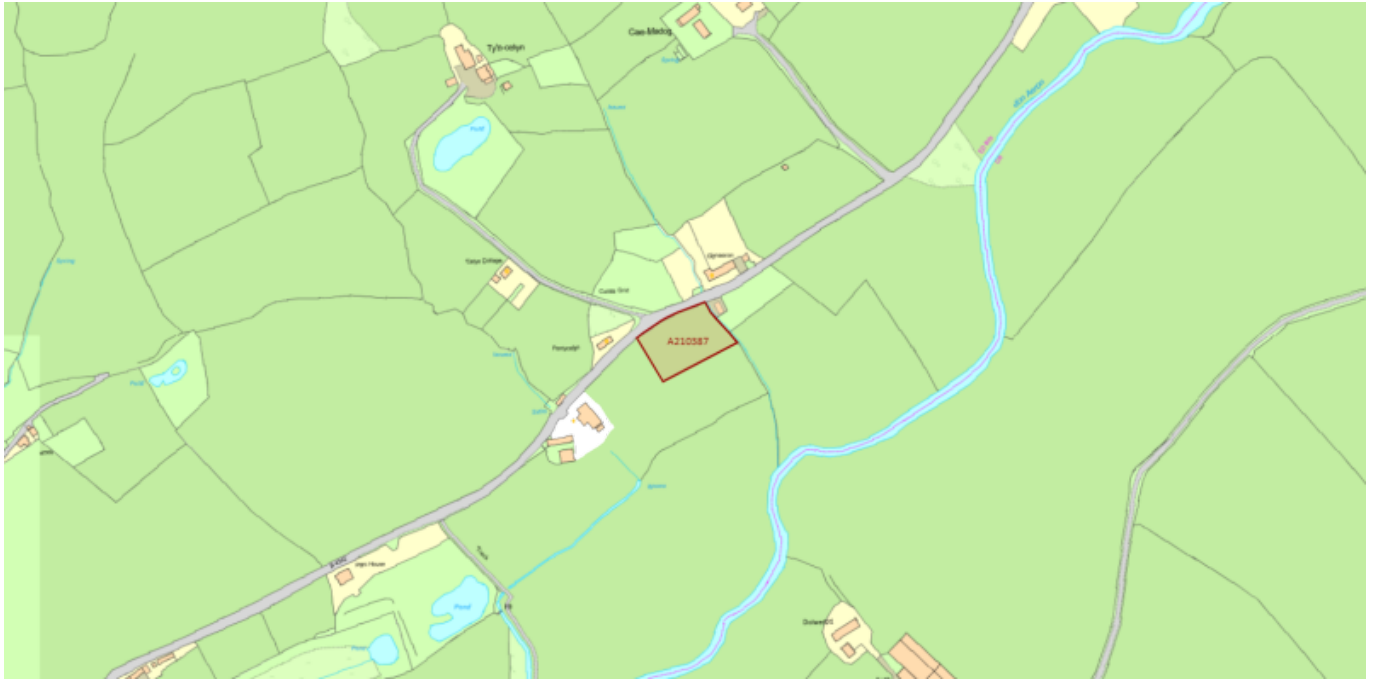


1. Gohiriwyd/Deferred

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A210387	16-04-2021	Mr E Jenkins	Proposed affordable dwelling to include installation of vehicular access and package treatment plant.	Land adjacent to Glownant, Talsarn, SA48 8QE	Refuse
2	A220202	11-03-2022	Mr Ifan Jones Evans	Replacement of an abandoned dwelling.	Land at Pantyffynnon Isaf, Ysbyty Ystwyth, SY25 6DG	Refuse

1.1. A210387



Rhif y Cais / Application Reference	A210387
Derbyniwyd / Received	16-04-2021
Y Bwriad / Proposal	Proposed affordable dwelling to include installation of vehicular access and package treatment plant.
Lleoliad Safle / Site Location	Land adjacent to Glownant, Talsarn, SA48 8QE
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr E Jenkins, Llechwedderi Uchaf, Llanwnnen, Lampeter, Ceredigion, SA48 7LF
Asiant / Agent	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen, Llanrhystud, Ceredigion, SY23 5ED

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn ymwneud â chae amaethyddol wedi'i leoli rhyw 2.2km o bentref Talsarn. Nid oes hanes cynllunio perthnasol yn perthyn i safle'r cais.

MANYLION Y DATBLYGIAD

Gofynnir am ganiatâd cynllunio llawn i godi annedd fforddiadwy ynghyd â mynediad a chyfleuster parod i drin carthion. Bwriedir i'r annedd fesur 11.5m wrth 8.55m gan ddarparu ôl troed o rhyw 98 metr sgwâr. Darperir ar gyfer ystafell fyw, cegin/ystafell fwyta cynllun agored, swyddfa, cegin fach ac ystafell ymolchi ar y llawr gwaelod. Bwriedir i'r llawr cyntaf, sydd ag ôl troed o 57 metr sgwâr, ddarparu tair ystafell wely ac ystafell ymolchi. Mae'r mynediad arfaethedig ar yr ystlyslun. Mae'r wedd flaen i gael tair ffenestr ddormer ar y llawr cyntaf.

Mae deunyddiau'r annedd arfaethedig yn cynnwys waliau llyfn wedi'u rendro a'u peintio, a godreion bric; ffenestri, drysau, ffasgiâu a soffitiau uPVC llwyd tywyll ynghyd â tho o lechi naturiol. Mae uchder yr annedd yn rhyw 2.8m i'r bondo a 6.6m i'r crib to.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol Perthnasol

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

- TAN12 - Dylunio (2016)
- TAN2 - Cynllunio a Thai Fforddiadwy (2006)
- TAN5 - Cynllunio a Chadwraeth Natur (2009)
-
-

Mae'r polisïau a ganlyn o'r Cynllun Datblygu Lleol yn berthnasol wrth wneud penderfyniad ynghylch y 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 Datblygiad Tai
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM06: Dylunio a Chreu Lle o Safon Uchel
-
-

DM10 Dylunio a Thirweddu

- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol

Canllawiau Cynllunio Atodol Mabwysiedig Perthnasol:

Canllawiau Cynllunio Atodol Safonau Parcio Cyngor Sir Ceredigion

- Canllawiau Cynllunio Atodol Dylunio a'r Amgylchedd Adeiledig
- Canllawiau Cynllunio Atodol Gwarchod Natur
- Canllawiau Cynllunio Atodol Tai Fforddiadwy
- Tafenni Cymorth Canllawiau Cynllunio Atodol 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 neu 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 LLESANT 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 fodloni'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.

YMATEBION I'R YMGYNGHORI

Cyngor Cymuned Nantcwnlle - Cefnogi

Priffyrdd - Dim gwrthwynebiad yn ddibynnol ar amodau.

Draenio Tir - Dim gwrthwynebiad yn ddibynnol ar amodau

Ecoleg - Ni dderbyniwyd ymateb

Cyfoeth Naturiol Cymru - Dim gwrthwynebiad

Dŵr Cymru Welsh Water - Dim gwrthwynebiad yn ddibynnol ar amodau

Derbyniwyd tri llythyr o gefnogaeth yn nodi bod tai fforddiadwy yn bwysig er mwyn caniatáu i deuluoedd lleol fyw a chefnogi

cymunedau.

