

4. Penderfyniadau Apeliadau/Appeal Decisions

02-02-2023 - 01-03-2023

#	Cyfeirnod yr Apel / Appeal Reference	Cais / Gorfodaeth / Linked Application / Enforcement	Apeliwr / Appellant	Rhesymau dros apelio / Grounds for Appeal	Lleoliad / Location	Penderfyniad Allanol / External Decision	Dyddiad Penderfyniad Allanol / External Decision Date
1	CAS-01679-T9V3K5	A200773	Mr and Mrs A & S Irvine	Call-in application.	Llwydlo Fach, Aberarth, SA46 0JX	Dismissed	15-02-2023

5. Apeliadau a Dderbyniwyd/Appeals Received

02-02-2023 - 01-03-2023

#	Cyfeirnod yr Apel / Appeal Reference	Cais / Gorfodaeth / Linked Application / Enforcement	Apeliwr / Appellant	Rhesymau dros apelio / Grounds for Appeal	Lleoliad / Location	Penderfyniad Allanol / External Decision	Dyddiad Penderfyniad Allanol / External Decision Date
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Penderfyniadau
Cynllunio ac
Amgylchedd **Cymru**

Planning &
Environment
Decisions **Wales**

Adroddiad

Ymweliad â safle a wnaed ar 25/08/22

**gan Richard E. Jenkins BA (Hons) MSc
MRTPI**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 13.12.2022

Report

Site visit made on 25/08/22

**by Richard E. Jenkins BA (Hons) MSc
MRTPI**

**an Inspector appointed by the Welsh
Ministers**

Date: 13.12.2022

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77

APPLICATION BY: MR AND MRS ADAM AND SARAH IRVINE

LOCAL PLANNING AUTHORITY: CEREDIGION COUNTY COUNCIL

FOR: PROPOSED LOCAL NEEDS (AFFORDABLE) DWELLING

AT: LLWYDLO FACH, ABERARTH, ABERAERON, SA46 0JX

REFERENCE: CAS-01679-T9V3K5

Ref: CAS-01679-T9V3K5

Site address: Llwydlo Fach, Aberarth, Aberaeron, SA46 0JX

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The application was called in for decision by the Minister for Climate Change, one of the Welsh Ministers, in a letter issued under section 77 of the Town and Country Planning Act 1990, on 17 September 2021.
- The application is made by Mr and Mrs Adam and Sarah Irvine to Ceredigion County Council.
- The application ref A200773 is dated 4 September 2020.
- The development proposed is proposed local needs (affordable) dwelling.

Summary of Recommendation: That the application be refused.

Background and Procedural Matters

1. Ceredigion County Council (hereinafter referred as the Council) resolved to grant outline planning permission for the development proposed, contrary to the professional advice of its officers. Specifically, the '*Officer's Report*' to the Council's Development Control Committee recommended the following reasons for refusal:
 - The application would result in a new affordable dwelling within an unjustified open countryside location, contrary to national planning policy set out within Planning Policy Wales and Technical Advice Note 2: *Planning and Affordable Housing* (2006) (TAN2) and the adopted Local Development Plan policies S01 and S04; and
 - The application, if permitted, will undermine the deliverability of the adopted Local Development Plan housing strategy, specifically policies S01 and S04.
 2. Members resolved to grant permission despite the identified policy conflict, citing specific material considerations that were considered to weigh in favour of the proposed development. These are as follows:
 - Approval of the application would keep the countryside of Ceredigion alive;
 - Members recognise the site to be in a cluster therefore meeting the requirements in relation to Planning Policy Wales and Ceredigion's Local Development Plan;
 - The approval would allow family to obtain support from their family and childcare which would facilitate the applicants being able to work which would in turn promote the economy; and
 - The application has environmental benefits in accordance with County Council policies by cutting down on travelling for childcare.
 3. The Welsh Government (WG) subsequently directed that the application be called in for a decision by the Minister for Climate Change, under Section 77 of the above Act. The full reasons for that direction are set out in WG's letter dated 17 September 2021. That letter also identified the main issues in relation to the call-in request. These were set out as follows:
 - *The application site falls within the definition of 'other locations' in the adopted Ceredigion Local Development Plan (LDP) where development should be strictly controlled;*
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- *The proposal conflicts with national planning policy on affordable dwellings; and*
- *The site is not a sustainable location.*

