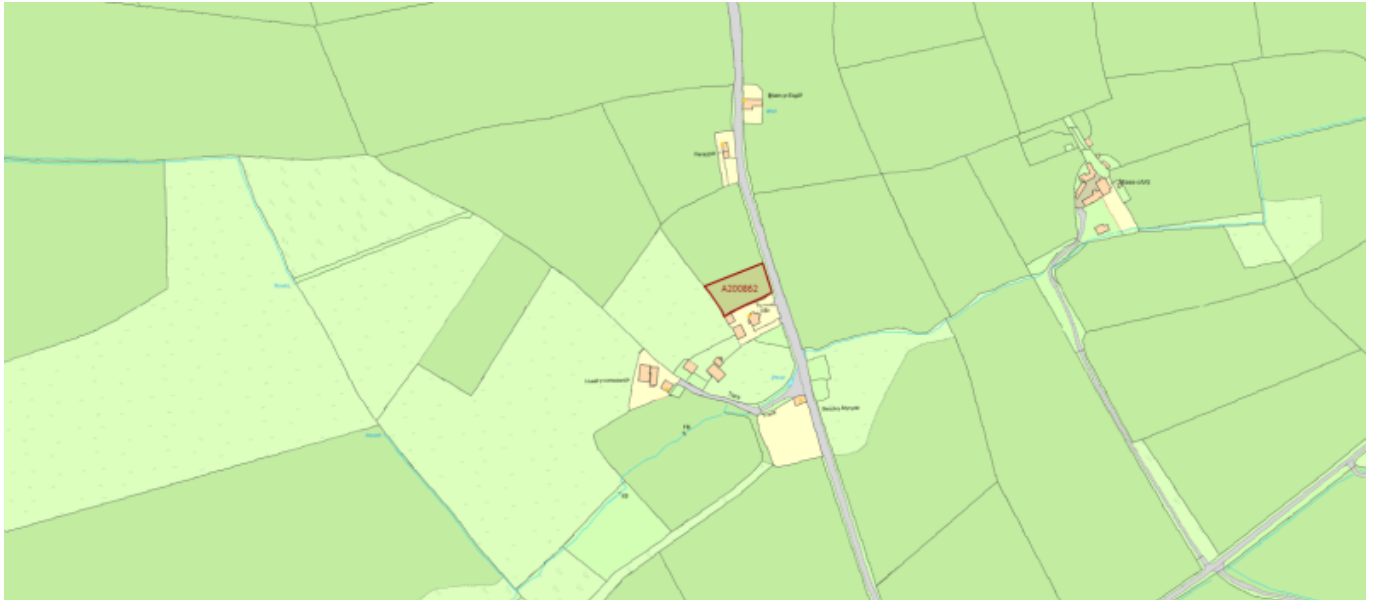


# 1. Gohiriwyd/Deferred

#	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	A201050	09-12-2020	Wil & Annie Davey	Erection of a dwelling to include installation of vehicular access and treatment plant	Land Adjacent To Awel Y Mynydd, Pïsgah, Aberystwyth, SY23 4NE	Refuse
3	A210077	25-01-2021	Mr Rhys Norrington-Davies	Demolition of existing stables building and erection of a residential dwelling, including parking, landscaping and ancillary works	Land at Tyn-y-Cae, Talybont, SY24 5EA	Refuse

# 1.1. A200862



<b>Rhif y Cais / Application Reference</b>	A200862
<b>Derbyniwyd / Received</b>	09-10-2020
<b>Y Bwriad / Proposal</b>	Erection of a Dwelling
<b>Lleoliad Safle / Site Location</b>	Tycoch, Trefenter, Aberystwyth, SY23 4HE
<b>Math o Gais / Application Type</b>	Full Planning
<b>Ymgeisydd / Applicant</b>	Mr S Lewis, Tycoch, Trefenter, Aberystwyth, Ceredigion, SY23 4HE
<b>Asiant / Agent</b>	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.

## POLISIŌU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiau a chanllawiau cynllunio cenedlaethol:

- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (Fersiwn 11)
- TAN2 - Cynllunio a Thai Fforddiadwy

Mae polisïau 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**

### **DEDDF TROSEDD AC ANHREFN 1998**

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; anabled; 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 ddiabynnol 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 anedd ar gyfer menter wledig nac ar sail anedd fforddiadwy. Oherwydd hynny, yna ystyrir bod y cynnig yn gais i godi anedd ar y farchnad agored.

Felly, y farn yw bod y cynnig yn gwrthdaro â pholisiâu 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 anedd 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 anedd 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 bolisiâu 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 anghydwed â polisi cenedlaethol a lleol.

### **RHESWM AM OHIRIO:**

Adroddwyd y cais i'r Pwyllgor Rheoli Datblygu a gyfarfu ar 9 Mehefin, 2021.

Er gwaethaf argymhelliad i wrthod y cais, penderfynodd y Pwyllgor ohirio'r cais er mwyn galluogi swyddogion i ystyried gwybodaeth ddiweddar a gyflwynwyd gan yr asiant. Nodwyd bod yr ymgeisydd yn dymuno i'r cais gael ei ystyried ar sail anedd fforddiadwy ac nid anedd marchnad agored. Cyflwynodd yr ymgeisydd ddatganiad tai fforddiadwy ynghyd â chynlluniau diwygiedig a oedd yn gostwng arwynebedd llawr mewnol yr anedd arfaethedig i oddeutu 165m<sup>2</sup>.

Nododd y datganiad tai fforddiadwy y byddai pris yr anedd arfaethedig oddeutu £250,000 a bod gan yr ymgeisydd gyllideb adeiladu oddeutu £175,000. Nododd y datganiad hefyd nad oedd unrhyw anheddau ar gael ar y farchnad yn yr ardal gyfagos am y pris hwnnw ac oedd yn cwrdd â'r diffiniad o gartref fforddiadwy.

Ychwanegodd y datganiad bod hi'n amlwg bod angen am anheddau 3 ystafell gwely yn y sir a byddai darparu cartref fforddiadwy tair ystafell wely yn cynorthwyo i ddarparu ar gyfer y diffyg a nodwyd er gwaetha bod y cynnig yn groes i strategaeth dai'r CDLI.

Er gwaethaf y gostyngiad ym maint yr uned a chanfyddiadau'r Datganiad Tai Fforddiadwy, mae'r cynnig yn dal yn groes i'r polisi cenedlaethol a lleol gan fod safle'r cais nid o fewn anheddiad nac yn gyfagos iddo. Nid yw'r cynnig yn goresgyn y gofyniad i'r datblygiad gael ei leoli'n gynaliadwy. Mae PPW a TAN 2 yn nodi y dylai safleoedd eithriad gwledig ar gyfer tai fforddiadwy fod ar dir o fewn aneddiadau gwledig presennol neu'n gyfagos iddynt.

Fel y dywedwyd eisoes, ystyrir bod y cais mewn lleoliad cefn gwlad agored gyda datblygiad preswyl achlysurol o bedwar tŷ yn yr ardal gyfagos. Barn yr Adran yw y gellir disgrifio'r safle'n well fel casgliad rhydd o adeiladau heb gymeriad anheddiad cydlynol. Mae'r safle gryn bellter i'r anheddiad diffiniedig agosaf o Langwryfon. Ni fyddai'r cynnig yn cael ei leoli yn union wrth ymyl grwpiau presennol o anheddau yn unol ag S04 ac ni fyddai'n gysylltu yn dda ag anheddiadau nac yn cynnwys cyfle mewnlenni nac estyniad i grŵp presennol yn unol â PCC. Byddai'r cynnig hefyd yn achosi niwed sylweddol i gymeriad ac ymddangosiad y wlad o gwmpas.