Codir pryderon gan Ymgyrch Diogelu Cymru Wledig ynghylch maint yr annedd fforddiadwy arfaethedig a'i lleoliad.

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".

Egwyddor Datblygu

Mae safle'r cais yn gorwedd o fewn 'lleoliadau eraill' fel a nodir yn y Cynllun Datblygu Lleol mabwysiedig lle bo datblygiadau'n cael eu rheoli'n dynn er mwyn cyflawni datblygu cynaliadwy ac amddiffyn cefn gwlad agored. Mae Polisi S04 y Cynllun Datblygu Lleol yn nodi bod tai yn gyffredinol yn anaddas mewn 'lleoliadau eraill' oni bai y cyfiawnheir eu bod ar y sail eu bod yn bodloni angen nas diwallwyd am dai fforddiadwy yn yr ardal, ac y gellir dangos hynny. Mae'r Polisi hefyd yn ei gwneud yn ofynnol i dai fforddiadwy gael eu lleoli yn union gerllaw grwpiau o anheddau sy'n bodoli, yn unol â bwriadau Polisi Cynllunio Cymru, paragraff 9.2.22. Er bod Polisi Cynllunio Cymru wedi'i ddiweddarau ers hynny, mae paragraff 3.60 yn parhau i'w gwneud yn ofynnol i ddatblygiadau yng nghefn gwlad fod wedi'u lleoli o fewn aneddiadau cyffiniol lle y gellir darparu orau ar eu cyfer o ran seilwaith, mynediad, cadwraeth cynefinoedd a thirweddau ac mae'n datgan y gall mewnlenni neu roi estyniadau bach ar aneddiadau sy'n bodoli fod yn dderbyniol yn enwedig pan fônt yn diwallu angen lleol am dai fforddiadwy, ond bod yn rhaid parhau i reoli'n dynn adeiladau newydd yng nghefn gwlad sydd i ffwrdd o aneddiadau sy'n bodoli.

Mae tri eiddo o fewn 100m o'r safle ac mae'r anheddiad agosaf rhyw 2.2km i ffwrdd (Talsarn). Felly, nid yw'r cais wedi'i leoli o fewn anheddiad (neu grŵp) ac mae'n groes i bolisi lleol a chenedlaethol, sef Polisi Cynllunio Cymru a pholisïau S01 ac S04 y Cynllun Datblygu Lleol gan ei fod wedi'i leoli mewn cefn gwlad agored.

Mae'r ymgeisydd wedi nodi yn y datganiad cefnogi ei fod yn gwneud gwaith ar fferm y teulu (a gwaith llawnamser fel Rheolwr TG). Felly, os mai dyma'r rheswm am yr angen am annedd yn y lleoliad hwn, mae wedi cael ei nodi i'r ymgeisydd y dylai'r cais fod am annedd fenter wledig yn hytrach nag annedd fforddiadwy. Fodd bynnag, nid yw'r ymgeisydd yn dymuno hyn.

O ran yr angen am annedd fforddiadwy, mae'r asiant wedi cyflwyno datganiad yn nodi bod yr ymgeisydd wedi cael y tir yn rhodd gan ei rieni ac nad yw cost y llain tir, felly, yn ystyriaeth. Mae manylion am dai eraill sydd ar werth wedi'u darparu. Gwerthfawrogir bod nifer ohonynt y tu hwnt i gyllideb yr ymgeisydd; eto i gyd y mae rhai eiddo o fewn y gyllideb hon ac nid yw'r rhesymau a roddir ynghylch eu hanaddasrwydd yn hynod o gryf.

Gofynion o ran Nodweddion Corfforol

Amlinellir isafswm ac uchafswm yr arwyneb llawr net ar gyfer tŷ fforddiadwy yn atodiad 4 Tafenni Cymorth Canllawiau Cynllunio Atodol Tai Fforddiadwy (gweler tudalen 10). Mae'r uchafswm safon yn 137 metr sgwâr. Fel a nodir uchod, mae'r arwyneb llawr net yn rhyw 155 metr sgwâr ac felly'n fwy na'r uchafswm a ganiateir am dŷ fforddiadwy.

Effaith ar Amwynder Preswyl

Gan fod lleoliad y cynnig mewn cefn gwlad agored, nid yw'r eiddo cyfagos yn hynod o agos iddo. Felly, ni fydd y cynnig yn effeithio ar amwynder unrhyw eiddo.

Materion Eraill

Nid yw'r Awdurdod Prifffyrdd Lleol a'r adran draenio tir wedi codi unrhyw wrthwynebiad yn ddibynnol ar amodau.

Mae safle'r cais wedi'i leoli y tu allan i Ddalgyrch Ardal Cadwraeth Arbennig y Teifi.

Pwerau Dirprwyedig

Mae'r Cynghorydd Lynford Thomas wedi gofyn ar i'r cais cael ei ddwyn ger bron y Pwyllgor Rheoli Datblygu i benderfynu arno am y rhesymau a ganlyn:

1. Cefnogi unrhyw deulu Cymraeg lleol sydd am godi tŷ yn ei ardal leol.
2. Nid yw'n cytuno bod y safle mewn lleoliad 'cefn gwlad agored' gan fod tai gerllaw.
3. Mae angen tai fforddiadwy yng nghefn gwlad Ceredigion.
4. Mae'r ymgeisydd wedi cydymffurfio â gofynion yr Adran Gynllunio.
5. Cefnogi cwpl ifanc a fydd yn cefnogi'r busnes teuluol a'r gymuned leol.

ARGYMHELLIAD:

Argymhellir bod y cais yn cael ei wrthod am y rhesymau a ganlyn:

1. Byddai'r cais yn golygu bod annedd fforddiadwy newydd mewn cefn gwlad agored a lleoliad anghynaliadwy na

RHESWM DROS OHIRIO:

Cyflwynwyd y cais yn wreiddiol i'r Pwyllgor Rheoli Datblygu ar y 10fed o Dachwedd, 2021, lle gohiriwyd penderfyniad ar y cais, er mwyn caniatáu mwy o amser neu cyfnod ailfeddwl i ystyried y pwyntiau a godwyd gan yr Aelodau ac er mwyn galluogi'r pwyllgor i dderbyn cyngor pellach ar arwyddocâd yr ymadawiad a'r risgiau cyn gwneud penderfyniad terfynol.

Adroddwyd y cais i'r Grŵp Oeri ar y 23ain o Dachwedd, 2021, lle gytunwyd y dylid gwneud argymhelliad i ofyn am wybodaeth ychwanegol a allai gyfiawnhau'r cais fel annedd menter wledig TAN6, o ystyried bod yr ymgeisydd wedi dweud yn flaenorol ei fod yn helpu ar y fferm deuluol gyfagos. Pe na bai'r wybodaeth yn dod, argymhellwyd bod y Grŵp Tasg a Gorffen yn ailymweld â'r cais, i'w ystyried fel cais am dŷ fforddiadwy.

Cyflwynwyd ymatebion gan yr ymgeisydd yn Rhagfyr 2021 ac Ionawr 2022 ond ystyriwyd bod y wybodaeth yn annigonol, ar ôl cael ei hystyried mewn cyfarfodydd y Grŵp Oeri dilynol ym mis Ionawr 2022.