The Site and Surroundings

4. The application site relates to a modest area of agricultural land located approximately 2km from Aberarth. There are a number of residential properties within the vicinity, although the application site forms part of an open and undeveloped field parcel located alongside a single track unclassified road.

The Proposed Development

5. The application seeks planning permission for an affordable dwelling. The dwelling would provide three bedrooms and would incorporate some 166 square metres (net) of internal floor space. The dwelling would be constructed using rustic brick, render and cladding, with a natural slate roof. An access drive would be formed off the single track unclassified road running past the site. The access drive would provide both access and parking for the proposed dwelling, but would also offer a vehicular access to the agricultural land located behind the application site.

National and Local Planning Policy

National Policy

6. Future Wales: *The National Plan 2040* (2021) (hereinafter referred as Future Wales) sets out a national development framework that sets the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.
7. Future Wales places a strong emphasis on the climate emergency and sets a direction for where Wales should be investing in infrastructure and development. It is generally consistent with the overarching principles of the Well-being of Future Generations (Wales) Act 2015 (WBFG Act) and seeks to influence the way new development is planned. Specifically, it demands that development and the use of land contributes to improving the economic, social, environmental and cultural well-being of Wales. It provides support for sustainable development and puts placemaking at the heart of the planning system. It seeks to direct growth towards urban areas, whilst supporting sustainable rural communities and proportionate growth in rural towns and villages. It also seeks to ensure that the delivery of affordable housing is increased in areas where it is needed.
8. The Planning (Wales) Act 2015 and the WBFG Act enact the sustainable development principle and require planning decisions to comply with seven wellbeing goals. Consistent with such principles, Planning Policy Wales (Edition 11, 2021) (PPW) seeks to ensure that the planning system operates to deliver sustainable development and improves the social, economic, environmental and cultural well-being of Wales. It creates a presumption in favour of sustainable development that ensures social, economic, cultural and environmental issues are balanced by the decision-taker in making decisions on individual planning applications and emphasises the importance of placemaking. It sets out five key principles in delivering sustainable places. These are growing the economy in a sustainable manner, making best use of resources, facilitating accessible and healthy environments, creating and sustaining communities and maximising environmental protection and limiting environmental impact.
9. PPW sets out a framework for strategic placemaking, with the aim to make the best possible use of suitable previously developed land in preference to greenfield sites.

Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled.

10. PPW promotes distinctive and natural placemaking and well-being, with green infrastructure playing a fundamental role in shaping places and our sense of well-being. The planning system should protect and enhance green infrastructure assets and networks because of their multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, alongside the need to meet society's wider social and economic objectives and the needs of local communities. Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species locally or nationally and must provide a net benefit for biodiversity. In doing so Local Planning Authorities (LPAs) must also take account of, and promote, the resilience of ecosystems.
11. PPW is supplemented by a suite of Technical Advice Notes (TANs). The following TANs are of relevance to the planning application: TAN2: *Planning and Affordable Housing (2006)*; TAN5: *Nature Conservation and Planning (2009)*; TAN 6: *Planning for Sustainable Rural Communities (2010)*; TAN12: *Design (2016)*; and TAN23: *Economic Development (2014)*.

Local Policy

12. The development plan for the area is the adopted Ceredigion Local Development Plan 2007- 2022 (Adopted 2013) (hereinafter referred as the LDP). The Council has identified a number of its policies as material to the determination of the planning application. These are as follows:
 - S01: *Sustainable Growth*;
 - S04: *Development in Linked Settlements and Other Locations*;
 - S05: *Affordable Housing*;
 - LU02: *Requirements Regarding All Residential Developments*;
 - LU05: *Securing the Delivery of Housing 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*; and
 - DM20: *Protection of Trees Hedgerows and Woodlands*.

