow – Refused (07-12-1990)

DETAILS OF DEVELOPMENT

This application seeks outline planning permission, with all matters reserved, for the erection of a single affordable dwelling. The application is accompanied by an indicative block plan which show the siting of the dwelling and where access will be gained from the county highway. The following upper and lower limits are provided:

- Length: Min 8m - Max 18m
- Width: Min 6m – Max 18m
- Height (to eaves) – Min 2.4m – Max 6.5m
- Height (to ridge) – Min 4m – Max 9.5m

The application is supported by an affordable housing statement, which states that the applicants meet Ceredigion's Affordable Housing Occupancy criteria. A short preliminary ecological appraisal has also been submitted in support of the application.

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

- Future Wales - The National Plan 2040 (2021)
- PPW11 Planning Policy Wales (edition 11, February 2021)
- TAN2 Planning and Affordable Housing (2006)
- TAN5 Nature Conservation and Planning (2009)

Mae'r polisiau canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn: / These Local Development Plan policies are applicable in the determination of this application:

Relevant Local Planning Policy

- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing
- LU02 Requirements Regarding All Residential Developments
- LU05 Securing the Delivery of Housing Developments
- DM03 Sustainable Travel
- DM04 Sustainable Travel Infrastructure as a Material Consideration
- DM06 High Quality Design and Placemaking
- DM10 Design and Landscaping
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity

- DM15 Local Biodiversity Conservation
- DM17 General Landscape
- DM20 Protection of Trees|Hedgerows and Woodlands

Relevant Adopted Supplementary Planning Guidance

- Affordable Housing – Sept 2014
- Affordable Housing SPG Help Sheets
- Guidance Sheet: Evidence Need for Affordable Housing and Qualifying Criteria
- Nature Conservation SPG – Jan 2015
- Built Environment and Design SPG – Jan 2015
- CCC Parking Standards SPG – Jan 2015

OTHER MATERIAL CONSIDERATIONS

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

EQUALITY ACT 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

Cyngor Cymuned Trefeurig Community Council – No Objection provided that the development be within the Local Development Plan area.

Highways – No Objection Subject to Conditions

Land Drainage - Comments

Natural Resources Wales – No Objections

Dwr Cymru Welsh Water – No Objection Subject to Conditions

Rights of Way - Comments

One letter of objection and one letter of concern has been received to the proposed development,

Objection:

Hilary A Peters (No Address) – Object on grounds of highway safety and pedestrian safety on the lane that serves the development

Concerns:

G Morton (Bysaleg, Penrhyncoch) – Concerns with further development in the open countryside. Concerns with the scale of the proposed dwelling when considering neighbouring properties.

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise”.

The application site lies within ‘Other Locations’ as identified within the adopted Local Development Plan (LDP) where development is strictly controlled in the interest of achieving sustainable development and protecting the open countryside. LDP Policy S04 states that general housing is inappropriate within ‘other locations’ unless justified on the basis that it meets a demonstrated unmet affordable housing need in the locality and accords with Policy S05; or need for a rural enterprise dwelling in line with TAN6. This planning application is for an affordable dwelling.

The Policy also requires affordable housing to be located immediately adjacent to existing groups of dwellings in line with the intentions of Planning Policy Wales (PPW) paragraph 9.2.22. Whilst PPW has since been updated, paragraph 3.60 continues to require development in the countryside to be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscaping conservation. Infilling or minor extensions to existing settlements may be acceptable in particular where they meet a local need for affordable housing, but that new building in the open countryside away from existing settlements must continue to be strictly controlled.

The application site is bounded by agricultural fields to the North and East with a small cluster of dwellings to the West of the site. The application site is 160m from the settlement boundary of Penrhyncoch and is not located within or adjoining an existing settlement. Furthermore, there are no pavements to the settlement to allow safe walking, and there is no public transport provision within a safe walking distance of the application site. Occupiers would therefore likely be reliant on the use of a private vehicle to access services and facilities. This is contrary to national and local planning policy which seek to promote sustainable means of travel by ensuring that housing development are built in locations where services and facilities can be accessed in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.

The application is accompanied by an affordable housing statement, which claims that there are no affordable dwellings in Penrhyncoch or the locality that meet the applicants’ specific needs. However, the LPA dispute the findings of the affordable housing statement and consider that there is no identifiable affordable housing need within the locality which isn't being catered for. Several dwellings, which can be considered ‘affordable’, are currently on the market in the village of Penrhyncoch. There have been recent affordable housing developments in the village of Penrhyncoch, with further planning consents for affordable housing still active or extant within the settlement boundary of Penrhyncoch. As such, the LPA do not consider that there is an unmet affordable housing need within the locality.

Physical Characteristics Requirements:

The minimum and maximum net floor area for an affordable home is set out within appendix 4 of the Affordable Housing SPG Help Sheets (see page 10). The absolute maximum standard is 137sq.m. The scale parameters provided are broad however, allow the property to be 18m wide by 18m in length with a height to ridge of 9.5m. This would allow for a substantial property that far exceeds the maximum standards acceptable for an affordable home.

The scale of the dwelling at this location, considering the maximum scale parameters provided within the indicative plan could be detrimental to the rural character and appearance of the local area and contrary to policies DM06 and DM17 of the LDP.

Other Matters:

No objections were raised by statutory consultees. There is no objection to the proposed development with regards to highways and land drainage, subject to appropriate conditions. The local community council noted that they did not object to the development should it be within the local development plan area, however the site sits outside the settlement boundary of Penrhyncoch.

Power of Delegation:

The local member, Cllr Dai Mason, has requested that the application be determined by members of the planning committee, for the following reason:

- The proposal is for an affordable home, and we need to give local young people the chance to live in their

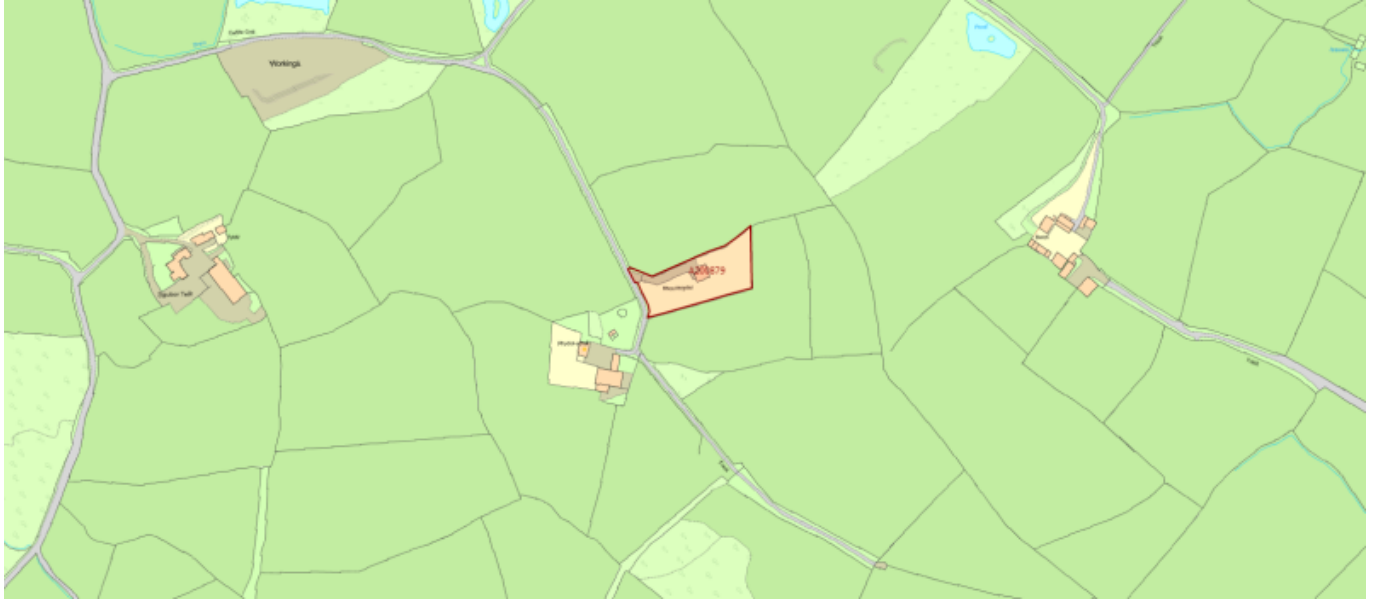
communities. The applicant wishes to live close to his home where he farms.

RECOMMENDATION:

Refuse

1. The application would result in a new affordable dwelling within an unjustified open countryside and unsustainable location contrary to national planning policy set out within Planning Policy Wales and Technical Advice Note (TAN) 2: Planning and Affordable housing (2006) and the adopted Local Development Plan, policies S01 and S04.
2. The application, if permitted, will undermine the deliverability of the adopted Local Development Plan housing strategy, specifically policies S01 and S04.

2.3. A200879



Rhif y Cais / Application Reference	A200879
Derbyniwyd / Received	14-10-2020
Y Bwriad / Proposal	Dileu amod amaethyddol 4 ar ganiatâd cynllunio D1/1000/87 i godi annedd i weithiwr amaethyddol
Lleoliad Safle / Site Location	Rhos Rhydiol, Bwlchllan, Llanbedr Pont Steffan, Ceredigion, SA48 8QR
Math o Gais / Application Type	Dileu/Amrywio'r Amod(au)
Ymgeisydd / Applicant	Mr Rhys James, Penlanlas, Lledrod, Aberystwyth, Ceredigion, SY23 4TD
Asiant / Agent	Mr Geraint John (Geraint John Planning Ltd), Swyddfa 16 (tŷ 1, 2il lawr) The Maltings, East Tyndall Street, Caerdydd, CF24 5EA

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn cyfeirio at annedd sengl ar wahân o'r enw Rhos Rhydiol, i'r gogledd o bentref Bwlchllan. Mae'r deiliadaeth yn cynnwys yr annedd ei hun, ynghyd â thua 9.7ha o dir cysylltiedig.