Felly cynhaliwyd cyfarfod gyda'r ymgeisydd ym mis Mawrth 2022 lle pwysleisiodd yr ACLI yr angen i ddarparu cyfiawnhad, fodd bynnag cadarnhaodd yr ymgeisydd nad oedd ganddo unrhyw beth pellach i'w ychwanegu. Rhoddwyd gwybod i'r ymgeisydd y byddai'n anodd cael cymorth heb wybodaeth ychwanegol, a chytunodd yr ACLI i rhoi mis ychwanegol i'r ymgeisydd i ailystyried. Fodd bynnag yn ystod y cyfnod hwn ni dderbyniwyd unrhyw wybodaeth pellach.

Yng nghyfarfod y Grŵp Oeri ar y 3ydd o Dachwedd 2022, gofynnodd yr Aelodau bod cyswllt pellach yn cael ei wneud gyda'r ymgeisydd er mwyn holi, am y tro olaf, a oedd yn dymuno cyflwyno cyfiawnhad a gwybodaeth ychwanegol i gefnogi annedd menter wledig ar y safle, cyn i'r mater gael ei adrodd yn ôl i'r Pwyllgor Rheoli Datblygu er mwyn gwneud penderfyniad terfynol arno.

Mewn ymateb i hynny, ail-gyflwynodd yr ymgeisydd yr ymatebion yr oedd eisoes wedi eu cyflwyno ym mis Rhagfyr 2021 a mis Ionawr 2022. Ailadroddodd hefyd ei safbwynt y byddai ond yn ystyried newid y cynnig i annedd menter wledig TAN6 pe na bai ynghlwm wrth y fferm.

Felly, gan nad oes "Arfarniad Anedd Menter Wledig" llawn wedi cael ei gyflwyno, ni ddangoswyd bod y cynnig yn bodloni'r profion perthnasol fel y nodir yn Nodyn Cyngor Technegol 6. Felly, ni ellir rhoi cefnogaeth yn hyn o beth.

Cafodd y cais ei glywed eto gan y Grŵp Oeri ar y 1af o Rhagfyr, 2022, lle gytunwyd yn unfrydol i argymhell i'r Pwyllgor Rheoli Datblygu bod y cais yn cael ei wrthod gan nad yw'n bodloni'r meini prawf ar gyfer tai fforddiadwy, nid yw wedi'i leoli o fewn neu gerllaw grwpiau o anheddau presennol, ac ni ddarparwyd unrhyw dystiolaeth o annedd menter wledig (TAN6).

Mae'r argymhelliad i wrthod felly yn sefyll, gan y byddai'r cais yn arwain at annedd fforddiadwy newydd o fewn lleoliad cefn gwlad agored anghynladwy na ellir ei gyfiawnhau, yn groes i bolisïau cynllunio cenedlaethol a lleol sydd wedi hen ennill eu plwyf a byddai cefnogi cais o'r fath yn peri risgiau sylweddol i'r Cyngor.

Rhif y Cais / Application Reference	A210387
Derbyniwyd / Received	16-04-2021
Y Bwriad / Proposal	Proposed affordable dwelling to include installation of vehicular access and package treatment plant.
Lleoliad Safle / Site Location	Land adjacent to Glownant, Talsarn, SA48 8QE
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr E Jenkins, Llechwedderi Uchaf, Llanwnnen, Lampeter, Ceredigion, SA48 7LF
Asiant / Agent	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen, Llanrhystud, Ceredigion, SY23 5ED

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to an agricultural field located approximately 2.2km from the village of Talsarn. The application site has no relevant planning history.

DETAILS OF DEVELOPMENT

Full planning permission is sought for the erection of an affordable dwelling along with an access and package treatment plant. The dwelling is proposed to measure 11.5m by 8.55m providing a footprint of approximately 98sqm. The ground floor is to accommodate a living room, open plan kitchen/dining, home office, utility and bathroom. The first floor, which has a footprint of 57sqm is proposed to accommodate three bedrooms and a bathroom. The access is proposed to be on the side elevation. The front elevation is to have three dormer windows on the first floor.

The materials of the proposed dwelling are to include smooth painted render walls with a brick plinth; anthracite grey uPVC windows, doors, fascias and soffits along with a natural slate roof. The height of the dwelling is approximately 2.8m to eaves and 6.6m to ridge.

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

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

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
- 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

Cyngor Cymuned Nantcwnlle Community Council - Support

Highways - No Objection Subject to Conditions

Land Drainage - No Objection Subject to Conditions

Ecology -

Natural Resources Wales -

Dwr Cymru Welsh Water - No Objection Subject to Conditions

3 letters of support have been received noting that affordable housing is important to allow local families to live and support the communities.

Concerns are raised by the Campaign for the Protection of Rural Wales on the scale of the proposed affordable dwelling and siting.

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.

There are three properties within 100m of the site with the nearest settlement being approximately 2.2km away (Talsarn). Therefore, the proposal is not located within a settlement (nor group) and is contrary to national and local policy, namely PPW and LDP policies S01 and S04, as it is located within an open countryside location.

The applicant has noted in the supporting statement that he undertakes work on the family farm (full-time work as an IT Manager). Therefore, it has been noted to the applicant that if this is the case for needing a dwelling at this location, the proposal should instead be for a rural enterprise dwelling and not an affordable dwelling. The applicant however does not wish for this.

In terms of affordable housing need, a statement has been submitted by the agent which states that the applicant has been gifted the land by his parents and therefore, the cost of a plot is not an issue. Details on other houses that are for sale have been provided. Whilst it is appreciated that many are over the applicants' budget, there are some properties within this budget and the reasons given for why they are not suitable are not extremely strong.

Physical Characteristics Requirements

The minimum and maximum net floor area for an affordable home is set out within appendix 4 of the Affordable Housing SPG Help Sheets (see page 10). The absolute maximum standard is 137sqm. As noted above the net floor area is approximately 155sqm and is therefore, above the maximum allowed for an affordable dwelling.

Impact on Residential Amenity

Due to the location of the proposal being within the open countryside, the nearby properties are not within extremely close proximity. Therefore, the proposal will not impact on the amenity of any properties.

Other Matters

The LHA and land drainage department have raised no objection subject to conditions.

The application site is located outside of the Teifi SAC Catchment Area.

Delegated Powers

Cllr Lynford Thomas has requested that the application be taken to Development Control Committee to be decided for the following reasons:

1. Support any local Welsh family that want to build in their local area.
2. Does not agree that the site is within an 'open countryside' location as there are houses nearby.
3. Need affordable houses in Ceredigion's countryside.
4. Applicant has complied with requirements of Planning Department.
5. Support a young couple that will be a support to the family business and local community.

RECOMMENDATION:

The application is recommended for refusal for the following reasons:

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

REASON FOR DEFERRAL:

The application was originally reported to the Development Management Committee on the 10th November, 2021, whereby the determination of the application was deferred, in order to allow further time or a 'cooling off' period to consider the points raised by Members and so that the Committee received further advice on the significance of the departure and risks prior to making a final decision.

The application was subsequently reported to the Cooling Off Group on the 23rd November, 2021, whereby it was agreed that a recommendation be made to request additional information that may be able to justify the application as a TAN 6 rural enterprise dwelling, given that the applicant had previously indicated that he helps out on the nearby family farm. If the

information was not forthcoming, it was recommended that the application be revisited by the Task and Finish Group, to consider as an affordable housing application.