13. Policy S01, Policy S04 and Policies S05 are of particular relevance to the main issues raised through the WG's call-in request. I shall consider the full detail of these policies in the Planning Appraisal section of this Report, below.
14. The Council's Supplementary Planning Guidance (SPG) document entitled '*Affordable Homes*' (2014) is also of relevance to the application. Amongst other things, that SPG document specifies minimum and maximum net floor areas for affordable homes. The absolute maximum standard is 137 square metres.

Planning History

15. There is no planning history of any significance to the planning application.

The Case for the Applicants

16. The case for the applicants is set out through a number of '*Application Submission Documents*', with the principal arguments in favour of the development summarised in the submitted '*Planning and Affordable Housing Statement*'.
17. The applicants note that the dwelling is necessary to enable them to live within close proximity to immediate and extended family members that occupy nearby dwellings. It is submitted that such an arrangement would assist the applicants with childcare arrangements and prevent the need for the significant daily travelling patterns currently undertaken from Llanarth in order to make childcare arrangements. It is contended that their current property is of insufficient scale for their future needs and that an extension to that property is not a viable option due to financial constraints.
18. The application site was chosen as it is within close proximity to family members and is considered to represent an infill opportunity between 9No. other existing dwellings. It is also noted that the land was formerly occupied by a former cottage. The 9No. dwellings within the vicinity are illustrated on the submitted '*Site Location Map*' and further annotated in the '*Planning and Affordable Housing Statement*' and are known locally as Brohelyg (occupied by applicants' parents), Mwythig (occupied by applicants' grandparents), Awel-Y-Bryn, Sangha, Llwydlo, Clawdd Dewi, Lluest-Newydd, Caebislan-Uchaf and finally Y Stablai which was granted planning permission as an agricultural worker's dwelling in 2019.
19. The applicants are said to be in local need for accommodation and have children attending primary school in Aberaeron. The family are a first language Welsh speaking family, meaning that the application would support the local and national aspirations of strengthening the Welsh Language. Evidence has been provided in an attempt to demonstrate that there are currently no 4 or 5 bedroom dwellings within the family's price range sufficiently close to Aberaeron. The proposal would not be the subject of any land costs and therefore represents an affordable proposal for the applicants. The site is put forward as an infill opportunity that would not give rise to any further ribbon development. The submitted legal agreement would ensure that the dwelling represents an affordable dwelling in accordance with the definition of national policy and that it would be retained as such in perpetuity.
20. It is submitted that the proposal is broadly compliant with the aims of Policies S04 and S05 of the adopted LDP. Specifically, it is noted that Policy S04 provides support for affordable housing located immediately adjacent to existing groups of dwellings. This support is said to relate to groups of dwellings outside of settlements and should not be interpreted to apply to land immediately adjacent to the settlements defined as such in the adopted LDP. This is considered to be consistent with the advice contained within PPW which states that sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to be local needs, may be acceptable, but

much depends upon the character or the surroundings, the pattern of development in the area and the accessibility of main towns and villages.

21. Policy S05 permits affordable housing exception sites in the “*Other Locations*” defined by the adopted LDP and the applicants have provided evidence to demonstrate that they have a local connection to the area, that they are in local need for the dwelling and that their financial situation is compliant with tests applied by Ceredigion County Council in determining suitability for affordable housing. It is also clarified that the dwelling would represent the applicants’ sole residence. The applicants point to the fact that the Council has no objection to this evidence and that this is reflected through the executed Section 106 agreement.
22. In conclusion, it is submitted that the proposed development would be compliant with both the aims of Policies S04 and S05 of the adopted LDP and national policy.

