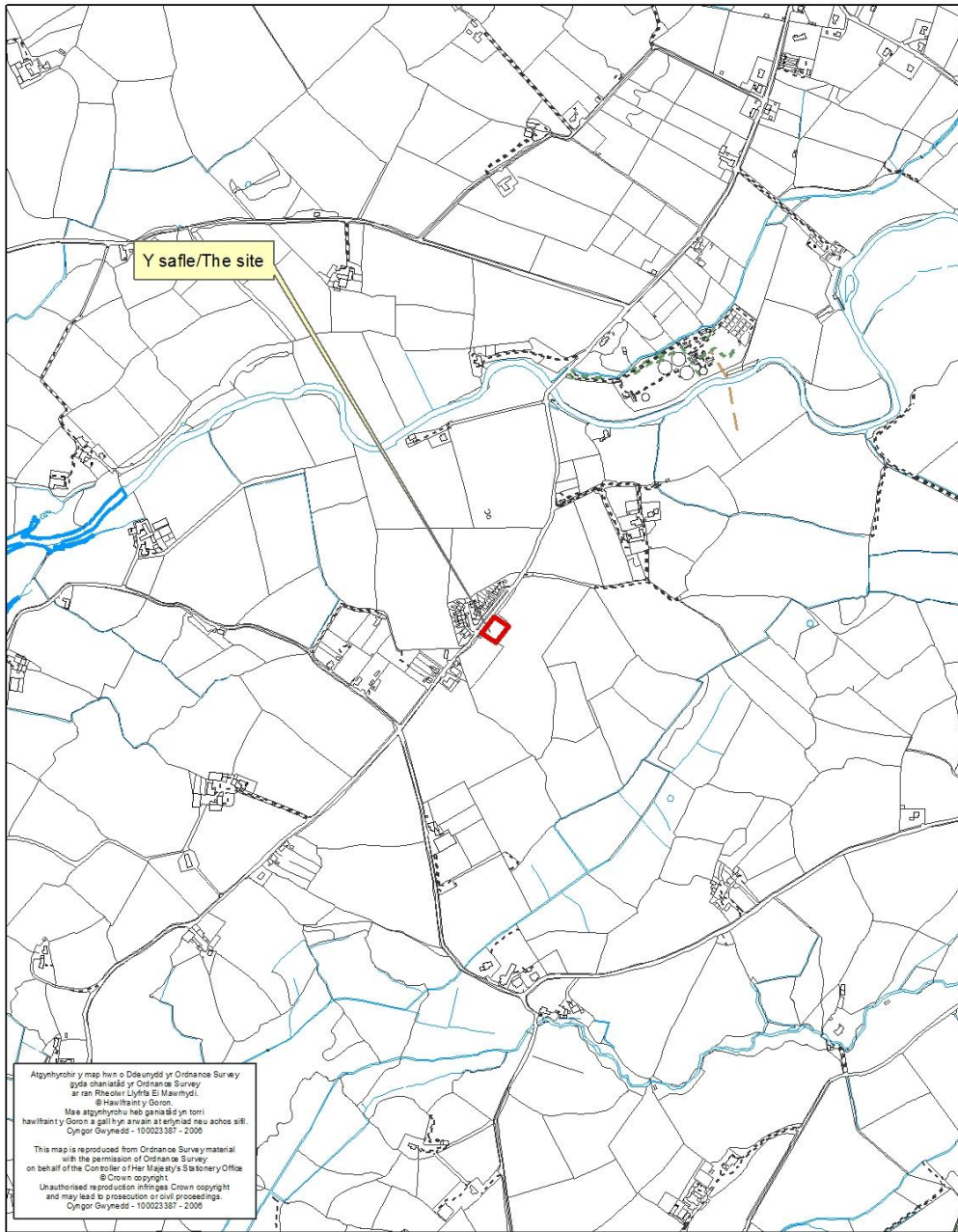


Number: 7



Rhif y Cais / Application Number : C15/1133/24/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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Application Number: C15/1133/24/LL
Date Registered: 02/11/2015
Application Type: Full - Planning
Community: Llanwnda
Ward: Llanwnda

Proposal: ERECTION OF A TWO STOREY DWELLING, NEW ACCESS AND SHED
Location: LAND ADJACENT TO TAI PENRALLT, SARON, CAERNARFON, GWYNEDD
LL545UW

Summary of the Recommendation:

TO REFUSE

1. Description:

1.1 This current application is a re-submission of an application for the erection of an affordable house, an access and a timber shed that was refused in August 2015 under the Council's delegated rights. This latest application has been amended on the following grounds:-

- The size of the site has been reduced from 2,049m² to 1,157m².
- The house is located 1.83m nearer to the nearby county road.
- The design of the roof and some windows has been revised.