O'r herwydd, y farn yw bod y cynnig yn gwrthdaro â pholisïau S01, S04 ac S05 y CDLI gan ei fod mewn safle maes glas y tu allan i unrhyw anheddiad neu tu allan i unrhyw ffurf adeiledig.

Adroddwyd y cais yn ôl i'r Pwyllgor Rheoli Datblygu a gyfarfu ar 28 Gorffennaf, 2021.

Penderfynodd y Pwyllgor ohirio penderfyniad y cais er mwyn caniatáu amser pellach neu gyfnod 'ailfeddwl' i ystyried y pwyntiau a godwyd gan Aelodau, i ystyried arwyddocâd yr ymadawiad ac i ystyried y risgiau cyn adrodd yn ôl i'r Pwyllgor.

Cyfarfu'r Grŵp Tasg a Gorffen ar 31 Awst 2021, adolygu'r cais, adroddiad y Pwyllgor a'r datganiad a gyflwynwyd gan yr Asiant. Ar ôl ystyried yr holl faterion, roedd y Panel o'r farn y byddai'r cais, fel y'i diwygiwyd yn awr i anedd fforddiadwy ac wedi'i leihau mewn maint wedi hynny, yn cwrdd â gofynion cartref fforddiadwy ac y gellid ei ystyried felly.

Roedd y Panel, o ran cwrdd â'r meini prawf polisi mewn perthynas â'i leoliad, o'r farn bod safle'r cais yn cael ei ystyried oddi fewn i Drefenter a oedd yn setliad cydnabyddedig. Er bod nifer gyfyngedig o anheddau yn yr ardal gyfagos heb unrhyw ardal adeiledig glir, mae'n cynnwys nifer fach o grwpiau o dai sy'n ffurfio anheddiad. Ni fyddai datblygu bwlich bach, ger annedd bresennol ac yn agos at eraill, yn 'gefn gwlad agored' yn yr ystyr o gaeau tonnog a thirwedd ddi-dor ond yn un sy'n cydymffurfio ac yn parchu cymeriad yr anheddiad. Mae 2 eiddo i'r gogledd o'r cais a chlwestwr o eiddo gerllaw. Roedd y Panel o'r farn bod yr anheddiad yn gymuned yn hytrach nag yn bentref sy'n anheddiad cydnabyddedig hyd yn oed os yw anheddau wedi'u gwasgaru.

Roedd y Panel, ar ôl ystyried pob mater, o'r farn y gellid cefnogi'r cais.

<b>Rhif y Cais / Application Reference</b>	A200862
<b>Derbyniwyd / Received</b>	09-10-2020
<b>Y Bwriad / Proposal</b>	Erection of a Dwelling
<b>Lleoliad Safle / Site Location</b>	Tycoch, Trefenter, Aberystwyth, SY23 4HE
<b>Math o Gais / Application Type</b>	Full Planning
<b>Ymgeisydd / Applicant</b>	Mr S Lewis, Tycoch, Trefenter, Aberystwyth, Ceredigion, SY23 4HE
<b>Asiant / Agent</b>	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

National planning policy and guidance:

- Future Wales: The National Plan 2040
- Planning Policy Wales (Version 11)
- TAN2 - Planning and Affordable Housing

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**

### **CRIME AND DISORDER ACT 1998**

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.

### **REASON FOR DEFERRAL**

The application was reported to the Development Control Committee which met on the 9th of June, 2021.

Despite a recommendation to refuse the application the Committee resolved to defer the application in order for officers to consider recent information submitted by the agent. It was noted that the applicant wished the application to be considered on the basis of an affordable dwelling and not an open market dwelling. The applicant submitted an affordable housing statement together with amended plans which reduced the internal floor area of the proposed dwelling to approx 165m<sup>2</sup>.

The affordable housing statement indicated that the valuation of the proposed dwelling would be in the region of £250,000 and that the applicant had a build budget of around £175,000. The statement states that there are no dwellings available on the market in the immediate area at around that price mark and which meets the definition of an affordable home.

The statement adds that there is clearly an identified need for 3 bed dwellings in the County and the provision of a three bed affordable home will assist to cater for the identified shortfall irrespective of the proposal being contrary to the LDP's housing strategy.

Notwithstanding the reduction in the size of the unit and the findings of the Affordable Housing Statement the proposal is still contrary to both national and local policy in that the application site is not within or even adjoining a settlement. The proposal does not override the requirement for the development to be sustainably located. PPW and TAN 2 states that rural exception sites for affordable housing should be on land within or adjoining existing rural settlements.

As stated previously, the application is considered to be in an open countryside location with a sporadic residential development of four houses in the immediate area. It is the opinion that the site would be best described as being a loose collection of buildings with no cohesive settlement character. The site is some distance to the nearest defined settlement of Llangwryfon. The proposal would not be located immediately adjacent to existing groups of dwellings in accordance with S04 and it would not be well-related to a settlement or consist of an infill opportunity or extension to an existing group in accordance with PPW. The proposal would also cause material harm to the character and appearance of the surrounding countryside.

As such, 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.

The application was reported back to the Development Control Committee which met on 28th July, 2021.

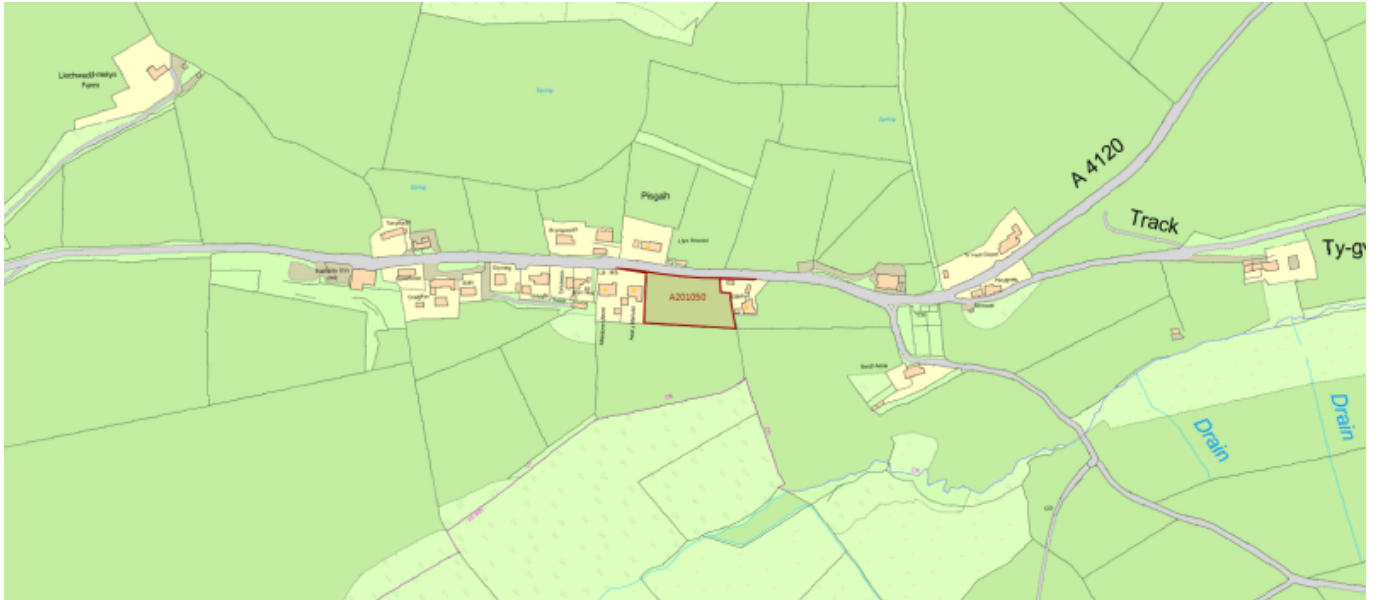
The Committee resolved to defer determination of the application to allow further time or a 'cooling off' period to consider the points raised by Members, to consider the significance of the departure and to consider the risks prior to reporting back to Committee.

