

# 1. Gohiriwyd/Deferred

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A220398	01-06-2022	Kieran Mathews	Proposed infill dwelling	Land Adjacent Uwch-y-nant Borth, SY24 5NY	Refuse

# 1.1. A220398



<b>Rhif y Cais / Application Reference</b>	A220398
<b>Derbyniwyd / Received</b>	01-06-2022
<b>Y Bwriad / Proposal</b>	Proposed infill dwelling
<b>Lleoliad Safle / Site Location</b>	Land Adjacent Uwch-y-Nant, Borth, SY24 5NY
<b>Math o Gais / Application Type</b>	Outline Planning Permission - All/Some Matters Reserved
<b>Ymgeisydd / Applicant</b>	Kieran Mathews, Glan Dylan Cottage Ynyslas, Ynyslas, SY24 5JX
<b>Asiant / Agent</b>	Mr P Nicholls (ArchiSpec Architectural Consultants Ltd), Stiwdio Gido, Cwm Gido Gilfachreda, New Quay, SA45 9SS

## Y SAFLE A HANES PERTHNASOL

Mae'r safle tua 620m i'r de-ddwyrain o anheddiad Borth ac mae'n wynebu ffordd Sirol sy'n cysylltu Borth Uchaf â Llandre. Mae'r safle'n cael ei ddefnyddio at ddibenion domestig ar hyn o bryd mewn perthynas ag eiddo Uwch y Nant. I'r dwyrain o'r safle y mae eiddo cyfagos Pant Glas. Mae'r ardal gerllaw yn cynnwys rhes o bump o anheddau ar ochr ddeheuol y ffordd Sirol.

Rhodddwyd caniatâd cynllunio ar gyfer yr eiddo a elwir yn Pant Glas yn 1987 ac eto yn 1988, a rhodddwyd caniatâd ar gyfer yr eiddo Uwch y Nant yn 1991. Yn 2011, ac yn groes i argymhelliad y swyddog, rhodddwyd caniatâd cynllunio amlinellol ar gyfer annedd ar y parcel hwn o dir, ac eto yn 2012, serch bod safle'r cais ychydig yn llai. Ni chyflwynwyd unrhyw geisiadau ar gyfer materion a gadwyd yn ôl, ac mae'r ddau ganiatâd wedi dod i ben erbyn hyn.

## MANYLION Y DATBLYGIAD

Mae'r cais ar gyfer caniatâd cynllunio i godi annedd ar y parcel hwn o dir, gyda'r holl faterion, ar wahân i fynediad a maint, yn amodol ar gymeradwyaeth yn y dyfodol.

Mae'r cynlluniau'n dangos annedd o'r maint canlynol:-

Arwynebedd – dim mwy na 137m<sup>2</sup> net o arwynebedd llawr defnyddiadwy;

Lled – Isaf 13m Uchaf 18m;

Dyfnnder - Isaf 5.5m Uchaf 9.5m;

Uchder (at y bondo) - Rhwng 2.6m a 5.6m;

Uchder (at y grib) - Rhwng 4.3m a 6.8m.

Bwriedir creu mynedfa i'r safle drwy ledur'r fynedfa gerbydau bresennol i Uwch y Nant. Bwriedir cael llain weledd o 2.4m x 43m.

Y bwriad yw darparu annedd fforddiadwy ar gyfer un o'r trigolion lleol sy'n gweithio ar y môr ar hyn o bryd fel Morlywiwr Cenedlaethol. Cyflwynwyd asesiad o'r angen am dai fforddiadwy gyda'r cais, sy'n dangos nad oes unrhyw eiddo ar gael yn y Borth a'r ardal gyfagos sy'n dod o fewn y categori tai fforddiadwy, ac sy'n addas i'w amgylchiadau. Mi fyddai'r ymgeisydd yn bodloni'r meini prawf ar gyfer annedd fforddiadwy, yn ariannol ac o ran deiliadaeth.

## POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiâu Cynllunio Cenedlaethol perthnasol:

- Cymru'r Dyfodol – Y Cynllun Cenedlaethol 2040 (2021)
- PPW11 Polisi Cynllunio Cymru (argraffiad 11, Chwefror 2021)

Mae'r polisiâu canlynol o'r 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

DM10 Dylunio a Thirlunio

DM11 Dylunio ar gyfer y Newid yn yr Hinsawdd

DM13 Systemau Draenio Cynaliadwy

DM14 Cadwraeth Natur a Chysylltedd Ecolegol

DM15 Cadw Bioamrywiaeth Leol

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; anabled; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw priodol i hyrwyddo cydraddoldeb yn golygu:

- dileu neu leihau'r anfanteision a wynebwr 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**

Ecoleg Ceredigion – Dim gwrthwynebiad yn amodol ar gontract

Draenio Ceredigion - Sylwadau

Priffyrdd Ceredigion – Dim gwrthwynebiad yn amodol ar gontract

Cyngor Cymuned Y Borth – Dim ymateb

Derbyniwyd sylwadau gan drydydd parti yn gwrthwynebu'r cynnig ar sail colli preifatrwydd; cysgodi; colli man agored, a phryderon ynghylch diogelwch ar y priffyrdd.

## **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”.*

Mae safle'r cais wedi'i leoli yng nghanol cefn gwlad agored tua 620m o Ganolfan Gwasanaethau Gwledig y Borth, ac er bod gan y safle hanes o ganiatâd cynllunio ar gyfer annedd, mae pob caniatâd wedi dod i ben erbyn hyn.

O ran Cynllun Datblygu Lleol Ceredigion mae safle'r cais yn dod o fewn y categori 'lleoliadau eraill' lle mae datblygu'n cael ei reoli'n llym er mwyn sicrhau datblygu cynaliadwy a gwarchod cefn gwlad agored.

Mae Polisi S04 y CDLI yn nodi bod datblygu tai yn gyffredinol yn amhriodol o fewn 'lleoliadau eraill' oni bai bod modd ei gyfiawnhau ar sail y ffaith ei fod yn cwrdd ag angen am dai fforddiadwy nas diwallwyd yn yr ardal, a'i fod yn cydymffurfio â pholisi S05; neu'r angen am annedd menter yn unol â TAN 6.

Nid oes angen safle'r cais at ddibenion TAN 6 ond yn hytrach mae'r cynnig yn ymwneud â darparu annedd fforddiadwy. Cyflwynwyd datganiad tai fforddiadwy i gefnogi'r cais, fel tystiolaeth o'r angen, y galw a'r cyfiawnhad dros annedd fforddiadwy yn yr ardal.

Mae Polisi S04 yn gofyn bod tai fforddiadwy wedi'u lleoli'n union gerllaw grwpiau presennol o anheddau yn unol â bwriadau paragraff 9.2.22 o Bolisi Cynllunio Cymru. Fodd bynnag mae Polisi Cynllunio Cymru wedi'i ddiweddarau ers hynny, gyda pharagraff 3.60 yn gofyn bod tai a ddatblygir yng nghefn gwlad wedi'u lleoli o fewn neu gerllaw aneddiadau, lle gellir darparu orau ar eu cyfer yn nhermau seilwaith, mynediad, cynefin a gwarchod y dirwedd. Mae'n nodi y gall mewnlenni neu estyniadau bach i aneddiadau presennol fod yn dderbyniol, yn arbennig os ydyn nhw'n cwrdd ag angen lleol am dai fforddiadwy, ond bod angen cadw rheolaeth lem ar unrhyw adeiladau newydd sydd o fewn ardal cefn gwlad agored, i ffwrdd o aneddiadau presennol.

Er bod safle'r cais o fewn grŵp o bump o anheddau, mae'r safle cryn bellter i ffwrdd o brif adeiladau'r dref ac anheddiad dynodedig y Borth. Ni ellid ei ddisgrifio felly fel datblygiad oedd o fewn neu gerllaw unrhyw anheddiad. Hefyd, does dim palmantau rhwng safle'r cais â'r Borth i ganiatáu cerdded yn ddiogel, a hefyd does dim trafndiaeth gyhoeddus o fewn pellter cerdded diogel o safle'r cais. Mi fyddai'r deiliaid felly'n llwyr ddibynnol ar ddefnydd o gerbyd preifat i gyrraedd gwasanaethau a chyfleusterau. Mae hyn yn mynd yn groes i bolisiau cynllunio cenedlaethol a lleol sy'n ceisio hyrwyddo dulliau teithio cynaliadwy, drwy sicrhau bod tai'n cael eu datblygu mewn lleoliadau lle gellir cyrraedd gwasanaethau a chyfleusterau drwy gerdded neu feicio yn y lle cyntaf, yna drwy drafndiaeth gyhoeddus, ac yn olaf drwy ddefnyddio cerbydau modur preifat.