The Case for the Council

23. As set out above, the Council made its decision contrary to its professional officer’s recommendation. The officer’s assessment of the proposal and recommended reason for refusal is set out in the ‘*Officer’s Report*’ to the Meeting of the Development Control Committee held on 19 May 2021.
24. As set out in its ‘*Factual Statement*’ that formed part of the Questionnaire documents, the Council has confirmed that its Members resolved to approve the planning application despite the policy conflict identified through the ‘*Officer’s Report*’, citing the following material considerations that were considered to weigh in favour of the proposed development:
- The development would keep the countryside of Ceredigion alive;
 - The development would be sited within a cluster thus meeting the requirements in relation to national and local policy;
 - The development would allow the applicants to obtain childcare from family members, thus enabling the parents to return to work which would have a positive impact on the local economy; and
 - The development would reduce the need to travel for childcare and therefore result in environmental benefits.
25. It is submitted that all matters could be satisfactorily controlled through the imposition of suitably worded planning conditions and the executed planning obligation.

Written Representations

Representations submitted to the LPA

26. The LPA did not receive any written representations from statutory consultees objecting to the proposal, subject to planning conditions being imposed. Five interested party representations were however submitted to the LPA objecting to the proposals. These representations included the following objections/ observations:
- The site is located in open countryside with only dispersed cottages and farmsteads nearby, with the bungalow opposite the application site only benefiting from planning permission on the basis of an agricultural justification;
 - The applicants currently own another property;
 - There is a protected mature hedgerow along the site boundary and there are trees not shown on the submitted plans;
 - There would be an adverse impact on biodiversity, habitat and landscape;

- The layout, form, scale and appearance of the proposed dwelling would not integrate with its surroundings, with neighbouring properties comprising bungalows sited behind hedgerows/ trees;
- Would require access to third party land to achieve visibility splays;
- There would be an adverse impact on privacy, amenity and light for neighbouring occupiers;
- There would be construction disturbances;
- The property would be larger than affordable housing requirements;
- Granting planning permission would set a precedent for future development.

27. The LPA also received three letters of support. These set out that the development would be beneficial for family reasons, whilst also noting that the land is not actively used for agricultural purposes.

Representations submitted to Planning and Environment Decisions Wales (PEDW)

28. In addition to the written representations submitted to the Council, a number of written representations were submitted to Planning and Environment Decisions Wales (PEDW). These included representations in support of the development contending that the scheme would represent a sustainable form of infill development that would have access to facilities and services via a public footpath.
29. Objections on the grounds of the loss of an ancient hedgerow and adverse impact on ecology have also been raised, as well as concerns that the plans are misleading as they illustrate two separate structures with Bro Helyg set against a small square shed behind the bungalow.

Planning Obligation

30. During the site inspection, the applicants' agent indicated a desire to submit a planning obligation and requested additional time for it to be submitted. A timetable for its submission was subsequently agreed in writing and an executed Section 106 agreement was received by PEDW on 2 November 2022. Amongst other things, the agreement sets out that the owner covenants with the Council to provide affordable housing on the land and that it would remain as such in perpetuity.

Planning Appraisal

31. Based on the foregoing, I consider the main issue in the determination of the application to be whether the development is acceptable in principle, having particular regard to the planning policy framework.

