

## 2. Prif Eitemau/Main Items

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A210966	04-10-2021	Mr Emyr Davies	Conversion of two existing barns to holiday let accommodation (Change of Use) and retention of work undertaken to date and completion together with provision of external parking area in farmyard to serve units.	Pengarreg Farm, Llanilar, Aberystwyth, Ceredigion, SY23 4SB	Refuse
2	A210997	11-10-2021	Mr Emyr Davies	Retention of 2no. holiday let timber lodges and highway improvements to provide access lane to site including 2 passing bays, with junction improvements.	Pengarreg Farm, Llanilar, Aberystwyth, SY23 4SB	Refuse

## 2.1. A210966



**Rhif y Cais** A210966

**Derbyniwyd** 04-10-2021

**Y Bwriad** Trosi dwy ysgubor bresennol yn llety gwyliau (Newid Defnydd) a chadw'r gwaith a wnaed hyd yma a'i gwblhau ynghyd â darparu man parcio allanol ar fuarth y fferm i wasanaethu'r unedau.

**Lleoliad Safle** Fferm Pengarreg, Llanilar, Aberystwyth, Ceredigion, SY23 4SB

**Math o Gais** Cais Cynllunio Llawn

**Ymgeisydd** Mr Emyr Davies, Four Seasons Hotel 54 Portland Street, Aberystwyth, SY23 2DX

**Asiant** Mr G George (ateb Consult), 42 Gurnos Road Ystalyfera, Swansea, SA9 2HR

## Y SAFLE A HANES PERTHNASOL

Mae Fferm Pengarreg wedi'i lleoli mewn lleoliad cefn gwlad agored tua 1km i'r de o anheddiad Llanilar. Er nad yw'r fferm bellach yn cael ei defnyddio at ddibenion amaethyddol ac mae ei hen dir bellach wedi'i waredu, mae'r prif annedd a'r adeiladau allanol cysylltiedig wedi'u lleoli hanner ffordd rhwng ffordd yr A485 i'r de-orllewin a ffordd sirol fach i'r gogledd-ddwyrain. Mae'r prif fynediad i'r annedd a safle'r cais drwy'r trac sy'n ymuno â'r A485 sy'n cysylltu Llanilar â Lledrod. Nodweddir y pwynt mynediad gyda'r A485 gan goed aeddfed i'r gogledd ac i'r de o'r gyffordd.

Mae safle'r cais yn ymwneud â dau adeilad allanol sydd wedi'u lleoli i'r gogledd o'r hen ffermdy. Mae pob adeilad allanol wedi'i wneud o gerrig gyda tho llechi naturiol. Mae Ysgubor 1 yn gysylltiedig â'r ffermdy drwy strwythur unllawr (sydd hefyd wedi'i drosi a'i ymestyn), tra bod Ysgubor 2 yn rhan o floc o adeiladau allanol siâp L ar wahân i'r gogledd a'r gorllewin o fuarth y fferm. Ysgubor 2 yw'r uned fwyaf dwyreiniol.

Nid oes hanes cynllunio mewn perthynas â Phengarreg er y nodir bod cais ôl-weithredol i gadw dau gaban gwyliau pren a gwneud gwelliannau i'r ffordd fynediad a'r gyffordd hefyd ar yr agenda (A210997). Mae'r Awdurdod Cynllunio Lleol hefyd yn ymwybodol o ddefnydd anawdurdodedig arall o adeilad allanol arall ar y safle sy'n destun ymchwiliad gan Adran Gorfodi'r Awdurdod.

## MANYLION Y DATBLYGIAD

Ceisir caniatâd cynllunio llawn i drosi dwy ysgubor bresennol yn llety gwyliau (Newid Defnydd), cadw'r gwaith a wnaed hyd yma (i Ysgubor 1) ynghyd â darparu man parcio allanol ar fuarth y fferm i wasanaethu'r unedau.

Mae gwaith i Ysgubor 1 eisoes wedi'i gwblhau ac mae'r adeilad wedi'i orchuddio'n rhannol gyda chladin pren ac wedi cael ei ail-doi. Mae ffenestri hefyd wedi'u hychwanegu yn y to. Bydd y gwaith gorffenedig yn darparu uned wyliau tair ystafell wely.

Mae Ysgubor 2 hefyd yn cynnwys darparu llety gwyliau tair ystafell wely gyda ffenestri newydd yn cael eu gosod yn y to i ddarparu golau i'r llawr uchaf lle mae dwy o'r tair ystafell wely ynghyd â'r ystafell ymolchi. Bydd ffenestr dalcen yn cael ei hehangu fel rhan o'r cynnig. Bydd tri man parcio yn cael eu creu o flaen yr unedau.

## POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

### Polisiau a chanllawiau cynllunio cenedlaethol:

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

TAN18

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

DM03 Teithio Cynaliadwy

DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol

DM05 Datblygu Cynaliadwy a Lles Cynllunio

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

LU16 Llety Twristiaeth – Mathau o Lety nad yw Polisi LU14 yn eu cwmpasu

S01 Twf Cynaliadwy

S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill

## **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 priodol i effaith debygol arfer y swyddogaethau hynny, a'r angen i wneud popeth o fewn ei allu i atal trosedd ac anrhefn yn ei ardal. Ystyriwyd y ddyletswydd hon wrth werthuso'r cais hwn. Ystyrir na fyddai unrhyw gynnydd sylweddol neu annerbyniol mewn trosedd ac anrhefn o ganlyniad i'r penderfyniad arfaethedig.

### **DEDDF CYDRADDOLDEB 2010**

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oedran; anabled; aillbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas neu bartneriaeth 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 o grwpiau gwarchoddedig lle bo'r anghenion yn wahanol i rai 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.

Rhodddwyd ystyriaeth briodol i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir nad oes gan y datblygiad arfaethedig oblygiadau sylweddol ar gyfer, neu unrhyw effaith ar, bersonau sy'n rhannu nodwedd warchoddedig, yn fwy nag unrhyw berson arall.

### **DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015**

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau er mwyn bodloni'r saith nod llesiant a geir yn y Ddeddf. Paratowyd yr adroddiad hwn gan ystyried dyletswydd y Cyngor a'r 'egwyddor datblygiad cynaliadwy', fel y'i nodir 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.