1.2 The current application involves the erection of a two storey house, single garage (connected to the house via a slate roofed porch), new access, driveway and turning space, garden shed at the rear of the house, new *cloddiau* as well as an anti-stock fence along the eastern boundary at the rear of the site. Internally, the proposed house will contain a kitchen/dining room, two living rooms and a hall on the ground floor with four bedrooms, a landing and a bathroom on the first floor. A space will also be located on the second floor. Externally, the house will be constructed of natural slate roofs (along with solar panels), smooth *glaster* render with natural/cream finish and Aluclad softwood doors and windows of light grey colour. The fabrication of the garage will reflect the fabrication of the proposed house.

1.3 The height of the ridge of the main roof will be 7.5m above the nearby ground level with a height of 3m to the ridge of the garage roof with a surface area of 120m² (61m² ground floor and 59m² first floor). The house (except for the garage, front porch and garden shed) will be two storey with a gable to the northern elevation and a roof gable to the southern elevation where the solar panels will be located. It is proposed to install a chimney on the southern part of the main roof that will extend 1m above the ridge of the roof itself.

1.4 It is proposed to locate the new access in the centre at the front of the site with the nearby class III county road, and to close the existing agricultural access with a *clawdd*. The proposed house will be connected to the road via a short driveway as well as a turning space within the curtilage of the new residential site. The existing *clawdd* at the front of the site will be repaired with the erection of round stone pillars on both sides of the access painted with a limestone render for the gates.

1.5 The site measures 0.11ha compared with the size of the field which is 3.9ha and to the north of the site there is agricultural land and a driveway/public footpath to nearby fields, agricultural land is located to the east, a plot of land is located to the south which is designated as a "protected play area" in the GUDP and the Pant Road

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III class county road is to the west and the established Penrallt housing estate further away. The site is located outside the rural village of Saron as designated in the GUDP with the nearest house highlighted in red and located 21m to the west (number 13, Penrallt) with the county road and road into the estate separating the application site from the house itself.

- 1.6 In accordance with the requirements of TAN 12 on 'Design', a design and access statement was submitted with the application which includes the five statutory headings. In addition to this document, an affordable housing statement was also submitted along with a statement supporting the amended application on the grounds of planning policy.
- 1.7 The application was submitted to the Committee at the Local Member's request.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY B22 - BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 - AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aiming to safeguard the recognised features and amenities of the local area

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY C1 - LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY CH5 – NEW HOUSES IN RURAL VILLAGES

Approve a residential development that includes one or two units only in a Rural Village on specific sites provided it conforms to criteria relating to local need for the development, effect on the landscape and the specific features of the site.

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POLICY CH9 - NEW DWELLINGS IN OPEN COUNTRYSIDE

Refuse proposals for new dwellings in rural areas unless they are for individuals who must live on the site due to their work and a number of other criteria relevant to the location and the type of dwelling, and restrictions on ownership of the dwelling.

POLICY CH33 - SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

Gwynedd Design Guidelines (2003).

Supplementary Planning Guidance (SPG): Building New Houses in the Countryside (2009), New Houses in Rural Villages (2010) and Affordable Housing (2009).

2.3 National Policies:

Technical Advice Note (TAN) 2 - Planning and Affordable Housing (2010).

TAN 6 - Planning for Sustainable Rural Communities (2010).

TAN 12 - Design (2014).

Planning Policy Wales (PPW), Edition 7 (2014) Chapter 3 on 'Making and Enforcing Planning Decisions' and Chapter 9 on 'Housing'.

