



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16 Tachwedd 2021

gan I Stevens BA (Hons) MCD MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/01/2022

Appeal Decision

Site visit made on 16 November 2021

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17/01/2022

Appeal Ref: APP/T6850/A/21/3281122

Site address: Church Field, Nant Glas, Llandrindod Wells, LD1 6PA

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 Mr and Mrs Collard against the decision of Powys County Council.
 - The development proposed is erection of 1 no. affordable dwelling, 1 no. access point and 1 no. foul water receptacle.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Collard against Powys County Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of the proposal on the application form was for two dwellings; however, the scheme was amended to one dwelling and the Council determined the proposal on that basis. Accordingly, I shall determine this appeal on the same basis.
4. The planning application is made in outline and all matters except for access are reserved for later determination. A proposed site layout plan has been provided for illustrative purposes only; however, the submitted plan is an amended version of a previous plan that the Council based its decision on. The appeal process should not be used to evolve a scheme and the Council and other parties have not commented on the latest submitted plans. I shall therefore decide the appeal on the basis of the same plans determined by the Council, namely Location Plan No. U075.3.3.001 Rev C 09.02.21, and Proposed Site Plan No. U075.3.3.100 Rev C 09.02.21.
5. The appellant has indicated an intention to submit a planning obligation with this appeal; however, no such obligation has been received.

Main Issue

6. The main issue is whether the proposal would comply with national and local planning policy relating to new housing in the countryside, having regard to character and appearance and affordable housing need.

Reasons

7. The appeal site is located in the corner of a field fronting an unnamed highway. The highway provides a route into the small settlement of Nant Glas. The area is rural in nature and characterised by the open and spacious fields to the west of the appeal site, a large area of dense woodland to the east and generously spaced buildings that are sporadically located along the opposite side of the highway.
8. The Council's Affordable Housing Supplementary Planning Guidance (SPG), approved in October 2018, provides additional guidance on defining rural settlements. Nant Glas is named and shown on an Ordnance Survey map. There are also at least 10 closely grouped dwellings that provide some definition to the settlement. Nant Glas can therefore be considered as a 'rural settlement' under Strategic Policy SP5 of the Powys Local Development (LDP), adopted in 2018. Policies SP6 and H1 of the LDP add that single affordable homes to meet local need in perpetuity will be permitted on suitable sites where well-integrated into a rural settlement. A key question therefore is whether the proposal, for a single affordable dwelling, would be well-integrated into the settlement of Nant Glas, such that it is a suitable location for housing in accordance with local planning policy.
9. I saw that the core group of dwellings is located considerably further along the highway, approximately 0.35 km away from the appeal site. The area of woodland separates the appeal site from the core of Nant Glas and there are visibly large gaps between existing dwellings on the opposite side of the highway. The appeal site does not share a physical and visual relationship with the closely grouped dwellings and I would not regard it as well integrated into the settlement.
10. My attention has been drawn to other schemes in the local area. These include two recently constructed bungalows opposite the appeal site. Both dwellings were approved by the Council prior to adoption of the Powys LDP. The approved development has added to the built form and relates to a more identifiable albeit loose knit pattern of development that is concentrated on one side of the road. I note that the location of the appeal site in the lee of dense woodland renders it less visible from public vantage points, and the proposal is an opportunity to centralise development around the nearby church. Nevertheless, the appeal proposal would introduce built form on a large swathe of undeveloped road frontage and would be an ad hoc and sporadic form of development that is visually intrusive and poorly related to the existing built form of Nant Glas.
11. In the context of LDP Policies SP5 and SP6, the proposal would therefore comprise a single dwelling in the open countryside. LDP Policy H1 states that housing proposals in the open countryside need to comply with relevant national planning policy. The proposal would not satisfy any of the development types identified in paragraph 3.60 of Planning Policy Wales Edition 11 (PPW), which strictly controls new building in the open countryside away from existing settlements. Paragraph 4.2.24 of PPW adds that in the open countryside, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. I am also aware of applications for a rural enterprise dwelling on land to the south west of the appeal site, near Nant Glas church and Church Farm. The policy context is different as a rural

enterprise dwelling is one of the few circumstances in which isolated new residential development in the open countryside may be justified.

12. The appellant has submitted evidence that indicates an affordable housing need in the Nantmel Community Council area, within which the appeal site is located. While this evidence is not disputed, the Affordable Housing SPG adds that for dwellings on exception sites developed by individuals, the initial occupier shall be the applicant who has obtained planning permission and, therefore, whose need has been assessed by the Council at the planning application stage.
13. The appellant has confirmed that the proposal would provide an affordable dwelling for their son. There are two main elements to the local needs assessment, as set out in Appendix C of the SPG. Firstly, on the matter of local connection, the evidence submitted suggests that the appellant lives in the local community, although it is not clear whether this has been for at least 12 months prior to the application submission. Secondly, on the matter of financial circumstances, the submitted evidence does not clearly demonstrate that the proposed occupier is not able to afford open market housing. The SPG advises that prospective occupiers register with Grwp Cynefin (Tai Teg) who will assess their circumstances and confirm their eligibility to occupy the proposed dwelling. It is understood that the appellant's son does not meet the eligibility criteria set out by Tai Teg although no further information has been provided to explain which criteria have not been met. While I recognise there is a need for affordable housing in the community that includes Nant Glas, the submitted evidence does not provide assurances that clear and adequate arrangements are in place to secure affordable housing for initial and subsequent occupiers, contrary to Policies H6 and SP3 of the Powys LDP.
14. For the above reasons, I conclude that the proposal would be contrary to local and national planning policy relating to new housing in the countryside and affordable housing need. The proposal would also be harmful to the character and appearance of the area, contrary to Policies SP3, SP5, SP6, H1 and H6 of the Powys LDP and national planning policy set out in PPW.

Other Matters

15. The proposal as illustrated would accord with the recommended maximum space standard as set out in the Council's Affordable Housing SPG. The plot size is also marginally bigger than recommended in the SPG. Although these matters are material considerations, in this case they have not been decisive as I have found the proposed development to be unacceptable and in conflict with planning policy.
16. The River Wye is a Special Area of Conservation (SAC) and is protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Natural Resources Wales (NRW) has set new phosphate standards for the River Wye SAC following the revised Common Standards Monitoring guidance updated in 2016 by the Joint Nature Conservation Committee (JNCC). A compliance assessment, conducted by NRW, against these standards found widespread failures on the River Wye. As the discharge of sewage from the proposed development has the potential to increase the levels of phosphates into the catchment of the River Wye SAC, NRW recommend the applicant must demonstrate phosphate neutrality or betterment.
17. I note the appellants have submitted further information as part of the appeal and separate representations have been received from NRW. As I am dismissing the appeal for other reasons, I have not sought further information from the parties to inform a screening as to whether there would be a likely significant effect on the qualifying features

of the SAC. Even if the effects on the SAC were found to be acceptable, this would not outweigh my conclusion on the main issue.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.
19. 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 objectives to make our cities, towns and villages even better places in which to live and work, and to embed our response to the climate and nature emergency in everything we do.

I Stevens

Inspector