### **YMATEBION I'R YMGYNGHORIAD**

Draenio Tir Ceredigion - Dim gwrthwynebiad i'r cynnig

Cyfoeth Naturiol Cymru – Dim gwrthwynebiad

Dŵr Cymru - Dim sylwadau gwrthwynebus

Priffyrdd Ceredigion - yn argymhell gwrthod y cais am y rhesymau canlynol:-

1. Nid oes digon o drefniadau mynediad i wasanaethu'r datblygiad arfaethedig, ac nid yw'r tir sydd ym mherchnogaeth neu reolaeth yr ymgeisydd yn gallu darparu mynediad i'r safonau a nodir yn Nodyn Cyngor Technegol Polisi Cynllunio Cymru 18: Trafnidiaeth; y Llawlyfr Strydoedd (1 a 2); a'r *All Wales Estate Development Highway Design Guidé*.

2. Mae'r cynnig yn mynd yn groes i Bolisi Cenedlaethol a Pholisi DM03 Cynllun Datblygu Lleol Ceredigion: Teithio Cynaliadwy; Polisi DM04: Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol; Polisi DM05: Datblygu Cynaliadwy a Lles Cynllunio; a Pholisi DM06: Dylunio a Chreu Lle o Safon Uchel sy'n ei gwneud yn ofynnol i ddatblygiadau newydd ddarparu amgylchedd diogel drwy sicrhau bod dyluniad adeiladau a llwybrau mynediad cysylltiedig yn gweithredu egwyddorion diogelwch sylfaenol.

Derbyniwyd 15 llythyr yn gwrthwynebu'r cynnig ar y seiliau canlynol:-

- Pryderon ynghylch diogelwch ar y priffyrdd;
- Niwsans o ran sŵn a golau a brofir ar hyn o bryd oherwydd y defnydd presennol ym Mhengarreg;
- Mae'r datblygiad yn ddiolwg ac nid yw'n gweddu â chymeriad y lle;
- Mae'r perchennog wedi diystyru deddfau a rheoliadau cynllunio;
- Effaith andwyol ar fywyd gwylt;
- Pryder ynghylch llygredd posibl o'r carthbwl presennol sy'n gwasanaethu'r eiddo;
- Materion yn ymwneud â pherchnogaeth tir i hwyluso gwelliannau i'r priffyrdd.

Derbyniwyd gohebiaeth yn cynrychioli'r ymgeisydd yn ceisio dadlau yn erbyn y prif wrthwynebiadau y cyfeirir atynt uchod yn ogystal â adroddiad gan sefydliad profesiynol yn darparu asesiad sŵn a oedd yn datgan na fyddai unrhyw effaith ar aneddau cyfagos.

## CASGLIAD

Dywed Adran 38(6) Deddf 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".

Mae'r cais hwn yn ceisio caniatâd cynllunio llawn yn ei hanfod ar gyfer trosi dau adeilad allanol sydd wedi'u lleoli ar hen fferm Pengarreg, sydd wedi'i lleoli tua 1km i'r de o Lanilar, yn llety gwyliau. Nodir bod un o'r ysguboriau eisoes wedi'i throsi ac wedi bod yn cael ei defnyddio fel uned wyliau.

Mae Polisi LU16, sy'n ymdrin â Mathau o Lety Twristiaeth nad yw Polisi LU14 yn eu cwmpasu, yn cefnogi ac yn annog trosi adeiladau presennol yn llety twristiaeth ar yr amod bod yr adeiladau'n strwythurol gadarn ac nad oes angen newidiadau allanol mawr arnynt.

Mae paragraff 3.2.1 TAN23 yn datgan: "mae disgwyl i Awdurdodau Cynllunio Lleol fabwysiadu dull cadarnhaol o weithredu wrth drawsnewid adeiladau gwledig at aildefnydd busnes, yn enwedig yr adeiladau hynny sydd wedi'u lleoli ar gampysau adeiladau fferm neu wrth eu hymyl".

Er nad yw bellach yn cael ei defnyddio at ddibenion amaethyddol, mae Pengarreg yn hen fferm ac mae'r adeiladau dan sylw wedi'u lleoli o fewn hen fferm. Gan nad yw'r adeiladau'n cael eu defnyddio ar hyn o bryd, ystyrir y byddai unrhyw ddefnydd posibl arall, gan gynnwys newid eu defnydd i lety gwyliau, yn cael ei ystyried yn ffafriol. Gellir trosi'r adeiladau, ac felly ystyrir bod egwyddor y datblygiad yn dderbyniol, yn unol â TAN23 a pholisi LU16 o Gynllun Datblygu Lleol Ceredigion. Felly, bydd cyfiawnhad dros gefnogi ar yr amod nad oes unrhyw wrthwynebiadau perthnasol eraill.

Fodd bynnag, er y bernir bod egwyddor y datblygiad yn dderbyniol, rhaid rhoi ystyriaeth i ymateb yr Awdurdod Priffyrdd i'r cynnig. Mae'r Awdurdod Priffyrdd Lleol yn cadarnhau fod y mynediad presennol i gerbydau i'r eiddo oddi ar ffordd yr A485 yn llawer yn is na'r safon. Er mwyn cael cefnogaeth yr Awdurdod Priffyrdd Lleol byddai angen gwelliannau sylweddol a fyddai'n cynnwys yr angen am lain welededd 215m y naill ochr i'r gyffordd. Byddai hyn yn golygu yr angen i greu lleiniau ar dir nad yw ym mherchnogaeth na rheolaeth yr ymgeisydd, ac mae'n saff tybio ei bod yn annhebygol iawn y byddai'r ymgeisydd yn gallu cael perchnogaeth o'r tir cysylltiedig er mwyn gwneud y gwaith angenrheidiol ar y priffyrdd i gydymffurfio â'r safonau priffyrdd a argymhellir. O'r herwydd, ystyrir bod y cynnig yn groes i bolisi priffyrdd yn benodol TAN18 Trafnidiaeth; y Llawlyfr Strydoedd; a'r 'All Wales Estate Development Highway Design Guide.' Byddai'r cynnig hefyd yn groes i bolisiâu DM03; DM04; DM05 a DM06 o Gynllun Datblygu Lleol Ceredigion.

Nodir y sylwadau a dderbyniwyd gan drydydd partiön mewn perthynas â'r cynnig. Yn ogystal, ni dderbyniwyd unrhyw wrthwynebiad gan adran ddraenio'r Awdurdod gan gynnwys o ran defnyddio carthbwl yr eiddo i ddarparu ar gyfer dŵr budr o'r unedau. Er nad yw CNC wedi gwrthwynebu'r cynnig, nodir bod gwaith anawdurdodedig wedi'i wneud heb fudd arolwg rhywogaethau a warchodir. Ymddengys ei bod yn debygol y bydd problem, ond deellir y bydd ymateb Ecolegydd y Sir yn cael ei adrodd i'r Pwyllgor.