3. Relevant Planning History:

3.1 Application number C15/0738/24/LL - erection of a two storey house, new access and timber shed was refused under the delegated procedure in August 2015 on the grounds that it would mean erecting a new house in the countryside with no justification, that it created an incompatible feature in the open landscape and that no evidence had been received proving undisputedly that there was a local community need for an affordable house on the site.

3.2 In addition to the above application, a pre-application enquiry was submitted regarding the proposal to erect a house on this site under reference Y15/001357. In response to the enquiry, it was explained that the principle of erecting a house on this site was unacceptable based on the fact that it was located in open countryside and that it did not conform to relevant local and national planning policies and guidance. A planning application was submitted despite this advice.

4. Consultations:

Community/Town Council: No response.

Transportation Unit: No objection subject to including relevant conditions.

Natural Resources Wales: No objection.

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Welsh Water: Condition regarding the disposal of surface/foul water from the site.

Public Protection Unit: No response.

Biodiversity Unit: Need to include a condition that work to clear the front *clawdd* is undertaken outside bird nesting season.

Tai Teg: Awaiting a response.

Public Consultation: A notice was posted on the site and nearby residents were notified. The consultation period had not come to an end at the time of preparing this report but it will have come to an end by the date of the Committee. At the time of preparing the report, correspondence was received supporting the application on the following grounds:

- The location of the site will not intrude on the countryside.

5. Assessment of the material planning considerations:

The principle of the development

5.1 The principle of developing residential dwellings in the countryside has been included in a number of policy documents and strategic advice provided by the Council and by the Welsh Government. The context of the local policies have been included in the adopted document, the Gwynedd Unitary Development Plan, (2009-GUDP) which includes the following material policies:-

- (i) Policy C1 - land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments, and new buildings, structures and ancillary facilities in the countryside will be refused (i.e. outside development boundaries and outside the developed form of rural villages) with the exception of a development that is permitted by another policy in the Plan.
- (ii) Policy CH5 - applications for residential developments that include one or two units only will be approved provided that such applications comply with a number of criteria including that the site must be an infill site between buildings that have been highlighted on the Inset Map or directly adjacent to a building that has been highlighted and that such a proposal would not create an intrusive feature in the countryside or create a ribboned/fragmented development pattern.
- (iii) Policy CH9 - applications for new dwellings in the countryside will be refused unless the dwelling is required as a home for a full-time worker or someone who is mainly employed in agriculture, forestry or another rural land-based industry; or someone who earns their living through a full-time activity that provides an essential service to the agriculture or forestry sector within the County.

5.2 In addition to GUDP policies, there are also the supplementary planning guidance (SPG) documents which endorse and expand on the contents of the above policies:-

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- (i) SPG: Affordable Housing - in exceptional circumstances the GUDP will enable approving applications on land described as infill land between buildings that have been highlighted or which are located directly adjacent to a highlighted building - speculative applications cannot be submitted under this guidance.
 - (ii) SPG: Building New Houses in the Countryside - states that national policies on dwellings in the countryside are aimed towards safeguarding areas from unnecessary developments that impact upon the beauty of the countryside. Houses when located in remote areas can affect the landscape and can be expensive to connect to public utilities and can lead to an increase in traffic on unsuitable rural roads. Local policies are also based on these considerations and the countryside is described as those areas outside of the development boundaries of centres and villages and outside the built form of rural villages.
 - (iii) SPG: New Houses in Rural Villages - it is possible to locate new houses through infill between buildings that have been highlighted red or which are located directly adjacent to a highlighted site. It is required for the site to be immediately adjacent to a highlighted property to be a site which overlaps the curtilage of that property and that the development makes the best use of the site.
- 5.3 In addition to the above guidance, consideration must also be given to the Council's Design Guidelines, a document that was adopted in April, 2003. It notes how important it is to consider, prior to determining a site, the location of the site itself in relation to its context especially if located in open countryside.
- 5.4 In addition to considering the context of the abovementioned local policies and guidance, consideration must also be afforded to the advice contained in Welsh Government documents which include:-
- (i) TAN 2 on 'Affordable Housing'- planning authorities must have a policy on rural exception sites and these sites shall be small, solely for affordable housing and located either within or adjoining existing rural settlements.
 - (ii) TAN 6 on 'Planning for Sustainable Rural Communities' - one of the few circumstances in which a new isolated residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, his workplace. It goes on to state that planning authorities should ensure that affordable housing is provided where there is a genuine local need and on exception sites.
 - (iii) TAN 12 on 'Design' - in dealing with planning applications, consideration must be afforded to the impact of developments on their context, be they in the landscape or townscape. The relationship between development and the rural landscape is critical to its success and its long term impact on the landscape itself.
- 5.5 Taking into consideration the context of the abovementioned policies and guidance, it is believed that the proposal is unacceptable in **principle** and that it is contrary to local policies and guidance along with the advice contained in Welsh Government documents, on the following grounds:-