The Task and Finish Group met on 31st August 2021, reviewed the application, the Committee report and the statement presented by the Agent. Following consideration of all matters the Panel were of the opinion that the application, as now amended to an affordable dwelling and subsequently reduced in size would meet the requirements of an affordable home and could be considered as such.

The Panel, in terms of meeting the policy criteria in relation to its location, were of the opinion that the application site was considered to be in Trefenter which was a recognised settlement. Whilst there are a limited number of dwellings in the immediate area with no clear built-up area, it is made up of a small number of groups of houses that form a settlement. Development of a small gap, adjacent to an existing dwelling and in close proximity to others, would not be 'open countryside' in the sense of undulating fields and an uninterrupted landscape but one that conforms and respects the character of the settlement. There are 2 properties to the north of the application site and a cluster of properties nearby. The Panel was of the opinion that the settlement was a community rather than village based which is a recognised settlement even if dwellings are dispersed.

The Panel, having considered all matters were of the opinion that the application could be supported.

## 1.2. A201050



**Rhif y Cais:** A201050  
**Daeth i law:** 09-12-2020  
**Y Bwriad:** Codi annedd gan gynnwys creu mynediad i gerbydau a gosod cyfleuster trin carthion  
**Lleoliad y Safle:** Tir wrth ochr Awel y Mynydd, Pïsgah, Aberystwyth, SY23 4NE  
**Math o Gais:** Cynllunio Llawn  
**Ymgeisydd:** Wil ac Annie Davey, Nythfa, Pantycrug, Capel Seion, Aberystwyth, Ceredigion, SY23 4EF  
**Asiant:** Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan y Dderwen, Llanrhystud, Ceredigion, SY23 5ED

## **Y SAFLE A'I HANES PERTHNASOL**

Darn o dir rhwng dau eiddo preswyl yw safle'r cais, ym mhentref bach gwledig Pïsgah. Defnyddir y safle at ddefnydd amaethyddol. Mae ffordd sirol yr A4120 yn ffinio â'r safle tua'r gogledd. I'r de mae rhagor o gaeau amaethyddol.

Mae'r safle mewn lleoliad amlwg uwchben Dyffryn Rheidol.

### **Hanes Perthnasol o ran Cynllunio**

A010478 – Caniatâd amlinellol i godi tri thŷ – Gwrthodwyd 15/07/2021

## **MANYLION Y DATBLYGIAD**

Mae'r cais sydd o dan sylw yn gofyn am ganiatâd llawn i godi annedd ar y farchnad agored.

Bydd yr annedd arfaethedig yn dŷ ffrÿnt-dwbl gyda phortsh gwydr amlwg a bydd y tŷ yn sefyll ar ganol y llain o dir. Bydd mynediad yn uniongyrchol o ffordd sirol yr A4120 rhwng Aberystwyth a Phontarfynach a bydd hwn yn arwain at le parcio a man troi ar gyfer tri char.

Mae'r deunyddiau allanol yn cynnwys rendr llyfn wedi'i baentio, cerrig naturiol, plinth o frics glas Swydd Stafford ar gyfer y waliau, ac uwch ei ben to llechi naturiol Sbaenaidd Iberaidd. Rhoddir gorffeniad UPVC llwyd anthracite i'r gwaith coed.

Bydd yr eiddo'n mesur tua 18.1m (ar y mwyaf) o led a 10.2m (ar y mwyaf) o ddyfnder. Bydd crib y to tua 9m o uchder.

Y tu mewn, ar y llawr gwaelod bydd yr eiddo arfaethedig yn cynnwys cyntedd, ystafell fyw, ystafell chwarae, cegin cynllun agored, ystafell deuluol, ystafell iwtiliti a thoiled. Ar y llawr cyntaf bydd pedair ystafell wely, landin ar ffurf oriel ac ystafell ymolchi, gan gynnwys prif ystafell wely gyda wardrob y gellir cerdded i mewn iddo ac ystafell ymolchi en-suite.

Y tu allan, bydd yr ardd arfaethedig yn cynnwys lawnt yn bennaf a bydd perthi o rywogaethau cymysg yn cael eu plannu ar ffin ddeheuol y safle.

Y bwriad yw gosod cyfleuster trin carthion i waredu â dŵr brwnt cyn ei ryddhau i suddfan.

## **POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL**

### **Polisïau Cynllunio Cenedlaethol Perthnasol**

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Fersiwn 11)

TAN 2 Cynllunio a Thai Fforddiadwy

TAN 6 Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy

### **Cynllun Datblygu Lleol Ceredigion 2007-2022 (mabwysiadwyd 25 Ebrill, 2013)**

S01 Twf Cynaliadwy

S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill

S05 Tai Fforddiadwy

DM01 Rheoli Effeithiau Datblygu ar Gymunedau a'r Iaith Gymraeg

DM06 Dylunio a Chreu Lle o Safon Uchel

DM10 Dylunio a Thirwedd

DM15 Cadw Bioamrywiaeth Leol

DM17 Y Dirwedd yn Gyffredinol

DM20 Gwarchod Coed, Gwrychoedd a Choetiroedd

## **Canllawiau Cynllunio Atodol**

Tai Fforddiadwy

Safonau Parcio

Yr Amgylchedd Adeiledig a Dylunio

Cadwraeth Natur

## **YSTYRIAETHAU PERTHNASOL ERAILL**

### **DEDDF TROSEDD AC ANHREFN 1998**

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; anabled; 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 anfanteision 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**

**Adran Briffyrdd Ceredigion**– Dim gwrthwynebiad, yn ddibynnol ar amodau

**Draenio Tir Cyngor Sir Ceredigion**– Dim gwrthwynebiad, yn ddibynnol ar amodau

**Ecoleg Cyngor Sir Ceredigion**– Ni chafwyd sylw

**Cyfoeth Naturiol Cymru**– Dim gwrthwynebiad

**Dŵr Cymru** – Dim gwrthwynebiad, yn ddibynnol ar amodau

Daeth dau sylw i law oddi wrth drydydd partïon parthed y cais. Ers hynny, tynnodd trigolion yr eiddo cyfagos wrthwynebiad i'r cynnig yn ôl. Daeth sylw arall i law o blaid y cais.

## **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**

Dynodir yng Nghynllun Datblygu Lleol Ceredigion fod safle'r cais mewn 'lleoliad arall' neu gefn gwlad agored. Felly y prif bolisi sy'n berthnasol wrth ystyried y cais yw polisi S04 o Gynllun Datblygu Lleol Ceredigion sy'n ymdrin â chynigion i ddatblygu mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'.