*Cafodd safiad y polisi cenedlaethol diweddaraf ei danlinellu gan yr Arolygydd Cynllunio mewn penderfyniad galw i mewn yn Llwydlo, Aberarth, ac mae'n berthnasol i'r cais hwn. Gan droi at dai fforddiadwy, mae polisi S04 y CDLI yn nodi, o fewn Lleoliadau Eraill, yn nhermau tai fforddiadwy, y dylai tai newydd gael eu lleoli'n union gerllaw grwpiau presennol o anheddau yn unol â bwriadau paragraff 9.2.22 Polisi Cynllunio Cymru a pharagraff 10.13 TAN 2. Mae'r cyfeiriad at baragraff 9.2.22 yn ymwneud ag argraffiad 9 o Bolisi Cynllunio Cymru, sydd wedi'i ddisodli erbyn hyn yn sgil cyhoeddi Argraffiad 10. Fodd bynnag, mae paragraff 3.56 o Argraffiad 10, y cyfeirir ato uchod, yn adlewyrchu'n bennaf yr hyn a geir ym mharagraff 9.2.22 o'r argraffiad blaenorol, er ei fod wedi'i ddiwygio i gyfeirio at fewnlenni neu estyniadau bach i aneddiadau (fy mhwyslais i) yn hytrach na grwpiau (fy mhwyslais i) o anheddau. Mae paragraff 4.2.34 o Argraffiad 10 a pharagraff 10.13 o TAN 2 yn ategu y dylai safleoedd gwledig sydd wedi'u heithrio ar gyfer tai fforddiadwy fod ar dir sydd o fewn, neu'n union gerllaw aneddiadau gwledig presennol. Dylai tai fforddiadwy ar safleoedd o'r fath ddiwallu anghenion pobl lleol am byth a chyfrif tuag at y ddarpariaeth dai yn gyffredinol.*

Mae Cymru'r Dyfodol yn pwysleisio pwysigrwydd datblygu o fewn aneddiadau cynaliadwy. Mae'n nodi bod aneddiadau gwledig ffyniannus, cydnerth a chynaliadwy yn rhai sy'n cynnwys cymysgedd cyfoethog o dai, cyflogaeth, gwasanaethau a seilwaith, wedi'u lleoli yn y manau iawn i ddiwallu anghenion a dyheadau'r boblogaeth ar gyfer y dyfodol.

Ystyrir nad yw safle'r datblygiad arfaethedig o fewn anheddiad nac yn agos at unrhyw rai o'r gwasanaethau a'r seilwaith uchod, ac felly ystyrir nad yw'r lleoliad yn un cynaliadwy. Hefyd, byddai ychwanegu'r datblygiad yn creu mwy o anghydwysedd rhwng y ganolfan gwasanaethau â lleoliadau eraill, yn groes i Bolisi S04.

Er nad oes unrhyw wrthwynebiad i'r cynnig o bersbectif priffyrdd, draenio ac ecoleg, nodir bod gwrthwynebiad trydydd parti wedi'i dderbyn ar sail golli preifatrwydd, cysgodi, colli man agored a diogelwch ar y priffyrdd. Nodir seiliau'r gwrthwynebiad.

I gloi, byddai darparu annedd, serch ei gyflwyno fel uned fforddiadwy, yn y lleoliad hwn yng nghanol cefn gwlad agored yn mynd yn groes i egwyddorion datblygu cynaliadwy, a byddai'n arwain at ffurf datblygu annerbyniol o fewn cefn gwlad agored. Mae'r cynnig yn mynd yn groes i bolisiau cynllunio cenedlaethol a lleol.

#### **RHESYMAU DROS GYFEIRIO'R CAIS AT SYLW'R PWYLLGOR RHEOLI DATBLYGU: -**

Mae'r Cynghorydd Hugh Hughes wedi gofyn bod y cais yn cael ei gyfeirio at sylw'r Pwyllgor Rheoli Datblygu am y rhesymau canlynol:-

- Mae'r ardal dan sylw o fewn anheddiad ac mae'r cais ar gyfer annedd fforddiadwy o fewn yr anheddiad hwnnw;
- Mae'r ymgeisydd yn berson lleol a dyfodd i fyny yn y Borth gan fynychu'r ysgol leol. Ar hyn o bryd mae'n gweithio fel masnachlongwr ac mae i ffwrdd am 3 mis ar y tro. Mae bellach am ymgartrefu yn ymyl ei dad.

