

ATISN 19180 ITEM 070



24<sup>th</sup> May '21

**Regarding Planning Application A200773, Ceredigion**

Dear Ministers,

The application in question has already raised a red flag. However, I feel I must reiterate my concerns at the highest level.

The Committee's decision raises planning issues of more than local importance. I have a recording of the session and enclose a transcript for reference, along with some supporting material, to evidence the points I raise.

The proposal conflicts with national planning policy. It blatantly dismisses the parameters for affordable housing, and it manipulates key definitions of 'infill', 'settlements' and 'clusters' while refusing to observe the guidelines emphasised in Edition 10 of PPW. Approval could set a precedent for the systematic using up of open countryside.

An EIA survey was not carried out, nor any environmental survey attached with the application. Moreover, the landowner – the father of the applicant – illegally removed the hedge fronting the proposed plot because of concerns regarding access ahead of the application. This hedge is attached to a recognised Roadside Reserve.

The Environmental Officer was made aware of this (October 2019) but seemingly no action has yet been taken. It is also of note that Councillor [REDACTED] was fully aware of the illegal removal of the hedge. Even so, he explicitly supported the application.

Further to the concern this flagrant disregard of policy will cause, and how it will certainly undermine trust in the planning process, to uphold the decision to approve the application could have wide effects beyond the immediate locality.

It will broadcast the message that favoured applicants are able to have whatever house they want, wherever they want it, and that local development committees are able to redefine terminology and ignore national policy to enable this to happen. This will cause substantial controversy, particularly if the media saw fit to take up the story. The Tivyside has already noted that Ceredigion Councillors overturn 55% of planning officer recommendations (23rd Feb, 2020).

The Planning Office itself was clear in its recommendation of refusal on the grounds the application did not conform to policy. The Committee chose to ignore the Chief Planning

Officer's robust reiteration underlining why the application should be refused. To overcome one of the main concerns and justify the approval, [REDACTED] offered his own definition of 'settlement', referencing at one point 'hillforts'.

Having approved the application, one of the councillor's raised the point they 'should have technical reasons rather than personal reasons'. [REDACTED] 'could we use the fact that we're cutting down on mileage therefore supporting our need to show that climate change is not increasing?' He added that, 'the government will find great difficulty in challenging that.'

To approve the application on the grounds it will lower carbon footprint mocks policy and, given its tokenism, surely cannot qualify as a legitimate material consideration. After the illegal removal of the hedgerow, this environmental justification is all the more insipid (though the irony was clearly celebrated by the Committee, who greeted Mr [REDACTED] suggestion with laughter and congratulations).

As the Councillors seem either bent on ignoring policy, or otherwise simply have no grasp of it, (and given their mistaken understanding that 'Cardiff' had changed policy without consulting them, which perhaps affected their impartiality), it is clear it would be more appropriate for the application to be determined by Welsh Ministers rather than by local personalities.

Thank you in advance for your time and consideration on this matter,

[REDACTED]

Supporting material -

**On the claim that by approving the proposal the Committee are “cutting down on mileage”**

-

The applicants currently live in a village served by a small supermarket, a primary school, and buses. They want to build a house in a place with none of these amenities.

██████████ I did walk to *secondary* school. Sometimes. When the weather allowed. I carried wellies in a bag and hid them in a hedge during the day. I was a teenager, a quick walker and when I did walk, I gave myself half an hour to get to school. The first part of the route is along a narrow single-track road with no pavement; then a private driveway; there is a short bridleway through a narrow lane and across a steeply sloping field; then more roadway to the school.

The ██████████ The primary school is a considerable distance further into the town. Approximately 3km from the proposed site. Walking home would require the ██████████ to scale the steep hill up from the town to the approximately 140 m altitude of their proposed new home. (The three bedroom ‘affordable’ home which, the agent already states they intend to extend to a five-bedroom house.) I strongly doubt the

██████████

██████████ (Though the claim that ██████████ be able to help with this is dubious, given one ██████████) They will, however, need to drive *more* to get shopping, unless they intend to walk the 6 km round-trip down and up a hill to do so.