Principle of Development

32. The appeal site is located away from the defined settlement boundaries defined by the adopted Ceredigion LDP and is therefore situated in the '*Other Locations*' category for the purposes of development plan policy. Consistent with national planning policy, development in such locations should be strictly controlled, although there are some exceptions particularly for, amongst other things, affordable housing schemes.
33. Policy S04 of the adopted LDP states that general housing provision will only be permitted in '*Linked Settlements*' and that all '*Other Locations*' are inappropriate for housing development unless justified on the basis that, amongst other things, it meets a demonstrated unmet affordable housing need in the locality and otherwise accords with Policy S05. Policy S05 goes on to seek to facilitate the delivery of affordable housing, specifically permitting 100% affordable housing sites where justified by evidence of unmet affordable local need. This includes those '*Other Locations*', although the reasoned justification of that policy does go on to clarify that such '*rural exception sites*' would be required to be within or adjoining existing rural settlements which would not otherwise be released for market housing.
34. The description of development in this instance is set out as a '*proposed local needs (affordable) dwelling*' and the application is subject of a legal agreement, executed under Section 106 of the above Act, that would ensure that the dwelling would comprise affordable housing and that it would be retained as such in perpetuity. Indeed, despite its professional officers raising concerns about the size of the proposed dwelling exceeding the absolute maximum space standard of 137 square metres prescribed by the Council's '*Affordable Homes*' SPG, the Council is a signatory of the legal agreement.
35. Nevertheless, whilst the applicants argue that the proposal would represent a form of infill development that would be located within a cluster of 9No. other existing dwellings, I am not persuaded that the development would be compliant with the thrust of Policy S05. In coming to this conclusion, I have been mindful of the dispersed nature of the existing dwellings cited within the applicants' evidence and have been particularly mindful of the fact that the reasoned justification to Policy S05 clarifies that such exception sites should be within or adjoining existing rural settlements. The application site is not within or adjoining an established settlement for planning purposes and would therefore conflict with the development strategy of the adopted LDP.
36. It is clearly material to note that national policy encourages the delivery of affordable housing. It is also relevant to note that PPW allows for some infilling where it meets a local need for affordable housing. However, broadly consistent with the thrust of the adopted LDP, paragraph 3.60 of PPW states that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. As I have already outlined that the application site is located away from the settlements identified within the adopted LDP, it follows that development in such locations should be strictly controlled.
37. Notwithstanding such concerns, there is little doubt that the development would be heavily reliant on the use of a private car. Indeed, whilst there is a footpath nearby, there are no pedestrian footways leading to it and, given the distances to established settlements, it would not in my view represent a realistic or attractive option for accessing day to day facilities and services. In addition to this, public transport options are not readily accessible from the land. Therefore, at approximately 2km away from Aberarth,

and only accessible via a single track unclassified road, there is no doubt that the development would fail to represent a sustainable form of development.

38. Much of the arguments in favour of the development turn on the perceived benefits that would arise from the applicants' family being able to reside within close proximity to its extended family. Specifically, it is submitted that the development would enable family members to assist with childcare arrangements, thus reducing the need for daily travelling for such purposes. It has also been suggested that such arrangements would enable family members to return to work and therefore have wider economic benefits.
39. However, whilst such arguments are noted, the evidence falls short of demonstrating that the overall daily movements by private car would be reduced and, in any event, such short term benefits do not in my view justify a permanent dwelling in such an unsustainable location. Similarly, any economic benefits are largely unsubstantiated by tangible evidence and do not, therefore, weigh heavily in favour of the development.
40. Therefore, based on the foregoing analysis, I find that the proposed development would represent an unsustainable form of development that would conflict with the development strategy promoted through the adopted LDP and, in particular, the aims of Policy S05. For the same reasons, it would also conflict with the sustainability and placemaking principles that underpin national policy. As such harm and associated policy conflict would not be justified by the arguments advanced in favour of the development, it follows that the development would be unacceptable in principle.

Other Matters

41. Concerns have been raised through interested party representations that the development would not integrate with its surroundings. However, without prejudice to my findings in respect of the principle of development, I have not seen any significant design concerns that would lead me to conclude that the development would be unacceptable on such grounds. Furthermore, having regard to the scale, siting, form and overall design of the dwelling, I am satisfied that the development would not lead to any material harm to the living conditions of neighbouring occupiers by reason of loss of privacy, outlook or natural light.
42. Construction disturbances could be adequately controlled through the imposition of suitably worded planning conditions and the Highways Authority is also satisfied that access arrangements could also be secured via planning conditions. I have no reason to come to an alternative conclusion on such matters. Concerns have been raised in respect of the loss of a hedgerow, although there is no cogent evidence to suggest that the dwelling could not be developed without causing unacceptable harm to features of ecological importance. A scheme of ecological enhancements could also be secured through the use of planning conditions.