Mae gan safle'r cais yr hanes cynllunio perthnasol canlynol:

871000 – Caniatâd Cynllunio Amlinellol – Annedd amaethyddol – Cymeradwywyd yn destun amodau (11/01/1988)

900787 – Materion a gadwyd yn ôl – Codi annedd ar gyfer gweithiwr amaethyddol – Cymeradwywyd yn destun amodau (01/03/1991)

A190604 – Tystysgrif Datblygiad Cyfreithlon – Meddiannaeth ar dŷ annedd yn torri amodau deiliadaeth amaethyddol 871000 & 900787 – gwrthodwyd (24/01/2020)

Gwrthodwyd cais A190604 ar y sail nad oedd y tor meddiannaeth yn bodoli ar adeg y cais ac ar y pryd roedd yr annedd yn wag.

MANYLION Y DATBLYGIAD

Mae'r cais yn gofyn am gael dileu amod 4 sydd ynghlwm wrth ganiatâd cynllunio amlinellol D1/1000/87, sef:

“Caiff deiliadaeth yr annedd ei chyfyngu i berson sy'n gweithio'n llwyr neu'n bennaf, neu a gyflogwyd ddiwethaf, yn yr ardal leol ym maes amaethyddiaeth fel y'i diffinnir yn adran 290(1) Deddf Cynllunio Gwlad a Thref 1971, neu goedwigaeth – neu i ŵr neu wraig weddw person o'r fath, ac unrhyw ddibynyddion sy'n preswyllo yno.”

Mae'r datganiad ategol yn nodi bod yr ymgeisydd wedi etifeddu'r eiddo hwn ym mis Ebrill 2019. Yn ei lythyr eglurhaol mae'r ymgeisydd yn nodi ei fwriad i fyw yn Rhos Rhydiol ac o'r herwydd mae'n dymuno dileu'r amod amaethyddol er mwyn bwy yn yr annedd yn gyfreithlon.

Mae'r dogfennau canlynol yn cyd-fynd â'r cais hefyd:

- Tystiolaeth yn ymwneud ag adeiladu'r annedd
- Tystiolaeth yn ymwneud â meddiannaeth yr annedd ers ei hadeiladu (gan bwy a thros ba gyfnod); ac
- Amserlenni a natur deiliadaeth yr annedd gan unigolion nad oeddent yn cael eu cyflogi ar unrhyw adeg mewn amaethyddiaeth neu goedwigaeth

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol perthnasol:

- Cymru'r Dyfodol: y Cynllun Cenedlaethol 2040 (2021)
- PPW11 Polisi Cynllunio Cymru (rhifyn 11, Chwefror 2021)
- TAN6 Cynllunio ar gyfer cymunedau gwledig cynaliadwy (2010)

Mae polisiâu canlynol y Cynllun Datblygu Lleol yn berthnasol wrth benderfynu ar y cais hwn:

- S01 Twf Cynaliadwy
- S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill

YSTYRIAETHAU PERTHNASOL ERAILL

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol arfer y swyddogaethau hynny ar ei ardal, a'r angen i wneud popeth y mae'n rhesymol iddo ei wneud i atal trosedd ac anhrefn yn ei ardal. Cafodd y ddyletswydd hon ei hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai unrhyw gynnydd arwyddocaol neu annerbyniol mewn trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oedran, anabledd, ailbennu rhywedd, beichiogrwydd a mamolaeth, hil, crefydd neu gred, rhyw, cyfeiriadedd rhywiol, priodas a phartneriaeth sifil. Mae rhoi sylw dyledus i hyrwyddo cydraddoldeb yn cynnwys:

- dileu neu leihau effaith yr anfanteision a ddiroddferir gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchoddedig pan fydd y rhain yn wahanol i anghenion pobl eraill; ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu weithgareddau eraill os yw'r nifer sy'n cymryd rhan yn anghymesur o isel.

Mae'r ddyletswydd uchod wedi cael ystyriaeth briodol wrth benderfynu ar y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn creu unrhyw oblygiadau arwyddocaol neu effaith ar bobl sydd â nodwedd warchoddedig yn fwy nag unrhyw unigolyn arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau i fodloni'r saith nod llesiant o fewn y Ddeddf. Mae'r adroddiad hwn wedi cael ei baratoi wrth ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y nodwyd yn Neddf 2015. Wrth wneud yr argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb gyfaddawdu gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain.

YMATEBION YMGYNGHORI

Cyngor Cymuned Nantcwnlle – dim ymateb

Priffyrdd – dim sylwadau

Draenio Tir – dim gwrthwynebiad

Hawliau tramwy – dim gwrthwynebiad

Ni dderbyniwyd unrhyw sylwadau gan drydydd parti.

CASGLIAD

Mae Adran 38 (6) Deddf Cynllunio a Phrynu Gorfodol 2004 yn nodi: "Os ystyrir y cynllun datblygu at bwrpas gwneud penderfyniad o dan Ddeddfau Cynllunio bydd yn rhaid gwneud y penderfyniad hwnnw yn unol â'r cynllun oni bai fod ystyriaethau o bwys yn nodi fel arall."

Cyfiawndad a Thystiolaeth a gyflwynwyd gan yr ymgeisydd:

Mae'r dadleuon dros ddileu'r amod a nodir yn y datganiad ategol wedi'u gwneud ar y sail bod yr amod yn methu â bodloni'r profion a amlinellir yn Adran 3.0 Cylchlythyr 016/2014 Llywodraeth Cymru, sef nad yw'r amod amaethyddol yn angenrheidiol, yn orfodadwy neu'n rhesymol.

Mae'r cais yn nodi nad yw'r amod yn angenrheidiol. Mae dogfennau a gyflwynwyd yn dangos bod tir yn Rhos Rhydiol o dan gytundeb tenantiaeth rhwng 2009 a 2016 i denant amaethyddol, honnir bod y denantiaeth yn dal yn ei lle. Yn ogystal, roedd deiliaid blaenorol yr eiddo hwn (Mr a Mrs Ross), sef yr unig ddeiliaid a'r mwyaf diweddar hyd yma, yn byw yno yn torri'r amod amaethyddol am 17 mlynedd. Gan fod y tir wedi'i osod ar rent ar hyn o bryd, ac nad oedd y deiliaid blaenorol wedi'u cyflogi mewn amaethyddiaeth, mae'r datganiadau ategol yn honni nad yw'r amod yn angenrheidiol.

Yn ail, mae'r datganiadau ategol yn dweud bod Amod 4 caniatâd cynllunio cyf. D1/1000/87 yn anorfodadwy. Mae dogfennau ategol yn cyflwyno tystiolaeth bod deiliaid blaenorol yr annedd, sef yr unig rai a'r rhai diweddaraf, wedi byw yno yn groes i Amod 4 y caniatâd cynllunio am gyfnod o ddim llai na 17 mlynedd. O'r herwydd, ystyria'r ymgeisydd fod amod 4 o

D1/1000/87 yn anorfodadwy oherwydd y diffyg canfod arno am gryn gyfnod o amser.

Yn drydydd, mae'r datganiad cynllunio yn honni bod yr amod amaethyddol yn gosod cyfyngiad difrifol ar ryddid yr ymgeisywyr i feddiannu'r annedd yn gyfreithlon. Maent yn nodi bod yr amod amaethyddol wedi arwain at galedi ariannol i'r ymgeisydd, gan fod yn rhaid iddo dalu biliau ar eiddo gwag y mae'n dymuno ei feddiannu. Maent yn honni gan nad oedd y tir o dan berchnogaeth yr ymgeisydd ar adeg rhoi caniatâd i'r cais cynllunio gwreiddiol bod yr amod yn afresymol ac y dylid ei ddileu.

Mae'r ymgeisydd a'r asiant ill dau wedi cyflwyno datganiadau pellach, y maent yn eu hystyried yn berthnasol yn y cais hwn. Cyfeirir at ganiatáu i bobl ifanc aros yn y sir fel elfen bwysig yng Nghynllun Datblygu Lleol (CDLI) mabwysiedig Ceredigion (2007-2022), a byddai dileu'r amod hwn yn rhoi cyfle i'r ymgeisydd aros yng Ngheredigion yn hytrach na chwilio am fan preswyllo neu anheddiad yn rhywle arall.

Fodd bynnag, mae'r Awdurdod Cynllunio Lleol (ACLI) yn dweud bod yr amod presennol ac amod menter wledig TAN6 yn cyflawni'r 6 phrawf a geir yn y canllawiau cenedlaethol, h.y. mae'n angenrheidiol, yn berthnasol i'r gwaith cynllunio, yn berthnasol i'r datblygiad sydd i'w ganiatáu, yn orfodadwy, yn fanwl gywir ac yn rhesymol.

Er na chafodd y tor amod ei ganfod am gyfnod o amser, mae'r ACLI yn cadw mewn cof y gwrthodwyd y cais am Dystysgrif Datblygiad Cyfreithlon ar gyfer meddiannu tŷ annedd a oedd yn torri amodau deiliadaeth amaethyddol (A190604) ac y byddai unrhyw doriad amod yn y dyfodol yn dal i fod yn orfodadwy, pe bai'r ACLI yn dewis dilyn y trywydd hwnnw. O'r herwydd, ystyrir bod amod amaethyddol safonol neu amod menter wledig (yn unol â TAN6) yn amod derbyniol, a byddai unrhyw doriad ar yr amod hwnnw yn orfodadwy.