**Due to work commitments, I was unable to attend the meeting, but have an audio recording of it. A full transcript follows. Please note that in the main this transcribes the simultaneous translation of the meeting. Therefore, I am not always able to be clear as to who is speaking. Tags indicate this, and disruption and words I was unable to hear are also noted.**

Full planning permission is sought for the erection of an affordable dwelling on this parcel of agricultural land approximately two kilometres from Aberarth. It is noted that there are few residential properties within the vicinity of the application site. The plans show the provision of a three-bedroom house with a maximum floor area of 166 metres square. In terms of principle, the application site lies within "other locations" as identified in the LDP, where development is strictly controlled in the interests of achieving sustainable development and protecting the open countryside.

As you are aware, policy SO4 states that general housing is inappropriate within "other locations" unless justified on the basis that it meets a demonstrated and met affordable housing need in the locality and accords with policy SO5, or need for a rural enterprise dwelling in line with TAN6.

This planning application is for an affordable dwelling. In terms of affordable housing need, a statement has now been provided by the agent who states that the [REDACTED] and therefore the cost of the land is not an issue.

The policy requires affordable housing to be located immediately adjacent to existing group of dwellings in line with the intentions of Planning Policy Wales. However, Planning Policy Wales has since been updated with paragraphs 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. With that, new building in the open countryside away from existing settlements must continue to be strictly controlled.

There are five dwellings within proximity of the application site. However, these do not form part of a settlement. The nearest settlement of Aberarth is located approximately [REDACTED] and therefore the proposal is not located within or adjoining an existing settlement.

The updated National Policy stance was emphasised by the Planning Inspector on a recent call-in decision who stated that Edition 9 of Planning Policy Wales has now been superseded by publication of Edition 10 and that rural exception sites for affordable housing should be on land within or adjoining existing rural settlements.

Notwithstanding, the maximum net floor area for an affordable home as set out within appendix four of Affordable Housing SBG is 137 metre square. As noted, the net floor area is approximately 166 square metres and is therefore above the maximum allowed for an affordable dwelling.

Whilst there is no objection in terms of the impact on the landscape and on residential amenity, in conclusion it is considered that the proposal would result in the provision of a [...] dwelling within the open countryside location and sustainable location contrary to National Policy as set out with Planning Policy Wales and TAN2 and LDP policies SO1 and SO4. Diolch.

[REDACTED]

█ have two letters. █ [Disruption] I will start with the objector.

“Thank you for hearing these concerns. If you have read our representations, you’ll have a view of the manner and context in which this proposal has been submitted. We therefore underscore some key points.

The proposed site is outside the designated Aberaeron settlement boundary in open countryside where development should be strictly controlled. The area is characterised by dispersed homesteads. It does not and cannot classify as a settlement. The greenfield land upon which building is proposed does not and cannot accord with the definition of infill.

The proposed building’s scale far outreaches the absolute maximum allowed for an affordable dwelling and the agent has already stated the building will likely grow to five bedrooms. As the applicants currently own a house, the context for the application is also questionable.

The size, height and position of the building is not in keeping with existing dwellings and will greatly affect the privacy and visual amenities of neighbouring homes. The agent’s claim that he, quote, “can categorically state ... the height of the ridge will be approximately the level of the underside of the pole-mounted transformer” on the electricity pole adjacent to the proposed plot is just one incidence of information provided during the process that is misleading and wrong.

A Western Power engineer measured the base of the transformer at 6.2 metres. The ridge of the main part of the proposed building is 7.6m high, with a chimney taller again. This is significantly higher than the existing bungalow the proposed building will overshadow. The █ did offer plans to demonstrate the building could be moved to moderate the impact on privacy, amenity and light, but the agent warned that, quote, “A negatively worded representation will render our discussions useless”.

The recommendation from Highways to apply Typical Lay-out 6b is not achievable without the removal of property the applicants do not own. The agent has been explicit in dismissing this concern, stating the applicants will reject Highways guidance.

Of final note, the application did not include an environmental survey at the time of submission. The applicants would be aware the site is bordered by a roadside reserve – █ removed the hedgerow fronting the site ahead of the application. As you’ll know, a biodiversity survey and assessment is “a national requirement under the 1APP process”.