Responses were submitted by the applicant in December 2021 and January 2022, however the information was considered to be insufficient, after being considered at subsequent Cooling Off Group meetings in January 2022.

A meeting was therefore held with the applicant in March 2022, where the LPA emphasised the need to provide justification, however the applicant confirmed he had nothing further to add to his previous responses. The applicant was advised that it would be difficult to gain support without additional information, and the LPA agreed to give the applicant a month to reconsider. During this time however no further information was received.

At the meeting of the Cooling Off Group on the 3^d November, 2022, Members requested that further contact be made with the applicant, in order to enquire one final time, as to whether or not he wished to submit any additional information and justification in support of a rural enterprise dwelling at the site, prior to the matter being reported back to the Development Management Committee for a final decision.

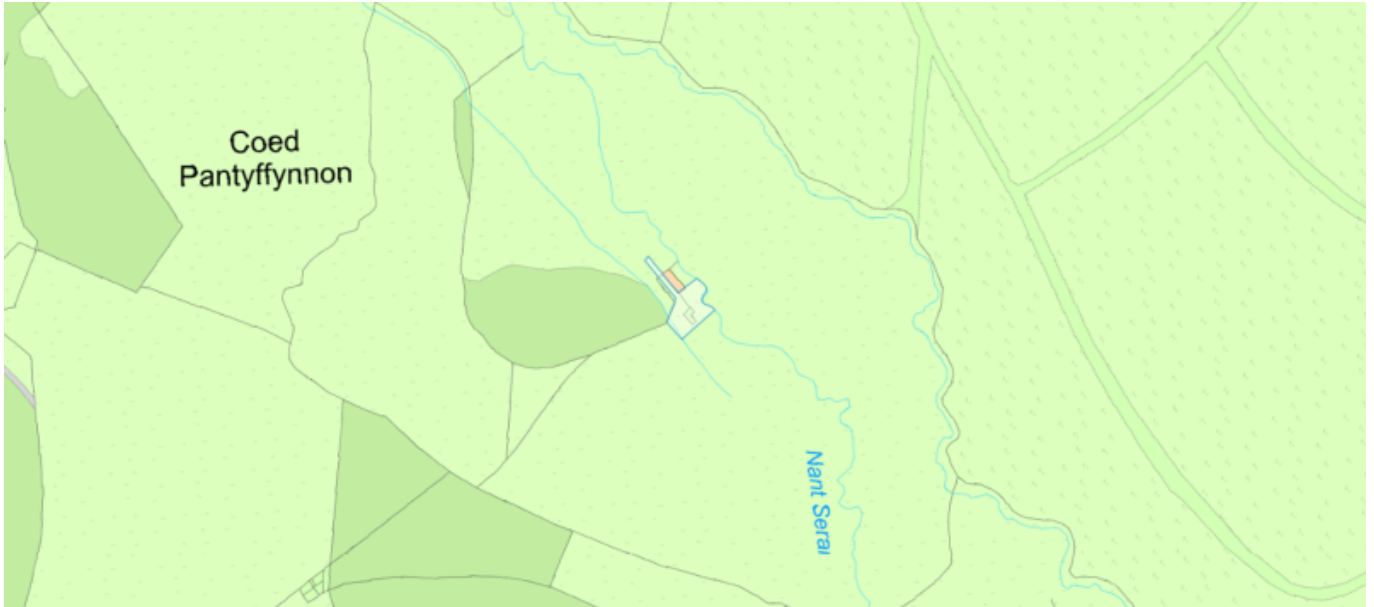
In response, the applicant re-submitted the responses which he'd already submitted in December 2021 and January 2022. He also reiterated his position that he would only consider altering the proposal to a TAN6 rural enterprise dwelling, if it were not tied to the farm.

In the absence of a full "Rural Enterprise Dwelling Appraisal", it has therefore not been demonstrated that the proposal meets the relevant tests as set out within Technical Advice Note 6. Support cannot therefore be forthcoming in this regard.

The application was subsequently heard again by the Cooling Off Group on the 4th December, 2022, whereby it was unanimously agreed that it be recommend to the Development Management Committee that the application is declined as it does not meet the criteria for affordable housing, neither is it located in or adjacent to existing groups of dwellings, and no evidence of a rural enterprise dwelling (TAN 6) has been provided.

The recommendation to refuse therefore stands, as the application would result in a new affordable dwelling within an unjustified and unsustainable open countryside location, contrary to well-established national and local planning policies, and supporting such an application would pose significant risks to the Council.

1.2. A220202



Rhif y Cais / Application Reference	A220202
Derbyniwyd / Received	11-03-2022
Y Bwriad / Proposal	Replacement of an abandoned dwelling.
Lleoliad Safle / Site Location	Land at Pantyffynnon Isaf, Ysbyty Ystwyth, SY25 6DG
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr Ifan Jones Evans, Rhosyrhiw, Devils Bridge, Ystrad Meurig, Ceredigion, SY25 6DX
Asiant / Agent	Mrs Gwennan Jenkins (JMS Planning and Development), Hafan Y Coed, Maeshyfryd, Lampeter, SA48 8AN

Y SAFLE A HANES PERTHNASOL

Mae'r cais yn cyfeirio at yr annedd gynt a adnabyddir fel Pantyffynnon, sydd wedi'i lleoli tua 1.65km i'r dwyrain o anheddiad Pontrhydygroes. Mae'r ffermdy gynt wedi'i leoli mewn ardal anghysbell mewn pant ym Mynyddoedd Cambria gerllaw Nant Seran, sef llednant o'r afon Ystwyth. Ceir mynediad i'r eiddo a thŷ allan cysylltiedig ar hyd trac sy'n ymuno â'r ffordd Sirol sy'n arwain at Ysbyty Ystwyth i'r gorllewin. Mae llwybr troed cyhoeddus yn rhedeg rhwng yr annedd gynt a'r tŷ allan. Roedd yr eiddo'n rhan o Ystâd Hafod yn flaenorol, ond cafodd ei werthu, ynghyd â 141 o aceri yn 1947.

Does dim hanes cynllunio i'r adeilad hwn.

MANYLION Y DATBLYGIAD

Mae'r cais yn un llawn ac mae'n gofyn caniatâd cynllunio i ddymchwel y rhannau sy'n weddill o'r annedd a chodi annedd arall yn ei lle.

Mae gweddillion Pantyffynnon yn cynnwys yn bennaf rhannau o'r bedair prif wal, gydag ond ychydig o'r nodweddion ar ôl. Roedd Pantyffynnon yn adeilad carreg gyda tho llechi naturiol. Y bwriad yw codi annedd yn dilyn yr un ôl troed â'r un bresennol, gydag estyniad deulawr yn cael ei adeiladu yng nghefn yr eiddo i gymryd lle nodwedd to goleddf hir, i ddarparu tŷ unllawr-a-hanner gyda thair ystafell wely. Bydd yr adeilad newydd yn un o gerrig a llechi naturiol a bydd y ffenestri'n rhai upvc.

