

Public Document Pack



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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 14th March, 2024

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

SUPPLEMENTARY PACK

1.1. **Updates**

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(Pages 1 - 8)

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Recommendation

The overall recommendation of the application remains as one of approval. This is subject to the conditions previously identified, and outlined below for ease of reference:

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents;
 - Application Form
 - Figure 1 – Location Plan
 - Figure 2 – Environmental Constraints
 - Figure 3 – Site Layout Plan
 - Figure 4 – Site Access Plan
 - Meteorological Mast Elevation
 - Meteorological Mast Plan View
 - Planning Statement
 - Green Infrastructure Statement
3. The mast hereby permitted shall be removed and the land restored to its former condition within 3 years from the date of commissioning. The applicant shall inform the Local Planning Authority of the date of commissioning accordingly within 3 months of such date.
4. Notwithstanding the submitted information, prior to commencing construction of the meteorological mast, or deploying any construction equipment or temporal structure(s) 15 metres or more in height (above ground level), the undertaken must submit an aviation lighting scheme for approval in writing by the Local Planning Authority in conjunction with the Ministry of Defence. This scheme should define how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence and identify measures to avoid impacts on nocturnal wildlife, including bats and otter, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). This should set out:
 - a. Details of any construction equipment and temporal structure(s) with a total height of 15 metres or greater above ground level that will be deployed during construction of the meteorological mast and details of any aviation warning lighting that they will be fitted with; and
 - b. The locations and heights of the meteorological mast hereby approved, identifying the position of the aviation lights on the mast; the type(s) of lights

that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

5. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the development, in writing of the following:
 - a. The date of the commencement of the erection of meteorological mast;
 - b. The maximum height of any construction equipment to be used in the erection of the meteorological mast;
 - c. The date any meteorological mast are brought into use;
 - d. The latitude and longitude and maximum height of the meteorological mast.

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
3. To enable the situation to be reassessed by the local planning authority at the expiry of that period having regard to the circumstances appertaining at the time in compliance with policy RE1 of the Powys Local Development Plan (2011-2026).
4. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016 and to maintain aviation safety.
5. To maintain aviation safety.

Case Officer: Rhian Griffiths, Senior Planning Officer
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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 23/1238/FUL **Grid Ref:** E: 296278
N: 297693
Community Council: Carno Community Council **Valid Date:** 16.08.2023

Applicant: Mr & Mrs Ceri & Edward Jerman-Jones & Jones

Location: Hendre Fach, Carno, Caersws, SY17 5JY.

Proposal: Erection of a rural enterprise dwelling, detached garage & change of use of agricultural building to mixed use (agricultural & commercial) & associated works

Application Type: Full Application

REPORT UPDATE

This report forms an update to the previous report circulated to Members.

Officer Appraisal

Further to the previous report circulated to members, an additional document has been submitted in support of the application on behalf of the applicants. This document relates to the reasons for refusal outlined in the initial committee report and will be addressed as follows:

- Functional Need

The document does not provide any new information in respect of the functional need of the enterprise. As such, it is still considered that insufficient information has been provided to establish a functional need for the enterprise to have a dwelling on site as per Officers previous report.

- Time Test

This document does not provide any new information in respect of the time test contained within TAN 6. Whilst the document assures that calculations have been undertaken and that these conclude a full-time worker is required on site, no such calculations have been submitted. The document also implies that because the business employs more than one person, this is evidence that there is a need for more than one worker. However, the time test in TAN 6 looks further than this, and looks to determine how many workers are required on site in order to fulfil the functional need, which is formed by emergency situations which require a worker on site outside of normal working hours.

In this case, no functional need has been identified, however if it had been, there is still insufficient information with regard to the time test.

- Financial Test

The additional document reminds that accounts are often undertaken for tax purposes and not planning purposes, and that this should be taken into consideration. Officers have noted these comments which have been taken into consideration during the writing of the report.

No additional information has been provided to give context, or explanations in relation to the accounts, however. Whilst the document assures that appropriate wages could have been paid to both full time employees and that the business would have remained profitable, this does not answer any of the concerns raised in respect of the two part-time workers, and how much they should have been paid in wages. It also does not give any assurance that if all four workers had received an appropriate wage, that the business would remain profitable.

- Other Dwelling Test

The additional document does now consider the other dwelling test. This shows that a search of properties for sale within 3 miles of the site has been undertaken, and that there were 3 search results. Two of these are plots of land, whilst the third is a dwelling, which is located 1.2 miles away. The additional document does not consider properties for rent, or conversion, closer to the site.

Whilst the document does state that the applicant's do not consider that the dwelling available for sale meets the business's needs, the LPA contend that there is no functional need for a dwelling on site in this instance. As such, it is considered that this dwelling likely would meet their needs, in the same way as the applicant's current dwelling meets the needs.

- Size and Scale of Dwelling

The document states that this concern has not been raised during the processing of the applications, however, it was raised during the previous application. This document also states that the applicants are willing to reduce the dwelling to 130 square metres if required. No plans for this have however been forthcoming, and it is not therefore for consideration.

It is also noted that whilst a reduction in the scale of the dwelling would be welcomed, in this instance the principle of the development has not been met with and therefore the above holds no weight in the overall recommendation previously made by Officers.

Conclusion

In light of the above, the concerns raised in the initial report still remain, and the recommendation remains one of refusal, for the below reasons as outlined within the Officers report:

1. Insufficient information has been submitted to support the principle of a rural enterprise dwelling in the open countryside, in terms of the functional need test, time test, financial test, and other dwelling test. As such the proposal fails to accord with policies SP6, H1, H6 of the Powys Local Development Plan (2018), Technical Advice Note 6 - Planning for Sustainable Rural Communities (2006), Planning Policy Wales (12th Edition, 2024).
2. The size and scale of the dwelling and garage as submitted does not accord with the requirements of the enterprise, and would be prohibitive of its use as an affordable dwelling. As such the proposal fails to accord with Technical Advice Note (TAN) 6 - Planning for Sustainable Rural Communities (2006), Planning Policy Wales (12th Edition, 2024), policies SP3, H1, and DM13 of the Powys Local Development Plan (2018), and the adopted Powys Affordable Housing Supplementary Planning Guidance (2018).

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