Regardless of personal thoughts on the application, and the manner in which the █ the █ and their agent have approached it, the proposal is blatantly contrary to planning policy. Not just at a national level, but contrary to key directives of local policy that has assessed the needs of our area and set directives to determine the parameters in which they can be met.

The proposal, as evidenced by the planning office, is outside these parameters. It is not an affordable dwelling. It is not within a cluster of houses.

Thank you again for your time and consideration.

█

And then we’ve got the letter from █

“[Disruption] ... I’ll be brief instead, kindly refer to our planning statement. I invite support for the following reasons:

SO5 and PPW compliance

Not isolated.

Infill in nine-dwelling hamlet. SO5. PPW support infilling of small gaps in isolated groups of dwellings.

[REDACTED]

Site of [REDACTED]

Sustainable. Halves travel compared to living elsewhere due to childcare.

Footpath to Aberaeron.

My clients' statement now follows:

Annwyl members, thank you for this opportunity to say a little about ourselves and why this application means so much to us. Our family has grown recently from [REDACTED]

[REDACTED] Not only have we grown too big for our current home, we are now also relying heavily on our family for support more than ever before. With [REDACTED] the all-important support that is much needed will be provided on the doorstep. As we are a close-knit family, we will also be able to support them in the years to come.

It would mean so much to us if we could build at this location because of the family ties with have with the land. [REDACTED]

[REDACTED] and it has always been her dream to return. From the day [REDACTED] she has always had a feeling of *hiraeth* and has wanted to return one day. This dream has now become more of a necessity due to the arrival of the [REDACTED]

Early in our relationship, we were fortunate to spend two years living in [REDACTED] [REDACTED] This enabled us all to save for our deposits and afford our first homes. We would not have been able to afford to buy our house had it not been for this support from [REDACTED] [REDACTED] Recently, house prices have shot up we can no longer afford to buy a house that suits our family's needs. There are currently no [REDACTED] on the market within our budget. It is not affordable for us to be able to adapt our existing home in [REDACTED] as it is a terraced house and a listed building. We don't have much equity either. With [REDACTED] [REDACTED] this would enable us not only to afford a house that meets our needs, but would also provide a quiet, safe place to raise our [REDACTED]

We thank you very much for considering our case, and hope that you will be able to support our application. Thank you very much.

[REDACTED]

Thank you, [REDACTED]

Right, the local member [REDACTED]

Thank you, Chairman. Yes, what we have here again is an application for an affordable dwelling to meet the needs of a [REDACTED]. And, what we need to look at in great detail is the interpretation of a settlement. If we agree, as I would hope that you do agree, that this location is a settlement, as there are nine or ten houses quite close by, then it is within the policies. SO4 states that there is place for infill. Planning Policy Wales states rural exceptions for affordable dwellings should be on land within or adjoining existing rural settlements. Affordable housing such as the site should meet the needs of local people in perpetuity and what the applicants have shown here is that there is a need, we know from the LDP, there is a need for affordable housing. We have put in a number. A figure for affordable housing at the time of the LDP. We haven't reached that. We have done well as a council in promoting affordable housing across the county and we have done it surprisingly well. But, there's always room for improvement. As you can see in the application, this [REDACTED] have shown that there is a need for an affordable dwelling. They have looked for houses nearby, but unfortunately as you know, the house prices are very very high and they cannot afford a house that would be adequate or suitable for them. They are a [REDACTED]. They [REDACTED]. Also, when you have a family like this they need support and what better than being able to live closer to your [REDACTED] and [REDACTED]. They will look forward to help these [REDACTED]. So we have to think, if we look at the corporate priorities of the county, boosting the economy. I've already mentioned the in a business context, by providing this permission will enable the [REDACTED] to take advantage of [REDACTED] to continue to work. Which does boost the economy within the county. Investing in the futures of people. That's another priority. What better than family support to promote resilience. What else do we have as a corporate priority? Well, improving the resilience of individuals and families. And also promoting environmental [???] resilience. If we grant permission for this application, it could mean that it will cut down on their transport. They will be [REDACTED] so they won't have to travel for childcare. And also we hear that the [REDACTED] but it is within a stone's throw of Aberaeron. If the children were to grow up here, they would not need transport to take them to the school in Aberaeron. And sir, it is within the [???] for transport so it promotes environmental resilience. What else? Well, of the nine or ten houses in the cluster, and I am certain in my view that it is a cluster, a settlement, [REDACTED] and they have received many letters of support. The [???] department have received those letters as well. This location has been [???] to the [REDACTED] the [REDACTED]. So as we can show that this ties in with the council policies and also PPW policies, if we consider this a settlement, I hope you will agree that this is a good example of working within the rules to grant permission for a [REDACTED] who really need our support. Thank you.