Rhodddwyd caniatâd cynllunio yn wreiddiol ar gyfer yr annedd yn y lleoliad hwn mewn cefn gwlad agored gan fod cyfiawnhad ar y pryd ei fod yn angenrheidiol i gartrefu gweithiwr amaethyddol a oedd angen byw yn yr ardal yn hytrach nag mewn anheddiad cyfagos. Adlewyrchwyd hynny wrth osod yr amod ynghlwm ag amaeth, a oedd am sicrhau mai dim ond gweithwyr amaethyddol cymwys oedd preswylwyr yr annedd yn y dyfodol. Er efallai na feddiannwyd yr annedd yn unol â'r amod hwnnw (gyda'r preswylwyr blaenorol yn byw yn Rhos Rhydiol yn torri amod 4 caniatâd cynllunio D1/1000/87) gallai fod yn dal angen am annedd amaethyddol yn yr ardal leol. Mae 9.7ha o dir ynghlwm wrth yr annedd, felly gallai'r daliad barhau i gefnogi gweithiwr menter wledig yn y dyfodol.

Asesiad y Swyddog

Mae'r brif ystyriaeth yn ymwneud ag a ddangoswyd yn ddigonol, gyda thystiolaeth gefnogol, nad oes angen am annedd menter wledig mwyach.

Mae TAN 6 yn nodi ym mharagraff 4.13.5, pan dderbynnir ceisiadau cynllunio i ddileu'r amodau deiliadaeth amaethyddol bresennol, dylai'r awdurdod cynllunio ystyried rhoi amod menter wledig TAN6 yn lle'r amod deiliadaeth amaethyddol bresennol. Bydd hyn yn sicrhau bod yr annedd yn cael ei chadw i ddiwallu anghenion tai gweithwyr gwledig a phobl leol sydd angen tai fforddiadwy.

Wrth ystyried ceisiadau o'r fath, mae'r polisi cenedlaethol yn amlinellu'n glir y dylid gwrthsefyll ceisiadau i ddileu amodau deiliadaeth amaethyddol, ac yn lle hynny rhoi amod menter wledig TAN6 arnynt, er mwyn caniatáu i ystod ehangach o bobl gydymffurfio â'r amodau.

Mae paragraff 8.26 canllawiau ymarfer TAN6 yn nodi ymhellach *'bydd angen dangos, gan roi tystiolaeth ategol, nad oes angen yr annedd ar y fenter wledig mwyach ac nad oes angen tai fforddiadwy lleol yn yr ardal. Profion ar y farchnad fu'r dull hirsefydlog ar gyfer dangos nad oes angen wedi'i brofi.'* Nid yw'r annedd wedi'i marchnata ar gyfer ei gwerthu na'i rhentu ar Amod Menter Wledig TAN6, ac felly ni phrofwyd a allai'r annedd fod yn opsiwn i weithwyr yn yr ardal ehangach neu hyd yn oed ddiwallu angen tai fforddiadwy i bobl leol.

Byddai cael amod Menter Wledig TAN6 yn lle'r amod amaethyddol yn cyd-fynd â'r polisi cenedlaethol. Mae'n debygol y gallai'r ymgeisydd fyw yn yr annedd o dan yr amod newydd – ni ddarparwyd unrhyw wybodaeth i awgrymu na allai'r ymgeisydd feddiannu'r annedd yn gyfreithlon o dan amod menter wledig/annedd fforddiadwy TAN6. O'r herwydd, byddai disodli'r amod ag amod menter wledig TAN6 yn bodloni gofynion polisi cynllunio cenedlaethol ac yn debygol o ganiatáu i'r ymgeisydd feddiannu'r annedd yn gyfreithlon.

Fodd bynnag, mae'r ymgeisydd wedi gwrthod archwilio'r opsiwn o feddiannu'r eiddo hwn yn gyfreithlon o dan amod menter wledig TAN6.

Wrth roi amod menter wledig TAN6 yn lle'r amod presennol, byddai'r ACLI yn sicrhau bod yr annedd yn parhau i ddarparu ar gyfer y cyfiawnhad gwreiddiol o ran diwallu anghenion gweithiwr amaethyddol neu bobl leol sydd angen tai fforddiadwy. Mae'r annedd yn gysylltiedig â 9.7ha o dir, felly mae'n debygol y gallai gefnogi rhyw fath o fenter wledig i breswylwyr y dyfodol.

Casgliad

Y brif ystyriaeth gyda'r cais hwn yw a fyddai dileu'r amod yn bodloni polisïau lleol a chenedlaethol ynghylch cyfyngu deiliadaeth anheddau yng nghefn gwlad. Mae Polisi S04 y Cynllun Datblygu Lleol mabwysiedig yn nodi pa ddatblygiad tai y dylid ei ganiatáu mewn cefn gwlad agored neu 'Leoliadau Eraill' fel y nodwyd yn y CDLI. Mae'n amlwg na fyddai'r annedd dan sylw yn cael ei chaniatáu yn y lleoliad hwn oni bai ei fod yn diwallu angen menter wledig hanfodol.

Mae'r ACLI o'r farn, yn unol â'r Polisi Cenedlaethol, y dylid rhoi amod menter wledig TAN6 yn lle'r amod presennol. Byddai ailosod yr amod hwn yn golygu y byddai'r annedd yn parhau yn brif breswylfa unigolyn ac y gallai gael ei aildefnyddio'n barhaus i ddiwallu anghenion gweithwyr menter wledig neu fel tai fforddiadwy i bobl leol, byddai hefyd yn debygol o ganiatáu i'r ymgeisydd feddiannu'r annedd yn gyfreithlon.

Credaf y byddai dileu ar yr amod meddiannaeth yn yr achos hwn yn golygu peidio â chydymffurfio â'r polisi cynllunio cenedlaethol fel yr amlinellir yn TAN6, gan nad oes tystiolaeth ddigonol sy'n dangos trwy brofi'r farchnad nad oes angen parhaus am annedd amaethyddol yn yr ardal.

Pŵer Dirprwyo

Mae'r aelod lleol, y Cynghorydd Lynford Thomas, wedi gofyn bod y cais yn cael ei benderfynu gan aelodau'r pwyllgor cynllunio, am y rheswm canlynol:

- Rhoi cyfle i fachgen ifanc, lleol i gartrefi mewn tŷ fferm mae wedi'i etifeddu. Does gan yr ymgeisydd ddim awydd i ffermio, dim ond defnyddio'r tŷ fel cartref cyffredin.

ARGYMHELLIAD:

Gwrthod

Rhif y Cais / Application Reference	A200879
Derbyniwyd / Received	14-10-2020
Y Bwriad / Proposal	Removal of agricultural condition 4 of planning permission D1/1000/87 erection of a dwelling for an agricultural worker
Lleoliad Safle / Site Location	Rhos Rhydiol, Bwlchllan, Lampeter, Ceredigion, SA48 8QR
Math o Gais / Application Type	Removal/Variation of Condition(s)
Ymgeisydd / Applicant	Mr Rhys James, Penlanlas, Lledrod, Aberystwyth, Ceredigion, SY23 4TD
Asiant / Agent	Mr Geraint John (Geraint John Planning Ltd), Office 16 (house 1, 2nd Floor) The Maltings East Tyndall Street, Cardiff, CF24 5EA

THE SITE AND RELEVANT PLANNING HISTORY

The application site refers to a detached dwelling known as Rhos Rhydiol, located north of the village of Bwlchllan. The holding consists of the dwelling itself, along with some 9.7ha of associated land.

The application site has the following relevant planning history:

871000 – Outline Planning Permission – Dwelling agricultural – Approved Subject to Conditions (11/01/1988)

900787 – Reserved Matters – Erection of a dwelling for an agricultural worker – Approved Subject to Conditions (01/03/1991)

A190604 – Certificate of Lawful Development -Occupation of dwelling house in breach of agricultural occupancy conditions 871000 & 900787 – Refused (24/01/2020)

Application A190604 was refused on the grounds that the breach of occupation was not subsisting at the time of the application and the dwelling was currently unoccupied.

DETAILS OF DEVELOPMENT

The application seeks to remove condition 4 attached to outline planning permission D1/1000/87, which reads:

“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependents of such a person residing with him), or a widow or widower of such a person”.

The supporting statement states that the applicant inherited this property in April 2019. In his covering letter the applicant states his intent to live at Rhos Rhydiol and as such wishes to remove the agricultural dwelling in order to occupy the dwelling lawfully.

The application is also accompanied by the following documents:

- Evidence relating to the construction of the dwelling.
- Evidence relating to the occupancy of the dwelling since its construction (by whom and over what period); and
- Timescales and nature of the occupancy of the dwelling by individuals who were at no point employed in agriculture or forestry.

RELEVANT PLANNING POLICIES AND GUIDANCE

Mae'r polisiâu canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn: / These Local Development Plan policies are applicable in the determination of this application:

Relevant National Planning Policy:

- Future Wales: the National Plan 2040 (February 2021)
- PPW11 Planning Policy Wales (edition 11, February 2021)

- TAN6 Planning for Sustainable Rural Communities (2010)

Mae'r polisiâu canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn: / These Local Development Plan policies are applicable in the determination of this application:

- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations

OTHER MATERIAL CONSIDERATIONS

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

EQUALITY ACT 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

Cyngor Cymuned Nantcwnlle Community Council – No Response

Highways – No Observations

Land Drainage – No Objection

Right of Way – No Objection

No third party observations were received.

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise".

Justification and Evidence put forward by applicant:

The arguments for the removal of the condition set out in the supporting statement is on the basis that the condition fails to meet the tests outlined in Section 3.0 of the Welsh Government Circular 016/2014 being that the agricultural tie condition is not necessary, enforceable or reasonable.