Planning Balance and Overall Conclusion

43. Whilst I have found that matters in respect of design, ecology and access could be satisfactorily controlled through the imposition of suitably worded planning conditions, I have also found that the dwelling would represent an unsustainable form of development that would conflict with the sustainability and place making principles that underpin both local and national planning policy. The development would therefore be unacceptable in principle. Such concerns are not in my view outweighed by the matters advanced in favour of the scheme. Indeed, the aforementioned harm and associated policy conflict represents a compelling reason why planning permission should be withheld in this instance.
44. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under

section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Planning Conditions

45. The Council has submitted a list of suggested planning conditions and, whilst I do not consider that they satisfactorily mitigate the foregoing concerns, I have considered them in the event that the Minister takes a different view on the planning matters. Specifically, I have assessed the conditions suggested by the Council within the context of the advice set out in Welsh Government (WG) Circular 16/14: *The Use of Planning Conditions in Development Management* (2014) and have provided a 'Schedule of Recommended Planning Conditions' at Appendix A of this Report.
46. The Council's suggested planning conditions indicate that the development should commence no later than 18 months from the date of planning permission being granted. However, as I have not seen any cogent arguments to deviate from the standard time commencement period, I recommend that this should be altered to allow for a typical 5 year commencement period.
47. There appears to be some ambiguity regarding the requirements of the Council's suggested Condition Nos. 3, 4, 6 and 7. As such, I recommend that access arrangements should be completed in accordance with a scheme that is first submitted to and approved in writing by the LPA. This would be provided through recommended Condition No.3. The Council's suggested condition Nos. 8, 9, 12 and 13 relate to surface water drainage and would be captured by separate legislation. They are not therefore necessary so have not been recommended in this Report. The Council's suggested planning condition Nos.10 and 11 relate to parking provision. However, as parking arrangements would be secured through the specified plans under recommended Condition No.2, I am not convinced that either is necessary, not least because the single track road passing the site would leave the applicants with no alternative but to provide on-site parking prior to occupying the property.
48. Finally, the Council has suggested that permitted development rights should be restricted. However, there has not been any detailed justification for this and, as these rights have been afforded by the government, I am not persuaded that such action is necessary. I do not therefore recommend the imposition of the Council's suggested planning condition No.16. All other conditions recommended at Appendix A of this Report are considered to be reasonable and necessary and otherwise in accordance with the advice set out in Circular 16/14.

Recommendation

49. Based on the foregoing, and having considered all matters raised, I recommend that the application should be refused.

Richard E. Jenkins

INSPECTOR

Appendix A: Schedule of Recommended Planning Conditions

- 1) The development shall begin not later than 5 years from the date of this decision.

REASON: *To ensure compliance with Section 91 of the Town and Country Planning Act 1990.*

- 2) The development shall be carried out in accordance with the following approved plans:

- Location Plan. Drawing No. 2240/1.03 (dated July 2020, received 15/09/2020);
- Proposed Block Plan. Drawing No. 2240/1.05 (dated July 2020, received 15/09/2020);
- Proposed Elevations, Floor Plans and Roof Plan. Drawing No. 2240/2.06 (dated April 2020, received 15/09/2020).

REASON: *To ensure compliance with the approved plans.*

- 3) No development shall take place until a detailed scheme of access is first submitted to and approved in writing by the Local Planning Authority. The access shall be laid out in accordance with the approved scheme and shall be retained as such in perpetuity.

REASON: *In the Interest of highway safety – Policies DM03, DM04, DM06*

- 4) Prior to the occupation of the dwelling hereby permitted, visibility splays measuring 2.4m (min 'x' distance) by 43m (min 'y' distance) shall be provided. Within these splays, there shall be no obstruction in excess of 600mm in height above the adjoining level of the highway. The splays shall be retained as such in perpetuity.