Er bod polisi S04 yn cydnabod yr angen am rywfaint o ddatblygu mewn lleoliadau eraill, i ddiwallu anghenion y cymunedau presennol, mae'r polisi'n ceisio sicrhau rheolaeth rhag i ddatblygu ddigwydd yn helaeth mewn lleoliadau anghynnaladwy. Mae'r polisi felly'n caniatáu datblygiad newydd dim ond pan fo modd cyfiawnhau'r angen am fenter wledig yn unol â TAN 6 neu os yw'n angenrheidiol i ddiwallu angen am dai fforddiadwy yn unol ag S05. O ran tai fforddiadwy, caniateir datblygu mewn lleoliadau eraill dim ond pan fyddant o fewn aneddiadau presennol neu'n union gyfagos iddynt, yn unol â'r polisi cynllunio cenedlaethol.

Ni hawlr bod angen y cais hwn at ddibenion TAN 6.

Mae'r cais hwn yn cynnig codi annedd marchnad agored, ond yn ystod y broses benderfynu nododd yr ymgeiswyr y byddent yn fodlon ystyried dynodi'r annedd yn 'annedd fforddiadwy' a sicrhau am byth drwy gytundeb cyfreithiol o dan adran 106. Fel y trafodwyd, mae polisi S04 yn caniatáu ar gyfer tai fforddiadwy mewn 'lleoliadau eraill' lle gellir dangos bod angen am dai fforddiadwy yn yr ardal ac nad yw'r angen yn cael ei ddiwallu.

Wrth ystyried cynigion ar gyfer tai fforddiadwy, dywed Atodiad 4 y Cynllun Datblygu Lleol y dylid sicrhau nad yw tai fforddiadwy yn cael eu hadeiladu yn ôl safonau annerbyniol o isel ac na ddylid chwaith greu datblygiadau tai sy'n 'rhy fawr neu sylweddol'. Mae Canllawiau Atodol Tai Fforddiadwy Ceredigion yn rhoi'r Cynllun Datblygu Lleol ar waith drwy weithredu manylion gofynnol o ran arwynebedd y llawr o fewn tai fforddiadwy. Daw'r rhain o Ofynion Ansawdd Datblygu Llywodraeth Cymru. Caniateir hyd at 20% yn uwch na'r mesuriadau lleiaf posib ar gyfer llawr mewnol cyfan. Yr arwynebedd llawr lleiaf posib yn y Gofynion ar gyfer tŷ fforddiadwy pedair ystafell wely yw 114m<sup>2</sup>. Yr uchafswm a ganiateir felly yng Ngheredigion yw 136m<sup>2</sup>, sef 20% yn uwch na ffigwr y Gofynion Ansawdd Datblygu.

Ar sail cynlluniau'r lloiau a ddarparwyd, byddai gan yr annedd arfaethedig arwynebedd llawr o 275m<sup>2</sup> - llawer yn uwch na'r ffigwr a ganiateir yng Ngheredigion. Mae'r ymgeisydd wedi dweud y byddai'n amharod i leihau'r maint i gydymffurfio â'r polisi. Felly, yn sgil maint yr eiddo, ystyrir y byddai'r eiddo y tu hwnt i gyrraedd cyfran fawr o'r gymdeithas, hyd yn oed gyda chytundeb adran 106 ynghlwm.

Mae'r ymgeisydd wedi cadarnhau felly ei fod yn dymuno i'r cais gael ei ystyried ar sail deiliadaeth marchnad agored. Ni roddwyd cyfiawnhad felly o ran sut y byddai'r cais hwn yn diwallu'r angen am dai fforddiadwy yn lleol.

## **Tirwedd**

Ni ddynodir bod safle'r cais o fewn Ardal Tirwedd Arbennig at ddibenion y Cynllun Datblygu Lleol. Serch hynny, yn rhinwedd lleoliad yr eiddo arfaethedig ar esgair Dyffryn Rheidol, a'i faint, a'i liw gwyn, byddai'n nodwedd amlwg ar y tirwedd wrth edrych o Ardal Tirwedd Arbennig Dyffryn Rheidol.

## **Priffyrdd**

Roedd Awdurdod Priffyrdd Lleol Ceredigion wedi mynegi anfodlonrwydd â'r cais fel y'i cyflwynwyd am nad oedd modd cyflawni'r llain weledded ofynnol ar dir oedd yn eiddo i'r ymgeisydd. Mae'r ymgeisydd wedi darparu copïau o gytundeb ysgrifenedig gyda'r tai cyfagos i gynnal a chadw'r tir er mwyn sicrhau y gellir cyflawni'r llain weledded ofynnol. Mae'r Awdurdod Priffyrdd Lleol yn fodlon â'r trefniant hwn ac nid oes ganddynt wrthwynebiad, yn ddibynnol ar amodau.

## **Ecoleg a Draenio Tir**

Mae Cyfoeth Naturiol Cymru yn fodlon ar ganfyddiadau'r arfarniad ecolegol a gyflwynwyd i gefnogi'r cais. Canfu'r arfarniad nad yw'r safle o fawr o werth ecolegol. Mae'r adran Draenio Tir yn fodlon ar y dull a gynigir o ddraenio dŵr wyneb, yn ddibynnol ar amod.

## **Materion Eraill**

Mae Dŵr Cymru yn tynnu sylw'r ymgeisydd at y ffaith bod prif bibell ddŵr o fewn ffiniau'r safle. Mae Dŵr Cymru yn cynnig bod amodau i sicrhau fod y bibell yn cael ei diogelu a bod modd cael mynediad ati.

## **DIRPRWYO PWERAU**

Mae'r Cynghorydd Rhodri Davies wedi gofyn am i'r cais gael ei gyfeirio at y Pwyllgor Cynllunio a hynny am y rhesymau canlynol:

Darparu cartref ar gyfer bobl leol.

Byddai annedd fach yn ymddangos yn anghydnaws â'r tai mwy o faint sydd gerllaw safle'r cais.

## **ARGYMHELLIAD**

Awgrymir **GWRTHOD** y cais am ei fod yn groes i bolisiâu S01, S04 ac S05 Cynllun Datblygu Lleol Ceredigion 2007-2022 (a fabwysiadwyd yn 2013).

## **RHESWM AM OHIRIO**

Yn Mhwyllgor Rheoli Datblygu a gynhaliwyd ar 23 Mehefin 2021, penderfynodd y pwyllgor gohirio penderfynu y cais i ganiatáu amser i'r ymgeisydd drafod gyda'r Awdurdod Cynllunio Lleol a fyddent yn ystyried newid y cais i gais am annedd fforddiadwy neu annedd TAN 6, gan roi pwerau awdurdodi i'r Prif Swyddog Corfforaethol ar gyfer yr Economi ac Adfywio i gymeradwyo cais diwygiedig boddhaol yn ddibynnol ar amodau a chytundeb cyfreithiol S106. Os nad oedd cytundeb rhwng yr Awdurdod a'r ymgeisydd, yna gofynnwyd i'r cais cael ei adrodd yn ôl i Bwyllgor er mwyn ei ystyried ymhellach.

Ni ystyrir y byddai'r ymgeisydd yn gymwys i feddiannu annedd TAN6 gan nad yw ei broffesiwn yn fusnes sy'n gysylltiedig â thir.