The application states that the condition is not necessary. Submitted documents show that land at Rhos Rhydiol was under

a tenancy agreement from 2009-2016 to an agricultural tenant, the tenancy is claimed to be still in place. Additionally, the former, only and most recent occupants of this property to date (Mr and Mrs Ross) lived in breach of the agricultural tie condition for 17 years. As the land is currently rented out, and that the previous occupiers were not employed in agriculture the supporting statements make claim that the condition is not necessary.

Secondly, the supporting statements claim that Condition 4 of planning permission ref. D1/1000/87 is unenforceable. Supporting documents provides evidence that the former, only and most recent occupants of the dwelling lived in breach of Condition 4 of the planning permission for a period of no less than 17 years. As such, the applicant considers condition 4 of D1/1000/87 unenforceable due to its lack of detectability for a considerable period of time.

Thirdly, the planning statement makes claim that the agricultural tie condition places a severe limitation on the applicants' freedom to lawfully occupy the dwelling. They state that the agricultural tie has placed the applicant in financial hardship, as he must pay bills on an empty property he wishes to occupy. They claim as the land was not under the ownership of the applicant at the time of the original planning application was consented and that the condition is unreasonable and should be removed.

Both the applicant and the agent have submitted further statements, which they consider material in this application. Reference is made to allowing young people to remain in the county as an important element in Ceredigion's adopted LDP (2007-2022), and the removal of this condition would provide the applicant with the opportunity to remain in Ceredigion rather than seek residence or occupation elsewhere.

The LPA however maintain that the current condition and TAN6 rural enterprise condition meets the 6 tests prescribed in national guidance, i.e. it is necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable.

The LPA consider that whilst the breach of condition was undetected for a period of time, the application for a Certificate of Lawful Development for Occupation of dwelling house in breach of agricultural occupancy conditions (A190604) was refused and any future breach of condition would still be enforceable should the LPA choose to follow that course of action. As such, a standard agricultural condition or a rural enterprise condition (in line with TAN6) is considered an acceptable condition, and any breach of said condition would be enforceable.

Planning permission was originally granted for the dwelling in this location in the open countryside as it was justified at the time as being necessary to house an agricultural worker who needed to live in the area rather than in a nearby settlement. That was reflected in the imposition of the agricultural tie condition, which aimed to ensure that future occupiers of the dwelling was only by qualifying agricultural workers. Whilst the dwelling may not have been occupied in line with that condition (with the previous occupants living at Rhos Rhydiol in breach of condition 4 of planning permission D1/1000/87) there could still be a need for an agricultural dwelling in the local area. Some 9.7ha of land is tied to the dwelling, the holding could therefore still support a rural enterprise worker in future.

Officer's Assessment

The main consideration relates to whether it has been sufficiently demonstrated, with supporting evidence, that there is no longer a rural enterprise need for the dwelling.

TAN 6 states at paragraph 4.13.5 that where planning applications are received to lift existing agricultural occupancy conditions, the planning authority should consider replacing the existing agricultural occupancy condition with the TAN6 rural enterprise condition. This will ensure that the dwelling is kept available to meet the housing needs of rural workers and local people in need of affordable housing.

In considering such applications, national policy clearly outlines that applications to remove agricultural occupancy conditions should be resisted, and instead replaced with a TAN6 rural enterprise condition, to allow a broader range of people to comply with the conditions.

Paragraph 8.26 of the TAN6 practice guidance further states *"there will be a need to demonstrate, with supporting evidence, that there is no longer a rural enterprise need for the dwelling or local affordable housing need in the area. The longstanding mechanism for demonstrating the absence of need has been market testing"*. The dwelling has not been marketed for sale or rent on the TAN6 Rural Enterprise Condition, and therefore it has not been tested whether the dwelling could be an option for workers in the wider area or even fulfil an affordable housing need for local people.

Replacing the condition with the TAN6 Rural Enterprise condition would be in line with national policy. The applicant could likely occupy the dwelling under the replaced condition - no information has been provided to suggest the applicant could not lawfully occupy the dwelling under the TAN6 rural enterprise/ affordable dwelling condition. As such, replacing the condition with the TAN6 rural enterprise condition would satisfy both national planning policy requirements and would likely allow the applicant to lawfully occupy the dwelling.

However, the applicant has refused to explore the option of lawfully occupying this property under a replaced TAN6 rural enterprise condition.

In replacing the current condition with the TAN6 Rural enterprise condition, the LPA would ensure that the dwelling continues to serve its original justification in meeting the needs of an agricultural worker or local people in need of affordable housing. The dwelling is associated with some 9.7ha, as such, it is likely to be able to support some form of rural enterprise for future occupants.

Conclusion

The main consideration with this application is whether the removal of the condition would satisfy local and national policy regarding the restriction of occupancy of dwellings in the countryside. Policy S04 of the adopted Local Development Plan set out what housing development should be allowed in the open countryside or 'Other Locations' as identified in the LDP. It is clear that the dwelling in question would not be permitted in this location unless it met an essential rural enterprise need.

The LPA consider that in line with National Policy, the condition should be replaced with the TAN6 rural enterprise condition. Replacing this condition would mean that the dwelling would remain as a person's main residence and could be continually re-cycled and meet the needs of rural enterprise workers or as affordable housing for local people, it would also likely allow the applicant to occupy the dwelling lawfully.

I deem the removal of the occupancy condition in this instance not to accord with national planning policy as outlined in TAN6, as there is insufficient evidence that demonstrates through market testing that there is no continuing need for an agricultural dwelling in the area.

Power of Delegation

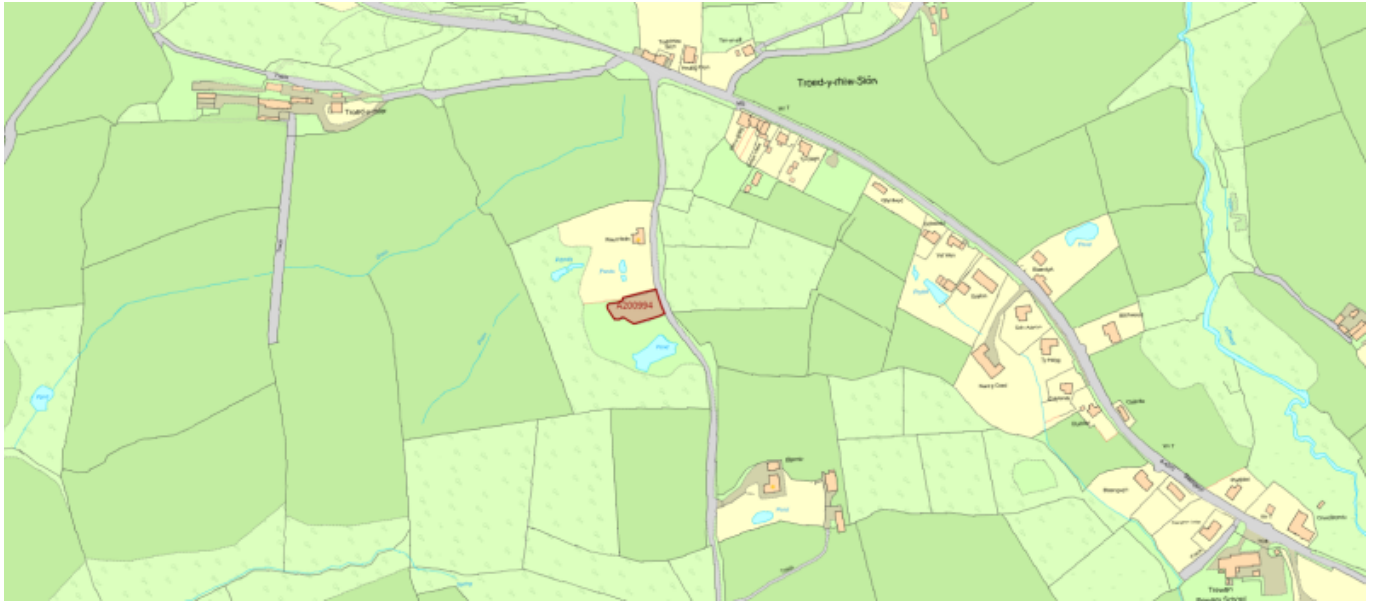
The local member, Cllr Lynford Thomas, has requested that the application be determined by members of the planning committee, for the following reason:

- Give a young local boy the chance to live in a farmhouse that he has inherited. The applicant has no interest in farming, and only wants to inhabit the dwelling as an ordinary house.

RECOMMENDATION:

Refuse

2.4. A200994



Rhif y Cais	A200994
Daeth i law	23-11-2020
Y Bwriad	Sied storio arfaethedig ar gyfer offer amaethyddol a garddwriaethol
Lleoliad y Safle	Tir wrth Waun Fach, Cwm-cou, Castellnewydd Emlyn, SA38 9PE
Y Math o Gais	Cais Cynllunio Llawn
Ymgeisydd	Mr F Bowes (Mows 'n Grows), Bridge House, Llwyncelyn, Cilgerran, SA43 2PE
Asiant	Mr Zac Addison (Addison Design & Development), Y Ddôl, Rhiw y Plas, Aberporth, Aberteifi, Ceredigion, SA43 2DA

Y SAFLE A'I HANES PERTHNASOL

Saif safle'r cais mewn cae i'r gogledd-orllewin o Gwm-cou, wrth y ffordd wledig sy'n arwain o'r brif ffordd rhwng Cwm-cou a Chenarth. Saif safle'r cais wrth yr eiddo sy'n dwyn yr enw Waun Fach.