Bydd cerbydau'n cael mynediad i'r eiddo ar hyd y trac mynediad presennol, gyda'r brif ardal barcio a throi wedi'i lleoli i'r gorllewin o'r adeilad. Ymdrinnir â charthffosiaeth drwy gyfleuster parod i drin carthion

POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Mae polisïau canlynol y Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn:

- DM01 Rheoli Effeithiau Datblygu ar Gymunedau a'r Gymraeg
- DM03 Teithio Cynaliadwy
- DM06 Dylunio a Chreu Lle o Safon Uchel
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadwraeth Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol
- DM18 Ardaloedd Tirwedd Arbennig
- LU08 Codi Anheddau i Gymryd Lle Rhai Presennol
- LU09 Ail-ddefnyddio Anheddau Blaenorol/y Cefnwyd Arnynt
- 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) o Ddeddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i ymarfer ei swyddogaethau amrywiol, gan roi sylw priodol i effaith debygol ymarfer y swyddogaethau hynny ar drosedd ac anhrefn yn ei ardal, a'r angen i wneud popeth sy'n rhesymol bosib i'w atal. Mae'r ddyletswydd honno wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai unrhyw gynnydd sylweddol neu annerbyniol yn lefel y trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

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

- dileu neu leihau'r anfanteision a wynebir gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i gwrdd ag 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 mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Mae'r ddyletswydd uchod wedi cael ystyriaeth briodol wrth wneud penderfyniad am y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn un sydd â goblygiadau sylweddol o ran pobl sydd â nodwedd warchoddedig, nac yn un a fydd yn cael effaith sylweddol arnynt, o'i gymharu ag unrhyw un 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 i ymarfer ei swyddogaethau i fodloni'r saith nod llesiant a geir yn y Ddeddf. Mae'r adroddiad hwn wedi'i baratoi 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 gwrdd â'u hanghenion eu hunain

YMATEBION YMGYNGHORI

Cyfoeth Naturiol Cymru – Yn mynegi pryder ond yn dweud y gellir goresgyn materion sy'n ymwneud â gwarchod adar yn y SoDdGA gerllaw drwy osod amod sy'n cyflwyno mesurau lliniaru.

Archaeoleg Dyfed – Dim gwrthwynebiad yn unol ag amod yn gofyn bod arolwg ffotograffig priodol yn cael ei gynnal cyn dechrau ar y gwaith.

Dŵr Cymru – Dim sylwadau

CC Ysbyty Ystwyth – Yn mynegi pryderon ynghylch creu traciau anawdurdodedig i'r adeilad a phryder ynghylch y perygl o lygru cwrs dŵr cyfagos.

Priffyrdd Ceredigion – Dim gwrthwynebiad yn unol ag amodau

Draenio Ceredigion - Sylwadau

Hawliau Tramwy Ceredigion - Sylwadau

Derbyniwyd sylw gan un trydydd parti yn gwrthwynebu'r cais ar sail y ffaith bod yr adeilad wedi adfeilio gormod i'w drawsnewid; bod trac wedi'i adeiladu at yr eiddo heb ganiatâd; a byddai caniatáu'r cais yn gosod cynsail peryglus.

CASGLIAD

Mae Adran 38 (6) o Ddeddf 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"*.

Polisiâu S04, LU08 ac LU09 Cynllun Datblygu Lleol Ceredigion yw'r polisiâu allweddol mewn perthynas ag ystyried y cais hwn. Mae gosod anheddau newydd yn lle rhai presennol yn dod dan bolisi LU08 ac os nad yw'n berthnasol, rhaid ystyried y cais dan bolisi LU09 sy'n ymwneud ag adfer anheddau y cefnwyd arnynt i sicrhau defnydd preswyl llawn. Mae polisi LU08 o blaid cynigion i osod anheddau newydd yn lle rhai presennol ar yr amod na chefnwyd ar ddefnydd preswyl o'r adeilad gwreiddiol, a bod modd ei adnabod yn glir fel annedd barhaol dan Ddosbarth 3 o Orchymyn Dosbarthiadau Defnydd 1987. Mae'r Awdurdod Cynllunio Lleol o'r farn bod yr adeilad (neu'r hyn sy'n weddiil ohono) wedi colli ei statws preswyl ac felly rhaid ystyried y cais dan bolisi LU09. Mae'r polisi hwnnw'n datgan y caniateir ailddefnydd ar yr amod nad yw'r annedd wreiddiol wedi'i dymchwel, neu wedi adfeilio cymaint fel nad yw bellach yn edrych fel annedd yn y bôn. Mae hefyd yn datgan bod angen i'r annedd wreiddiol fod yn un y gellir ei hadfer.

Wrth ystyried polisi LU09 bydd yr Awdurdod Cynllunio Lleol yn anelu at sicrhau na fydd yna ailddefnydd oni bai bod yr annedd wreiddiol yn parhau i edrych fel annedd. Gall nodweddion sy'n pennu a oes modd adnabod y strwythur fel annedd gynnwys p'un ai oes rhannau o'r waliau allanol ar ôl, yn enwedig y wal flaen neu'r wal gefn; agoriadau ar gyfer drysau neu ffenestri; to, corn simnai ac ati.

Mewn perthynas â'r cais hwn, a serch cydnabod bod yr adeilad wedi'i ddefnyddio at ddibenion preswyl, bernir bod y strwythur yn adfail y cefnwyd arno, gyda rhannau bach yn unig o'r prif waliau ar ôl. Er bod yna rai nodweddion arwyddocaol megis patrymau ffenestri a drws ffrynt, bernir bod yr adeilad wedi adfeilio cymaint fel na ellir ei adfer heb waith ail-adeiladu ac ymestyn sylweddol.

Felly, am fod yr Awdurdod Cynllunio Lleol o'r farn bod yr adeilad eisoes yn adfail neu'n rhannol adfeilledig, mae'r cais yn mynd yn groes i bolisi LU09. Am fod y strwythur presennol wedi adfeilio cymaint fel na fyddai modd ei adfer heb waith ail-adeiladu ac ymestyn sylweddol, mae polisi S04 yn berthnasol, sef datblygu o fewn cefn gwlad agored.

Fel gyda'r achos mewn perthynas â pholisïau lleol a chenedlaethol, mae yna ragdybiaeth yn erbyn datblygu o fewn cefn gwlad agored. Mae Polisi S04 y CDLI yn ymdrin â chynigion datblygu mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'. Bwriad polisi S04 yw rheoli amllder datblygiadau preswyl o fewn cefn gwlad agored, gan beidio â chaniatáu anheddau newydd mewn lleoliadau eraill oni bai bod yna angen dyls mewn perthynas â menter wledig, neu ofyniad i gwrdd â'r angen am dai fforddiadwy.

Ni honnir bod y cais at ddibenion amaethyddol ac ni fyddai datblygu annedd fforddiadwy, waeth beth fo'r angen, yn cydymffurfio â'r polisi yn sgil ei lleoliad anghysbell, anghynaliadwy. Byddai'r lleoliad anghysbell a'r angen, felly, i ddefnyddio trafndiaeth breifat i gyrraedd cyfleusterau yn golygu bod y cynnig ym mynd yn groes i'r egwyddor o ddatblygu cynaliadwy, yn unol â gofynion Cymru'r Dyfodol. Felly ystyrir bod y datblygiad yn mynd i groesi i bolisi cenedlaethol a pholisi S04 y CDLI.

Does dim gwrthwynebiad i'r cynnig o bersbectif priffyrdd, ecolegol, draenio tir na hawliau tramwy, serch nodi bod y Cyngor Cymuned ac un trydydd parti wedi mynegi pryder am y cynnig, yn arbennig ynghylch adeiladu trac anawdurdodedig i'r safle dan sylw. Nid yw barn yr ymgynghoreion yn gwrthbwysu'r gwrthwynebiad polisi i'r cynnig.