#### **ARGYMHELLIAD:**

Gwrthod y cais am ei fod yn groes i bolisiâu lleol a chenedlaethol.

#### **RHESWM DROS OHIRIO:**

Yng nghyfarfod y Pwyllgor Rheoli Datblygu ar y 10fed o Fai, 2023, penderfynodd yr Aelodau ohirio gwneud penderfyniad ar y cais, er mwyn caniatáu mwy o amser neu gyfnod "ail feddwl" i ystyried y pwyntiau a godwyd gan yr Aelodau. Yn fwy penodol, i ystyried a oes unrhyw ystyriaethau perthnasol sydd â thystiolaeth ddigonol i orbwyso'r polisiau, ystyried arwyddocâd y gwriad ac i ystyried y risgiau sy'n gysylltiedig â chaniatáu'r cais, cyn adrodd y mater yn ôl i'r Pwyllgor.

Cyfarfu'r Grŵp Oeri ar y 23ain o Fai, 2023, lle rhoddodd yr Aelodau ystyriaeth llawn i'r pwyntiau a godwyd uchod. Sylwch nid oedd y Cyng. Ceris Jones yn bresennol.

Er bod Aelodau'r grŵp yn derbyn nad yw'r safle wedi'i leoli o fewn ffiniau diffiniedig Y Borth, a'u bod yn deall felly pam yr oedd swyddogion yn argymhell gwrthod y cais, roedd y grŵp serch hynny o'r farn bod ystyriaethau perthnasol eraill yn yr achos hwn a oedd yn cyfiawnhau caniatáu'r cais yn groes i argymhelliad y swyddog.

Yn gyntaf, tra eu bod yn cydnabod bod y safle y tu allan i ffiniau diffiniedig yr anheddiad, nododd yr Aelodau fodd bynnag fod y safle yn agos iawn i Borth, lle mae gwasanaethau a chyfleusterau digonol ar gael i wasanaethu anghenion dyddiol. Roedd yr aelodau'n gweld agosrwydd Y Borth fel Canolfan Gwasanaeth Gwledig yn factor pwysig yn yr achos hwn, sy'n wahanol i'r achosion a ystyriwyd yn flaenorol gan y grŵp, a oedd â chyd-destun mwy gwledig.

Dywedodd yr aelodau hefyd fod y plot wedi'i leoli rhwng datblygiadau presennol, ac roedd felly'n cynrychioli cyfle mewnlenni yn hytrach na ffurf fwy achlysurol neu rhubanaidd o ddatblygiad. Yn ogystal, dywedodd yr Aelodau hefyd fod y safle yn agos iawn at Barc Gwyliau Brynowen.

Ymhellach, rhoddodd yr Aelodau bwysau sylweddol ar y ffaith bod caniatad wedi cael ei rhoi ar ddau achlysur yn y gorffennol ar gyfer datblygiad preswyl ar y safle hwn. Er gwaethaf y ffaith bod y ddau ganiatad hyn bellach wedi dod i ben, roedd yr Aelodau o'r farn bod cynsail wedi'i gosod gan y ddau caniatad cynllunio blaenorol.

Yn olaf, roedd yr Aelodau'n bryderus y bu diffyg cyflenwad tai o fewn yr anheddiad ei hun ac roeddent o'r farn bod angen i'r Cyngor ddarparu cymaint o dai fforddiadwy â phosibl, gan fod pobl lleol yn cael eu prisio allan o'r farchnad.

I gloi felly, roedd yr Aelodau o'r farn bod ystyriaethau perthnasol eraill yn yr achos hwn a oedd yn ddigonol i orbwyso'r rhagdybiaeth polisi yn erbyn y datblygiad. Felly argymhelliad y Grŵp Oeri oedd i argymhell i'r Pwyllgor Rheoli Datblygu bod y cais yn cael ei gymeradwyo.