Nid oes gan y cae dim hanes o ran cynllunio. Mae'r safle yn destun ymchwiliad gorfodi sy'n mynd rhagddo ar gyfer newid defnydd y tir er mwyn cadw cynhwysydd cludo (*shipping container*), cerbydau, cynwysyddion a thrugareddau sy'n gysylltiedig â busnes yr ymgeisydd - Mows 'n' Grows Landscaping.

Fel rhan o'r ymchwiliad gorfodi, dywedodd yr ymgeisydd ym mis Ebrill 2018 fod y safle wedi cael ei ddefnyddio fel canolfan ar gyfer ei fusnes ers mis Ebrill 2015. Nid yw'r defnydd presennol a wneir o'r safle - fel canolfan ar gyfer busnes yr ymgeisydd - yn gyfreithlon felly am na ddangoswyd bod y defnydd wedi bodoli ers dros 10 mlynedd. Felly, nid yw'n ddiogel rhag camau gorfodi yn ei erbyn.

MANYLION Y DATBLYGIAD

Mae'r cais yn gofyn am ganiatâd cynllunio llawn i godi sied ar gyfer storio peiriannau sy'n gysylltiedig â busnes yr ymgeisydd, Mows 'n' Grows.

Bydd y sied arfaethedig yn cael ei lleoli i'r chwith o'r fynedfa i'r cae, wrth ochr lle mae'r cae yn ffinio â'r ffordd. Mae'r sied yn mesur 18.3m wrth 9.1m; mae uchder y bondo yn 4.6m ac uchder crib y to yn 5.8m. Bydd gan yr adeilad wal frics ar yr hanner isaf a bordiau pren ar yr hanner uchaf, to shîts *box profile*, a drws rholio â chaead o fetel galfanedig.

Mae'r cais yn nodi bod cwmni'r ymgeisydd yn gwneud gwaith tirlunio, coedwigaeth a garddwriaeth fasnachol yn bennaf yn ogystal â gwaith domestig. Mae'n datgan bod y cwmni'n ymgymryd â llawer o waith clirio a draenio tir amaethyddol yn ogystal â gwaith coedwigaeth megis casglu coed tân a chwmpo coed. Ar yr ochr arddwriaethol mae'r busnes yn gwneud gwaith plannu o ran meithrin hadau planhigion i'w plannu ar eu prosiectau tirlunio yn ogystal â thyfu coed ifainc ar gyfer eu prosiectau coedwigaeth. Dywed y cais ymhellach nad yw'r busnes yn cael ei gynnal ar safle'r cais ond yn hytrach ar safleoedd eraill, a bod angen y sied ar gyfer storio'r peiriannau. Mae'r wybodaeth a gyflwynwyd yn nodi bod y busnes yn cyflawni'r gweithgarwch canlynol -

- Trin coed, rheoli coetiroedd, casglu a phrosesu coed tân
- Cynnal a chadw tir (masnachol ac amaethyddol)
- Gwaith contractio ffensys amaethyddol
- Gosod systemau dyfrhau
- Egino planhigion a gwaith plannu
- Cynnal a chadw gerddi
- Gosod perthi
- Draenio tir

Cynigir storio'r peiriannau canlynol yn y sied:

- Tractor ac offer cyffredinol
- Trelars
- Peiriannau torri porfa a phalu
- Offer prosesu coed tân
- Peiriannau cloddio (hyd at 8 tunnell o bwysau)

Mae'r ymgeisydd wedi darparu anfonebau i ddangos y math o waith y mae'r busnes yn ei wneud sy'n cyfeirio at waith coed, llogi peiriant cloddio 1.5 tunnell, a ffensio, ond nid yw'r wybodaeth yn helaeth. Hefyd mae'r ymgeisydd wedi darparu datganiadau gan fusnesau sy'n nodi'r gwaith y mae'r busnes wedi'i wneud, ac mae'r rhain yn cynnwys gwaith megis clirio tir, cynnal a chadw tir, draenio, gwaith garddio rheolaidd, tocio perthi a thorri porfa, ffensio (gan gynnwys ffensys stoc

amaethyddol), cwmpo a phlannu coed. Mae hefyd yn nodi bod yr ymgeisydd yn bwriadu ymestyn ei waith plannu gyda thwneli tyfu ar y safle i ddarparu rhagor o le tyfu, ond ni roddwyd rhagor o wybodaeth am hyn.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiâu Cynllunio Cenedlaethol Perthnasol

- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (fersiwn 11)
- TAN5 Cynllunio a Chadwraeth Natur (2009)
- TAN6 Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- TAN12 Dylunio (2016)
- TAN18 Trafnidiaeth (2007)
- TAN23 Datblygu Economaidd (2014)

Polisiâu Cynllunio Lleol Perthnasol

Mae polisiâu canlynol y Cynllun Datblygu Lleol yn berthnasol wrth benderfynu ar y cais hwn:

- S01 Twf Cynaliadwy
- S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill
- LU12 Cynigion Cyflogaeth ar Safleoedd sydd heb eu Neilltuo
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM06 Dylunio a Chreu Lle o Safon Uchel
- DM10 Dylunio a Thirweddu
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol
- DM18 Ardaloedd Tirwedd Arbennig
- DM20 Gwarchod Coed, Gwrychoedd a Choetiroedd

Canllawiau Cynllunio Atodol a fabwysiadwyd ac sy'n berthnasol:

- Canllaw Cynllunio Atodol - Ardal Tirwedd Arbennig

YSTYRIAETHAU PERTHNASOL ERAILL

Mae Adran 17(1) o Ddeddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol y swyddogaethau hyn ar droseddau ac anhrefn o fewn ei ardal, ac i wneud popeth y gall yn rhesymol i atal troseddau ac anhrefn. Mae'r ddyletswydd hon wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai cynnydd sylweddol neu annerbyniol mewn troseddau ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oed; anabledd; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw priodol i hyrwyddo cydraddoldeb yn golygu:

- gwaredu neu leihau'r anafateision y mae pobl yn eu dioddef yn sgil eu nodweddion gwarchoddedig;
- cymryd camau i ddiwallu anghenion pobl sy'n perthyn i grwpiau gwarchoddedig pan fydd yr anghenion hyn yn wahanol i anghenion pobl eraill;
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle bo'u cyfranogiad yn anghyfartal o isel.

Rhodddwyd sylw dyledus i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir na fyddai'r datblygiad arfaethedig yn peri goblygiadau sylweddol i bobl â nodweddion gwarchoddedig nac yn cael effaith arnynt sy'n fwy nag ar unrhyw berson arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau i fodloni'r saith nod llesiant a geir yn y Ddeddf. Paratowyd yr adroddiad hwn gan ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy' fel y'i nodir yn Neddf 2015. Wrth roi'r argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb amharu ar allu cenedlaethau'r dyfodol i gwrdd â'u hanghenion eu

hunain.

YMATEBION YN SGIL YMGYNGHORI

- **Cyngor Cymuned Beulah** – Yn cefnogi am y rhesymau canlynol:
 - Mae'r busnes wedi bod ar y safle hwn ers 7 mlynedd ar dir yr etifeddodd yr ymgeisydd, ac mae wedi datblygu yn fusnes cynaliadwy sy'n gwasanaethu Ceredigion, Sir Benfro a gogledd Sir Gaerfyrddin.
 - Mae'n gwrthod yn gadarn yr Adroddiad Cynllunio sy'n nodi nad yw'r safle wrth ochr pentref Cwm-cou – mae'r safle ond 200 llath i ffwrdd o ffurf adeiledig y pentref. Ni fyddai modd lleoli safle gwaith o'r math hwn yng nghanol adeiladau pentref. Cyfeiria'r Adroddiad at "dai eraill gerllaw."
 - Mae'r ymgeisydd wedi'i leoli yng Nghwm-cou ac yn rhedeg ei fusnes o'i gartref yng Nghwm-cou, felly mae angen iddo fod ar bwys ei fusnes.
 - Mae'r sied yn hanfodol i ddiogelu'r peiriannau ar y safle hwn – sydd bellach yn y cae agored – a defnyddir peiriannau drutach yn sgil ehangu'r busnes a chyflogi dau weithiwr.
 - Hyd y gŵyr y Cyngor hwn, mae'r busnes hwn yn darparu gwasanaethau cymorth effeithiol iawn i Gynghorau Cymuned yng Ngheredigion/Sir Gaerfyrddin ac i feysydd chwarae. Felly hefyd i'r gwasanaethau llwybrau yn y ddau Awdurdod Lleol. Yn ogystal, mae gwasanaethau preifat i ffermwyr yn rhan fawr o'r busnes ac mae hyn yn cydgysylltu â meini prawf TAN 6.
 - Mae'r Cyngor yn nodi bod hwn yn wasanaeth gwerthfawr mewn ardal wledig, a'i fod yn cael cefnogaeth y Gymuned.
 - Nodwn fod polisi economaidd Cyngor Sir Ceredigion ei hun yn cefnogi'r gwaith o ddatblygu a chynnal y math hwn o weithgarwch er budd economaidd y gymuned.
- **Priffyrdd** - Dim gwrthwynebiad, yn ddibynnol ar amodau
- **Draenio Tir** - Dim gwrthwynebiad, yn ddibynnol ar amodau
- **Ecoleg** - Ni chafwyd ymateb

Ni chafwyd dim sylwadau gan drydydd partïon.

CASGLIAD

Dywed Adran 38 (6) o Ddeddf Cynllunio a Phrynu Gorfodol 2004: "Os rhoddir ystyriaeth i'r cynllun datblygu er mwyn gwneud penderfyniad o dan y Deddfau Cynllunio, bydd yn rhaid i'r penderfyniad hwnnw fod yn unol â'r cynllun oni bai fod ystyriaethau perthnasol yn awgrymu fel arall."

