

Application Ref: NP/11/327

Application Type	Outline
Grid Ref:	SN14194222
Applicant	Mr & Mrs G Davies
Agent	Mr R Hanly
Proposal	New dwelling with approval sought for access only
Site Location	Land opposite Y Gorlan, Glanrhyd, Cardigan, Pembrokeshire, SA43 3PA
Case Officer	Julia Evans

Summary

This is an outline application for a single dwelling, with approval for means of access. A previous application for a dwelling on this site was refused some 20 years ago and was dismissed at appeal. The applicant's agent submits that there have been material changes in the circumstances relating to this plot since that time and considers that the proposal would constitute rounding off of the hamlet and provide a house for a local, welsh speaking family.

Whilst these views are noted, it is the officer's view that the site lies in the open countryside whereby residential development is not permitted except where it is either sensitive infilling or rounding off of an existing hamlet. As the site lies on its own opposite the ribbon development of Glanrhyd which runs along the northern side of the highway, the proposal is considered to be contrary to these policy requirements and is therefore recommended for refusal.

In addition to these policy objections, the development of the site for residential development would harm the open countryside character of the site and introduce residential development to the southern side of the road, which is completely at odds with the settlement pattern of Glanrhyd. The resulting harm to the special qualities of the National Park is therefore a further reason for refusal.

Despite the case made by the applicant's agent it is not considered that there are compelling material considerations that would override these fundamental objections to the application.

The application has been brought before the Development Management Committee because the Community Council have supported the proposal, which is contrary to your officer's recommendation for refusal.

Consultee Response

Nevern Community Council: Supporting
Dwr Cymru Welsh Water: Conditional Consent
Environment Agency: Conditional Consent - 'No objection to the proposal in principle, but advise that you establish that the site can accommodate the foul drainage system prior to determination'.
PCC - Transportation & Environment: Conditional Consent

Public Response

The application has been advertised and neighbour notifications have been undertaken.

Four letters of support have been received on the grounds that a new, family home would be an asset to Glanrhyd and that regeneration of small local communities with new families is very important.

Policies considered

LDP Policy 01 - National Park purposes and duty
LDP Policy 07 - Countryside
LDP Policy 08 - Special Qualities
LDP Policy 09 - Light Pollution
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
LDP Policy 31 - Minimising Waste
LDP Policy 32 - Surface Water Drainage
LDP Policy 44 - Housing
LDP Policy 45 – Affordable housing
LDP Policy 52 - Sustainable Transport
LDP Policy 53 - Impacts on traffic
PPW4 Chapter 04 - Planning for Sustainability
PPW4 Chapter 05 - Conserving and Improving Natural Heritage and the Coast
PPW4 Chapter 08 - Transport
PPW4 Chapter 09 - Housing
PPW4 Chapter 12 - Infrastructure and Services
PPW4 Chapter 13 - Minimising and Managing Environmental Risks and Pollution
SPG01 - Affordable Housing
SPG03 - Sustainable Design
SPG06 - Landscape Character Assessment Study, June 2009
SPG10 - Parking
TAN 02 - Planning and Affordable Housing
TAN 06 - Planning for Sustainable Rural Communities

TAN 12 - Design
TAN 18 - Transport
TAN 22 - Planning for Sustainable Buildings

Officer's Appraisal

Background

The site concerned lies opposite the property Y Gorlan in the hamlet of Glanrhyd and is approximately triangular in shape and lies on the southern side of the B4582. The existing residential properties of the hamlet all lie to the north of the road. The site measures approximately 0.7 hectares in size, and is bounded along the road frontage by a grass bank. There is an existing gateway in the grass bank providing access into the site. Approximately half of the site is mowed grass, with a timber garage and play equipment located in this eastern corner. Hedgerows bound the eastern and western boundaries of the site, with an area of mature trees beyond it. The southern-most end of the site rises quite steeply, and is covered with naturalised vegetation.

An application for a dwelling on this site was refused in 1989 on the grounds that the proposal would result in the establishment of a new unit of residential accommodation in an isolated location in the countryside without agricultural justification and as such the proposal would be contrary to adopted planning policy and would lead to further applications of a similar nature to the detriment of the amenities and character of the area. It was also refused on highway grounds. (NP/262/89).

A subsequent appeal was dismissed on the grounds that the development would not comprise either infilling, nor could it be seen as a minor rounding off as the site forms part of an undeveloped frontage. The Inspector stated,

"The proposal would not amount to the insertion of a dwelling in a small gap within the existing physical framework of Glanrhyd unlikely to cause serious harm, nor could it be seen as a minor rounding off as the site forms part of an undeveloped frontage. Permitting a dwelling on this side of the road would involve a clear departure from the pattern of existing development."

He did not, however consider that the highway concerns were substantiated but considered that the loss of the frontage bank would cause further environmental damage in this sensitive location.

