

ATISN 20778 - ITEM 020

Iles, Nicholas (LGHCCRA - Planning - Planning)

From: [REDACTED]
Sent: 17 September 2021 08:20
To: [REDACTED]
Subject: call-in decision letter - A200773 - PROPOSED ERECTION OF AN AFFORDABLE DWELLING AT [REDACTED] CEREDIGION
Attachments: A200773 call-in decision letter.pdf

Dear Mr [REDACTED]

I attach the decision letter of the Welsh Ministers in respect of a call-in request on the above application.

Regards

[REDACTED]
Y Gyfarwyddiaeth Gynllunio / Planning Directorate
Llywodraeth Cymru / Welsh Government
CP2, Parc Cathays, Caerdydd CF10 3NQ / CP2, Cathays Park, Cardiff CF10 3NQ
Ffôn / Tel: [REDACTED]





Llywodraeth Cymru
Welsh Government

[REDACTED]
Corporate Lead Officer: Economy & Regeneration
Ceredigion County Council
Penmorfa
Aberaeron
Ceredigion SA24 0PA

By email: [REDACTED]

Ein Cyf/Our ref: qA1476505
Eich Cyf/Your ref: A200773
Dyddiad/Date: 17 September 2021

Dear Mr [REDACTED]

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL-IN REQUEST
PROPOSED ERECTION OF AN AFFORDABLE DWELLING AT [REDACTED]
[REDACTED] ABERAERON, CEREDIGION – APPLICATION NO. A200773**

Issue

1. The Welsh Ministers have been asked to call in the above application for their own determination. I am authorised by the Minister for Climate Change to consider whether the application should be called in for determination by the Welsh Ministers. As part of this determination the provisions of the Well-being of Future Generations Act (“WFG Act”) 2015 will be taken into account.

Policy

2. The Welsh Government’s policy on calling in planning applications is set out in Planning Policy Wales Edition 11, February 2021 (“PPW”). The Welsh Government considers Local Planning Authorities (“LPAs”), as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance. The consideration of a request to call in an application is not about the acceptability of the development and whether planning permission should be granted; it is concerned with who should make the decision.

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.

Application

4. The application subject to the call-in request is for the construction of a single dwelling on land at [REDACTED] in Ceredigion.
5. The request for the application to be called in identified the following issues:
 - The application site falls within the definition of “other locations” in the adopted Ceredigion Local Development Plan (“LDP”) where development should be strictly controlled;
 - The proposal conflicts with national planning policy on affordable dwellings; and
 - The site is not a sustainable location.

Consideration

6. As part of the consideration of this call-in request the Welsh Ministers must consider whether the LPA has identified the national planning policies, legislation and directives relevant to the planning issues arising from the application. Welsh Ministers must also consider whether the LPA has assessed those issues in a reasonably robust way, using up-to-date methodology and knowledge. In coming to this decision I have taken account of your LPA's officer's report to Committee, relevant national and local policies and any other available relevant information.
7. The application site is located outside the settlement boundary and in open countryside, and is not allocated for residential development in the LPA's adopted LDP. The officer's report correctly identifies the relevant policies in the adopted LDP, and the policies which might be used to permit the application exceptionally.
8. Policy S04 of the adopted LDP states development of all types must be located within or immediately adjacent to the substantive built form of an existing settlement, or in 'Other Locations' if it either accords with the requirements of Technical Advice Note 6: Planning for Sustainable Communities (“TAN 6”) or in terms of affordable housing it is located immediately adjacent to existing groups of dwellings in line with the intentions of PPW and Technical Advice Note 2: Planning and Affordable Housing (“TAN 2”).
9. Policy S05 of the adopted LDP allows for development not in accordance with policy S04 where it can be shown that the proposal would meet a demonstrated unmet affordable housing need, or is a rural enterprise dwelling. Such development will have ownership controlled in perpetuity and must demonstrate it is affordable based on characteristics including plot location, plot size, build standard and property type.
10. The officer's report notes the proposal is one of 5 dwellings within the vicinity, however, does not define this as a settlement cluster. It provides an example of a recent Planning Inspector's decision on a similar site in Ceredigion, where the Inspector provided clarity on interpretation of “clusters” of dwellings for the application of policy S04. The Inspector's decision was clear that the intent of policy S04 and of PPW para 4.2.16 is for development to be within or on the edge of settlements.
11. The officer's report observes that the proposal is not in accordance with policy S04. It also notes that the site is some 2km from the nearest settlement of Aberarth, that there is no public or sustainable transport access to the site, and the occupiers would be solely reliant upon private vehicles, in contravention of PPW.