Bernir y byddai'r cynnig yn golygu creu annedd newydd mewn lleoliad anghysbell heb unrhyw gyfiawnhad, ac o ganlyniad mae'n mynd yn groes i bolisïau S01, S04, S05, LU08 ac LU09 y CDLI a pholisi cynllunio cenedlaethol, ac argymhellir bod y cais yn cael ei wrthod.

RHESWM DROS OHIRIO

Penderfynodd y Pwyllgor yn ei gyfarfod ar 12 Hydref i gyfeirio'r cais i'r Panel Archwilio Safle ac i ohirio gwneud penderfyniad ar y cais yn unol â gweithdrefnau gweithredol y Pwyllgor Rheoli Datblygu ar gyfer 'oeri'.

Cyfarfu'r Panel Archwilio Safle ar 24ain Hydref, 2022 ac roedd yn cynnwys y Cyng Rh Davies (Cadeirydd); Cyng I Davies, M Davies, Rh Evans a G Hughes. Hefyd yn bresennol roedd y Cynghorydd W Evans (Aelod Ward Lleol mewn swyddogaeth arsylwi), Mrs C Newbold (Rheolwr Gwasanaeth Rheoli Datblygu) a Mr J Eirug (Arweinydd Tîm Rheoli Datblygu (Gogledd)).

Disgrifiodd yr Arweinydd Tîm Rheoli Datblygu (Gogledd) y cais, safle'r cais, fframwaith polisi ac adroddodd yr ymatebion i'r ymgynghoriad. Rhoddwyd gwybod i'r Panel mae'r prif fater mewn perthynas â'r cais oedd a ystyriwyd bod y cynnig yn cydymffurfio â pholisi LU09 o'r CDLI o ran yr ystyridd bod modd adfer y strwythur presennol heb ei ailadeiladu ac ei ymestyn yn sylweddol. Os bernir ei fod yn gwrthdaro â pholisi LU09 yna dylid ystyried y cais yn erbyn polisi S04. Roedd yr Adran o'r farn nad oedd modd adfer yr adeilad ac felly dyled ystyried y cais dan bolisi S04. Gan nad oedd y cais wedi ei wneud o dan dibenion TAN6 nac yn cydymffurfio â pholisi mewn perthynas â thai fforddiadwy mewn perthynas â lleoliad, argymhelliad yr Adran oedd un o wrthod.

Archwiliodd y Panel weddill strwythur Pantyffynnon Isaf, yr adeilad cyfagos drws nesaf (sied amaethyddol) a'r trac mynediad anawdurdodedig sy'n arwain at y safle. Yn dilyn archwilio adeilad y cais, cydnabu'r Panel fod yr adeilad yn rhy adfeilledig i gydymffurfio â pholisi LU09 mewn perthynas ag adfer anheddau segur a chytunwyd y byddai unrhyw waith adfer yn golygu dymchwel ac ailadeiladu'n llwyr yn hytrach nag adnewyddu.

Fodd bynnag, roedd aelodau'r Panel yn cydymdeimlo â'r bwriad gan ofyn a oedd modd ystyried adfer yr adeilad fel annedd TAN6 gan fod teulu'r ymgeisydd yn ffermio'r tir.

I gloi, roedd Aelodau'r Panel yn gytûn na ellid cefnogi'r cynnig o dan bolisi LU09 ond yn argymhell gofyn i'r Swyddogion gael gwybod gan yr ymgeisydd a fyddent yn ystyried ailadeiladu'r strwythur fel annedd o dan ddarpariaeth TAN6 cyn belled â bod hynny'n berthnasol. oedd cyfiawnhad amaethyddol dros yr annedd.

Trafodwyd y cais hefyd yn y Grŵp Tasg a Gorffen a gynhaliwyd ar 3 Tachwedd, 2022 a chawsant wybod am ganfyddiadau'r Panel Archwilio Safle. Holodd y Grŵp am eiriad polisi LU09 a oedd, yn eu barn hwy, yn caniatáu i hen annedd gael ei hailadeiladu ar yr amod bod adroddiad strwythurol ac ariannol yn cyfiawnhau'r achos. O'r herwydd, gofynnodd y Grŵp i'r ymgeiswyr gyflwyno adroddiad strwythurol ac ariannol i'w ystyried ac i'r mater gael ei adrodd yn ôl i'r Grŵp i'w ailystyried.

Cyfarfu'r Grŵp Tasg a Gorffen eto ar 1 Rhagfyr, 2022 a dywedwyd wrthynt fod asiant yr ymgeisydd yn eu hymateb wedi

cadarnhau nad oedd yr ymgeisydd am i'r cais, nac unrhyw gais yn y dyfodol yn ymwneud â'r hen annedd, gael ei ystyried dan feini prawf TAN6 gan mai ond yn gweithio'n rhan amser mewn amaethyddiaeth ydoedd ac felly ni fyddai'n gymwys ar gyfer annedd amaethyddol. Dywedodd hefyd bod dau dŷ eisoes ar fferm y teulu ac nad oedd angen amaethyddol swyddogaethol i annedd gael ei leoli ar safle'r cais gan ei fod yn cael ei ffermio a'i reoli'n llwyddiannus o'r prif fferm.

Cadarnhaodd adroddiad strwythurol ac ariannol i gadernid yr adeilad presennol fod yr adeilad wedi mynd yn adfail, i'r graddau bod elfennau o'r strwythur yn anniogel ac, mewn gwirionedd, yn beryglus. Ychwanegodd tra bod modd adnewyddu'r adeilad i ffurfio annedd, mae'r maint o ddatgymalu sydd ei angen er mwyn gwneud y strwythur yn ddiogel a hefyd yn ddigon cadarn i ganiatáu i'r gwaith ailadeiladu ddechrau, yn mynnu nad oedd adnewyddu yn opsiwn ymarferol. Roedd ailadeiladu yn dechnegol ac yn ymarferol yn opsiwn llawer mwy synhwyrol a phrofodd yn opsiwn ariannol mwy ymarferol.

Cadarnhaodd Uwch Swyddog Rheoli Adeiladu'r Awdurdod fod yr adroddiad yn dod i'r casgliad gyda'i ganfyddiadau bod yr adeilad yn adfail ac mai ychydig ohono y gellid ei achub. I bob pwrpas, cytunodd mae'r unig opsiwn realistig fyddai ailadeiladu'n llwyr.

Nodwyd hefyd nad oedd unrhyw fodd amlwg o gael mynediad derbyniol i'r safle, ac er nad yw wedi ei gynnwys yn y cais hwn, ystyriwyd bod y trac sy'n arwain at safle'r cais yn gwbl anaddas, annigonol, ac o bosibl yn beryglus o ran darparu mynediad gerbydol boddhaol a diogel i'r safle. Fel y cyfryw, ni fyddai'n briodol ystyried y cais os nad oedd modd cael mynediad iddo gan na fyddai'n bosibl dod i gasgliad a yw'n ffurf dderbyniol o ddatblygiad.