I gloi, er y byddai'r egwyddor o drosi'r adeiladau allanol yn dderbyniol, oherwydd y gwrthwynebiad a dderbyniwyd gan yr adran briffyrdd, yr argymhelliad yw gwrthwynebu. Nid yw'r ymgeisydd yn gallu bodloni'r gofynion priffyrdd a argymhellir heb gael tir trydydd parti, ac felly yn ei statws presennol y farn yw y byddai'r datblygiad yn fater diogelwch priffyrdd sylweddol. Felly, mae'r cynnig yn groes i bolisiâu DM03; DM04; DM05 a DM06 o'r CDLI a TAN18; y Llawlyfr Strydoedd a'r 'All Wales Estate Development Highway Design Guide'.

## **Pwerau Dirprwyedig**

Mae'r Aelod Lleol, y Cynghorydd M Davies wedi gofyn i'r cais gael ei gyflwyno i'r Pwyllgor Rheoli Datblygu i'w ystyried o ganlyniad i ddi-ddordeb sylweddol y cyhoedd lleol mewn materion ym Mhengarreg a'r angen i bwysu a mesur y buddion economaidd yn erbyn y pryderon ynghylch diogelwch ar y priffyrdd.

## **ARGYMHELLIAD:**

**GWRTHOD** y cais gan ei fod yn mynd yn groes i bolisiâu DM03; DM04; DM05 a DM06 o'r Cynllun Datblygu Lleol a TAN18; y Llawlyfr Strydoedd a'r *All Wales Estate Development Highways Design Guide*.

**Application Reference** A210966  
**Received** 04-10-2021  
**Proposal** Conversion of two existing barns to holiday let accommodation (Change of Use) and retention of work undertaken to date and completion together with provision of external parking area in farmyard to serve units.  
**Site Location** Pengarreg Farm, Llanilar, Aberystwyth, Ceredigion, SY23 4SB  
**Application Type** Full Planning  
**Applicant** Mr Emyr Davies, Four Seasons Hotel 54 Portland Street, Aberystwyth, SY23 2DX  
**Agent** Mr G George (ateb Consult), 42 Gurnos Road Ystalyfera, Swansea, SA9 2HR

## THE SITE AND RELEVANT PLANNING HISTORY

Pencarreg Farm is located in an open countryside location some 1km to the south of the settlement of Llanilar. Although no longer in agricultural use with its former land now disposed of, the main dwelling and associated outbuildings is located halfway between the A485 road to the south west and a minor County road to the north-east. The main access to the dwelling and application site is via the track which joins with the A485 which links Llanilar with Lledrod. The access point with the A485 is characterised by mature trees north and south of the junction.

The application site relates to two outbuildings which are located to the north of the former farmhouse. All outbuildings are of stone construction and naturally slated. Barn 1 is linked to the farmhouse by single storey structure (which has also been converted and extended), whilst Barn 2 is part of a detached L shaped block of outbuildings to the north and west of the farmyard. Barn 2 is the easternmost unit.

There is no planning history in relation to Pencarreg although it is noted that a retrospective application for retention of two timber holiday lodges and improvements to the access road and junction is also on the agenda (A210997). The LPA is also aware of other unauthorised use of another outbuilding at the site which is under investigation by the Authority's Enforcement Section.

## DETAILS OF DEVELOPMENT

Full planning permission is sought for the conversion of two existing barns to holiday let accommodation (Change of Use), the retention of work undertaken to date (to Barn 1) together with provision of external parking area in farmyard to serve units.

Works to Barn 1 has already been completed and sees the building having been partially cladd with timber and re-roofed. Rooflights have also been added to the roof. The finished works sees the provision of a three bedroomed holiday unit.

Barn 2 also sees the provision of a three bedroomed holiday let with new rooflights in roof area being installed to provide lighting to the upper floor area which houses two of the three bedrooms together with the bathroom. A gable window is to be enlarged as part of the proposal.

Three parking spaces is to be created in front of the units.

## RELEVANT PLANNING POLICIES AND GUIDANCE

### National planning policies and guidance:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11, February 2021)

TAN18

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

DM03 Sustainable Travel

DM04 Sustainable Travel Infrastructure as a Material Consideration

DM05 Sustainable Development and Planning Gain

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

LU16 Tourism Accommodation Types of Accommodation not covered by Policy LU14

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

## **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 Land Drainage - No objection to the proposal

Natural Resources Wales - No objection

Dŵr Cymru / Welsh Water - No adverse comments

Ceredigion Highways - Recommend refusal of the application for the following reasons:-

1. There are inadequate access arrangements to service the proposed development and the land in the applicant's ownership or control is incapable of providing an access to the standards set out in Planning Policy Wales Technical Advice Note 18: Transport; Manual for Streets (1 & 2); and, the 'All Wales Estate Development Highways Design Guide'.



2. The proposal conflicts with National Policy and Ceredigion Local Development Plan Policy DM03: Sustainable Travel; Policy DM04: Sustainable Travel Infrastructure as a Material Consideration; Policy DM05: Sustainable Development and Planning Gain; and, Policy DM06: High Quality Design and Place-making that inter alia requires new development to provide a safe environment by ensuring that the design of buildings and associated access routes implement fundamental safety principles.

15 letters received objecting the proposal on the following grounds:-

- Concern over highway safety;
- Nuisance in terms of noise and light currently experienced due to existing use at Pengarreg;
- Development is an eyesore and out of character;
- Owner has disregarded planning laws and regulations;
- Detrimental impact on wildlife;
- Concern over potential pollution from existing cesspit serving property.
- Land ownership issues to facilitate highway improvements.

Correspondence received representing applicant seeking to counter argue main objections referred to above including also statement from professional company providing noise assessments concluding that there would be no noise nuisance impact on nearby 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".

This application seeks full planning permission in essence for the conversion of two outbuildings located at the former farmstead of Pengarreg, which is located approximately 1km to the south of Llanilar, to holiday let. It is noted that one of the barns has already been converted and has been in operation as a holiday unit.

Policy LU16, which deals with Tourism Accommodation Types of Accommodation not covered by Policy LU14 and supports and encourages the conversion of existing buildings to tourist accommodation provided that the buildings are structurally sound and does not require major external alterations.

Paragraph 3.2.1 of TAN23 states that: "Local Planning Authorities are expected to adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm complexes".

Although no longer used for agricultural purposes, Pengarreg is a former farm and the buildings in question are located within a former farmstead. Whilst being redundant it is considered that any other potential use, including changing their use to holiday accommodation would be considered favourably. The buildings are capable of being converted and therefore the principle of development is considered to be acceptable, in compliance with TAN23 and policy LU16 of the Ceredigion Local Development Plan. Support is therefore warranted provided that there are no other material objections.