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- (i) **Location** - The site of this application is located in open countryside which is 21m away from the site of the nearest dwelling (13, Penrallt) which is highlighted in red on the GUDP Inset Map (this figure increases to 55m if distance between the frontages of both dwellings is measured). There is a mature *clawdd*, a wide carriageway on both sides of the county road between the site and 13 Penrallt between the application site and the highlighted dwelling as well as the estate road further to the west. These elements create a clear physical space that confirms the fact that the site does not adjoin or overlap the curtilage of a property that has been highlighted in red on the Inset Map, and to this end the proposal involves erecting a dwelling in the open countryside without any physical links to the general development pattern of the rural village of Saron. It can be interpreted as a fragmented development that obtrudes into open countryside without any physical link with the existing structure of the village. Although the applicant's agent describes that the play area adjacent to the application site is *part of a description of a dwelling and is a part of the village of Saron*, the play area is not a building that has been highlighted in red on the Inset Map. It can be argued perhaps that it is 'part' of the village on the grounds that it serves the local community and that it is within convenient walking distance (i.e. that it is accessible) but this in itself is an insufficient reason to overcome the strict requirements and guidelines of Policy CH5 and SPG: New Houses in Rural Villages. The SPG: New Houses in Rural Villages is indisputable in its guidance when stating that 'permission will not be granted for a site which does not comply with the abovementioned guidelines (that relate to location) even where local need can be proven'. Although every planning application is dealt with on its own merit, approving this application can set a dangerous precedent for the erection of more houses on this side of the county road thus creating ribboned and fragmented developments and it would obtrude further to open countryside and create incompatible features. Therefore, it is believed that the proposal is contrary to Policy C1, CH5 and CH9 of the GUDP in relation to building new dwellings in the countryside, SPG: Affordable Housing, Building Houses in the Countryside and New Houses in Rural Villages as well as PPW on Housing.
- (ii) **Use and need** - It is stated in the affordable housing statement and the statement supporting the application that use of the proposed house is for a family in local community need for an affordable house. The following information was submitted in support of the current application:
- (1) applicants' eagerness to erect an affordable house in the Saron area.
 - (2) local community need for affordable housing has been proven and that it cannot be met by adapting or upgrading the current home nor through buying a house or land on the open market.
 - (3) there are no other sites in the vicinity of Saron that are suitable to erect a house that meets the needs of the applicants.
 - (4) the applicants come under the 'local' definition.
 - (5) the size of the house conforms to the size of a four bedroom affordable house.
 - (6) the proposal is sustainable based on viability as the applicants would undertake the construction work themselves.

