

# Planning, Taxi Licensing and Rights of Way Committee Update Report

**Application Number:** 23/1531/OUT

**Grid Ref:** E: 314741  
N: 235365

**Community Council:** Bronllys Community

**Valid Date:** 06.11.2023

**Applicant:** Mr & Mrs D & S McCarthy

**Location:** Land Known as Caemawdy Slough, Bronllys, Brecon, Powys, LD3 0LH

**Proposal:** Outline: Erection of an affordable dwelling, creation of access, installation of treatment plant and all associated works (some matters reserved)

**Application Type:** Outline planning

## Reason for update report

Additional public representations have been received since the preparation of the original committee report.

Additional supporting information has been received from the applicants' agent.

In addition, the Placemaking and Wellbeing Goals section has been updated as a result of a typing error.

## Representations

Since the preparation of the original committee report, twelve public representations of support have been received and are summarised as follows:

- Support sustainable dwelling – thermally efficient
- Houses in village out of reach of local people
- Shortage of affordable dwellings in locality
- Living on site would enable care of livestock and development of agricultural business
- Dwelling would provide accommodation for local family
- Dwelling necessary as a rural enterprise
- Extra security for business which has already received planning permission
- Low impact dwelling
- Shortage of housing
- Biodiversity improvement through hedge planting, turf roof
- Dwelling would help reduce demand for social housing and private rented stock

- Wider economic benefits with potential to employ others
- Visual impact acceptable
- Location is a good site for a new dwelling on the outskirts of Bronllys
- Dwelling is for a specific need
- Would support local community

## **Officer Appraisal**

### Public representations

The contents of the public representations in support of the proposal have been carefully considered. The merits of the proposed dwelling as a sustainable dwelling and the proposed biodiversity enhancements are appreciated, however, taking into account the planning policy requirements for large villages and given the lack of information relating to the rural enterprise, on balance, it is concluded that the development is contrary to LDP Policies SP1, SP3, SP5, SP6, H1 and H6, the Affordable Housing SPG, Technical Advice Note 6 and Planning Policy Wales.

Additional supporting information from the applicants' agent has been received and uploaded to the Council's planning public access website with the conclusion reading as follows:

'The proposal is one that is considered to be such that it can be supported in principle, although it remains the case that there is outstanding detail that can, and the applicants are willing, be submitted to further inform any outstanding matters that Members may have concerns on.

It is respectfully considered that the proposal is such that the weight of material considerations can allay any perceptions of non-compliance with the planning policy. In establishing such a position, it is further considered that a full appreciation of those material factors are unique to this site, setting, and proposal, and that the LPA would not besetting any kind of precedent that it may consider will influence future decisions.

The applicants have indicated that, if the principle is one that Members agree can be supported, they will commit to submitting any such future additional detail that will reasonably and proportionately be require.

In outlining such, the applicants also acknowledge that, in outlining the primacy of other material factors in this circumstance, and understanding the need to provide suitable control relating to future use, they would agree to the appropriate imposition of whatever conditions may be agreed to be reasonably and proportionately required.

The Members of the Planning Committee are respectfully requested to support the principle of this development proposal, such that this young family can seek an affordable solution in their local community, and one that will be done sustainably and efficiently, with biodiversity requirements at the heart of this, in a way that they can also continue to make profitable use of the land, and also sustain a commercial venture that seeks to provide employment opportunities at a local level’.

The contents of the supporting statement have been considered but are not considered to alter the recommendation and the reasons for refusal.

### Placemaking and Wellbeing Goals

PPW provides guidance on the national sustainable placemaking outcomes and their relationship to PPW themes and Well-being Goals. It is considered that the proposed development contrary in accordance with both the placemaking and well-being goals on the following grounds:

- The development is located close to existing transport networks.
- The impact upon communities and local residents is considered acceptable.
- Impact upon the environment is acceptable.

However, the development is not in accordance with the placemaking and well-being goals on the following ground:

- The development would not provide residential accommodation for an identified need within a sustainable location within or adjoining or as a logical extension to a development boundary

### **RECOMMENDATION**

It is still considered that, on balance, the proposed development does not comply with the relevant local and national policies and guidance in terms of the location of the proposed affordable dwelling, evidence of compliance with the affordability criteria, density guidelines, rural enterprise dwellings, the loss of agricultural land, foul drainage and impact upon the River Wye SAC. The recommendation therefore continues to be one of refusal for the reasons set out below.

### **Reasons**

1. The proposed development is outside of the development boundary of Bronllys and does not form a logical extension to Bronllys. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policies SP1, SP3, SP5, SP6, H1 and H6 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018).

2. Insufficient information has been submitted to enable an assessment of the stated local need. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policies H1 and H6 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018).
3. The application site area is 0.19ha and therefore exceeds the guidance contained within Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018) and is contrary to the density guidelines set out in Policy H4 of the Powys Local Development Plan (2011-2026).
4. Insufficient information has been submitted to demonstrate that the development would comply with the rural enterprise dwelling criteria set out within Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Practice Guidance Rural Enterprise Dwellings - Technical Advice Note 6 Planning for Sustainable Rural Communities (2011). Therefore, the development is considered unjustified and unsustainable development contrary to Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Policies SP1, SP5, SP6, H1 and H6 of the Powys Local Development Plan (2011-2026).
5. Insufficient information has been submitted to demonstrate that the proposed development would be served by an adequate means of foul drainage. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policy DM13 of the Powys Local Development Plan (2011-2026) and Welsh Government Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018).
6. Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the proposed development upon the River Wye Special Area of Conservation (SAC), in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), in relation to phosphate inputs. Therefore, a significant effect upon the SAC cannot be ruled out, and the development is contrary to the requirements of Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Policy DM2 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018).
7. Insufficient information has been submitted to justify the loss of land graded as the best and most versatile agricultural land (grade 2) by the Predictive Agricultural Land Classification Map 2. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021) and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).

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