Egwyddor y Datblygiad

Mae'r cynllun newydd, Cymru'r Dyfodol: y Cynllun Cenedlaethol 2040 yn cefnogi twf economaidd cynaliadwy mewn ardaloedd gwledig. Felly hefyd Polisi Cynllunio Cymru, ond bod hwnnw'n datgan y dylid rheoli gwaith adeiladu newydd yn gaeth mewn cefn gwlad agored nad yw ger aneddiadau cyfredol neu ardaloedd a ddyrannwyd ar gyfer datblygu. Mae'n mynd yn ei flaen i ddweud yn achos safleoedd datblygu newydd - ac eithrio arallgyfeirio gwledig a datblygiadau amaethyddol lle mae meini prawf ar wahân yn berthnasol - y dylent gael eu lleoli fel arfer o fewn ffiniau anheddiad diffiniedig neu yn ymyl ffiniau o'r fath.

Saif safle'r cais i'r gogledd-orllewin o Anheddiad Cyswllt Cwm-cou. Mae caeau agored yn ei amgylchynu gydag un annedd ar wahân i'r gogledd ac un annedd/tyddyn ar wahân tua'r de. Nid yw'r safle o fewn nac yn gyfagos i ffurf adeiledig Anheddiad Cyswllt Cwm-cou ac felly mae yn rhan o'r 'Lleoliadau Eraill' at ddibenion y Cynllun Datblygu Lleol (CDLI).

Nod Polisi S01 y CDLI yw cyflawni datblygu cynaliadwy drwy gyfeirio'r rhan fwyaf o ddatblygiadau i'r Canolfannau Gwasanaethau (Trefol a Gwledig). Mae Polisi S04 yn cydnabod bod lleoliadau heblaw am y Canolfannau Gwasanaethau, megis Aneddiadau Cyswllt a Lleoliadau Eraill, yn gofyn am rywffaint o ddatblygu i ddiwallu anghenion y cymunedau sydd yno eisoes. Fodd bynnag, gan fod y rhain yn lleoliadau llai cynaliadwy, caiff datblygu yn y lleoliadau hyn eu rheoli yn llym yn unol â'r meini prawf a nodir yn y polisi. Mae Maen Prawf 3 yn galluogi datblygu economaidd ar safle sydd heb ei neilltuo ac sydd ar raddfa fach ac yn diwallu angen lleol penodol, neu sydd yn unol â gofynion TAN 6 o ran menter wledig. O ran y lleoliad ffisegol, dywed Maen Prawf 4, waeth beth yw'r math o ddatblygiad, fod yn rhaid i ddatblygiadau mewn 'Lleoliadau Eraill' fodloni gofynion TAN 6.

Mae Polisi LU12 y CDLI yn cyfeirio at gynigion cyflogaeth ar Safleoedd sydd heb eu Neilltuo ac yn nodi y caniateir datblygiad ar yr amod fod ei faint yn cyd-fynd â'r hyn a ragwelir o dan Bolisiâu S02-S04; fod dwysedd y datblygiad yn briodol o safbwynt

ei leoliad a'r defnydd arfaethedig; hefyd, y dangosir bod ystyriaeth wedi'i rhoi i aildefnyddio adeiladau segur neu adeiladau nad ydynt yn cael eu defnyddio'n llawn yn yr ardal.

Serch polisi LU12, gan fod safle'r cais o fewn 'Lleoliadau Eraill' gellir ond datblygu ar y safle hwn os yw'n bodloni gofynion TAN 6, fel y nodir ym maen prawf 4 o Bolisi S04. Cyfeiria TAN 6 at ddatblygiad y gellir ei gefnogi fel eithriad i'r cyfyngu cyffredinol ar ddatblygu yng nghefn gwlad yn y polisïau. Mae hyn yn cynnwys mentrau gwledig a ddiffinnir fel busnesau sy'n gysylltiedig â'r tir, gan gynnwys amaethyddiaeth, coedwigaeth a gweithgarwch o fathau eraill sy'n cael eu prif fewnbwn o'r safle. Er enghraifft, yn prosesu cynnyrch amaethyddol, coedwigaeth a mwynau ynghyd â gweithgarwch rheoli tir a gwasanaethau cymorth (gan gynnwys contractio amaethyddol), twristiaeth a mentrau hamdden.

Mae'r datblygiad yn cynnig darparu sied fel bod modd storio peiriannau sy'n gysylltiedig â busnes yr ymgeisydd (Mows 'n' Grows). Mae'r ymgeisydd wedi dweud bod peiriannau sy'n gysylltiedig â'r busnes yn cael eu storio y tu allan ar yr iard gyda'r nos ac ar benwythnosau ar hyn o bryd, gan fod y peiriannau ar safleoedd eraill yn ystod y dydd. Hefyd mae cynhwysydd cludo yno ar gyfer storio nwyddau sych ond mae angen mwy o le yno.

- all. Swyddog o'r awdurdod cynllunio lleol wedi ymweld â'r safle ar sawl achlysur. Yn ystod ymweliadau â'r safle ym mis Mehefin 2018 a mis Mai 2019 roedd y safle'n cael ei ddefnyddio i gadw peiriannau cloddio bach, trelar bach torwyr coed, peiriannau torri porfa, cerbydau megis ceir, gan gynnwys ceir sgrap, prennau amrywiol, a thrugareddau cysylltiedig eraill. Roedd cynhwysydd cludo yno hefyd.

Yn ystod ymweliad â'r safle ym mis Medi 2020 roedd llai o eitemau yn cael eu storio ar y tir, ac roedd yn cynnwys yn bennaf y cynhwysydd cludo, tanciau nwy, ceir, peiriant torri porfa a thrugareddau cysylltiedig ond nid i'r un graddau ag o'r blaen – ac felly ydoedd yn ystod yr ymweliad safle ym mis Rhagfyr fel rhan o'r cais hwn. Felly nid yw'r eitemau a oedd yn cael eu cadw ar y tir yn ystod yr ymweliadau hyn yn ymwneud yn gyfan gwbl ag amaethyddiaeth/ garddwriaeth.

Yn seiliedig ar y wybodaeth sydd ar gael, mae'n amlwg nad yw'r busnes yn fusnes contractio amaethyddol/garddwriaethol yn bennaf, gan ei fod yn cyflawni gwaith nad yw'n amaethyddol/ garddwriaethol, megis gwaith tirlunio masnachol a domestig.

Mae TAN 6 yn seiliedig ar yr egwyddor o ganiatáu datblygiad sy'n gysylltiedig â'r tir i fod mewn lleoliad cefn gwlad fel eithriad i'r polisi cynllunio, a hynny am fod anghenion penodol y busnes yn mynnu ei fod yn cael ei osod mewn lleoliadau penodol oherwydd y cyswllt â'r tir.

Nid oes dim rhesymau gweithredol pam mae angen lleoli'r sied arfaethedig ar y safle hwn. Nid yw'r defnydd presennol a wneir o'r safle yn gyfreithlon felly nid yw hyn yn rheswm i gyfiawnhau caniatáu'r datblygiad arfaethedig ar y safle hwn. Mae hefyd yn rhesymol i ystyried y ffaith nad yw'r ymgeisydd yn byw ar y safle nac yn agos ato. Mae'r wybodaeth yn y cais yn nodi bod yr ymgeisydd yn byw oddeutu 8 milltir i fwrdd o'r safle.

Dywed yr ymgeisydd ei fod wedi ystyried y safleoedd eraill hyn -

- Fferm Sychpant, Castellnewydd Emlyn - roedd gan y fferm dai mas oedd ar gael i'w gosod er mwyn eu haddasu ond roedd y cleient o'r farn fod yr iard yn rhy fach ac mae'r tai mas wedi'u dymchwel erbyn hyn fel rhan o'r gwaith o ehangu'r fferm.
- Garej Mountain View, Hermon, Cynwyl Elfed - edrychodd ar yr eiddo hwn pan oedd ar y farchnad y llynedd ond oherwydd ei leoliad daearyddol, o'i gymharu ag ardal gweithgarwch y busnes ar hyn o bryd, barnwyd nad oedd yn addas. Yn ogystal, nid oedd y gyllideb ar gyfer datblygu'r busnes yn caniatáu iddo brynu'r eiddo hwn.
- Parc Teifi, Cardigan - ymwelodd yr ymgeisydd ag uned ddiwydiannol yn y lleoliad hwn ond nid oedd yr opsiwn hwn yn fforddiadwy o achos y trethi/rhent.

Ystyrir mai cyfyng yw'r rhestr hon ac nad yw'n rhoi ystyriaeth i safleoedd sy'n agosach i ble mae'r ymgeisydd yn byw.

Ystyrir nad yw'r datblygiad arfaethedig yn cyd-fynd â gofynion TAN 6 ac felly ei fod groes i bolisïau S01 ac S04 y CDLI, ac nad oes dim rhesymau eithriadol eraill, na gofynion o ran y gwaith, i ganiatáu'r datblygiad ar y safle penodol hwn. Yn hytrach, ystyrir y byddai'r datblygiad yn debycach i storfa contractwr sy'n dod o dan ddsbarth defnydd cynllunio B8 - 'storio' - y gellir ei letya o fewn neu wrth ymyl aneddiadau diffiniedig sy'n bodoli eisoes.

Dyluniad a'r effaith ar y Tirwedd

Mae Polisi DM06 y CDLI yn mynnu bod datblygiad wedi'i ddylunio o safon gan gyfrannu'n gadarnhaol at ei gyd-destun; mae Polisi DM17 y CDLI yn ceisio diogelu'r tirwedd cyffredinol. Mae safle'r cais o fewn Ardal Tirwedd Arbennig Dyffryn Teifi ac mae Polisi DM18 yn ceisio diogelu'r Ardal Tirwedd Arbennig rhag datblygiadau sy'n achosi effaith andwyol sylweddol.