[Chair] Thank you [REDACTED] did you want to make a comment?

[REDACTED] in English] Yes indeed, Chairman. Just for us to be clear, the [REDACTED] I don't know them personally, so I haven't disclosed an interest. I wanted to draw attention to the fact the panel will have realised that we are receiving comments through chat from members of the public. If we were in the chambers, the chamber, the public wouldn't be allowed to respond at all, so it's disappointing that this is happening. It wouldn't be happening in the chamber. Just for you to be aware of it,

[Chair] I'll say this in English – the objectors have had ample opportunity to put their cares ... please ask no other message come via chat from any objector. Thank you. Now then. [REDACTED] please.

██████████ in English] Thank you. Thank you, Chairman. I have a question, we've heard in the previous urh, uuu, um, application, we, in terms of changes to the policy, and the eh, ur, and the, um, words or sentences. Can we have a briefing on this I wasn't aware that any amendments had been made to the policy. I might have, er, missed out on emails or the information. As a committee if, if there have been any changes to [distortion] be made aware of them. Sorry. [Distortion].

[Chair] Thank you ██████████ I don't have any background noise with me here but there's feedback somewhere. I think every time ██████████ opens his mic we have feedback. Thank you ██████████ Thank you ██████████

[?] It's disappointing what we have to do in terms of consultation before we can do anything as a county council or councillors and then we hear that Welsh Government change the vocabulary or the wording and that then change the rights of individuals to be dealt with. This could change how you might look at an application. I don't say that is the case for this application, but from what the officers heard about changes this afternoon, or amendments, it would seem that Welsh Government can do what they like without any consultation and so on. I wasn't aware that any changes had been made so how can that happen? But that's separate to this. But if we do have briefings I would like to hear if there are any amendments of changes. I don't think that it's acceptable that Welsh Government can change the goalposts without me being aware of it, or the committee, or the county council being aware of it. As far as this application is concerned just a few things I have. According to the change in wording, they have to be within settlements and so on, or adjacent to a built form [???] to one. And the view is that this does not tick that box, then we hear from some of the ██████████ that granting this dwelling would impact on people's view or privacy. And if it impacts on view or privacy you have to be close to a built form so that depends then on which side you wish to fall on that could help or hinder this application. So I look forward to hear what comments from others but we have heard information there from the local member on the site and so on so hopefully we'll be able to support affordable housing. Thank you.

[Chair?] ██████████ at the end of this meeting, ██████████ will be providing an update on many of the changes that have happened within planning in Wales. Phosphates and so on, that will have a great impact on us as a planning committee and I am sure he will bring forward a clear update at the end, is that right ██████████?

██████████ in English] [slight distortion] ... unmute myself and don't disrupt the meeting. No, I can cover that all, but it might be useful just for me to answer ██████████ question in terms of the changes to Planning Policy Wales. They were made a couple of months ago and they would have followed consultation by Welsh Government which produced a new Planning Policy Wales document, so it's an updated version of that to reflect what was in Future Wales, the national development framework for Wales. So we can give you a briefing on that. And as the ██████████ mentioned, there is specific changes in terms of references to settlements as opposed to clusters. So it's highly lifted the threshold by which you may be able to give yourself scope to look at [???] for development outside some of the main settlements. So I, but in terms of a briefing, we'll [???] along with other briefings.

[Chair] Thank you. Thank you, ██████████

We don't have any hands up, or anyone wishing to speak. Do we have a proposer and a seconder for anything?

