



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/05/18

gan Kay Sheffield BA(Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.06.2018

Appeal Decision

Site visit made on 22/05/18

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 04.06.2018

Appeal Ref: APP/T6850/A/18/3197526

Site address: Ash Cottage, Bleddfa, Knighton, LD7 1PA

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 planning permission.
 - The appeal is made by Mr Robert Morgan against the decision of Powys County Council.
 - The application Ref P/2017/0458, dated 16/04/2017, was refused by notice dated 16/11/2017.
 - The development proposed is the erection of a local needs dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved for subsequent approval with the exception of access. I have determined the appeal on this basis.
3. In refusing planning permission the Council had regard to the Powys Unitary Development Plan (UDP) which was in force at that time. However, the UDP has been superseded by the Powys Local Development Plan (LDP), adopted April 2018. I have therefore had regard to the LDP and not the UDP in determining the appeal. The Council confirmed that Strategic Policies SP1, SP5 and SP6, and Policies H1 and H6 of the LDP are relevant to the appeal.

Main Issue

4. The main issue is whether the proposal would satisfy local and national planning policies which seek to strictly control residential development in the open countryside.

Reasons

5. The appeal site is located in open countryside approximately 1.1km west of the village of Bleddfa in an area known as Fishpools, a collection of approximately nine properties including Ash Cottage and the haulage business operated by the Appellant's family. The site lies on elevated ground to the north of Ash Cottage and west of a large timber building which is part of the business. A further property lies a short distance to the west of Ash Cottage. The proposed dwelling would be accessed via an existing track from the A488 to Ash Cottage and the business.
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6. The proposed dwelling would enable the Appellant to have his own home separate from but adjoining his parents' house and the family business for which he works. Although the application was submitted in outline, from the submitted details the Council has confirmed that the proposal would meet its requirements in respect of affordable housing in terms of the size, curtilage area and affordability criteria.
7. According to Strategic Policy SP5 of the LDP the area of Fishpools is not within a designated rural settlement and the appeal site therefore lies in open countryside. Although the Appellant has questioned the Council's conclusion that Fishpools is not a designated rural settlement, this is a matter for the development plan process and not for me as part of the appeal.
8. Whilst Strategic Policy SP1 of the LDP recognises the potential of windfall sites for housing, Strategic Policy SP6 exercises strict control over new developments in the open countryside and only permits schemes which comply with national exceptions policies as set out in Planning Policy Wales (PPW) and Technical Advice Note (TAN) 6: Planning for Sustainable Communities. Restrictions on new dwellings in the open countryside are also imposed by Policy H1 of the LDP which only permits schemes where they relate to a need for housing which meets national policy on housing in the open countryside. Furthermore, affordable housing in the open countryside is not supported by Policy H6 of the LDP.
9. PPW states in paragraph 9.3.2 that whilst the infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, much will depend on the character of the surroundings. Although Fishpools has been described as a collection of nine properties, they are spread over quite a wide area. I do not consider that the appeal site constitutes an infilling of a small gap within a small group of houses or a minor extension to a group.
10. The Appellant has made reference to speculative permissions for new dwellings in the open countryside but in the absence of any substantive evidence I am unable to draw any direct comparison with the appeal before me which I have treated on its merits. It is acknowledged that at the time the Council made its decision on the application it was unable to demonstrate a five year supply of housing land. However, following the adoption of the LDP, this is no longer the case.
11. The circumstances of the Appellant and the benefits from him living on the site are acknowledged. However, he has confirmed that there is not a functional need for the dwelling in association with the haulage business. I have also noted the support for the development from the local community. Nevertheless, I am of the opinion that there are no material considerations sufficient to outweigh the harm to local and national policies which restrict housing development in the open countryside. The evidence therefore leads me to conclude that the proposed development fails to comply with Strategic Policies SP1, SP5 and SP6 and Policies H1 and H6 of the LDP.
12. For the reasons given above, and having had regard for all other matters raised, the appeal is dismissed. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Kay Sheffield
INSPECTOR