However, whilst the principle of the development is deemed to be acceptable regard must be given to the response of the Highways Authority to the proposal. The Local Highways Authority confirms that the existing vehicular access to the property off the A485 road is very substandard. In order to gain support from the Local Highway Authority major improvements would be required which would involve at a minimum the need for a 215m visibility splay either side of the junction. This would involve the need of creating splays on land which is outside of the applicant's ownership and control and it is safe to assume that it is extremely unlikely that the applicant would be able to gain ownership of the related land in order to undertake the required highway works to comply with the recommended highway standards. As such it is considered that the proposal is in conflict with highway policy specifically TAN18 Transport; Manual for Streets; and the All Wales Estate Development Highway Design Guide. The proposal would also be contrary to policies DM03; DM04; DM05 and DM06 of the Ceredigion Local Development Plan.

Third party comments received in relation to the proposal are noted. Additionally, no objection was received from the Authority's Drainage section including the use of the property's cesspit to cater for foul water from the respective units. Although NRW have not objected the proposal it is noted that unauthorised works were undertaken without the benefit of a protected species survey. It appears that there likely is to be an issue, however, it is understood that the County Ecologist response will be reported to Committee.

In conclusion, whilst the principle of the conversion of the outbuildings would be acceptable due to the highway objection received the recommendation is one of objection. The applicant is unable to meet recommended highway requirements without obtaining third party land and therefore in its current status it is the opinion that the development would represent a

significant highway safety issue. The proposal is therefore contrary to policies DM03; DM04; DM05 and DM06 of the LDP and TAN18 ; Manual for Streets and the All Wales Estate Development Highway Design Guide.

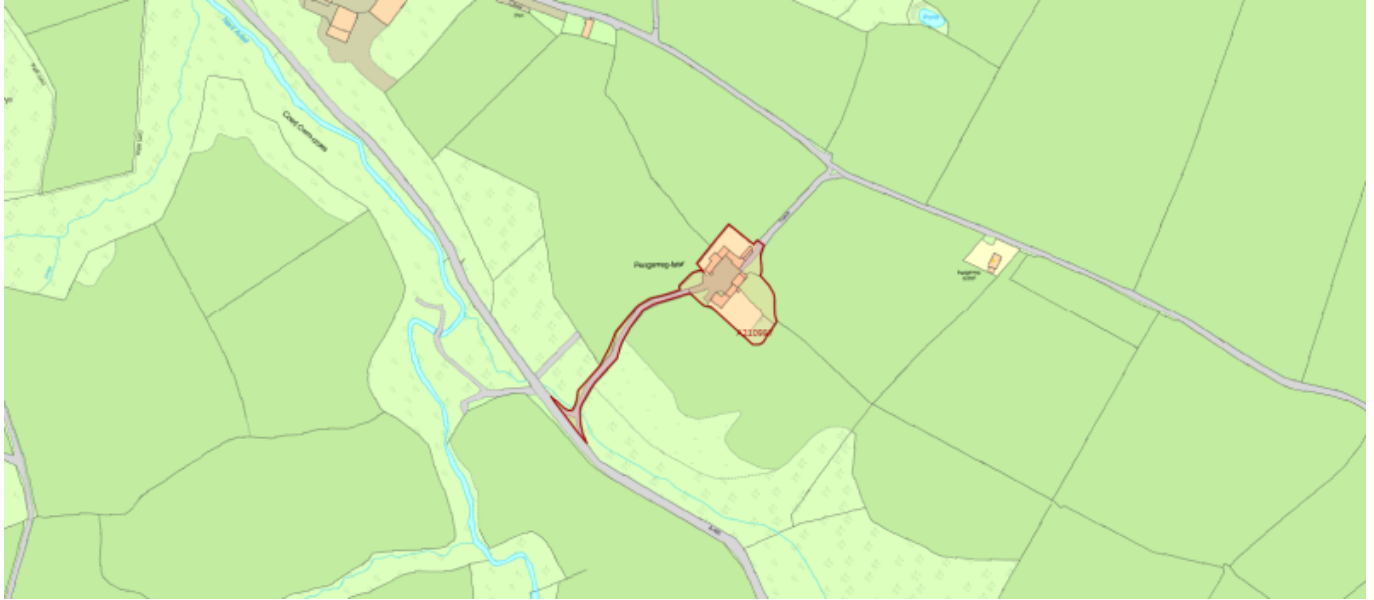
**Delegated Powers**

The Local Member, Cllr M Davies has requested the application be presented to the Development Control Committee for consideration in view of the significant local public interest in matters at Pengarreg and the need to weigh up the economic benefits with the highway safety concerns.

**RECOMMENDATION:**

**REFUSE** the application as being contrary to policies DM03; DM04; DM05 and DM06 of the LDP and TAN18 ; Manual for Streets and the All Wales Estate Development Highway Design Guide.

## 2.2. A210997



**Rhif y Cais** A210997

**Derbyniwyd** 11-10-2021

**Y Bwriad** Cadw 2 gaban gwyliau pren a gwneud gwelliannau i'r briffordd i ddarparu lôn fynediad i'r safle gan gynnwys 2 man pasio, gyda gwelliannau i'r gyffordd.

**Lleoliad Safle** Fferm Pengarreg, Llanilar, Aberystwyth, SY23 4SB

**Math o Gais** Cais Cynllunio Llawn

**Ymgeisydd** Mr Emyr Davies, Four Seasons Hotel 54 Portland Street, Aberystwyth, SY23 2DX

**Asiant** Mr G George (ateb Consult), 42 Gurnos Road Ystalyfera, Swansea, SA9 2HR

## Y SAFLE A HANES PERTHNASOL

Mae Fferm Pengarreg wedi'i lleoli mewn lleoliad cefn gwlad agored tua 1km i'r de o anheddiad Llanilar. Er nad yw'r fferm bellach yn cael ei defnyddio at ddiibenion amaethyddol ac mae ei hen dir bellach wedi'i waredu, mae'r prif annedd a'r adeiladau allanol cysylltiedig wedi'u lleoli hanner ffordd rhwng ffordd yr A485 i'r de-orllewin a ffordd sirol fach i'r gogledd-ddwyrain. Y prif fynediad i'r annedd a safle'r cais yw drwy'r trac sy'n ymuno â'r A485 sy'n cysylltu Llanilar â Lledrod. Nodweddir y pwynt mynediad gyda'r A485 gan goed aeddfed i'r gogledd ac i'r de o'r gyffordd.