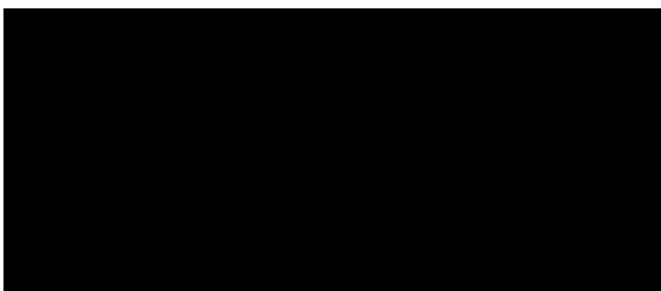
12. The report observes that the proposed dwelling is significantly greater in size (166 sq.m) than the absolute maximum size of affordable dwellings set out in Supplementary Planning Guidance ("SPG"), which is 137 sq.m. The report concludes the development would not be in accordance with PPW, TAN 2 or LDP policies S01, S04 and S05.
13. Planning Committee Members have set aside the advice of their officers in determining the application, which they are entitled to do. When Members set aside the advice of officers, they should provide clear planning reasons for doing so. The reason given for granting consent was in order to provide affordable housing for a local family, despite the scale of the proposed dwelling exceeding the definition of affordable set out in the LPA's own SPG. Members also considered the proposal created environmental benefits by "reducing travel for childcare", although their decision failed to give any consideration to the principles of sustainability and placemaking set out in PPW, and in the officer's report. These reasons are not substantive planning reasons for the decision, and the Members have failed to demonstrate due regard for national and local policy in coming to their view on the application.
14. It is accepted the application could be considered to be small scale, does not raise any major controversy and has no effect beyond the immediate locality. However, it is considered the proposed development is a departure from the adopted LDP and is also contrary to national and local policies in respect of sustainability and placemaking.
15. In the light of our conclusions above, the application appears to be in conflict with national and local planning policies and, in our view, is of more than local importance. Consequently, it should be called in for determination by the Welsh Ministers.

Decision

16. The Minister for Climate Change hereby directs the planning application referred to in the heading to this letter, ref no. A200773 shall be determined by the Welsh Ministers. The original planning application, together with any plans, sections and maps, and any other documents accompanying it, including related certificates and other correspondence, which have not already been supplied, should be sent to the Planning Inspectorate, 1st Floor, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.
17. Section 2 of the Planning (Wales) Act 2015 ("the 2015 Act") requires the Welsh Ministers, in exercise of their functions under Part 3 of the Town and Country Planning Act 1990, to ensure the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales. As part of this, the Welsh Ministers have taken into account the ways of working set out at section 5(2) of the WFG Act, which is supported by Part 4 of "Shared Purpose Shared Future : Core Guidance 1: Statutory Guidance on the WFG Act" (the Core Guidance).
18. The decision will take into account of the ways of working in ensuring a detailed examination of the issues surrounding the acceptability of the development will be undertaken. Calling in the application will ensure the long term impacts of the proposal are considered through examination of the application by an independent and impartial professional Inspector by way of written representations and/or oral procedure in accordance with relevant statutory procedural regulations.
19. It is considered this decision takes all reasonable steps to meet Welsh Government objectives in relation to sustainable development, as defined by Section 3(2)(b) of the WFG Act in contributing towards the wellbeing objective of "make our cities, towns and villages even better places in which to live and work"

20. You will be notified of the process to be adopted for the consideration of the application as soon as possible. Your attention is drawn to the provisions of Article 13 of the **Planning (Development Management Procedure) (Wales) Order 2012** ("the DMWPO") which requires your LPA to serve notice of the terms of and the reasons for the Section 77 Direction on the applicant.
21. The Direction issued by the Welsh Ministers under Article 18 of the DMPWO on 21 May 2021 remains in force.
22. Progress of our consideration of this and all other called-in cases and call-in requests can be found at <https://gov.wales/planning-decisions-being-considered-welsh-ministers-called>. The progress chart is updated weekly.
23. The Ministers' decision to call in application A200773 does not imply or infer any view from the Welsh Ministers about the merits of the application.
24. A copy of this letter has been sent to ArchiSpec Architectural Consultants Ltd, agent for the applicants.

Yours sincerely



**Head of Planning Decisions
Planning Directorate**

Arwyddwyd o dan awdurdod Y Gweinidog Newid Hinsawdd; un o Weinidogion Cymru.

Signed under authority of the Minister for Climate Change; one of the Welsh Ministers.

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