Mae'r ymgeisydd hefyd wedi cadarnhau nad yw'n dymuno adolygu'r cynnig i newid yr annedd i fod yn annedd fforddiadwy fel gofynnodd y Pwyllgor, gan ei fod yn anfodlon lleihau maint yr annedd o 275 metr sgwâr i lai na 200 metr sgwâr fel y gwnaethom ofyn ac yn ei farn ef byddai'n cael ei atal rhag rhedeg busnes o'r annedd trwy gytundeb S106.

Gwrandawodd y Pwyllgor Rheoli Datblygu ar y cais unwaith eto yn y cyfarfod a gynhaliwyd ar 8 Medi, lle mynegodd yr aelodau eu cefnogaeth i'r cais, ond roeddent yn cydnabod nad oes sail polisi i ganiatáu'r datblygiad ar ei ffurf bresennol. Penderfynodd aelodau'r pwyllgor ohirio'r cais unwaith eto tan y pwyllgor nesaf er mwyn i'r cais gael ei ystyried yn y grŵp Gorchwyl a Gorffen a gynhaliwyd ar 21 Medi 2021.

Yn y Grŵp Gorchwyl a Gorffen, cydnabu'r Panel y byddai cyfyngiadau maint cartref fforddiadwy yn cyflwyno her i deulu â 3 o blant, ond cytunwyd y dylid diwygio'r annedd i leihau maint y cynnig.

Cydnabu'r Panel fod Pîsgah yn anheddiad, ond derbyniodd nad yw wedi'i ddynodi'n anheddiad cyswllt nac yn ganolfan wasanaeth. O'r herwydd, mae polisi S04 yn berthnasol, sy'n caniatáu datblygiad newydd dim ond pan fo modd cyfiawnhau'r angen am fenter wledig (TAN6) neu gais am gartref fforddiadwy.

Cydnabu'r Panel fod yr ymgeisydd wedi nodi nad yw'n ystyried bod ei waith yn cydymffurfio â TAN6, ac nad oes unrhyw dystiolaeth wedi'i darparu o fewn y cais a fyddai'n awgrymu bod y cais hwn yn bodloni'r diffiniad o angen am fenter wledig (TAN6). Felly, yr unig lwybr i gefnogi cais am annedd ar y safle hwn oedd pe bai'n bodloni'r meini prawf ar gyfer uned fforddiadwy.

Cytunwyd y dylid diwygio'r cais i gartref fforddiadwy neu ei wrthod fel arall.

Unwaith eto, mae swyddogion cynllunio wedi gwahodd yr ymgeisydd i ddynodi'r eiddo yn eiddo fforddiadwy, ond ar adeg ysgrifennu'r adroddiad nid oedd yr ymgeisydd wedi derbyn y cynnig hwn.

**Rhif y Cais:** A201050  
**Daeth i law:** 09-12-2020  
**Y Bwriad:** Erection of a dwelling to include installation of vehicular access and treatment plant  
**Lleoliad y Safle:** Tir wrth ochr Awel y Mynydd, Pisgah, Aberystwyth, SY23 4NE  
**Math o Gais:** Cynllunio Llawn  
**Ymgeisydd:** Wil ac Annie Davey, Nythfa, Pantycrug, Capel Seion, Aberystwyth, Ceredigion, SY23 4EF  
**Asiant:** Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan y Dderwen, Llanrhystud, Ceredigion, SY23 5ED

## **THE SITE AND RELEVANT PLANNING HISTORY**

The application site is an area of land between two residential properties in the rural settlement of Pisgah. The site is in agricultural use. The A4120 county road bounds the site to the north. To the south are further agricultural fields.

The site occupies a prominent location on the upper reaches of the Rheidol Valley.

### **Relevant Planning History**

A010478 – Outline Permission for the erection of three houses – Refused 15/07/2021

## **DETAILS OF DEVELOPMENT**

The application under consideration seeks full planning permission for the erection of an open market dwelling.

The proposed dwelling is to be a double fronted residence with a prominent glazed porch feature which will be sat centrally within the plot. Access is to be taken directly from the A4120 county road between Aberystwyth and Devils Bridge which will lead to a parking and turning area for 3 cars.

External materials include smooth painted render, natural stonework and Staffordshire blue brick plinth for the walls under a Spanish Iberian natural slate roof. Joinery is to be finished in anthracite grey UPVC.

The property will measure approximately 18.1m (maximum) wide by 10.2m (maximum) deep. The property will be approximately 9m in height to the ridge.

Internally the proposed property is to include entrance hall, living room, play room, open plan kitchen, living family room, utility room and W.C on the ground floor, and 4 bedrooms, galleried landing and bathroom on the first floor, including a master bedroom with walk in wardrobe, and en-suite bathroom.

Externally the proposed garden area will be mainly laid to lawn, with mixed species hedgerow to be planted to the sites southern boundary.

A package treatment plant is proposed to dispose of foul drainage water before discharging into a soakaway.

## **RELEVANT PLANNING POLICIES AND GUIDANCE**

### **National Planning Policy and Guidance**

Future Wales: The National Plan 2040

Planning Policy Wales (Version 11).

TAN 2 Planning and Affordable Housing

TAN 6 Planning for Sustainable Rural Communities

### **Ceredigion Local Development Plan 2007-2022 (Adopted 25th April, 2013)**

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations



S05 Affordable Housing

DM01 Managing the Impacts of Development on Communities and the Welsh Language

DM06 High Quality Design and Placemaking

DM10 Design and Landscaping

DM15 Local Biodiversity Conservation

DM17 General Landscape

DM20 Protection of Trees, Hedgerows and Woodlands

### **Supplementary Planning Guidance**

SPG Affordable Housing

SPG Parking Standards

SPG Built Environment and Design

SPG Nature Conservation

### **OTHER MATERIAL CONSIDERATIONS**

#### **CRIME AND DISORDER ACT 1998**

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 condition

**Ceredigion Land Drainage** –No objection subject to condition

**Ceredigion Ecology** –Did not comment

**Natural Resources Wales** – No objection

**Welsh Water** – No objection subject to condition

2 Third party representations have been received in respect of the application. One representation objecting to the proposal has since been withdrawn by the residents of the neighbouring property. A representation in support of the application has also been made.

## **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 considerations indicate otherwise”.

### **The Principle of Development**

The application site is identified in the Ceredigion Local Development Plan as being an ‘other location’ or open countryside. As such the main policy of relevance in considering the application is policy S04 of the Ceredigion Local Development Plan which deals with development proposals in ‘Linked Settlements and Other Locations’.

While policy S04 recognises the need for a degree of development within other locations to meet the needs of existing communities, the policy seeks to ensure the control of the proliferation of development in unsustainable locations. The policy therefore allows new development only where there is a justifiable rural enterprise need in accordance with TAN6 or is required to meet an unmet affordable housing need in line with S05. In terms of affordable housing, development in other locations will only be permitted when located within or immediately adjacent to existing settlements in line with national planning policy.

No claim is made that the proposal is required for TAN6 purposes.

The proposal is for the erection of an open market dwelling, however during the determination process the applicants indicated that they were willing to give consideration to the dwelling being designated an ‘affordable dwelling’ secured in perpetuity via a S106 legal agreement. As discussed, policy S04 does allow for affordable housing in ‘other locations’ where it can be demonstrated that there is an unmet affordable housing need in the locality.