Current Application

The current application is in outline and seeks permission for a detached dwelling. At this stage the application only seeks approval for means of access: although the submitted drawings show siting of the dwelling; this is for indicative purposes only.

The application has been supported with the following information:-

- A Transport Statement;
- A Planning, Design and Access Statement;
- An Arboricultural Statement; and
- A Code for Sustainable Homes Pre-Assessment Statement.

In support of this application the applicant's agent states that the plot sits within a confined knuckle in the basin of the village. It is stated that the land has been used for approximately 20 years as an extended domestic garden to the property Y Gorlan which lies opposite the site with a deteriorating garage confirming the length of time the land has been used as garden and rendering it a lawful use. The site is served by services and Glanryd consists of several dwellings, a used chapel, a former primary school and large commercial garage/former village store and post office which has recently gained planning permission for four dwellings.

The applicant's agent refers to the site history including an application for a dwelling which was dismissed at appeal and states that with the change in circumstances since that appeal, namely the lawful use of the land as garden, the modest growth of the village through the conversion of the school and development of the garage that an application for a dwelling should be considered on its own merits.

The submission also considers that the nature of the site has changed, with it appearing as a garden with a garage, and the maturing of surrounding vegetation have changed the context of the site visually segregating it from the countryside. There is no opportunity to extend development at a later date as a result of this application, due to the unique nature of the site and it is submitted that this would constitute a rounding off opportunity for a local Welsh speaking family who will be able to remain in the village with their parents opposite and help maintain and foster the sense of community. The proposals for a traditional cottage with new hedge bank, with associated road improvements will further enhance the visual appearance of the site and the area which is predominantly 1950/60s development and make a highway improvement. As such the applicant's agent states that the proposal meets adopted planning policy.

Following the resolution of the Development Management committee at the meeting on 19th October 2011, a site inspection was carried out on 31st October 2011, the minutes of which appear elsewhere on the agenda.

Key Issues

This application raises the following material planning considerations:-

- Principle of residential development;
- Impact of the proposal on the special qualities of the National Park;
- Highways, parking and servicing matters;
- Protection of trees, hedges and grass banks, and landscaping matters;
- Drainage and water pollution prevention matters;

- Sustainable development matters;
- Affordable housing matters; and
- Amenity matters.
- Other considerations

Principle of Development

The site lies outside any defined settlement within the Local Development Plan (LDP), whereby Policy 7 states that development will only be permitted where it constitutes sensitive filling in of small gaps or minor extensions (ie rounding off) to isolated groups of dwellings. In such cases priority will be given to meeting affordable housing needs. As set out above, the applicant submits that because the site has been used as a garden for the last twenty years, and due to the redevelopment of the nearby garage site for four dwellings, that this is a logical location for a dwelling and a material change in circumstances has occurred since the last appeal decision. It is also felt that the development of the site will visually improve the built environment by having a traditionally designed dwelling to the area. The applicant considers that the use of part of the site for the last twenty years as garden means that it already has a residential appearance and due to the passage of time both the garage and land are exempt from enforcement action and can be considered lawful.

Whilst this view is noted, it must be stressed that no application has ever been made for either planning permission for a change of use, nor for a lawful use (ie through a Certificate of Lawful Use) which would be the appropriate mechanism to establish a change of use (permitted or lawful) of this piece of land. The mere presence of a very substandard garage and the mowing of the land would not necessarily establish its domestic use as the pertinent question would be how the land is actually used. In planning terms therefore, in the absence of any permission or lawful use certificate the use remains as agricultural. Notwithstanding this, even should the lawful use be established as garden, the site still has an open appearance that is more in keeping with the character of the surrounding countryside than the development to the north of the road and would not in itself justify permission for a dwelling.

Furthermore, whilst the comments of the applicant are noted in respect of the position of the dwelling in the knuckle of the village, the site lies to the southern side of the highway where there is no existing development, and would form the only dwelling on this side of the road as the rest of the hamlet is located to its north, constituting a deviation from the built form that exists.

As a result, it is your officers' view that the proposal cannot be considered as either infilling of a small gap or as rounding-off of the hamlet. Permitting a dwelling in this location would involve a clear departure from the existing settlement pattern, and as such is considered to be contrary to adopted Development Plan policy. This view is the same as that given at the previous appeal.

Impact of the proposal on the special qualities of the National Park/Highways, Parking and Services Matters

The development of the site would also result in the loss of its open character and this is considered to be harmful to the special qualities of the National Park. The proposal would introduce a new dwelling to the south of the road, which would be at odds with the existing settlement pattern that is solely to the north of it. The erection of a dwelling on the site would therefore result in a harmful change to the rural open character of the area. This impact would be exaggerated if large visibility splays to the property have to be provided. The Highways Section at County Hall has considered the proposal is acceptable subject to conditions. These include widening the County Road to 5.5m and providing visibility splays of 25m and including a standing bay to the front of the site. Although a new hedge bank is proposed to a more traditional design than that existing, it is not considered that this would mitigate for the combined works required to allow this development to go ahead. It is your officer's view that these works would alter the visual appearance of the site and introduce a much more urban and engineered frontage to the site that is considered to harm both the settlement pattern of the area and erode the open countryside appearance of the southern side of the road. The proposal would therefore result in an unacceptable level of harm to the special qualities of the National Park.