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- (7) approving the application will contribute towards providing an affordable house that meets a local community need; and
- (8) it is indicated in this amended application that the applicant has taken the concerns of the Local Planning Authority into consideration based on the size of the curtilage along with the location and design of the house.
- 5.6 Despite the above, no strong evidence has been received as part of this current application that adheres to the criteria and guidelines of relevant policies and the supplementary planning guidance for the need for affordable housing which seeks to ensure that any application submitted for this purpose is not speculative and convinces the LPA that there is a **real need for an affordable house on this particular site**. The requirements of the SPG: Affordable Housing state clearly that *'applicants must prove that they are local, that they cannot afford a house on the open market, that they live in an unacceptable situation such as an overcrowded house and that they require another accommodation'*.
- 5.7 In this respect, it is believed that the applicants' desire is to erect a house on this site rather than the proposal genuinely contributing towards meeting the needs for affordable housing in Saron and the Caernarfon catchment area. At the time of preparing this report, no additional evidence had been received which convinced the Local Planning Authority that the applicants were eligible for an affordable house in the rural village of Saron. The responsibility of submitting quantifiable evidence for an affordable house falls upon the developer/applicant. Applicants' personal financial circumstances cannot be considered as a material planning consideration in order to overcome planning policies. Even if applicants could prove a local community need for an affordable house, this does not overcome the concerns of the Local Planning Authority regarding the site's suitability to erect a house on it for the reasons included in this report.
- 5.8 In addition to the above, Policy CH9 states that dwellings in the countryside can only be approved for full time workers in agriculture or forestry; workers who are employed mainly in this industry; full time workers who are employed mainly in a land based industry, or who provide an essential service to the agricultural or forestry sector (even if the applicant can conform to these criteria, new agricultural dwellings will not be approved if they have a detrimental impact on the character of the countryside). In this particular case, bearing in mind that the site is located in open countryside, these definitions do not apply to the applicant.
- 5.9 It is therefore believed that the proposal is contrary to the requirements of Policy CH5 and CH9 of the GUDP, SPG: Affordable Housing, Building Dwellings in the Countryside, New Houses in Rural Villages, Technical Advice Note for Affordable Housing and Planning for Sustainable Rural Communities and Planning Policy Wales on Housing.
- (iii) **Visual amenities** - the site is located on part of an open field that is currently used as pasture and which is not linked to any structures, including those dwellings that have been marked red and which are part of the rural village of Saron. Granting a planning permission to erect a dwelling of this proposed size and design on this site (despite the changes to the original plan) would create a substantial incompatible feature in open landscape. Although dwellings are located to the west of the site (Penrallt), these dwellings are established dwellings and their setting within the landscape does not justify approving another dwelling nearby. It is therefore believed that the proposal

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is contrary to the requirements of Policy B23 and C1 of the GUDP, SPG: Building Dwellings in the Countryside, TAN 12 Design, PPW on Housing and the Council's Planning Guidance.

- 5.10 Taking the above assessment into consideration, it is believed that the proposal to erect a dwelling on this rural site is not acceptable in **principle**.

Visual amenities

- 5.11 As referred to above, the site is on a visible site and has an open aspect in the countryside and in order to overcome the original concerns of the Local Planning Authority, the plan was amended by changing the design of the roof by increasing the height of the front gable, reducing the size of the curtilage, replacing the house closer to the nearby road and changing the design of some of the windows. The house will be located approximately 13.4m 'into' the site (compared with 15.2m in the original application) with a shed and vegetable garden at the rear of the site and a parking and turning space at the front of the site. It is believed that the nature of this part of the landscape will continue to be substantially transformed (despite reducing the size of the site and locating the house slightly closer to the nearby road) based on the open nature and rural character that currently exists there, especially bearing in mind the associated paraphernalia that comes hand in hand with modern domestic life. In this case, it is believed that approving the application on this particular site would mean erecting a house that is substantially intrusive in open countryside to the detriment of visual amenities on the eastern outskirts of the rural village. Although the applicant intends to locate new *cloddiau* on either side of the proposed house and that *cloddiau* already exist along the county road, this in itself is not sufficient to screen the dwelling and reduce its impact on the amenities of the environment especially when views from it from the direction of the north, east, south and the west along the public right of way are considered. Although structures are located on the nearby play area such as swings, a bench and a climbing frame along with football field goal-posts, these structures are of a light fabrication with minimum impact on the visual amenities of this part of the area and is totally different to the detrimental impact of the proposed structure and solid form of the house.
- 5.12 It is believed that the amended design of the proposed house is not an ideal design for this open site and consequently it does not assimilate with its rural background based on its layout, form and scale. As referred to above, it is quite an extensive house in terms of scale, form and size that is located in an open space within the landscape. By seeking to overcome the concerns of the Local Planning Authority regarding the awkward design of the roofs of the proposed house as originally submitted (by increasing and changing the design of the house's front gable that faces the road), it is believed that changes to the design has increased the impact of the house itself in the open landscape rather than reducing its impact on visual amenities. Although the design of some of the windows has been changed so that they are of more traditional design (i.e. that they are less square in form), it is believed that this has not convinced the Authority that the appearance of the house is more acceptable bearing in mind the symmetry and location of the windows themselves on the outward elevations of the proposed house. In dealing with such applications, it is the duty of local planning authorities, as referred to in the SPG: Building New Houses in the Countryside document, to take into consideration the importance of 'safeguarding areas from unnecessary developments that have an impact on the beauty of the countryside and houses located in remote locations can impact upon the landscape'. In this case, it is believed that the application site is unsuitable, the setting of the house in the landscape along with its size, form and design are unsuitable and as a result of these