██████████ May I propose that we grant planning permission one hundred percent for this.



[Chair] Thank you, Councillor [REDACTED] Hello, [REDACTED]

[REDACTED] Yes, I second the proposal made by [REDACTED] on a clear basis. I have read the Planning Policy Wales and there are changes. On page 52 I have on my agenda, we will have those who can get hold of a bus or public transport or those who can cycle. Excellent, fine. But, this policy [disruption] and fair play, the new policy does state that such an application is supposed to be looked at differently to applications from towns and villages in Wales. So, the policy does allow us to look at it and on that basis I second the proposal. That is the pattern in Ceredigion that people wish to live in their communities and the word community is important, not words such as cluster or settlement. We have a cluster of houses here traditionally we're talking about a community and from what I've heard this afternoon we're talking about a family who are a part of a community and they are looking forward to the future and they work in Ceredigion as well. So I do believe it's an affordable dwelling as well, so therefore everything has been tied together to help this [REDACTED] in the Aberarth area. So I second Odwyn, we grant permission for the reason that it is within the policy in Ceredigion to promote the rural areas in the county. If we don't do so we will have a lot of poverty in this county. Thank you.

[Mixed voices] Here here Councillor [REDACTED] Before I call on [REDACTED] to come back on this point might I say a few words. Yes indeed [REDACTED] thank you.

[REDACTED] Well, with this application, one thing that causes concern is the reason for refusing this application. Unjustified open countryside. I'm sure there is a more suitable turn of phrase. Can we have a look at the plan.

[?]The plan of the site, yes?

[REDACTED] Yes. There we are. I can see a lot of open countryside there. Why is the department calling it open countryside. It's quite obvious that this application is within a cluster. I agree also with the [REDACTED] in an affordable house for a [REDACTED], this will be built on the basis of the [REDACTED] but I don't know why they're calling it open countryside.

[Chair?] Thank you [REDACTED] Anyone else? No. [REDACTED] then please.

[REDACTED] Yeah... I think you expected me to come in and say that I need to remind you that you should making decisions in line with the Development Plan and National Planning Policies. And just picking up on [REDACTED] point. You know, the fact that there might be a few dwellings in a particular location doesn't mean that it's either a settlement or a cluster. And when you get locations outside the main settlements it will be seen as open countryside. What you may have had up until recently is the power to look at the addition of sub-units in clusters, but what the change to the Planning Policy Wales has done is lifted that threshold higher. So you would expect any new housing, including affordable housing, to be within or adjacent to a settlement. And, I know [REDACTED] mentioned in his comments about a cluster, but equally a settlement, it's not one. A planner wouldn't see by any stretch of the imagination. I know there was discussion when we've looked at designated link settlements in terms of the LDP, the sort of number of units you'd be expecting to look at in terms of settlements would be 25, 30 plus units within a settlement. And there's a lot of discussion as to whether that should be a lot higher before you actually get to a settlement. So this location would fail that. And it would be seen to [disruption] everyone it's clearly in the open countryside [disruption] incidents of National and Local policies. And I think the report's made it clear that the size of the unit is bigger than you'd expect for an affordable housing. It's not massively more, but it's still bigger, and I'll refer to that, that decision was made that you've got to be careful that they, that the house would basically be a realistic proposition for people in future, to buy it. So it's not just

affordable to this person that you're looking at, it's whether it would be affordable in perpetuity. So, I think it's one of those things where from a pure planning perspective it is not a settlement, it's clearly not a settlement, and therefore the development is contrary to your national and your local planning policies. And from my perspective, all I can do is recommend that your only real choice is to refuse this application so that the decision is in line with those last local development policies. And I think that the risk if you make the decision, and clearly, this is up to yourselves whether you want to do this, it is likely to get called in. You know, we've had a pattern of call-ins over the last year and to me this very much sits in the same territory as those call-ins. You know, it's clearly development in the open countryside, and added to that you've got a higher threshold in your Planning Policy Wales. So. That's all I wanted to say.

[Chair?] Thank you, [REDACTED]

[?] Mr Chairman, can I come back on that, please?

[Chair] Yes, of course.

