

ATISN 20778 - ITEM 031

Iles, Nicholas (LGHCRA - Planning - Planning)

From: Iles, Nicholas (CCRA - Planning)
Sent: 15 February 2023 10:13
Subject: TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
Attachments: Welsh Ministers decision letter.pdf; Inspectors Report.pdf; Taflen-Leaflet HC.pdf

Dear Mr [REDACTED]

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.
CALLED IN PLANNING APPLICATION FOR PROPOSED LOCAL NEEDS (AFFORDABLE)
DWELLING AT [REDACTED]
APPLICATION NO. A200773.**

Please see the Welsh Ministers decision letter in respect of the above application. I also attach a copy of the Inspectors Report for your information. I have copied in Ceredigion County Council into this e-mail for information purposes.

Yours sincerely

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
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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.

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: qA1474789

Mr [REDACTED]
ArchiSpec Architectural Consultants Ltd,
Chapel Street,
Llanarth,
SA47 0RG.

By E-mail: [REDACTED]

15 February 2023

Dear Mr [REDACTED]

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.
CALLED IN PLANNING APPLICATION FOR PROPOSED LOCAL NEEDS
(AFFORDABLE) DWELLING AT [REDACTED]
[REDACTED]
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

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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