REASON: *In the Interest of highway safety – Policies DM03, DM04, DM06*

- 5) Any exterior security or decorative lights shall be less than 3 metres from the ground, and fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical, and shall not be fixed to, or directed at, bat roost access points/boxes or gables or eaves. Lighting must be less than 3 lux at ground level and there shall be no light splay exceeding 1 lux along buildings, eaves or roof or adjacent hedgerows or trees. Any lighting shall be Passive Infrared (PIR) triggered.

REASON: *In the interest of local ecology - LDP Policies DM06, DM10, DM15 and DM20.*

- 6) No works or development shall take place until a detailed '*Hedgerow compensation and ecological enhancements scheme*' has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the dwelling and shall be retained as approved in perpetuity. The scheme shall include (but not necessarily be limited to) the following:

- a. Replacement hedgerow planting along the roadside boundary to comprise at least 7 native species (not ash);
- b. Additional hedgerow planting along the northern boundary of the development to comprise at least 7 species (not ash);
- c. Preparation and planting of hedgerow banks with a hedgerow seed mix and plug plants of local provenance, to include common dog-violet (*Viola riviniana*);
- d. Detailed methodology and management plan for all hedgerow related activities;
- e. Ecological enhancements to comprise of a minimum of native tree planting (not ash) and bird boxes.

All landscaping and enhancements in the approved scheme shall be completed within 12 calendar months of commencement of the development or in such phases as may be agreed in writing with the Local Planning Authority. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species or alternatives that are agreed in writing with the Local Planning Authority.

REASON: In the interest of local ecology - LDP Policies DM06, DM10, DM15 and DM20 and to comply with the requirements of the Environment Wales Act 2016.



Ein cyf/Our ref: qA1474789

Mr Paul Nicholls,
ArchiSpec Architectural Consultants Ltd,
Chapel Street,
Llanarth,
SA47 0RG.

By E-mail: planning@archispec.co.uk; paul@archispec.co.uk

15 February 2023

Dear Mr Nicolls,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.
CALLED IN PLANNING APPLICATION FOR PROPOSED LOCAL NEEDS
(AFFORDABLE) DWELLING AT LLWYDLO FACH ABERARTH, ABERAERON,
SA46 0JX.
APPLICATION NO. A200773.**

1. Consideration has been given to the report of the Inspector, regarding your client's planning application, Local Planning Authority reference: A200773.
2. On 17 September 2021, in accordance with Section 77 of the Town and Country Planning Act 1990 ("the 1990 Act"), the above named planning application was called in for decision by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006, the power to determine applications under Section 77 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Minister for Climate Change.
3. The Inspector recommends planning permission be refused. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Issue

4. The Inspector considers the main consideration in this case is whether the development is acceptable in principle, having regard to the planning policy framework. I agree the Inspector that this is the main issue relating to the application.
5. For the purposes of the Ceredigion Local Development Plan ("LDP") the application site falls within 'Other Locations', which is described as mainly open countryside with a

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

scattering of small settlements where development will be strictly controlled. Consistent with national planning policy, development in such locations should be strictly controlled, although there are some exceptions for affordable housing schemes. (IR 32)

