

ATISN 19180 ITEM 014

Iles, Nicholas (CCRA - Planning)

Subject: FW: 222/2021 Request for a planning application to be called-in.
Attachments: Planning Officer report.docx

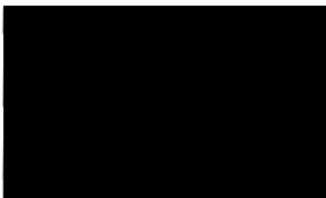
From: [REDACTED]
Sent: 15 December 2021 15:58
To: [REDACTED]
Subject: 222/2021 Request for a planning application to be called-in.

Dear Sir or Madam,

I am writing to request that a planning application is called in for consideration by Ministers. I have read your publication "Calling in Planning Applications" and have used the email address given - please forward my email if there is a more appropriate department to deal with it.

Application Number: A211017 (associated with A200841)

My details:



I am making this request in a personal capacity.

I refer to the recent report by Audit Wales : " *Review of the Planning Service – Ceredigion County Council. Audit year: 2020-21. Document reference: 2602A2021-22.*"

The report demonstrates that the Development Control Committee at Ceredigion CC regularly go against the professional advice of Planning Officers and allow developments to proceed that should not. There is a particular set of circumstances that appear again and again, namely:

Committee members going against the professional views and recommendations of Planning Officers;

Committee members allowing single affordable dwellings to be built in open countryside;

Committee members allowing said dwellings to be far in excess of the size given in affordable home guidance – rendering the houses to be non-affordable going forward;

Committee members referring to factors not material to planning matters when making their decision (such as personal circumstances);

Questions as to the Committee members breaking the Code of Conduct for Councillors;

The report also notes that recently five such applications have been called in, with three having been refused by Ministers (the other two still to be determined). The present application has all of the factors that have previously led to call-in, so I would hope this application also meets the criteria for call-in.

I have attached the Planning Officers report, which comprehensively demonstrates why the application should be called-in.

I have also given the reasoning from the Audit Report which details in planning terms on how the outcomes were determined (see below) which are applicable to the present planning application.

In conclusion, I hope that my application is given consideration which leads to the application being called in.

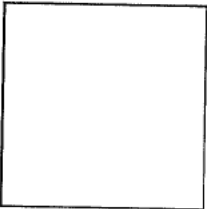
Yours faithfully,



Extract from the Audit Wales report:

48 In June 2021, the Council received three call-in decision letters from the Welsh Minister. As part of the process when reviewing call-ins, the Welsh Government Planning Inspector and Minister consider Sustainable Development in accordance with the Well-being of Future Generations (Wales) 2015 and section 2 of the Planning (Wales) Act 2015 which requires the Welsh Minister, as a public body, to ensure the development and use of land contribute towards improving the economic, social, environmental and cultural well-being of Wales. The Welsh Minister considers the ways of working set out in section 4 of **SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the Future Generations Act 2015** in accordance with Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017. The Welsh Government Planning Inspector and Minister concluded that the three applications were in direct conflict with Future Wales, the Council's LDP, and **Planning Policy Wales Edition 11** resulting in the planning permissions for the three applicants being refused.

49 At the time of our fieldwork, the Council still had two other call-ins awaiting the Minister's decision.



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Planning Officer report, from papers for the CCC Development Control Committee 11/11/2020

Rhif y Cais / Application

Reference

A200481

Derbyniwyd / Received 22-06-2020

Y Bwriad / Proposal Erection of a dwelling and adjusted site entrance.

Lleoliad Safle / Site Location

Math o Gais / Application Type Outline Planning Permission - All/Some Matters Reserved

Ymgeisydd / Applicant

Asiant / Agent Mr

THE SITE AND RELEVANT PLANNING HISTORY

The application site refers to an agricultural field located along an unclassified road and is approximately 420m from the

settlement boundary of Cross Inn, Llanon. The nearest dwelling is approximately 100m from the site and is an isolated

dwelling. The application site has the following relevant planning history:

A090311 Outline Planning Permission. Erection of a dwelling. Refused 24/06/2009.

DETAILS OF DEVELOPMENT

The application seeks outline planning permission, with some matters reserved, for the erection of a single affordable

dwelling. Detail approval is sought for the access, whilst all other matters are reserved. The application is accompanied by

an indicative block plan which shows that the dwelling will be accessed via the unclassified road (U1415). The following

upper and lower limits are noted:

Length: Min 8m - Max 15m

Width: Min 6m - Max 12m

Height: Min 5m - Max 8m

The application is accompanied by a Design and Access Statement which includes some justification for the development.

This noted that the

notes that

alternatives have been sought however these are either too costly or not suitable for the needs of the applicants.

POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL / RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

PPW Planning Policy Wales (edition 10, December 2018)

TAN2 Planning and Affordable Housing (2006)

TAN5 Nature Conservation and Planning (2009)

Relevant Local Planning Policy

Mae'r polisiau canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn: / These Local Development

Plan policies are applicable in the determination of this application:

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

S05 Affordable Housing

LU02 Requirements Regarding All Residential Developments

LU05 Securing the Delivery of Housing Development

DM03 Sustainable Travel

DM04 Sustainable Travel Infrastructure as a Material Consideration

DM06 High Quality Design and Placemaking

DM10 Design and Landscaping

DM13 Sustainable Drainage Systems

DM14 Nature Conservation and Ecological Connectivity

DM15 Local Biodiversity Conservation

DM17 General Landscape

DM20 Protection of Trees | Hedgerows and Woodlands

Relevant adopted Supplementary Planning Guidances
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Affordable Housing - Sept 2014

Affordable Housing SPG Help Sheets

Guidance Sheet: Evidence Need for Affordable Housing and Qualifying Criteria.

Nature Conservation SPG - Jan 2015

Built Environment and Design - Jan 2015

CCC Parking Standards SPG - Jan 2015

OTHER MATERIAL CONSIDERATIONS / YSTYRIAETHAU PERTHNASOL ERAILL

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.

YMATEBION YMGYNGHORI / CONSULTATION RESPONSES

Dwr Cymru Welsh Water - No Objection Subject to Conditions

Land Drainage - No Objection Subject to Conditions

Highways - No Objection Subject to Conditions

Cyngor Cymuned Dyffryn Arth - No Response Received

Ecology - No Response Received

Previous application has been refused on grounds that it was in the open countryside.

Contrary to Policy S04 - located in open countryside which is protected from encroaching development.

Set a precedent of dwellings in the open countryside.

Increasing traffic on unclassified narrow road.

Impact on services such as sewerage system and mains water supply.

Applicants have previously been granted planning permission for a dwelling in Cross Inn.

CASGLIAD / 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".
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Principle of Development:

The application site lies within 'other locations' as identified within the adopted Local Development Plan (LDP) 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. This planning application is for an affordable dwelling, and is not being applied for as a rural enterprise dwelling under TAN 6. The Policy also 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. Whilst PPW has since been updated, paragraph 3.56 continues to require development in the countryside to be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscaping conservation, and 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. As previously stated, the nearest dwelling is an isolated dwelling approximately 100m from the site. The settlement boundary of

[redacted] Furthermore, there are no pavements to the settlement to allow safe walking, and there is also no public transport provision within a safe walking distance of the application site. [redacted]

[redacted] 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.

In terms of affordable housing need, it is advised that the [redacted]

[redacted] ownership. They wish to remain living close to their current home. It is not considered reasonable to require a costly. No further evidence has been provided to demonstrate why their needs cannot be met in a nearby existing settlement. Even if the need was demonstrated, it would not override the fact that an affordable dwelling in this unsustainable location is not supported by both national and local planning policy.

Physical Characteristics Requirements:

The minimum and maximum net floor area for an affordable home is set out within appendix 4 of the Affordable Housing SPG Help Sheets (see page 10). The absolute maximum standard is 137sq.m. The scale parameters provided are broad.

The scale of the dwelling can be dealt with as part of a future reserved matters application if outline planning permission is forthcoming. However, the parameters are large considering that the proposal is an affordable dwelling.

Design and Landscape:

LDP Policy DM06 seeks to ensure that developments have full regard and positively contribute to the context of its location and surroundings. It provides a list of criteria that development should include in order to achieve high quality design and placemaking principles. Furthermore, LDP Policy DM17 only permits development that does not have a significant adverse effect on the special character and qualities of the general landscape.

The application is submitted in outline, with some matters reserved (access), and therefore detailed designs are not

currently available. However, a new build dwelling within this open countryside location will have a significant detrimental impact on the rural character of the local landscape. The proposed development is not therefore considered to contribute positively to its context, and will significantly harm the special qualities of the landscape. The proposed development therefore conflicts with LDP Policies DM06 and DM17.

Highways:

The LHA have responded and have no objection to the proposal subject to strict conditions.

Other Matters:

The proposed development is not likely to have an adverse impact on any nearby occupiers as it is located at a sufficient distance away.

The land drainage department have no objection, subject to appropriate conditions.

Power of Delegation

The local member, Cllr [REDACTED] has requested for the application to be determined by members of the planning

committee for the following reasons:

Affordable dwelling on the outskirts of the village.

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ARGYMHELLIAD / RECOMMENDATION:

The application is recommended for refusal for the following reasons:

1. The application would result in a new affordable dwelling within an unjustified open countryside and unsustainable location contrary to national planning policy set out within Planning Policy Wales and Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006) and the adopted Local Development Plan, policies S01 and S04.
2. The application, if permitted, will undermine the deliverability of the adopted Local Development Plan housing strategy, specifically policies S01 and S04.
3. The proposed development would be detrimental to the rural character and appearance of the surrounding area, contrary to the adopted Local Development Plan, policies DM06, DM10 and DM17.