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<b>Derbyniwyd / Received</b>	01-06-2022
<b>Y Bwriad / Proposal</b>	Proposed infill dwelling
<b>Lleoliad Safle / Site Location</b>	Land Adjacent Uwch-y-Nant, Borth, SY24 5NY
<b>Math o Gais / Application Type</b>	Outline Planning Permission - All/Some Matters Reserved
<b>Ymgeisydd / Applicant</b>	Kieran Mathews, Glan Dylan Cottage Ynyslas, Ynyslas, SY24 5JX
<b>Asiant / Agent</b>	Mr P Nicholls (ArchiSpec Architectural Consultants Ltd), Stiwdio Gido, Cwm Gido Gilfachreda, New Quay, SA45 9SS

## THE SITE AND RELEVANT PLANNING HISTORY

The site is some 620m to the southeast of the settlement of Borth and fronts onto a County road which connects Upper Borth with Llandre. The site is currently used for domestic purposes in association with the property of Uwch y Nant. To the east of the site is the neighbouring property of Pant Glas. The immediate area is characterised by a row of five dwellings on the southern side of the County road.

Planning permission was granted for the property known as Pant Glas in 1987 and 1988 respectively, whilst permission was approved for the property of Uwch y Nant in 1991. In 2011 and contrary to officer recommendation, outline planning permission was granted for a dwelling on this parcel of land and again in 2012 albeit the application site being slightly smaller. No applications for reserved matters were ever submitted and both permissions have now lapsed.

## DETAILS OF DEVELOPMENT

Outline planning permission is sought for the erection of a dwelling on this parcel of land with all matters apart from access and scale subject to future approval.

The plans show a dwelling with the following scale parameters:-

Area - no greater than 137m<sup>2</sup> net usable floor area;

Width - Min 13m Max 18m;

Depth - Min 5.5m Max 9.5m;

Height (to eaves) - Between 2.6m and 5.6m;

Height (to ridge) - Between 4.3m and 6.8m.

Access to the site is to be created by widening the existing vehicular access to Uwch y Nant. A 2.4m x 43m visibility splay is proposed.

The proposal is for the provision of an affordable dwelling to a local person who is currently at work on sea as an international Marine Navigator. An affordable housing needs assessment was submitted with the application which indicates that there are no properties available in the Borth and immediate area which falls within the affordable price bracket which meets his circumstances. The applicant would meet both the occupancy and financial criteria for an affordable dwelling.

## RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy:

- Future Wales - The National Plan 2040 (2021)
- PPW11 Planning Policy Wales (Edition 11, February 2021)

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

DM10 Design and Landscaping

DM11 Designing for Climate Change

DM13 Sustainable Drainage Systems

DM14 Nature Conservation and Ecological Connectivity

DM15 Local Biodiversity Conservation

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

S05 Affordable Housing

## **OTHER MATERIAL CONSIDERATIONS**

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

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

### **EQUALITY ACT 2010**

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

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

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

### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

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

## **CONSULTATION RESPONSES**

Ceredigion Ecology - No objection STC

Ceredigion Drainage - Comments

Ceredigion Highways - No objection STC

Cyngor Cymuned Y Borth Community Council - No response

One third party representation received objecting the proposal on grounds of loss of privacy; overshadowing; loss of open space and highway safety concerns.

## **CONCLUSION**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the development



plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise”.

The application site lies in an open countryside location approximately 620m from the Rural Service Centre of Borth and whilst the site has history of planning permissions for a dwelling all consents have now lapsed.

As far as the Ceredigion Local Development Plan is concerned the application site falls within the 'other locations' category where development is strictly controlled in the interest of achieving sustainable development and protecting the open countryside.

LDP Policy S04 states that general housing is inappropriate within 'other locations' unless justified on the basis that it meets a demonstrated unmet affordable housing need in the locality and accords with Policy S05; or need for a rural enterprise dwelling in line with TAN 6.

The application site is not required for TAN6 purposes but rather the proposal is for the provision of an affordable dwelling. An affordable housing statement has been submitted in support of this application as evidence to demonstrate the need, demand and justification for an affordable dwelling in the area.

Policy S04 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. However, PPW has since been updated with paragraph 3.60 requiring development in the countryside to be located within and adjoining settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscaping conservation. It 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.

Whilst the application site is within a group of five dwellings the site is a fair distance away from the main built form and designated settlement of Borth. It would therefore not be described as being within or adjoining any settlement. Furthermore, there are no pavements from the application site to Borth to allow safe walking, and there is also no public transport provision within a safe walking distance of the application site. Occupiers would therefore be solely reliant on the use of a private vehicle to access services and facilities. This is contrary to national and local planning policy which seek to promote sustainable means of travel by ensuring that housing development are built in locations where services and facilities can be accessed in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.