In considering proposals for affordable housing, the LDP draws attention to the need to ensure that affordable homes are not built to unacceptably low standards or to create ‘overly large or substantial housing’ at Appendix 4. The Ceredigion Affordable Housing Supplementary Guidance gives effect to the LDP by applying minimum internal floor space specifications for affordable homes taken from the Welsh Government’s Development Quality Requirements (DQR) standard: and a maximum of a 20% increase on the minimum specifications in overall internal floor space. The minimum floor area within the DQR standard for an affordable 4 bedroom house is 114m<sup>2</sup>. The maximum therefore allowed within Ceredigion is 136m<sup>2</sup> which is 20% above the DQR figure.

From the floor plans provided, the proposed dwelling would have a floor area of approximately 275m<sup>2</sup>, significantly above the figure allowed within Ceredigion. The applicant has indicated that they would be unamenable to the required reduction in size to conform with policy. It is therefore considered that by virtue of its size the property would be unaffordable for a large section of society even with a S106 agreement attached.

The applicant has therefore confirmed that they wish for the application to be considered on the basis of an open market tenure. No justification has therefore been provided as to how the proposal will meet an unmet affordable housing need in the locality.

### **Landscape**

The application site is not identified as being within a designated Special Landscape Area for the purposes of the LDP. Nevertheless the proposed property by virtue of its siting on the upper edges of the Rheidol Valley, its large size and white colouring would make it a prominent feature on the landscape when viewed from within the Rheidol Valley Special Landscape Area.

### **Highways**

Ceredigion Local Highways Authority took issue with the application as submitted as the required visibility splays could not be achieved within the applicants land ownership. The applicant has provided copies of written agreement with neighbouring properties to maintain land in order to ensure the required visibility splays can be met. The LHA are content with this arrangement, and have no objection subject to conditions.

### **Ecology and Land Drainage**

NRW are content with the findings of the ecological appraisal submitted in support of the application, which found the site to be of low ecological value. Land drainage are content with the proposed means of surface water drainage subject to

condition.

## **Other Matters**

Welsh Water draw the applicant's attention to the presence of a water main within the site boundary. Welsh Water propose conditions to ensure the pipe is protected and access can be maintained.

## **DELEGATED POWERS**

Rhodri Davies has confirmed his desire for the application to be referred to the development control committee for the following reasons.

Providing a home for local people

A smaller dwelling would appear at odds with the larger dwellings neighbouring the proposal.

## **RECOMMENDATION**

The recommendation of officers is to **REFUSE** the application as being contrary to policies S01, S04, S05 of the Ceredigion Local Development Plan 2007 -2022 (adopted 2013).

## **REASON FOR DEFERRAL**

At the Development Control Committee held on the 23rd of June 2021, the Committee resolved to defer determination of the application for negotiations between the Authority and the applicant as to whether the applicants would consider amending the application to an affordable or TAN 6 dwelling, with the Corporate Lead Officer for Economy and Regeneration being authorised to APPROVE an amended satisfactory scheme subject to conditions and a Section 106 legal agreement. The application was to be reported back to Committee for reconsideration should no agreement be reached on the proposal.

It is not considered that the applicant would qualify to occupy a TAN6 dwelling as his profession does not constitute a land related business.

The applicant has also confirmed that they do not wish to revise the proposal to designate the property as an affordable home as requested by Committee, as they are unwilling to reduce the size of the property from 275sqm to below 200sqm, and would be prevented, in their opinion, from running a business from the property by the S106 agreement.

The application was once again heard by the Development Control Committee held on 8<sup>th</sup> of September, where members expressed their support for the application but recognised that there is no policy basis to allow the development in its current form. Committee members once again resolved to defer the application to the next committee in order for the application to be considered at the Task and Finish group held on the 21<sup>st</sup> of September 2021.

At the Task and Finish Group the Panel acknowledged the challenge that the size restrictions of an affordable home would place upon a family with 3 children but agreed that the dwelling should be amended to reduce the size of the proposal.

The Panel recognised that Pisgah is a settlement but accepted that it is not designated as either a linked settlement or a service centre. As such, policy S04 applies which allows new development only where there is a justifiable rural enterprise need (TAN6) or an application for an affordable home.

The Panel acknowledged that the applicant had stated that he does not consider his work complies with TAN6, and that there is no evidence provided within the application that would suggest that this application meets the definition of rural enterprise need (TAN6). Therefore, the only route to support an application for a dwelling at this site was if it met the criteria for an affordable unit.

It was agreed that the application should be amended to an affordable home or otherwise refused.

Planning officers have once again invited the applicant to designate the property as an affordable, however at the time of report writing the applicant had not accepted this offer.



### 1.3. A210077



<b>Rhif y Cais / Application Reference</b>	A210077
<b>Derbyniwyd / Received</b>	25-01-2021
<b>Y Bwriad / Proposal</b>	Demolition of existing stables building and erection of a residential dwelling, including parking, landscaping and ancillary works
<b>Lleoliad Safle / Site Location</b>	Land at Tyn-y-Cae, Talybont, SY24 5EA
<b>Math o Gais / Application Type</b>	Full Planning
<b>Ymgeisydd / Applicant</b>	Mr Rhys Norrington-Davies, Tyncae, Talybont, Ceredigion, SY24 5EA
<b>Asiant / Agent</b>	Mr A Smith (Simply Planning), Studio 211 Creative Quarter, 8a Morgan Arcade, Cardiff, CF10 1AF

## Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn gysylltiedig â stablau presennol a leolir i'r de o'r annedd o'r enw Tyn Y Cae, Talybont. Mae safle'r cais wedi'i leoli ar hyd yr A487 ac mae ganddo'r hanes cynllunio perthnasol canlynol:

- 871148 Cynllunio Llawn. Newid defnydd ysgubor/stabl i fod yn annedd. Cymeradwywyd yn ddarostyngedig i amodau 18/11/1987.
- A040264 Cynllunio Llawn. Newidiadau ac estyniadau. Cymeradwywyd yn ddarostyngedig i amodau 27/04/2004.
- A061237 Cynllunio Llawn. Addasu tŷ allan i fod yn uned wyliau. Cymeradwywyd yn ddarostyngedig i amodau 15/05/2007.

## MANYLION Y DATBLYGIAD

Ceisir caniatâd cynllunio llawn ar gyfer dymchwel y stablau presennol a chodi annedd marchnad agored ynghyd â lle parcio, tirlunio a gwaith ategol. Cynigir bod y llawr gwaelod isaf yn 112 metr sgwâr a bydd yn darparu lle ar gyfer ystafell fyw ac ystafell wely en-suite gyda wardrob â mynediad gwastad. Bydd y llawr gwaelod yn 194 metr sgwâr a bydd ganddo gegin cynllun agored, lle byw, lle bwyta gydag ystafell amlbwrpas ar wahân ynghyd ag ystafell wely en-suite arall a dwy ystafell ffitrwydd – un i ddarparu ar gyfer plymbyllau. Bydd hyn yn darparu cyfanswm ôl troed o 306 metr sgwâr.

Mae'r tir presennol ar lethr ac mae'r cynnig yn cynnwys cloddio'r tir presennol. Y deunyddiau a gynigir yw bordiau pren ar gyfer y waliau, to sêm sefydlog alwminiwm crwm (i'r prif do), a bydd y to isaf yn do gwastad. Cynigir bod y ffenestri yn alwminiwm â chôt lliw.

## POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol Perthnasol

- Polisi Cynllunio Cymru (argraffiad 11, Chwefror 2021)
- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040
- TAN12 Dylunio (2016)
- TAN 2 Cynllunio a Thai Fforddiadwy (2006)
- TAN 5 Cynllunio a Chadwraeth Natur (2009)

Mae'r polisiau canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn:

- S01 Twf Cynaliadwy
- S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill
- S05 Tai Fforddiadwy
- LU02 Gofynion sy'n Ymwneud â Phob Datblygiad Preswyl
- LU04 Diwallu Amrywiaeth o Anghenion Tai
- LU05 Sicrhau Cyflenwi Datblygiadau Tai
- LU30 Diogelu
- 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

Canllawiau Cynllunio Atodol mabwysiedig perthnasol:

- Canllawiau Cynllunio Atodol Safonau Parcio CSC
- Canllawiau Cynllunio Atodol yr Amgylchedd Adeiledig a Dylunio
- Canllawiau Cynllunio Atodol Cadwraeth Natur
- Canllawiau Cynllunio Atodol Tai Fforddiadwy
- Tafleini Cymorth Canllawiau Cynllunio Atodol Tai Fforddiadwy

## **YSTYRIAETHAU PERTHNASOL ERAILL**

### **DEDDF TROSEDD AC ANHREFN 1998**

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 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. Bernir 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 ddiroddfer gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i ateb 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'r cais hwn. Bernir 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 ateb eu hanghenion eu hunain.

## **YMATEBION YMGYNGHORI**

Priffyrdd – Dim gwrthwynebiad yn ddarostyngedig i amodau

Draeniad Tir – Dim gwrthwynebiad yn ddarostyngedig i amodau

Cyfoeth Naturiol Cymru – Dim gwrthwynebiad yn ddarostyngedig i amodau

Dŵr Cymru / Welsh Water – Dim gwrthwynebiad

Ecoleg – Dim gwrthwynebiad yn ddarostyngedig i amodau

Cyngor Cymuned Ceulanmaesmawr Community Council – Dim ymateb

Cefnffyrdd – Dim cyfarwyddyd

Ni dderbyniwyd unrhyw sylwadau trydydd parti.

## CASGLIAD

Mae Adran 38(6) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 yn datgan: "Os yw'r cynllun datblygu i'w ystyried at ddiben unrhyw benderfyniad sydd i'w wneud o dan y Deddfau Cynllunio, rhaid i'r penderfyniad fod yn unol â'r cynllun oni bai bod ystyriaeth berthnasol yn nodi fel arall".

### Egwyddor y Datblygiad

Mae safle'r cais wedi ei leoli o fewn 'lleoliadau eraill' fel y nodir o fewn y Cynllun Datblygu Lleol mabwysiedig lle mae datblygu yn cael ei reoli'n gaeth er mwyn sicrhau datblygu cynaliadwy a diogelu cefn gwlad agored. Mae Polisi S04 y CDLI yn datgan bod tai cyffredinol yn amhriodol o fewn 'lleoliadau eraill' oni bai eu bod wedi eu cyfiawnhau ar y sail eu bod yn diwallu angen a nodwyd sydd heb ei ddiwallu ar gyfer tai fforddiadwy yn yr ardal. Mae'r Polisi hefyd yn ei gwneud yn ofynnol i dai fforddiadwy gael eu lleoli yn union wrth ymyl grwpiau presennol o anheddau yn unol â bwriadau paragraff 9.2.22 Polisi Cynllunio Cymru. Er bod Polisi Cynllunio Cymru wedi'i ddiweddarau ers hynny, mae paragraff 3.60 yn parhau i fynnu bod datblygiad yng nghefn gwlad i'w leoli o fewn aneddiadau cyfagos yn y man lle gellir ei leoli orau o ran seilwaith, mynediad, cadwraeth cynefinoedd a thirlunio, ac mae'n nodi y gallai mewnlenni neu fân estyniadau i'r aneddiadau presennol fod yn dderbyniol, yn enwedig lle maent yn diwallu angen lleol am dai fforddiadwy, ond rhaid i adeiladau newydd yng nghefn gwlad agored i fwrdd o aneddiadau presennol barhau i gael eu rheoli'n llym.

Dim ond mewn canolfannau gwasanaethau ac aneddiadau cyswllt y mae polisi lleol yn caniatáu anheddau marchnad agored. Felly, gan fod y cynnig ar gyfer annedd marchnad agored mewn lleoliad cefn gwlad agored, mae'n groes i bolisiau lleol a chenedlaethol. Mae'r datganiad cynllunio a gyflwynwyd yn cefnogi'r cais yn nodi na fydd cynnydd mewn symudiadau cerbydau oherwydd pan fydd yr ymgeisydd yn byw yng Ngheredigion, mae'n aros yn Nhyn-y-Cae; nid yw'r cynnig yn sylweddol fwy na'r stablau presennol; byddai'n rhoi preifatrwydd i'r ymgeisydd; ac mae'r cynnig o ddyluniad safon uchel. Fodd bynnag, nid yw un o'r rhesymau hyn wedi darparu unrhyw ystyriaethau cynllunio perthnasol sydd yn drech na rhagdybiaeth polisi cynllunio cenedlaethol a lleol yn erbyn y math hwn o ddatblygiad anghynaliadwy. Nid oes unrhyw gyfiawnhad dros annedd marchnad agored yn y lleoliad cefn gwlad agored hwn, ac felly mae'r cynnig yn methu ar sail polisi.

### Effaith ar Dirwedd a Chymeriad:

Mae'r datblygiad yn cynnig dymchwel y bloc stablau presennol sydd ag ôl troed o oddeutu 65 metr sgwâr. Mae gan yr annedd arfaethedig ôl troed sylweddol fwy, er fel y noda'r datganiad cynllunio, mae'r annedd wedi'i chynllunio i leihau'r effaith ar y dirwedd. Felly ni ystyrir bod y cynnig yn cael effaith arwyddocaol ac andwyol ar y dirwedd.

### Materion Eraill:

Nid yw'r Asiantaeth Cefnffyrdd na'r Awdurdod Prifffyrdd Lleol wedi codi gwrthwynebiad i'r cynnig. Nid yw'r adran draenio tir wedi codi gwrthwynebiad ychwaith. Mae Ecolegydd yr Awdurdod Cynllunio Lleol a Chyfoeth Naturiol Cymru yn fodlon bod yr arolwg ystlumod a gyflwynwyd yn dangos nad oes unrhyw ystlumod yn y safle.

### Pwerau Dirprwyedig:

Mae'r Aelod Lleol wedi gofyn i'r cais gael ei gyflwyno i'r Pwyllgor Rheoli Datblygu i'w benderfynu am y rhesymau a ganlyn:

*Oherwydd fy mod wedi gaddo i'r teulu wrth drafod y cais yn wreiddiol byddaf am iddo fynd i Bwyllgor os gweli di'n dda.*

## ARGYMHELLIAD

Argymhellir bod y cais yn cael ei wrthod gan fod y datblygiad arfaethedig yn cynrychioli math anghynaliadwy o ddatblygiad tai o fewn 'lleoliadau eraill' sy'n groes i Bolisiau S01 ac S04 y CDLI a'r polisi cynllunio cenedlaethol.

### Rheswm am Ohirio

Adroddwyd y cais i'r Pwyllgor Rheoli Datblygu a gyfarfu ar 28ain o Orffennaf 2021.

Er gwaethaf argymhelliad i wrthod y cais, penderfynodd y Pwyllgor ohirio'r cais i ganiatau am amser pellach neu gyfnod 'ailfeddwl' i ystyried pwyntiau a godwyd gan Aelodau, i ystyried arwyddocad yr ymadawiad ac i ystyried y risgiau cyn adrodd yn ôl i Pwyllgor.