Ystyrir bod y defnydd presennol a wneir o'r safle yn amharu ar gymeriad gwledig yr ardal; ni ddangoswyd bod y defnydd hwn yn gyfreithlon ac felly nid yw'n ddiogel rhag camau gorfodi yn ei erbyn. Ystyrir bod y datblygiad arfaethedig yn cyflwyno datblygiad na ellir ei gyfiawnhau a hynny mewn lleoliad cefn gwlad, ac na fydd yn cyfrannu'n gadarnhaol at y lleoliad. Yn

hytrach, byddai'r datblygiad yn niweidiol i gymeriad yr ardal wledig ac felly ystyrir y byddai'r datblygiad yn cael effaith andwyol sylweddol ar y tirwedd ac yn arbennig ar yr Ardal Tirwedd Arbennig, gan fynd yn groes i bolisiâu DM06, DM17 a DM18 y Cynllun Datblygu Lleol.

Amwynder Preswyl

Mae Polisi DM06 y CDLI, maen prawf 7, yn ceisio diogelu amwynder trigolion y tai cyfagos rhag i hynny gael niwed sylweddol yn sgil datblygiad newydd. Yr eiddo preswyl agosaf yw Waun Fach sydd i'r gogledd o'r eiddo, ond nid yw'r datblygiad arfaethedig yn debygol o gael effaith andwyol sylweddol ar amwynder yr eiddo hwn oherwydd bydd yr adeilad/safle yn cael ei ddefnyddio ar gyfer storio, a bod y safle hefyd wedi'i neilltuo'n rhannol gan y ffin feddal ar hyd ffin ogleddol y safle. Ystyrir bod y tai eraill gerllaw yn ddigon pell i ffwrdd ac felly ni fydd effaith arnynt. At hynny, ni ddaeth sylwadau i law gan drydydd partion. Felly, mae'r datblygiad arfaethedig yn cydymffurfio â maen prawf 7, Polisi DM06, y CDLI.

Ecoleg

Bydd yr adeilad arfaethedig yn cael ei osod ar laswelltir ac ni fydd perthi/coed yn cael eu tynnu ymaith. O ganlyniad, nid ystyrir y byddai'n cael unrhyw effaith andwyol ar ecoleg.

Mae safle'r datblygiad yn nalgylch Ardal Cadwraeth Arbennig Afon Teifi ond, oherwydd natur y datblygiad, nid ystyrir y byddai'n peri cynnydd o ran ffosffadau i mewn i ACA Afon Teifi.

Priffyrdd

Nid yw'r awdurdod priffyrdd lleol wedi mynegi unrhyw wrthwynebiad i'r datblygiad arfaethedig, tra bod amod i'w gwneud yn ofynnol i wella'r mynediad fel ei fod yn bodloni'r gofynion o ran y cynllun a'r llain weledd. Mae digon o le yn y safle ar gyfer parcio a throi.

Draenio Tir

Dywed y cais y bydd dŵr wyneb yn cael ei waredu drwy'r cwrs dŵr presennol; fodd bynnag, nid yw hyn yn bodloni safonau statudol Gweinidog Cymru parthed SuDS (Systemau Draenio Cynaliadwy). Mae tîm Draenio Tir y Cyngor wedi dweud y bydd unrhyw ollyngiad dŵr i gwrs dŵr presennol yn gorfod cael cyfradd ollwng sy'n well na'r gyfradd ollwng bresennol ar y tir glas. Hefyd, bod angen rhagor o wybodaeth ynghylch lleoliad y cysylltiad â'r cwrs dŵr presennol. Felly, nid yw'r cysylltiad â'r cwrs dŵr yn dderbyniol, a rhaid i'r datblygiad weithredu Systemau Draenio Cynaliadwy i ymdrin â'r dŵr wyneb. Gan fod yr arwynebedd adeiladu yn fwy na 100 metr sgwâr, bydd yn rhaid i'r ymgeisydd wneud cais am gymeradwyaeth SuDS gan 'Gorff Cymeradwyo Systemau Draenio Cynaliadwy' y Cyngor - felly ymdrinnir â dŵr wyneb drwy'r weithdrefn hon.

Dirprwyo Pwerau

Mae'r aelod lleol, y Cynghorydd Lyndon Lloyd, wedi gofyn am i aelodau'r Pwyllgor Cynllunio benderfynu ar y cais, am y rhesymau canlynol:

- "Cais rhesymol am shed i gadw offer yn ddiogel mewn business sydd wedi bod ar y safle yma am 7 blynedd.
- Mae y busnes yma yn rhoi gwasanaeth effeithiol i Awdurdodau Lleol, Cynghorau Cymuned, Gwasanaeth y Llwybrau ers nifer o flynyddoedd.
- Business i'w gefnogi fel rhan o Polisi Economaidd Gyngor Ceredigion.
- Yn rhoi gwasanaeth i amaethyddiaeth ac yn rhan o gadwraeth cefn gwlad".

ARGYMHELLIAD:

Argymhellir bod y cais yn cael ei wrthod am ei fod yn ddatblygiad anghynaliadwy, nad oes modd ei gyfiawnhau, mewn 'Lleoliadau Eraill' a hynny'n groes i bolisiâu S01 ac S04 y Cynllun Datblygu Lleol, a gofynion TAN 6. Yn ogystal, nid oes dim amgylchiadau eithriadol eraill i ganiatáu'r datblygiad yn y lleoliad hwn. Hefyd, ystyrir y byddai'n amharu ar gymeriad a golwg yr ardal, yn groes i bolisiâu DM06, DM17 a DM18 y Cynllun Datblygu Lleol.

Application Reference	A200994
Received	23-11-2020
Proposal	Proposed storage shed for agricultural & horticultural machinery
Site Location	Land Adjacent To Waun Fach, Cwm Cou, Newcastle Emlyn, SA38 9PE
Application Type	Full Planning
Applicant	Mr F Bowes (Mows n Grows), Bridge House, Llwynceilyn, Cilgerran, SA43 2PE
Agent	Mr Zac Addison (Addison Design & Development), Y Ddol Rhiw Y Plas, Aberporth, Cardigan, Ceredigion, SA43 2DA

THE SITE AND RELEVANT PLANNING HISTORY

The application site refers to a field, to the north-west of Cwmcou, that lies alongside the rural road that leads from the main road of Cwmcou to Cenarth. The field lies adjacent to the property known as Waun Fach.

The field has no planning history. However the site is subject to an on-going enforcement investigation by the LPA for the change of use of land for the storage of a shipping container, vehicles, containers and other paraphernalia, in association with the applicants business - Mows 'n' Grows Landscaping.

DETAILS OF DEVELOPMENT

The application seeks full planning permission for the erection of a storage shed for agricultural and horticultural machinery. The proposed shed will be located within the yard area that has been created and will lie in parallel with the adjacent road. It measures 18.3m by 9.1m, with a eaves height of 4.6m and a ridge height of 5.8m. The building will have a brick wall at the bottom half with timber boarding on the top half, box profile sheeting roof, and a galvanised roller shutter door.

Initially no information had been submitted as part of the application to explain the purpose of the proposed building. Following the request of this information from the LPA, it has been confirmed that the proposed shed will be used in association with the applicant's Mows 'n' Grows business. It states that the company undertakes predominantly commercial landscaping, forestry & horticulture work as well as domestic works. It states that the company undertakes a lot of agricultural land clearance & drainage operations in addition to forestry work such as firewood harvesting & tree felling. On the horticultural side the business conducts nursery activities where they bring on seeds to plants which they then plant on their landscaping projects in addition to growing tree saplings for their forestry projects. It goes on to say that the business is not conducted on the application site, but on other sites, and that the shed is required for storage of the machinery. It also states that the applicant intends to expand their nursery operation with polytunnels on site to provide additional growing space. The information submitted states that the business carries out the following activities -

- Tree surgery, woodland management, firewood harvesting & processing
- Ground maintenance (commercial & agricultural)
- Agricultural fencing contracting
- Irrigation system installer
- Germination of plant and nursery activities
- Garden maintenance
- Hedge laying
- Land drainage

The following machinery is proposed to be stored within the shed:

- Tractor & General implements
- Trailers
- Mowers & Rotovators
- Firewood processing equipment
- Excavators (up to 8 tons in weight)

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

- Future Wales: The National Plan 2040
- PPW Planning Policy Wales (edition 11, February 2021)
- TAN5 Nature Conservation and Planning (2009)

- TAN6 Planning for Sustainable Rural Communities (2010)
- TAN12 Design (2016)
- TAN18 Transport (2007)
- TAN23 Economic Development (2014)

Relevant Local Planning Policy

These Local Development Plan policies are applicable in the determination of this application:

- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- LU12 Employment Proposals on Non-allocated Sites
- DM03 Sustainable Travel
- DM04 Sustainable Travel Infrastructure as a Material Consideration
- DM06 High Quality Design and Placemaking
- DM10 Design and Landscaping
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape
- DM18 Special Landscape Areas (SLAs)
- DM20 Protection of Trees | Hedgerows and Woodlands

Relevant adopted Supplementary Planning Guidances:

- Special Landscape Area (SLAs) SPG

OTHER MATERIAL CONSIDERATIONS

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

EQUALITY ACT 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

• Cyngor Cymuned Beulah Community Council:

- 1) His business has been on this site for 7 years on land inherited by the applicant, and has developed into a sustainable business service Ceredigion and North Carmarthenshire and Pembrokeshire.