[?, in English] [This document] says, that rural areas and rural counties in Wales might well have to look at some different approaches to the planning, because of rurality. Let's be fair. [in Welsh] Let's be quite fair, that the policy itself says that open countryside that rural areas should look at the problem and because the pattern in rural areas is a pattern of clusters where there are twelve houses and is a centre of community, historical centre, the policy mentions that we need to, in rural areas we need to look at the policy. Rural areas we need to remember that. And by the way [???] the open countryside is in the middle of the field in Hampshire and that has not been changed in the courts as [REDACTED] can substantiate. Twenty-five houses in Ceredigion is a town.

[?] May I just come in?

[Chair] Wait a minute, there's a crowd. [REDACTED] next.

[REDACTED] Thank you Chair. Two comments. The maps that we have on this report reflect the area in a broader way than on the slides. I can see six houses around the location of this plot. If the [REDACTED] live in one of these houses they're quite happy to live in open countryside themselves. Just about the location. And I was going to raise this in the previous application. According to the recent statements. House prices have risen 8.7% on average in Ceredigion so that reflects, that shows what Ceredigion has done to Ceredigion. Therefore it's of vital importance that we extend opportunities for people to have affordable houses in Ceredigion.

[?] Quite true, [REDACTED] We come back to our problems. We're trying to resolve our problems not the problems in Cardiff. With all due respect. Next. [REDACTED]

[REDACTED] in English] I made a decision on *our* planning policy. The Councillors of Ceredigion. And not people living far away. Years ago, local people lived in the countryside, and, ur, the people and support, locals, in our villages today, are still people that are living, live in the countryside. So, ur, it's about time they stood up for the people of the countryside and not for the people of Cardiff. Diolch yn fawr.

[Chair] Thank you very much Councillor [REDACTED] do you want to come back in?

[REDACTED] if I may then please. Just to come back to that point raised by [REDACTED] regarding the interpretation of settlement. Who has the right to interpret? Because if you look at a settlement, when we mention in history about a settlement we talk about people who, or cluster of people living out in a hillfort that would have been smaller than this settlement. Let's use vocabulary that explains

what something is. Because in my opinion this is definitely a settlement. People have lived there for centuries. Therefore it's a settlement. There's no need to change things. [REDACTED] mentioned 50 houses, 20 houses. In what context? We need to look at the context where people live? Settlement is where people live. So I take the decision that this is a settlement and it conforms with the policies as long as we interpret the word correctly.

[Chair?] We've had quite a clear discussion on this, are we ready to go to vote? Yes. It's been proposed by Councillor [REDACTED] and it has been seconded by Councillor [REDACTED] that we give permission to build this dwelling. Are you for building the dwelling?

Is [REDACTED] with us? No.

[REDACTED] For.

[REDACTED] For.

[REDACTED] For.

[?] For.

[?] For.

[?] For.

[REDACTED] gone.

[REDACTED] For.

[REDACTED] For.

[REDACTED] has gone.

[REDACTED] For.

[REDACTED] For.

[REDACTED]

[REDACTED] For.

[REDACTED] For.

[REDACTED] For.

And, I'm for as well.

Fourteen for, and one abstention. Is that correct [REDACTED]

[REDACTED] [in English] Yes, that's what I have. Could I have the reasons then please. [REDACTED] reasons please.

[?] We need to support people, the rural people of Ceredigion, to keep this area alive and as a committee we accept that in Ceredigion that a cluster, that we accept that, that this cluster meets the National and Local policies because it's within a cluster and that's very important.

Is that alright, [REDACTED]

[REDACTED] Anything else? No.

[Chair?] Does anybody want to add anything?

[?] By approving this we will be able to allow the [REDACTED]  
[REDACTED]

[?] Perhaps we should have technical reasons rather than personal reasons.

[?] That's quite valid for me...

[REDACTED] in English] Mr Chairman, could we use the fact that we're cutting down on mileage therefore supporting our need to show that climate change is not increasing. Not a policy of ours and the government will find great difficulty in challenging that. Yes.

[Chair? in English] Ur, um, a [REDACTED] yeah good idea [REDACTED]

*Laughter!*

[Chair] Right! Very good!