Cyfarfu'r Grŵp Tasg a Gorffen ar 31 Awst 2021, ac adolygwyd y cais, adroddiad y pwyllgor a'r datganiadau a gyflwynwyd gan yr asiant a'r ymgeisydd.

Nododd y Panel fod yr annedd ar gyfer annedd marchnad agored gyda chyfanswm ôl troed o 306 metr sgwâr ac felly nid yw'n dod o fewn y diffiniad o annedd fforddiadwy nac annedd menter wledig. Mae'r lleoliad mewn lleoliad cefn gwlad agored



ac er ei fod yn agos at lwybrau cerdded a beicio, barn fwyafrifol y panel oedd na fyddai unrhyw faterion yn gorbwysu gwrthwynebiad y Polisi Cynllunio Cenedlaethol a Lleol. Nodwyd y gellir edrych ar rai agweddau oedd i ymwneud ag ymarfer corff yn yr un modd ag y byddai swyddfa gartref yn cael ei gweld ar gyfer rhywun sy'n gweithio gartref, ond oherwydd y lleoliad byddai angen i'r cais fodloni'r meini prawf ar gyfer S04 neu TAN6.

Argymhellwyd y dylid darparu adborth, gan argymhell bod yr ymgeisydd yn cysylltu â'r gwasanaeth i gael cyngor ar ddatblygu annedd fforddiadwy, gwahanu'r cyfleuster byw ac ymarfer corff a chlymu'r datblygiad â'r busnes teuluol cyfagos.

<b>Rhif y Cais / Application Reference</b>	A210077
<b>Derbyniwyd / Received</b>	25-01-2021
<b>Y Bwriad / Proposal</b>	Demolition of existing stables building and erection of a residential dwelling, including parking, landscaping and ancillary works
<b>Lleoliad Safle / Site Location</b>	Land at Tyn-y-Cae, Talybont, SY24 5EA
<b>Math o Gais / Application Type</b>	Full Planning
<b>Ymgeisydd / Applicant</b>	Mr Rhys Norrington-Davies, Tyncae, Talybont, Ceredigion, SY24 5EA
<b>Asiant / Agent</b>	Mr A Smith (Simply Planning), Studio 211 Creative Quarter, 8a Morgan Arcade, Cardiff, CF10 1AF

## THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to existing stables, south of the dwelling known as Tyn Y Cae, Talybont. The application site is located along the A487 and has the following relevant planning history:

- 871148 Full Planning. Change of use of barn/stable to dwelling. Approved Subject to Conditions 18/11/1987.
- A040264 Full Planning. Alterations and extensions. Approved Subject to Conditions 27/04/2004.
- A061237 Full Planning. Conversion of outbuilding to holiday unit. Approved Subject to Conditions 15/05/2007.

## DETAILS OF DEVELOPMENT

Full planning permission is sought for the demolition of existing stables and the erection of an open market dwelling along with parking, landscaping and ancillary works. The lower ground floor is proposed to be 112sqm and is to cater a living room and an en-suite bedroom with a walk in wardrobe. The ground floor is to be 194sqm and is to have an open plan kitchen, living, dining space with a separate utility along with another en-suite bedroom and two fitness rooms - one to cater for plunge pools. This will provide a total footprint of 306sqm.

The existing land is sloping and the proposal includes excavating into the existing land. The materials are proposed to be timber boarding to the walls, a curved aluminum standing seam roof (to the main roof), with the lower roof to be a flat roof. The windows are proposed to be colour coated aluminium.

## RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

- PPW Planning Policy Wales (edition 11, February 2021)
- Future Wales: The National Plan 2040
- TAN12 Design (2016)
- TAN2 Planning and Affordable Housing (2006)
- TAN5 Nature Conservation and Planning (2009)

Mae'r polisïau 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
- S05 Affordable Housing
- LU02 Requirements Regarding All Residential Developments
- LU04 Meeting a Range of Housing Needs
- LU05 Securing the Delivery of Housing Development
- LU30 Safeguarding
- 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

Relevant adopted Supplementary Planning Guidances:

- CCC Parking Standards SPG
- Built Environment and Design SPG
- Nature Conservation SPG
- Affordable Housing SPG
- Affordable Housing SPG Help Sheets

## **OTHER MATERIAL CONSIDERATIONS**

### **CRIME AND DISORDER ACT 1998**

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**

Highways - No Objection Subject to Conditions

Land Drainage - No Objection Subject to Conditions

Natural Resources Wales - No Objection Subject to Conditions

Dwr Cymru Welsh Water - No Objection

Ecology - No Objection Subject to Conditions

Cyngor Cymuned Ceulanmaesmawr Community Council - No Response Received

Trunk Roads - No direction

No third party representation has been 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".

## **Principle of Development:**

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. 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, and states that 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.

Local policy only allows open market dwellings within services centres and linked settlements. Therefore, as the proposal is for an open market dwelling in an open countryside location, it is contrary to local and national policies. The planning statement submitted in support of the application notes that there will be no increase in vehicular movements, as when the applicant resides in Ceredigion, he stays in Tyn-Y-Cae; the proposal is not materially larger than the existing stables; it would provide the applicant with privacy; and the proposal is of high quality design. However, none of these reasons have provided any material planning considerations that have outweighed both the national and local planning policy presumption against this type of unsustainable development. There is no justification for an open market dwelling in this open countryside location and therefore the proposal fails on policy grounds.

## **Impact on Landscape and Character:**

The proposed development is to demolish the existing stable block which has a footprint of approximately 65sqm. The proposed dwelling has a significantly larger footprint although as the planning statement noted, the dwelling has been designed to minimise the impact on the landscape. The proposal is therefore not considered to have a significant and adverse impact on the landscape.

## **Other Matters:**

Both the Trunk Road Agency and the Local Highways Authority have not raised an objection to the proposal. The land drainage department also raise no objection. The LPA's Ecologist and NRW are satisfied that the bat survey submitted identified no bats present at the site.

## **Delegated Powers:**

The Local Member has requested that the application be taken to Development Control Committee to be decided for the following reasons:

*Whilst originally discussing the application with the family, I said I would take the application to Committee.*

## **RECOMMENDATION:**

The application is recommended for refusal as the proposed development represents an unsustainable form of housing development within 'other locations' which is contrary to LDP Policies S01 and S04 and national planning policy.

## **Reason for Deferral**

The application was reported to the Development Control Committee which met on the 28<sup>th</sup> July 2021.

Despite a recommendation to refuse the application the Committee resolved to defer the application to allow for further time or a 'cooling off' period to consider points raised by Members, to consider the significance of the departure and to consider the risks prior to reporting back to Committee.

The Task and Finish Group met on the 31<sup>st</sup> August 2021, and reviewed the application, the committee report and the statements presented by the agent and the applicant.

The Panel noted that the dwelling is for an open-market dwelling with a total footprint of 306sqm and therefore, does not fall within the definition of an affordable dwelling nor rural enterprise dwelling. The siting is within an open countryside location and whilst it is near to both walking and cycling routes, the majority view of the panel was that no matters would outweigh the National and Local Planning Policy objection. It was noted that the aspects of the building which related to physical exercise may be viewed in the same way for this individual as a home office would be viewed for someone working from home, however due to the location the application would need to meet the criteria for SO4 or TAN 6.

It was recommended that feedback be provided, recommending that the applicant contact the service for advice on

affordable development, separating the living and exercise facility and tying the development in with the adjoining family business.