The updated national policy stance was emphasised by the Planning Inspector on a call-in decision at Llwydlo, Aberarth and is applicable to this application. *Turning to affordable housing, LDP policy S04 states that in Other Locations, in terms of affordable housing, new housing should be located immediately adjacent to existing groups of dwellings in line with the intentions of paragraph 9.2.22 of PPW and paragraph 10.13 of TAN 2. The reference to paragraph 9.2.22 is to edition 9 of PPW which has now been superseded by the publication of Edition 10. However, paragraph 3.56 of Edition 10, referred to above, largely reflects that of paragraph 9.2.22 of the previous edition although has been amended to refer to the infilling or minor extension of settlements (my emphasis) rather than groups (my emphasis) of dwellings. Paragraph 4.2.34 of Edition 10 and paragraph 10.13 of TAN 2 reiterate that rural exception sites for affordable housing should be on land within or adjoining existing rural settlements.*

*Affordable housing on such sites should meet the needs of local people in perpetuity and count towards the overall level of housing provision.*

Future Wales reiterates the importance of development within sustainable settlements. It notes that thriving, resilient and sustainable rural settlements are characterised by a rich mix of housing, employment, services and infrastructure located in the right places to meet the needs and future aspirations of the population.

The proposed development site is not considered to be within a settlement or close proximity to any of the above services and infrastructure and therefore, the location is not considered sustainable. Furthermore, the addition of the development would create a greater imbalance of housing between the service centre and other locations, contrary to Policy S04.

Whilst there are no objections to the proposal from a highways; drainage and ecological perspective it is noted that a third party objection was received on grounds of loss of privacy, overshadowing, loss of open space and highway safety. The grounds of objection are noted.

To conclude, the provision of a dwelling, irrespective being presented as an affordable unit, at this location in open countryside is contrary to the principles of sustainable development and will result in an unacceptable form of development in the open countryside. The proposal is contrary to both national and local planning policy.

## **REASONS FOR REFERRING THE APPLICATION TO THE DEVELOPMENT MANAGEMENT COMMITTEE: -**

Cllr. Hugh Hughes has requested that the application be referred to the the Development Management Committee for consideration for the following reasons:-

- The area concerned is within a settlement and that the applicant is for an affordable house within that settlement;
- The applicant is a local who grew up in Borth and attended school locally. He currently works as a merchant seaman and is away for 3 months at a time. He is looking to settle his family home next to his father.

### **RECOMMENDATION:**

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

### **REASON FOR DEFERRING:**

At the Development Management Committee meeting on the 10<sup>th</sup> May, 2023, Members resolved to defer the determination of the application, in order to allow further time or a 'cooling off' period to consider the points raised by Members. More specifically, to consider whether there are any material considerations that are sufficiently evidenced to outweigh the policies, to consider the significance of the departure and to consider the risks associated with approving the application, prior to reporting the matter back to Committee.

The Cooling Off Group subsequently met on the 23<sup>d</sup> May, 2023, whereby Members gave full consideration to the points raised above. Please note that Cllr. Ceris Jones was not in attendance.

Whilst Members of the group accepted that the site is not located within the defined settlement boundaries for Borth, and understood therefore why Officers were recommending the refusal of the application, the group were nevertheless of the opinion that there were other material considerations in this case that would justify approving the application contrary to officer recommendation.

Firstly, whilst acknowledging that the site lies outside of the defined settlement boundaries, Members noted however that the site lies within very close proximity to the settlement, where there are adequate services and facilities available to serve the daily needs of the future occupiers. Members saw the proximity of Borth as a Rural Service Centre as being an important factor in this case, which is different to the cases previously considered by the group, which have had a more rural context.

Members also commented that the plot had built form to either side, thereby representing an infilling opportunity as opposed to a more sporadic or ribboning form of development. Additionally, Members also commented that the site also lies within very close proximity to Brynowen Holiday Park.

Furthermore, Members placed significant weight on the fact that consent has been given on two occasions in the past for the residential development of this site. Notwithstanding the fact that these consents have now lapsed, Members considered that a precedent had been set by these previous planning permissions.

Finally, Members were concerned that there had been a lack of housing delivery within the settlement itself and they were of the opinion that the Council needed to deliver as many affordable homes as possible, as local people were being priced out of the market.

In conclusion therefore, Members considered that there were other material considerations in this case that were sufficient to outweigh the policy presumption against the development. The recommendation of the Cooling Off Group therefore was to recommend the approval of the application to the Development Management Committee.