Mae safle'r cais yn cynnwys y mynediad a'r trac i'r adeiladau ynghyd â thir sy'n ffinio â chwrtill yr eiddo tua 40m i ffwrdd i'r gogledd a'r dwyrain o'r prif adeiladau. Wedi'u lleoli ar gyrion safle'r cais mae dau gaban pren a godwyd tua 2018 heb ganiatâd cynllunio.

Nid oes hanes cynllunio mewn perthynas â Phengarreg er y nodir bod cais ôl-weithredol i drosi dau adeilad allanol i'w defnyddio fel llety gwyliau hefyd ar yr agenda (A210966). Mae'r Awdurdod Cynllunio Lleol hefyd yn ymwybodol o ddefnydd anawdurdodedig arall o adeilad allanol arall ar y safle sy'n destun ymchwil gan Adain Gorfodi'r Awdurdod.

## MANYLION Y DATBLYGIAD

Gwneir y cais yn llawn ac mae'n ceisio caniatâd i gadw'r ddau gaban gwyliau pren ynghyd â gwneud addasiadau i'r trac mynediad a'i gyffordd â'r A485. Cyflwynwyd asesiad trafndiaeth ar y cyd â'r cais.

Gan droi at y cabanau pren, mae caban gwyliau rhif 1 wedi'i leoli i'r gogledd o'r ffurf adeiledig. Mae'r caban hwn yn un hirfain sy'n mesur 7.3m o hyd a 2.3m o led. Mae'r strwythur yn darparu prif ardal fyw sy'n cynnwys man eistedd a'r ystafell wely ac ychwanegwyd ystafell i'r cefn sy'n darparu ystafell ymolchi i'r uned. Mae'r drws ffrynt yn agor allan i ardal ddecin amgaeedig ac mae twba twym wedi'i leoli i'r gogledd o'r strwythur. Mae'r strwythur wedi'i wneud o bren ac mae ganddo do gwastad.

Mae caban gwyliau rhif 2 wedi'i leoli i'r dwyrain o'r ffurf adeiledig, yn siâp hecsagon yn bennaf gyda chyntedd blaen ac adain siâp L ar yr ochr. Mae'r strwythur yn darparu ar gyfer prif ystafell wely fawr yn yr ardal hecsagon ac ystafell wely lai ac ystafell ymolchi yn yr adain. Darperir ardal ddecin ym mlaen y strwythur sydd hefyd yn cynnwys twba twym. Mae'r adeilad wedi'i wneud o bren gyda tho ar oledf wedi'i wneud o ffelt llwyd.

Darperir ar gyfer trefniadau carthffosiaeth fudr ar gyfer y ddau gaban gwyliau trwy'r carthbwl presennol sy'n gwasanaethu Pengarreg.

O ran y gwelliannau i'r briffordd, mae'r asesiad trafndiaeth a gyflwynwyd gyda'r cais yn dangos y bydd y mynediad presennol gyda ffordd yr A485 yn cael ei wella gyda lleiniau gwelededd newydd yn cael eu creu gan ddarparu 50m o welededd i'r ddau gyfeiriad; bydd y ffordd yn cael ei hail-broffilio dros 30m i gael gwared ar bant sy'n bodoli eisoes a bydd dau le pasio newydd yn cael eu creu ar hyd y ffordd fynediad i'r brif ffurf adeiledig.

## POLISIŌAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

### Polisiau a chanllawiau cynllunio cenedlaethol:

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

TAN18

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

DM03 Teithio Cynaliadwy

DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol

DM05 Datblygu Cynaliadwy a Lles Cynllunio

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

LU14 Safleoedd Llety Twristiaeth Ledled y Sir: Carafanau Sefydlog a Theithiol, Lleiniau Gwersylla, Cabanau a Chalets

S01 Twf Cynaliadwy

S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill

## **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 priodol i effaith debygol arfer y swyddogaethau hynny, a'r angen i wneud popeth o fewn ei allu i atal trosedd ac anhrefn yn ei ardal. Ystyriwyd y ddyletswydd hon wrth werthuso'r cais hwn. Ystyrir na fyddai unrhyw gynnydd sylweddol 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; anabled; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas neu bartneriaeth 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 o grwpiau gwarchoddedig lle bo'r anghenion yn wahanol i rai 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.

Rhodddwyd ystyriaeth briodol i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir nad oes gan y datblygiad arfaethedig oblygiadau sylweddol ar gyfer, neu unrhyw effaith ar, bersonau sy'n rhannu nodwedd warchoddedig, yn fwy nag unrhyw berson arall.

### **DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015**

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau er mwyn bodloni'r saith nod llesiant a geir yn y Ddeddf. Paratowyd yr adroddiad hwn gan ystyried dyletswydd y Cyngor a'r 'egwyddor datblygiad cynaliadwy', fel y'i nodir 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.

### **YMATEBION I'R YMGYNGHORIAD**

Cyngor Cymuned Llanilar - Hoffai'r Cyngor fynegi pryderon ar ran y gymuned leol ynghylch llygredd swm yn ystod oriau gwrthgymdeithasol gan y cwsmeriaid presennol yn yr eiddo penodol hwn. Felly, nid yw'r Cyngor Cymuned yn teimlo y gallant gefnogi'r achos hwn oherwydd pryder lleol sylweddol.

Draenio Tir Ceredigion - Dim gwrthwynebiad yn ddibynnol ar amodau

Dŵr Cymru - Dim sylwadau gwrthwynebus

Priffyrdd Ceredigion – yn argymhell gwrthod y cais am y rhesymau canlynol:-

1. Nid oes digon o drefniadau mynediad i wasanaethu'r datblygiad arfaethedig, ac nid yw'r tir sydd ym mherchnogaeth neu reolaeth yr ymgeisydd yn gallu darparu mynediad i'r safonau a nodir yn Nodyn Cyngor Technegol Polisi Cynllunio Cymru 18: Trafnidiaeth; y Llawlyfr Strydoedd (1 a 2); a'r 'All Wales Estate Development Highway Design Guidé.

2. Mae'r cynnig yn mynd yn groes i Bolisi Cenedlaethol a Pholisi DM03 Cynllun Datblygu Lleol Ceredigion: Teithio Cynaliadwy; Polisi DM04: Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol; Polisi DM05: Datblygu Cynaliadwy a Lles Cynllunio; a Pholisi DM06: Dylunio a Chreu Lle o Safon Uchel sy'n ei gwneud yn ofynnol i ddatblygiadau newydd ddarparu amgylchedd diogel drwy sicrhau bod dyluniad adeiladau a llwybrau mynediad cysylltiedig yn gweithredu egwyddorion diogelwch sylfaenol.