Serch hynny, nododd Aelodau'r Grŵp eu bod o blaid cefnogi'r cais ar gyfer yr adeilad (yn amodol ar fynediad priodol) yn unol ag LU09 gan nad yw, yn eu barn hwy, wedi'i ddymchwel nac wedi dadfeilio fel nad yw bellach ag edrychiad sylweddol o annedd, ac oherwydd roedd modd ei adnewyddu. Mae LU09 yn mynd ymlaen i ddweud, lle nad yw adnewyddu'n ymarferol oherwydd bod strwythur yr adeilad yn ansefydlog, bod yn rhaid darparu cyfiawnhad manwl dros ailadeiladu. Roedd yr aelodau o'r farn bod y gofyniad hwn wedi'i fodloni a'u bod yn fodlon â'r cyfiawnhad dros gael un newydd, gan fod yr adroddiad yn awgrymu y gallai'r adeilad fod yn bosibl ei ailadeiladu, ond efallai na fyddai'n ariannol hyfyw i wneud hynny. Nododd yr aelodau hefyd eu bod o'r farn bod y cais yn cwrrd â gofynion paragraff 7.49 mewn perthynas â chadw edrychiad tŷ yn sylweddol gan fod nodweddion megis agoriad drws, ffenestri, rhan o'r edrychiad blaen a rhan o'r simnai dal yn adnabyddadwy.

Cytunodd y Grŵp yn unfrydol bod Swyddogion yn cysylltu â'r ymgeisydd i'w hysbysu o argymhellion y Grŵp Oedi a gofyn iddynt ystyried cytuno i ohirio penderfynu ar y cais er mwyn cyflwyno cais ar wahân ar gyfer cadw rhan / adeiladu ffordd fynediad. Y cais presennol i'w ohirio er mwyn cytuno ar derfyn amser, gan gymryd i ystyriaeth yr amser y gall ei gymryd i gynnal asesiad effaith ecolegol rhagarweiniol, ac unrhyw ail-ddylunio y gallai fod angen iddynt ei wneud er mwyn lliniaru unrhyw effaith ecolegol i'w gefnogi at gyfer cais am y ffordd fynediad. Fodd bynnag, os yw'r ymgeisydd yn dewis parhau gyda'r cais fel y mae ar hyn o bryd, cytunwyd bod y Grŵp Oedi yn argymhell i'r Pwyllgor Rheoli Datblygu fynd gydag argymhelliad y Swyddog i wrthod y cais oherwydd nad oedd unrhyw mynediad derbyniol i'r safle.

ADRODDWYD I'R PWYLLGOR AM Y RHESYMAU CANLYNOL:-

Mae'r cais yn cael ei adrodd gerbron y Pwyllgor Rheoli Datblygu ar gais yr Aelod Lleol, y Cynghorydd W Evans, am y rhesymau canlynol:-

- Roedd rhywun yn byw yn yr eiddo tan yr 1980au
- Mae'r adeilad dan sylw yn dal i edrych fel annedd gan fwyaf, ac mae'n unol â pholisi LU09. Nid yw polisi S04 yn berthnasol am fod yr adeilad yn cydymffurfio â pholisi LU09, sydd o blaid adfer anheddau y cefnwyd arnynt.

ARGYMHELLIAD

I WRTHOD y cais am iddo fynd yn groes i bolisïau S01, S04, S05, LU08 ac LU09 y CDLI.

Rhif y Cais / Application Reference	A220202
Derbyniwyd / Received	11-03-2022
Y Bwriad / Proposal	Replacement of an abandoned dwelling.
Lleoliad Safle / Site Location	Land at Pantyffynnon Isaf, Ysbyty Ystwyth, SY25 6DG
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr Ifan Jones Evans, Rhosyrhiw, Devils Bridge, Ystrad Meurig, Ceredigion, SY25 6DX
Asiant / Agent	Mrs Gwennan Jenkins (JMS Planning and Development), Hafan Y Coed, Maeshyfyd, Lampeter, SA48 8AN

THE SITE AND RELEVANT PLANNING HISTORY

The application refers to the former dwelling known as Pantyffynnon located approx 1.65km to the east of the settlement of Ponrhydygroes. The former farmhouse is located in a remote area in a dell in the Cambrian Mountains close to Nant Seran, a tributary of the Ystwyth. Access to the property and an associated outbuilding is via a track which joins with the County road leading to Ysbyty Ystwyth to the west. A public footpath runs between the former dwelling and the outbuilding. The property was formerly part of the Hafod Estate but was sold together with 141 acres in 1947.

There is no planning history to this building.

DETAILS OF DEVELOPMENT

The application is in full and seeks planning permission for the demolition of the remaining parts of the dwelling and the erection of a replacement dwelling.

The remains of Pantyffynnon contains primarily parts of the main four walls with limited features remaining. Pantyffynnon was of stone construction and roofed naturally with slate. It is intended that the replacement dwelling is to be built on the same footprint as existing with a two storey extension being built to the rear of the property to replace a cat slide feature in order to provide a three bedroomed, one and a half storey house. The new build will be constructed of natural stone and slate and will have upvc fenestration.

The existing access track will be used for vehicular access to the property with the main parking and turning area located to the west of the building. Foul sewage will be dealt with via a package treatment plant.

RELEVANT PLANNING POLICIES AND GUIDANCE

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

- DM01 Managing the Impacts of Development on Communities and the Welsh Language
- DM03 Sustainable Travel
- DM06 High Quality Design and Placemaking
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape
- DM18 Special Landscape Areas (SLAs)
- LU08 Replacement of Existing Dwellings
- LU09 The Re-use of Former/Abandoned Dwellings
- 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

NRW - Express concern but advise that issues relating to protected birds in the nearby SSSI can be overcome by mitigation measures through imposition of condition.

Dyfed Archaeology - No objection subject to condition requiring appropriate photographic survey being undertaken prior to commencement of work.

Dŵr Cymru / Welsh Water - No comment

CC Ysbyty Ystwyth CC - Express concerns in relation to the creation of unauthorised tracks to the building and concern over the potential contamination of nearby watercourse.

Ceredigion Highways - No objection STC

Ceredigion Drainage - Comments

Ceredigion ROW - Comments

One third party representation received objecting the proposal on grounds that the building is too dilapidated for conversion; that a track has been constructed to the property without permission; granting permission for the proposal would set a dangerous precedent.

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".

Policies S04, LU08 and LU09 of the Ceredigion Local Development Plan are the key policies in relation to the consideration of this application. The replacement of existing dwellings is covered under policy LU08 and if not applicable the proposal must be considered under policy LU09, which deals with the re-instatement of abandoned dwellings to full residential use. Policy LU08 supports proposal to replace existing dwellings provided that the residential use of the building has not been abandoned and remains clearly recognisable as a permanent dwelling under Class C3 of the Use Class Order 1987. It is the opinion of the LPA that the building (or what remains of it) has lost its residential status and therefore the application must be considered under policy LU09. That policy states that re-use will only be permitted where the original dwelling has not been demolished, or fallen into such a state of disrepair so that it no longer has the substantial appearance of a dwelling. It also goes on to state that the original dwelling shall be capable of renovation.

In considering policy LU09 the LPA will seek to ensure that re-use only occurs if the original dwelling has substantially

retained the appearance of a dwelling. Features which may determine whether the structure is recognisable as a dwelling may include the retention of; substantial parts of external walls, especially a front or rear elevation; openings for doors or windows; roof; chimney stack etc.