- 2) It strongly rejects the Planning Report that this site is not adjacent to the village of Cwmcou – it is only 200 yards from the built form of the village. A working site of this nature could not be located in a built up village location. The Report refers to “other properties nearby”.
 - 3) The applicant base is in Cwmcou and has run his business from his home in Cwmcou – so he needs to be close to his business.
 - 4) The shed is essential for the security of machinery on this site – now in the open field – and more expensive machinery is used due to expansion of the business with two being employed.
 - 5) This business to the knowledge of this Council provides very effective support services to Community Councils in Ceredigion/Carmarthenshire/Playfields etc. Also to the Pathway Services to both Local Authorities. Private services to farmers is also a large part of the business and this links to Tan 6 criteria.
 - 6) The Council points out that this is a valuable service in a Rural Area, and is supported by the Community,
 - 7) We note that Cyngor Sir Ceredigion’s own economic policy supports the development and maintaining this type of activity for the economic benefit of the community
- **Highways** - No objection subject to conditions
 - **Land Drainage** - No objection subject to conditions
 - **Ecology** - No response received

No representation received from third party.

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise”.

Principle of Development

The new Future Wales - The National Plan 2040 supports sustainable economic growth within rural areas and so does Planning Policy Wales (PPW) however PPW states that new building in the open countryside away from existing settlements or areas allocated for development, must continue to be strictly controlled. It goes on to say that new development sites, with the exception of rural diversification and agricultural related development to which separate criteria apply, should generally be located within or adjacent to defined settlement boundaries.

The application site lies to the north-west of the linked settlement of Cwm-cou. It is surrounded by open fields with one detached dwelling to the north and one detached dwelling/small holding to the further south. The site does not lie within or adjacent to the substantive built form of the Cwm-cou Linked Settlement and is therefore within 'Other Locations' for the purpose of the Local Development Plan (LDP). LDP Policy S01 seeks to achieve sustainable development by directing the majority of development to the Service Centres (Urban and Rural), and in terms of employment opportunities these are provided for on employment allocated sites that are located within Service Centres. Policy S04 recognises that locations other than the Service Centres require a degree of development to meet the needs of existing communities; however as these are less sustainable locations, development in these areas are strictly controlled in line with the criteria set out within the policy. Criterion 3 allows for economic development on a site that has not been allocated and is of a small-scale that meets a specific local need, or accords with TAN 6 requirements in terms of a rural enterprise. Criterion 4 states that in all cases in terms of its physical location, regardless of development type, development in 'Other Locations' must meet the requirements of TAN 6.

LDP Policy LU12 refers to Employment Proposals on Non-allocated Sites and states that development will be permitted provided that the scale is in line with that envisaged under policies S02-S04; the density of development is appropriate in relation to its location and proposed use; and it is demonstrated that re-use of redundant or underused buildings within the area has been considered.

However, notwithstanding policy LU12, as the application site lies within 'Other Locations' development is only permitted on this site where it meets with the requirements of TAN 6, as noted by criterion 4 of Policy S04. TAN 6 refers to development that can be supported as an exception to the general policy constraint of development within the countryside. This includes rural enterprises which is defined as comprising land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises.

The proposed development is to provide a shed to allow for the storage of machinery associated with the applicant's

business (Mows 'n' Grows). The application states that the business is agriculture and horticulture, as the business undertakes contracting work relating to agriculture such as tree surgery, woodland management, agricultural fencing, and germination of plants and nursery activities. It also states that the shed will store machinery such as tractors and excavators. The business also undertakes domestic landscaping works such as residential gardens. The applicant has provided invoices to demonstrate the type of work the business carries out which make reference to tree works, the hire of a 1.5 ton digger and fencing, however the information is limited. The applicant has also provided statements from businesses providing a list of works that the business has undertaken, and these include works such as land clearance and maintenance, drainage works, routine garden works, hedge trimming and mowing, fencing (to include agricultural stock fencing) tree felling and planting. It also states that the applicant intends on expanding their nursery operation with polytunnels on site to provide additional growing space however no further information has been provided on this.

The applicant has advised that machinery associated with the business is currently stored externally at the yard in the evening/weekends, as machinery are on other site during the day. There is also a shipping container for dry storage but more space is required. The applicant has also advised that the following alternative sites have been considered -

- Sychpant Farm, Newcastle Emlyn - the farm had available outbuildings to let for conversion by the client found the yard space was too small & the outbuildings have since been demolished as part of the farm's expansion
- Mountain View Garage, Hermon, Cynnwyl Elfed - this property was viewed when it was on the market last year but due to its geographical location in comparison to the businesses existing base of activities it was deemed unsuitable, in addition to the businesses budget for development not allowing him to purchase this property
- Parc Teifi, Cardigan - the applicant viewed the industrial unit at this location but the rates made this option unaffordable

The site is currently being used as storage yard for the applicant's business, without the benefit of planning permission. An Officer from the local planning authority has visited the site on a number of occasions. During a site visit in June 2018 and May 2019, the site was being used to store small diggers, small wood cutter trailer, lawn mowers, vehicles such as cars, including scrap cars, various woods, and other associated paraphernalia. There was also a shipping container. In 2018, the applicant advised that the site was being used as a base for his horticultural business: Mows 'n' Grows Landscaping, which carries out the following:

- Garden design, maintenance and planting schemes;
- Propagation of ornamental nursery stock, trees & water plants
- Land-based (horticultural & agricultural) contracting work e.g. surface preparation, drainage, hedgelaying, fencing etc.
- Woodland management.

During a site visit in September 2020 there were less items being stored on the land, and it mainly included the shipping container, gas tanks, cars, lawn mower and associated paraphernalia but not to the extent as previously - and this was similar during the site visit in December as part of this application. The items stored on the land during these visits are not therefore wholly agricultural / horticultural related.

Based on the information provided by the applicant, the site visits undertaken, and the information available online on the business, it is clear that the business is not mainly an agricultural/horticultural contracting business - as it also carries out non agricultural / horticultural works, such as domestic gardens, general landscaping works etc. As a result, it is considered that the development would be more akin to a contractors storage depot/yard falling under planning use class B8 'storage' - and this is also on the basis that it is understood that the only activity taking place on site would be storage, and not any maintenance or office space. The development is not therefore considered to accord with TAN 6 as it is not a purely agricultural contracting business. Instead such an use is considered to be more appropriately located within an existing industrial site, or within or adjoining a Service Centre or a Linked Settlement. Also it has not been demonstrated that the business has large agricultural machinery that would make it unsuitable to store within an existing industrial site.

It is acknowledged that the applicant's business serves the local area and provides employment opportunities, which the planning policies seek to support; however the overarching planning policy aim is to ensure that development is sustainable, and that new development in the countryside is strictly controlled. The proposed development of a contractor's storage depot/yard does not accord with TAN 6, and is therefore contrary to LDP policies S01 and S04, and there are no other exceptional reasons, or operational requirements, to allow the development in a countryside location.

Design and Landscape Impact

LDP Policy DM06 requires development to be of a high quality design that contributes positively to its context and LDP Policy DM17 seeks to protect the general landscape. The application site lies within the Teifi Valley Special Landscape Area (SLA) and Policy DM18 seeks to protect the SLA from development that causes significant adverse effect.

The current unlawful use of the site is considered to detract from the rural character of the area; and although the proposed building would allow for machinery and equipment etc. to be stored internally, rather than externally, nevertheless, it is considered to introduce an unjustifiable development within a countryside location, which will not contribute positively to the

location. Rather the development would be harmful to the character of the rural area and as such the development is considered to have significant adverse effect on the landscape and in particular the SLA, contrary to LDP Policies DM06, DM17 and DM18.

Residential Amenity

LDP Policy DM06, criterion 7, seeks to protect the amenity of occupiers of nearby properties from significant harm caused by new development. The nearest residential property is Waun Fach which is located to the north of the property, however the proposed development is not considered to have an adverse impact on the amenity of this property due to the fact that the building/site will be used for storage, and the site is also partially screened by the soft boundary treatment along the northern boundary of the site. The other properties nearby are considered to be at a sufficient distance away and will not therefore be impacted on. Furthermore, no representation has been received from third party. The proposed development therefore complies with LDP Policy DM06, criterion 7.

Ecology

The proposed building will be located on grassland and no hedges/trees etc will be removed. As a result, it is not considered to have any adverse impact on ecology.

The development site lies within the Afon Teifi SAC catchment area however due to the nature of the development it is not considered to result in increase phosphate input into the river.

Highways

The local highway authority has raised no objection to the proposed development, subject to a condition requiring improvements to the access so to meet with the required layout and visibility splays. There is sufficient space within the site for parking and turning area.

Land drainage

The application states that surface water will be disposed of via the existing watercourse; however this does not meet with the Welsh Minister's Statutory SuDS standards. The Council's Land Drainage has advised that any discharge to an existing watercourse will need a discharge rate which is an improvement on the existing greenfield runoff-rate, and that further information is required on the location of the connection to an existing watercourse. Connection to the watercourse is not therefore acceptable, and the development must implement SuDS to deal with surface water, and as the construction area is more than 100 sq.m they applicant will have to apply for SuDS approval from the Council's Sustainable Drainage Approval Body - therefore surface water will be dealt with through this procedure.

DELEGATED POWERS:

The local member, Councillor Lyndon Lloyd, has asked members of the Planning Committee to determine the application for the following reasons:

“A reasonable request for a shed to keep equipment safe in a business that has been on this site for 7 years.

This business has been providing an effective service to Local Authorities, Community Councils, the Pathways Service for many years.

Business to be supported as part of Ceredigion Council's Economic Policy.

Serves agriculture and is part of countryside conservation ”.

RECOMMENDATION:

The application is recommended for refusal, as it comprises unsustainable and unjustifiable development within 'other locations' and there are no exceptional circumstances to allow the development in a countryside location, contrary to LDP policies S01 and S04. It is also considered to have an harmful impact on the character and appearance of the locality, contrary to LDP policies DM06, DM17 and DM18.