Derbyniwyd 19 llythyr yn gwrthwynebu'r cynnig ar y seiliau canlynol:-

- Pryder ynghylch diogelwch ar y priffyrdd;
- Niwsans o ran sŵn a golau a brofir ar hyn o bryd oherwydd y defnydd presennol ym Mhengarreg;
- Mae'r datblygiad yn ddiolwg ac nid yw'n gweddu â chymeriad y lle;
- Mae'r perchennog wedi diystyru deddfau a rheoliadau cynllunio;
- Effaith andwyol ar fywyd gwylt;
- Pryder ynghylch llygredd posibl o'r carthbwl presennol sy'n gwasanaethu'r eiddo.
- Materion yn ymwneud â pherchnogaeth tir i hwyluso gwelliannau i'r priffyrdd.

Derbyniwyd 2 llythyr yn cefnogi'r cynnig. Roedd un llythyr yn cynrychioli'r ymgeisydd yn ceisio dadlau yn erbyn y prif wrthwynebiadau y cyfeirir atynt uchod.

## CASGLIAD

Dywed Adran 38(6) Deddf 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".

Fel y nodwyd, ceisir caniatâd ôl-weithredol ar gyfer darparu dau gaban pren wedi'u lleoli y tu allan i gwrtil yr eiddo o'r enw Pengarreg, sydd oddeutu 1km i'r de o Lanilar. At ddibenion y CDLI, diffinnir safle'r cais fel un sydd o fewn 'lleoliad arall'. Mae Polisi S04 o'r Cynllun Datblygu Lleol yn nodi'r canlynol:

3. *Yn achos datblygu economaidd:*

- a. *fe'i cynigir ar safle sydd wedi ei neilltuo fel y nodir yn Natganiadau'r grwpiau Aneiddiadau ac ar y Map Cynigion; neu*
- b. *mae'n safle sydd heb ei neilltuo ac mae naill ai:*
  - i. *ar 'raddfa fach' ac yn diwallu angen lleol penodol; neu*
  - ii. *yn unol â gofynion Nodyn Cyngor Technegol (TAN) 6 sy'n ymwneud â mentrau gwledig.*

AC

*Ym mhob achos*

4. *O ran ei leoliad ffisegol, pa bynnag fath o ddatblygiad ydyw:*

- a. *Yn yr 'Aneiddiadau Cyswllt' mae wedi ei leoli o fewn y ffurf adeiledig neu'n union wrth ymyl; neu*
- b. *Yn y 'Lleoliadau Eraill' naill ai mae'n unol â gofynion Nodyn Cyngor Technegol (TAN) 6 neu o ran tai fforddiadwy mae wedi ei leoli'n union wrth ymyl yr anheddau presennol yn unol â bwriadau Paragraffau 9.2.22 Polisi Cynllunio Cymru a Nodyn Cyngor Technegol (TAN) 2, Paragraff 10.13.*

Gan ei fod mewn lleoliad cefn gwlad agored a chryn bellter i ffwrdd o Lanilar, yr unig ffactor cymwys fyddai pe bai'r cynnig yn cynrychioli elfen o arallgyfeirio ar ffermydd o dan TAN6.

Mae Polisi LU14 o'r CDLI, sy'n ymdrin â Safleoedd Llety Twristiaeth Ledled y Sir: Carafanau Sefydlog a

Theithiol, Lleiniau Gwersylla, Cabanau a Chalets, yn datgan y canlynol:

## 2. Y tu allan i Ardal yr Arfordir:

a. *Caniateir safleoedd newydd i garafanau teithiol, cabannau a gwersylla gyda'r amodau canlynol:*

i. *bydd hynny, lle bo hynny'n bosibl, yn cefnogi*

*canolbwyntiau twristiaeth strategol;*

ii. *bydd yn cefnogi rôl a swyddogaeth yr anheddiad y bwriedir lleoli'r safle ynddo (neu, fel arall, yr anheddiad agosaf), lle mae'n bosibl, drwy ddarparu cyfleusterau ychwanegol sydd ar gael at ddefnydd y gymuned;*

iii. *nid yw'r cyfleusterau a gynigir drwy'r safle yn effeithio ar ddichonoldeb gwasanaethau sydd eisoes yn bodoli yn yr anheddiad agosaf; a*

iv. *cyflwynir asesiad o'r Anghenion Twristiaidd ac Effeithiau Datblygu fel rhan o'r broses ymgeisio.*

Mae testun ategol paragraff 7.90 yn mynd ymlaen i ddweud 'Gellir lleoli safleoedd llai, nad ydynt efallai ond yn darparu 5 llain ac yn cynnig cyfleusterau sylfaenol, mewn Aneddiadau Cyswllt neu gerllaw ffermydd, lle maent yn cael eu sgrinio'n briodol.' Felly, mae'n bosibl y gellir cefnogi atyniadau twristiaeth megis cabanau gwyliau ar yr amod bod cyfiawnhad o dan arallgyfeirio ar ffermydd.'

Er ei fod ar un adeg yn ddaliad fferm gyda thir cysylltiedig, nodir bod yr holl dir o'i amgylch a ffurfiodd y daliad amaethyddol ym Mhengarreg wedi'i werthu ers diwedd y 1990au. Nid yw'r ymgeisydd ond yn berchen ar yr hen ffermydd (sy'n cael ei osod fel llety gwyliau) a'r adeiladau allanol sydd wedi'u lleoli ar yr hen fferm wrth ymyl yr annedd. Gan mai dyna'r sefyllfa, nid yw felly'n cynrychioli arallgyfeirio ar ffermydd. Er mwyn i'r cynnig gael ei gefnogi o dan arallgyfeirio ar ffermydd, byddai angen fferm weithiol. Fodd bynnag, nid dyna'r sefyllfa.

O ganlyniad, o ystyried y ffactorau uchod, ac er bod y ffermydd yn cael ei ddefnyddio fel llety gwyliau, ystyrir bod egwyddor y datblygiad yn mynd yn groes i Bolisiâu S04 ac LU14 o'r Cynllun Datblygu Lleol ynghyd â TAN6.

