



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/01/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09/02/18

Appeal Decision

Site visit made on 30/01/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 09/02/18

Appeal Ref: APP/T6850/A/17/3188174

Site address: Land west of Dolgar, Adfa, Newtown, Powys

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ben Lloyd & Martha Watkins against the decision of Powys County Council.
 - The application Ref P/2017/0554, dated 17/05/2017, was refused by notice dated 19/09/2017.
 - The development proposed is erection of a local needs dwelling, improvement to vehicular access and installation of a sewage treatment plant.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application is submitted in outline with access considered at this stage and with all other matters reserved for later determination.

Main Issue

3. The main issue is whether there are other material considerations sufficient to outweigh any conflict with local and national planning policies having regard to policies to control residential development in the countryside.

Reasons

Policy

4. The appeal site lies to the west of a small collection of houses and to the east of a farm, a house, and bungalow. New Mills village is situated to the east and Llanwyddelan to the north. The site is some distance from these settlements and is positioned broadly equidistant from the collection of houses and farm/houses on a minor classified road. A small agricultural building lies adjacent to the site and a static caravan. The site is marked as 'paddock' on the plan and lies next to the garden of Dolgar. The appeal site is situated in the countryside and the application is for the erection of an affordable dwelling.
 5. The Powys Unitary Development Plan (UDP) 2001-2016 Policy HP9 indicates that as an exception to normal housing policies, the development of single dwellings within rural
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settlements which provide affordable housing for local need will be permitted where they comply with criteria. The criteria lists that the dwelling would be sensitively located and designed and be capable of being integrated into the settlement without unacceptably affecting the amenity and character of the area; satisfactory arrangements have been made to ensure the house remains affordable and that it complies with Policies HP7 and HP10. HP7 deals with affordable housing within settlements and HP10 with the affordability criteria. The Council refers to Policy HP6 dwellings in the countryside, although no case is being made out that the proposal meets the requirements of this policy other than for an affordable local needs dwelling.

6. In my view, the location of the appeal site is not within a settlement and is separate from the clusters of development referred to by the appellants. I consider it is situated in an isolated location away from built development. Whilst the garden of Dolgar lies adjacent to the site that by itself is not a reason for allowing an isolated and remote residential dwelling away from established rural settlements. The appellants refer to the point that the appeal site is not agricultural land but maintained as garden land. However, even if it were lawfully garden land not all previously developed land is suitable for development due to the location. However, curtilage is defined in figure 4.4 of Planning Policy Wales as the area of land attached to a building. The definition excludes agricultural buildings and so I am not persuaded that the appeal land could be regarded as previously developed.
7. In my view the proposal would conflict with Policy HP9 in all respects. The proposed dwelling would not be integrated into the settlement because it would stand alone in the context of its countryside location. There is also no mechanism in place or before me to ensure the property would remain affordable as the policy requires. Development in the countryside is restricted by national policy and local planning policy HP6, and as presented the development would conflict with these policies.

Material planning considerations

8. However, the appellants refer to several examples of local need affordable housing that have been granted planning permission. They refer to a large number of permissions in rural settlements, all of which have slightly different locations as some are natural extensions to clusters and others are in open countryside. However, as noted these applications may be differentiated to the appeal proposal by the particular context of the location, the history or the personal circumstances put forward in each case. These examples do not serve to justify the appeal proposal as I have considered it on its individual merits against the planning policies and other material considerations.
9. The UDP is outside of its plan period and the Council is unable to demonstrate a 5-year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1¹. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply. As a result, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

10. The appellants have referred to the fact that they meet the affordability criteria and there is support for the proposal from the Powys Affordable Housing Officer, and from local residents and the Community Council.

Planning balance and conclusions

11. I have concluded that the proposal would not deliver a local need affordable housing unit due to the lack of a planning obligation as there is no mechanism in place in this appeal. I have considered the possibility of a planning condition but I have no information on important matters controlling tenure, price or ownership having regard paragraph 5.41 of Circular 016/2014².
12. The proposal would not accord with the development plan and national planning policy in relation to the policies HP6 and HP9 controlling residential development in the countryside. The presumption in favour of sustainable development does not apply having regard to the key principles and key policy objectives of sustainable development³.
13. The considerable weight given to the lack of housing land supply is not applied where the development does not comply with the development plan and national planning policies.
14. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
15. I conclude that other material considerations are insufficient to outweigh the conflict with local and national planning policies having regard to policies to control residential development in the countryside.
16. The planning balance is against allowing this appeal.

Iwan Lloyd

INSPECTOR

² Circular 016/2014 The Use of Planning Conditions for Development Management

³ PPW paragraphs 4.2.2, 4.2.4, 4.2.5