6. The Inspector notes policy S04 of the adopted LDP states general housing provision will only be permitted in '*Linked Settlements*' and that all '*Other Locations*' are inappropriate for housing development unless justified on the basis that, amongst other things, it meets a demonstrated unmet affordable housing need in the locality and otherwise accords with Policy S05. Policy S05 goes on to seek to facilitate the delivery of affordable housing, specifically permitting 100% affordable housing sites where justified by evidence of unmet affordable local need. This includes those '*Other Locations*', although the reasoned justification of that policy does go on to clarify that such '*rural exception sites*' would be required to be within or adjoining existing rural settlements which would not otherwise be released for market housing. (IR33)
7. The Inspector notes whilst the applicants argue the proposal would represent a form of infill development which would be located within a cluster of 9 other existing dwellings, the Inspector is not persuaded the development would be compliant with the thrust of Policy S05. In coming to this conclusion, the Inspector has been mindful of the dispersed nature of the existing dwellings cited within the applicants' evidence and has been particularly mindful of the fact that the reasoned justification to Policy S05 clarifies that such exception sites should be within or adjoining existing rural settlements. The application site is not within or adjoining an established settlement for planning purposes and would therefore conflict with the development strategy of the adopted LDP. (IR35)
8. The Inspector states national policy encourages the delivery of affordable housing and Planning Policy Wales ("PPW") allows for some infilling where it meets a local need for affordable housing. However, paragraph 3.60 of PPW states new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. The Inspector states as the application site is located away from the settlements identified within the adopted LDP, it follows that development in such locations should be strictly controlled. (IR36)
9. The Inspector also states the development would be heavily reliant on the use of a private car as there are no pedestrian footways leading to the development. (IR37)
10. The Inspector states there is no public transport options readily accessible from the land therefore this application is not a sustainable form of development. (IR37)
11. Much of the applicants' arguments in favour of the development derive from the perceived benefits which would arise from the applicants being able to reside closer to their extended family. The Inspector states the benefits of the applicants' moving closer would be reduced car journeys as the family assist with childcare arrangements, however, the Inspector notes there is little evidence demonstrating overall daily car movements would be reduced, and such short-term benefits do not justify a permanent dwelling in an unsustainable location. (IR38-39)
12. The Inspector concludes that the proposal would represent an unsustainable form of development, which conflicts with the sustainability and placemaking principles which underpin national policy in PPW, the development strategy promoted through the adopted LDP and the aims of policy S05. (IR40)

Other material considerations

13. The Inspector notes concerns have been raised by interested parties that the development does not integrate with the surroundings. However, the Inspector does not consider the development would be unacceptable on these grounds. (IR41)
14. The Inspector also highlights other concerns raised such as construction disturbance, highway access and removal of a hedgerow and that these can be controlled using suitable conditions. (IR42)

Overall Conclusions

15. The Inspector notes the proposal would represent an unsustainable form of development which would conflict with the sustainability and place making principles that underpin both local and national planning policy. (IR43)
16. In reaching their recommendation, the Inspector has considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-being of Future Generations (Wales) Act 2015 (“WFG Act”). The Inspector has taken into account the ways of working set out at section 5 of the WFG Act and considers that the recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WFG Act. (IR 44)
17. The Inspector recommends the application for planning permission is refused. (IR 45)

Formal Decision

18. I agree with the Inspector’s reasoning and conclusions. For the reasons set out in the Inspector’s report, and in exercise of the power referred to in paragraph 2 of this decision letter, I hereby refuse planning permission for planning application A200773.
19. In reaching this decision I note the Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. I have taken into account the ways of working set out at section 5(2) of the WFG Act and ‘SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act’. My assessment against each of the ways of working is set out below:

Looking to the long-term

20. The decision takes account of the need create sustainable developments for the long-term.

Taking an integrated approach

21. I have considered the impacts from the development proposal on the Welsh Government’s well-being objectives, which incorporate the well-being goals set out in section 4 of the WFG Act. Where an objective is not set out, the effect of this decision is neutral.

Impact on well-being objectives

- Make our cities, towns and villages even better places in which to live and work – positive effect.

Involving people/Collaborating with others

22. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Prevention

23. The decision would prevent development being undertaken which would undermine the placemaking principles in PPW.

Integration

24. The decision has been made taking into account economic, social and cultural well-being which has led to the development not being considered sustainable.
25. I consider my decision accords with the sustainable development principle set out in the WFG Act. Therefore, I consider the decision is a reasonable step towards meeting the Welsh Government's well-being objectives.
26. A copy of this letter has been sent to Ceredigion County Council.

Your sincerely,



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change