At hynny, mae'r mynediad i gerbydau at yr eiddo a'r cabannau sy'n bodoli eisoes oddi ar ffordd yr A485 yn llawer yn is na'r safon. Er mwyn cael cefnogaeth yr Awdurdod Priffyrdd Lleol, byddai angen gwelliannau sylweddol a fyddai'n cynnwys yr angen am lain weledd 215m y naill ochr i'r gyffordd. Byddai hyn yn golygu'r angen i greu lleiniau ar dir nad yw mherchnogaeth yr ymgeisydd, ac mae'n saff tybio ei bod yn annhebygol iawn y byddai'r ymgeisydd yn gallu cael perchnogaeth neu rheolaeth o'r tir cysylltiedig er mwyn ymgymryd â'r gwaith angenrheidiol ar y briffordd i gydymffurfio â'r safonau a argymhellir. O'r herwydd, ystyrir bod y cynnig yn mynd yn groes i bolisi priffyrdd yn benodol TAN18 Trafnidiaeth; y Llawlyfr Strydoedd, a'r 'All Wales Estate Development Highway Design Guide'. Byddai'r cynnig hefyd yn mynd yn groes i bolisiâu DM03; DM04; DM05; A DM06 o Gynllun Datblygu Lleol Ceredigion.

Derbyniwyd sylwadau gan drydydd partiön mewn perthynas â niwsans, o safbwynt swm a golau, y mae eiddo cyfagos yn ei brofi ar hyn o bryd o ganlyniad i ddefnydd anawdurdodedig y cabanau. Cafwyd sylwadau penodol hefyd mewn perthynas â'r effaith bosibl ar fywyd gwyllt yn yr ardal. Er y nodir y pryderon hyn, ystyrir y byddai rhoi'r gorau i ddefnyddio'r cabanau pren o bosib yn arwain at yr effaith yn cael ei dileu. Ni dderbyniwyd unrhyw wrthwynebiad gan adran ddraenio'r Awdurdod i ddefnyddio carthbwlly yr eiddo i ddarparu ar gyfer dŵr budr o'r unedau.

Er hynny, gan fod y safle mewn lleoliad cefn gwlad agored nad yw'n ffinio ag unrhyw aneddiadau ac oherwydd y ffaith nad ystyrir bod Pengarreg yn gymwys o ran arallgyfeirio ar ffermydd, y farn yw bod y cynnig yn groes i bolisiâu S04 ac LU14. Yn ogystal, nid yw'r ymgeisydd yn gallu bodloni'r gofynion priffyrdd a argymhellir heb gael tir trydydd parti, ac felly yn ei statws presennol y farn yw y byddai'r datblygiad yn fater diogelwch priffyrdd sylweddol. Felly, mae'r cynnig hefyd yn groes i bolisiâu DM03; DM04; DM05 a DM06 o'r CDLI a TAN18; y Llawlyfr Strydoedd a'r 'All Wales Estate Development Highway Design Guide'.

### **Pwerau Dirprwyedig**

Mae'r Aelod Lleol, y Cynghorydd M Davies, wedi gofyn i'r cais gael ei gyflwyno i'r Pwyllgor Rheoli Datblygu i'w ystyried o ganlyniad i ddiddordeb sylweddol y cyhoedd lleol mewn materion ym Mhengarreg a'r angen i bwysu a mesur y manteision economaidd yn erbyn y pryderon o ran diogelwch ar y priffyrdd.

### **ARGYMHELLIAD:**

**GWARTHOD** y cais gan ei fod yn mynd yn groes i bolisiâu S04, LU14, DM03; DM04; DM05 a DM06 o'r CDLI a TAN18; y Llawlyfr Strydoedd a'r 'All Wales Estate Development Highway Design Guide'.

<b>Application Reference</b>	A210997
<b>Received</b>	11-10-2021
<b>Proposal</b>	Retention of 2no. holiday let timber lodges and highway improvements to provide access lane to site including 2 passing bays, with junction improvements.
<b>Site Location</b>	Pengarreg Farm, Llanilar, Aberystwyth, SY23 4SB
<b>Application Type</b>	Full Planning
<b>Applicant</b>	Mr Emyr Davies, Four Seasons Hotel 54 Portland Street, Aberystwyth, SY23 2DX
<b>Agent</b>	Mr G George (ateb Consult), 42 Gurnos Road Ystalyfera, Swansea, SA9 2HR

## THE SITE AND RELEVANT PLANNING HISTORY

Pencarreg Farm is located in an open countryside location some 1km to the south of the settlement of Llanilar. Although no longer in agricultural use with its former land now disposed of, the main dwelling and associated outbuildings is located halfway between the A485 road to the south west and a minor County road to the north-east. The main access to the dwelling and application site is via the track which joins with the A485 which links Llanilar with Lledrod. The access point with the A485 is characterised by mature trees north and south of the junction.

The application site covers the access and track to the buildings together with land adjoining the curtilage of the property some 40m away to the north and east of the main buildings. Located on the periphery of the application site are two timber lodges which have been erected circa 2018 without the benefit of planning permission.

There is no planning history in relation to Pencarreg although it is noted that a retrospective application for conversion of two outbuildings for use as holiday lets is also on the agenda (A210966). The LPA is also aware of other unauthorised use of another outbuilding at the site which is under investigation by the Authority's Enforcement Section.

## DETAILS OF DEVELOPMENT

The application is made in full and seeks permission for the retention of the two holiday let timber lodges together with alterations to be undertaken to the access track and its junction with the A485. A transport assessment was submitted in association with the application.

Turning to the timber lodges, holiday lodge No.1 is located to the north of the built form. This lodge is in linear form. measuring 7.3m in length and being 2.3m wide. The structure provides a main living area which comprises the seating and bedroom area and a room is added to the rear which provides a bathroom to the unit. The front door opens out into an enclosed decking area and a hot tub is located to the north of the structure. The structure is of timber construction and has a flat roof.

Holiday lodge No.2 is situated to the east of the built form, is mainly hexagon in shape with a front porch and a side L shaped wing. The structure provides for a large main bedroom with in the hexagon area and a smaller bedroom and bathroom in the wing. A decking area is provided to the front of the structure which also houses a hot tub. The building is of timber construction with a grey felt pitch roof.

Foul sewer arrangements for both holiday lodges will be catered for via the existing cesspit serving Pengarreg.

With regards to the highway improvements the transport assessment submitted in association with the application indicates that the existing access with the A485 road will be improved with new visibility splays created providing 50m visibility in both directions; the road re-profiled over 30m to take out an existing dip and two new passing places will be created along the access road to the main built form.

## RELEVANT PLANNING POLICIES AND GUIDANCE

### National planning policies and guidance:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11, February 2021)

TAN18

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



DM03 Sustainable Travel

DM04 Sustainable Travel Infrastructure as a Material Consideration

DM05 Sustainable Development and Planning Gain

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

LU14 Countywide Tourism Accommodation Sites: Static and Touring Caravans| Camping pitches| Cabins and Chalets.