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concerns it is believed that the amended proposal is unsuitable based on its visual impact on the amenities of this rural area. Therefore, it is believed that the proposal is contrary to the requirements of Policy B23 and C1 of the GUDP, Supplementary Planning Guidance on Building New Houses in the Countryside, TAN 12 on Design and Planning Policy Wales on Housing.

5.13 **General and residential amenities** - as referred to above, the closest dwellings to the site are those dwellings that are located on the other side of the road and form the established Penrallt estate. The main elevations and layout of the dwellings mean that a vast number of windows look towards the east and towards the location of the new dwelling. However, bearing in mind the distance between the front of the dwellings in Penrallt and the front elevation of the proposed house, should the application be approved it is believed that any potential overlooking will not be substantial and significant and that the proposal as submitted would not undermine the residential and general amenities of neighbouring residents. To this end, it is believed that the proposal is acceptable based on the requirements of Policy B23 of the GUDP.

5.14 **Transport and access matters** - the proposal will involve creating a new access off the nearby third class county road in accordance with the statutory requirements of the Highways Unit. It is also intended to create a driveway, parking spaces and a turning space within the site which will enable vehicles to enter and exit the site in a forward gear. To this end, it is believed that the proposal is acceptable based on including relevant conditions. The proposal therefore complies with the requirements of Policy CH33 and CH36 of the GUDP.

6. Conclusions:

6.1 PPW, Chapter 9 on Making and Enforcing Planning Decisions (November 2014) states that decisions on planning applications should be made in accordance with the approved development plan, unless material considerations indicate otherwise. Factors considered must be matters that are material to planning. In this particular case, it is believed that the information submitted is not sufficient to enable this application to be approved contrary to the Council's adopted policies and guidance and to the advice contained in Welsh Government documentation. The Local Planning Authority concludes that the site is unsuitable for the erection of a dwelling (affordable or not) as it is not a site that can be interpreted as an infill site and it is not located immediately adjacent to a highlighted building. The design, form and scale of the proposed dwelling is unacceptable and no sufficient evidence has been received with the application (at the time of preparing this report for the Committee) that convinces the Local Planning Authority that the applicants are in real need and are eligible for an affordable house in the rural village of Saron.

7. Recommendation:

7.1 To refuse – reasons:-

1. The proposal is unacceptable in terms of principle and is contrary to the requirements of Policy C1, CH5 and CH9 of the Gwynedd Unitary Development Plan, Supplementary Planning Guidance: Building New Houses in the Countryside, New Houses in Rural Villages and Affordable Dwellings, Technical Advice Note 2 on Affordable Dwellings, Technical Advice Note 6 on Planning for Sustainable Rural Communities together with Planning Policy Wales, Chapter 9 as it does not meet the criteria regarding the siting of new dwellings in rural villages and, as such, it would involve erecting a new dwelling in the open countryside without any justification.

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2. The proposal is unacceptable and contrary to the requirements of Policy B23 and C1 of the Gwynedd Unitary Development Plan, Gwynedd Design Guide, Supplementary Planning Guidance: Building New Houses in the Countryside, Technical Advice Note 12 on Design together with Planning Policy Wales, Chapter 9 Housing as it would involve creating a discordant feature in the open countryside.

3. The proposal is unacceptable and contrary to the requirements of Policy CH5 of the Gwynedd Unitary Development Plan, Supplementary Planning Guidance: Affordable Dwellings, Technical Advice Note 2 Affordable Dwellings and Planning Policy Wales, Chapter 9 Housing as no indisputable evidence has been submitted that a local community need has been proven for an affordable dwelling on this site.