In respect of this application and whilst it is acknowledged that the building was used for residential purposes, it is the opinion that the structure is considered derelict and abandoned with only minor parts of the main walls remaining. Whilst there are some identifying features including some patterns of fenestration and front door it is the opinion that the building has fallen into such a state of disrepair that it is no longer considered that it can be re-instated without substantial rebuilding and extension.

Therefore as it is the opinion of the LPA that the building is already derelict or semi-derelict then the proposal is in conflict with policy LU09. As the existing structure has fallen in to such a state of disrepair that it would not be capable of reinstatement without substantial rebuilding and extension, policy S04 applies regarding development in the open countryside.

As with the case in relation to both national and local policy, there is a presumption against development in the open countryside. Policy S04 of the LDP deals with development proposals in 'Linked Settlements and Other Locations'. Policy S04 seeks to control the proliferation of residential development in the open countryside, permitting new dwellings in other locations only where there is a justifiable rural enterprise need or is required on an unmet affordable need basis.

No claim is made that the proposal is required for agricultural purposes and the development of an affordable dwelling, irrespective of need, would not be compliant with policy in view of its isolated, unsustainable location. Its remote location whereby use of private transport to access facilities would render the proposal as contrary to the principle of sustainable development in line with Future Wales requirements. Therefore it is considered that the proposal is contrary to both national policy and policy S04 of the LDP.

There are no objections to the proposal from a highway, ecological, land drainage or right of way perspective although it is noted that the Community Council and one third party express concern with the proposal particularly the unauthorised construction of a track to the site in question. The views of the consultees do not outweigh the policy objection to the proposal.

It is the opinion that the proposal would see the creation of a new dwelling in an isolated location without any justification and as such is contrary to policies S01, S04, S05, LU08 and LU09 of the LDP and national planning policy it is recommended that the application be refused.

REASON FOR DEFERRAL

The Committee at its meeting on 12th October resolved to refer the application to the Site Inspection Panel and to defer determination of the application in accordance with the operational procedures of the Development Management Committee for 'cooling off'.

The Site Inspection Panel met on 24th October, 2022 and comprised Cllr Rh Davies (Chairman); Cllrs I Davies, M Davies, Rh Evans and G Hughes. Also in attendance were Cllr W Evans (Local Ward Member in an observational capacity), Mrs C Newbold (Development Management Service Manager) and Mr J Eirug (Development Management Team Leader (North)).

The Development Management Team Leader (North) described the application, the application site, policy framework and reported the consultation responses. The Panel were informed that the main issue in relation to the application was whether the proposal was considered to be in compliance with policy LU09 of the LDP in that the existing structure was deemed to be capable of reinstatement without substantial rebuilding and extension. If it was deemed that it was in conflict with policy LU09 then the application should be considered against policy S04. The Department were of the opinion that the building was not capable of reinstatement and therefore to be considered under policy S04. As the proposal was not required under TAN6 purposes or complied with policy in relation to affordable dwellings in relation to location then the recommendation of the Department was one of refusal.

The Panel inspected the remaining structure of Pantyffynnon Isaf, the neighbouring building next door (agricultural shed) and the unauthorised access track leading to the site. Following inspection of the application building, the Panel acknowledged that the that the building was too derelict to comply with policy LU09 in relation to the reinstatement of abandoned dwellings and agreed that any reinstatement would involve complete demolition and rebuild rather than renovation.

Members of the Panel however were sympathetic to the proposal and queried as to whether it was possible to consider the reinstatement of the building as a TAN6 dwelling as the applicant's family were farming the land.

In conclusion, Members of the Panel were in agreement that the proposal could not be supported under policy LU09 but requested Officers to ascertain from the applicant as to whether they would consider the rebuilding of the structure as a dwelling under the provision of TAN6 provided that there was agricultural justification for the dwelling.

The application was also discussed at the Task and Finish Group held on 3rd November, 2022 and were informed of the findings of the Site Inspection Panel. The Group queried the wording of policy LU09 which in their opinion allowed a former dwelling to be re-built provided that a structural and financial report justified the case. As such the Group requested that the applicants submit a structural and financial report for consideration and that the matter be reported back to the Group for reconsideration.

The Task and Finish Group met again on 1st December, 2022 and were informed that the applicant's agent in their response confirmed that the applicant did not request the application, or any future application relating to the former dwelling, be considered under TAN6 criteria as he only worked part time in agriculture and therefore would not qualify for an agricultural dwelling. He also stated that there were already two dwellings on the family's farm and that there was no functional agricultural need for a dwelling to be located at the application site as it was successfully farmed and managed from the main farm holding.

A structural and financial report into the integrity of the existing building confirmed that the building had become dilapidated, to an extent where elements of the structure were unsound and were, in fact, unsafe. It added that whilst the building was capable of being renovated to form a dwelling the amount of dismantling required in order to make the structure safe and also robust and sound enough to allow rebuilding to commence, dictates that renovation was not a viable option. Rebuilding was both technically and functionally a far more sensible option and proved a more viable financial option.

The Authority's Senior Building Control Officer confirmed that the report concluded with his findings that the building was derelict and that little of it could be salvaged. For all intents and purposes he agreed that the only realistic option would be a complete rebuild.

It was also noted that there was no obvious means of an acceptable access to the site, and although not included in this application, the track leading to the application site was considered totally unsuitable, inadequate, and potentially hazardous in terms of providing a satisfactory and safe means of vehicular access to the site. As such, it would not be appropriate to consider the application if there is no means of accessing it as it would not be possible to conclude whether it is an acceptable form of development.

Notwithstanding, Members of the Group noted that they were minded to support the application for the building (subject to appropriate access) in line with LU09 as it has not in their opinion been demolished or fallen into such a state of disrepair so that it no longer has the substantial appearance of a dwelling, and because it is capable of renovation. LU09 goes on to say that where renovation is not practicable because the building is structurally unsound, that detailed justification must be provided for re-build. Members were of the view that this requirement had been met and that they were content with the justification for replacement, as the report suggests that the building may be capable of rebuild, but that it may not be financially viable to do so. Members also noted that they were of the view that the application met the requirements of paragraph 7.49 in relation to substantially retaining the appearance of a dwelling in that features such as a door opening, windows, part of the front elevation and part of the chimney were still identifiable.

The Group unanimously agreed that Officers contact the applicant to advise them of the recommendations of the Cooling-Off Group and ask that they consider to agree to defer determination of the application in order for the submission of a separate application for the part retention / construction of an access road. The current application to be deferred for a time limit to be agreed, taking into consideration the time it may take them to carry out a preliminary ecological impact assessment, and any redesign that they may need to do in order to mitigate any ecological impact in support of the application for the access road. However, if the applicant chooses to continue with the application as it currently stands, it was agreed that the Cooling-Off Group recommend to the Development Management Committee to go with the Officer recommendation to refuse the application due to there being no obvious means of an acceptable access to the site.

REPORTED TO COMMITTEE FOR THE FOLLOWING REASONS:-

The application is reported to the Development Management Committee at the request of the Local Member, Cllr W Evans for the following reasons:-

- The property was lived in up until the 1980's;
- The building in question still has the substantial appearance of a dwelling and accords with policy LU09. Policy S04 is not relevant as the building complies with policy LU09 which supports the reinstatement of abandoned dwellings.

RECOMMENDATION:

To REFUSE the application as contrary to S01, S04, S05, LU08 and LU09 of the LDP.