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

## **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**

Llanilar Community Council - The Council would like to express concerns on behalf of the local community regarding noise pollution at anti-social hours from the existing clientele at this particular premises. The Community Council, therefore, does not feel that they can support this case due to considerable local unease.

Ceredigion Land Drainage - No objection STC

Dŵr Cymru / Welsh Water - No adverse comments.

Ceredigion Highways - Recommend refusal of the application for the following reasons:-

1. There are inadequate access arrangements to service the proposed development and the land in the applicant's ownership or control is incapable of providing an access to the standards set out in Planning Policy Wales Technical Advice Note 18: Transport; Manual for Streets (1 & 2); and, the 'All Wales Estate Development Highways Design Guide'.
2. The proposal conflicts with National Policy and Ceredigion Local Development Plan Policy DM03: Sustainable Travel; Policy DM04: Sustainable Travel Infrastructure as a Material Consideration; Policy DM05: Sustainable Development and Planning Gain; and, Policy DM06: High Quality Design and Place-making that inter alia requires new development to provide a safe environment by ensuring that the design of buildings and associated access routes implement fundamental safety principles.

19 letters received objecting the proposal on the following grounds:-

- Concern over highway safety;
- Nuisance in terms of noise and light currently experienced due to existing use at Pengarreg;
- Development is an eyesore and out of character;
- Owner has disregarded planning laws and regulations;
- Detrimental impact on wildlife;
- Concern over potential pollution from existing cesspit serving property.
- Land ownership issues to facilitate highway improvements.

2 letters received in support of proposal. One letter representing applicant seeking to counter argue main objections referred to above.

## 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".

As stated, retrospective consent is sought for the provision of two timber lodges located outside the curtilage of the property known as Pengarreg, which is approximately 1km to the south of Llanilar. For the purposes of the LDP the application site is defined as being within an 'other location'. Policy S04 of the LDP notes the following:

*3. In the case of economic development is:*

- a. proposed on an allocated site as set out in the Settlement Group Statements and shown on the Proposals Map; or*
- b. a site that has not been allocated and either:*
  - i. of a 'small scale' meeting a specific local need; or*
  - ii. accords with TAN 6 requirements in terms of a rural enterprise.*

**AND**

*In all Cases*

*4. In terms of its physical location, regardless of development type:*

- a. In a 'Linked Settlement' it is located within or immediately adjacent to the substantive built form; or*
- b. In 'Other Locations' it either accords with the requirements of TAN 6 or in terms of affordable housing it is located immediately adjacent to existing groups of dwellings in line with the intentions of Para 9.2.22 of PPW and TAN 2, Para 10.13.*

As it is in an open countryside location and some fair distance away from Llanilar the only qualifying factor would be if the proposal represents an element of farm diversification under TAN6.

Policy LU14 of LDP which deals with Countywide Tourism Accommodation Sites: Static and Touring Caravans| Camping pitches| Cabins and Chalets states:

*2. Outside of the Coastal Area:*

- a. New sites for touring caravans, camping and cabin accommodation will be permitted provided that:*
  - i. Where possible it supports strategic tourism nodes;*
  - ii. It supports the role and function of the settlement within which it is proposed (or otherwise nearest settlement), where possible, by providing additional facilities that are available for use by the community;*
  - iii. Facilities offered via the site do not affect the vitality of services which already exist within the nearest settlement; and*
  - iv. Tourism Needs and Development Impact Assessment is submitted as part of the application process.*

Supporting text of paragraph 7.90 goes on to say that 'Smaller sites, which perhaps only cater for 5 pitches and offer basic

facilities, can be accommodated in Linked Settlements or adjacent to farmsteads where suitably screened.' Therefore, it is possible that tourist attractions such as holiday lodges can be supported subject to there being justification under farm diversification.

Although once a farm holding with land attached it is noted that all the surrounding land which formed the agricultural holding at Pengarreg has been sold since the late 1990's. The applicant only enjoys ownership of the former farmhouse (which is let out as a holiday unit) and the outbuildings located on the former farmstead adjoining the dwelling. As that is the position it therefore does not represent farm diversification. For the proposal to be supported under farm diversification, there would need to be a working farm. However, this is not the case.

Consequently, taking in the above factor and despite the farmhouse being used for holiday let it is considered that the principle of development is contrary to LDP Policies S04 and LU14 along with TAN 6.

Furthermore, the vehicular access to the property and existing lodges off the A485 road is very substandard. In order to gain support from the Local Highway Authority major improvements would be required which would involve at a minimum the need for a 215m visibility splay either side of the junction. This would involve the need of creating splays on land which is outside of the applicant's ownership and it is safe to assume that it is extremely unlikely that the applicant would be able to gain ownership or control of the related land in order to undertake the required highway works to comply with the recommended highway standards. As such it is considered that the proposal is in conflict with highway policy specifically TAN18 Transport; Manual for Streets; and the All Wales Estate Development Highway Design Guide. The proposal would also be contrary to policies DM03; DM04; DM05 and DM06 of the Ceredigion Local Development Plan.

Third party comments have been received in relation to nuisance, both from a noise and light perspective which neighbouring properties experience currently in view of the unauthorised use of the lodges. Specific comments have also been received in relation to the potential impact on wildlife in the area. Whilst these concerns are noted it is considered that the cessation of the use of the timber lodges would potentially see the impact being removed. No objection was received from the Authority's Drainage section including the use of the property's cesspit to cater for foul water from the units.

Notwithstanding, as the site is in an open countryside location not adjoining any settlements and the fact that Pengarreg is not considered to qualify in terms of farm diversification it is the opinion that the proposal is contrary to policies S04 and LU14. In addition, the applicant is unable to meet recommended highway requirements without obtaining third party land and therefore in its current status it is the opinion that the development would represent a significant highway safety issue. The proposal is therefore also contrary to policies DM03; DM04; DM05 and DM06 of the LDP and TAN18 ; Manual for Streets and the All Wales Estate Development Highway Design Guide.

### **Delegated Powers**

The Local Member, Cllr M Davies has requested the application be presented to the Development Control Committee for consideration in view of the significant local public interest in matters at Pengarreg and the need to weigh up the economic benefits with the highway safety concerns.

### **RECOMMENDATION:**

**REFUSE** the application as being contrary to policies S04, LU14, DM03; DM04; DM05 and DM06 of the LDP and TAN18 ; Manual for Streets and the All Wales Estate Development Highway Design Guide.