Protection of Trees, Hedges, Grassed Banks and Landscaping Matters

The application was supported with an arboricultural report that set out measures of protection for the adjacent trees and the hedge banks bounding the site. The Authority's Trees and Landscape Officer is satisfied that the proposed protection measures are acceptable, subject to conditions concerning the implementation of the proposed measures. If permission was to be recommended, these conditions should be attached so as to protect the trees and landscape features in and adjacent to the site, as could standard landscaping conditions.

Drainage and Water Pollution Prevention Matters

The Environment Agency has considered the proposal and have raised no objection to it subject to conditioning concerning the use of SUDS and oils and chemicals storage. As the site lies outside of a main sewered area, the Agency is satisfied that a septic tank is an acceptable method of foul water disposal.

As regards water supply the site is crossed by a trunk – distribution watermain. Welsh Water requires access to its apparatus at all times, and as the main runs across the site in a east – west direction it would have to be diverted to allow a dwelling to be built. The applicant's agent has indicated that this main is redundant and this would need clarifying with Welsh Water as

the comments received require this to be diverted. If permission were to be granted this could be conditioned.

Sustainable Development Matters

The application has been submitted with a Code for Sustainable Homes Pre-Assessment Report which has concluded that Code III can be met by the proposed dwelling. As this is an outline application, if permission were to be recommended conditions should be attached concerning appropriate certification of any dwelling.

Amenity Matters

As the site lies in the open countryside, it is not considered to raise any amenity concerns as regards its impact on neighbouring properties. The nearest property is approximately 16m away from the grass bank to the front of the site, and any proposed dwelling would be further away than this.

Affordable Housing Matters

Adopted Policy requires single dwellings to contribute a commuted sum towards affordable housing provision. At the current time this requirement has been postponed for all applications registered before the 1st October 2011. Therefore this current application submitted prior to this date does not trigger this requirement.

Other Considerations

Consideration has been given to the comments made by the applicant's agent with regard to his client's personal reasons for developing this plot, together with his view of the change in circumstances since the last refusal and the environmental improvements that would justify this development. Whilst there is sympathy with the applicant's desire to locate his family close to his home community, neither this or the development of the brownfield site on the "developed" side of the hamlet, or the case made regarding the lawful use of the land and the positive benefits that would accrue from this development in terms of a traditional design approach that would be used, are compelling reasons to justify a dwelling that in your officer's view is a direct departure from established and adopted planning policy with regard to the location of new development.

At the last meeting it was requested that the applicant be contacted to query whether he would explore the release of this land as a site for an exceptional land release for affordable housing. This request has been made and an update on this issue will be given at the meeting. However, any such proposal would require the submission of a fresh application and it is not considered that such a request would meet adopted planning policy as the release of such sites is only normally allowed where the site is situated adjacent to a centre. Glanrhyd is not a defined centre in the LDP and as such

this site would not qualify for consideration under policy 45 relating to affordable housing.

Conclusions

The application is located in the open countryside where new dwellings are not acceptable unless they are justified in exceptional circumstances or are sensitive infilling or rounding off of an existing hamlet. The application has not been supported with sufficient special circumstances or material reasons to override the compelling planning policy objection to refuse the proposal. The proposal would also harm the special qualities of the National Park as it would encroach into the open countryside and be a clear departure from the existing settlement pattern. It is not felt that conditions could overcome these fundamental objections to the proposal.

Recommendations

The application is therefore recommended for refusal.

Additional Material

Decision Drawings

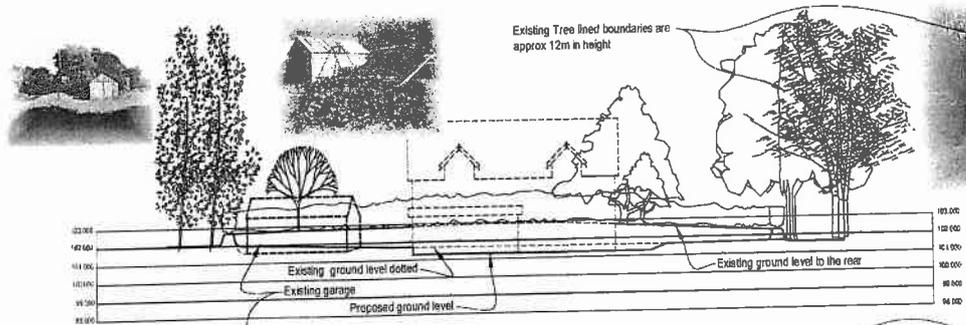
- 2101-04A (received 14th July 2011).

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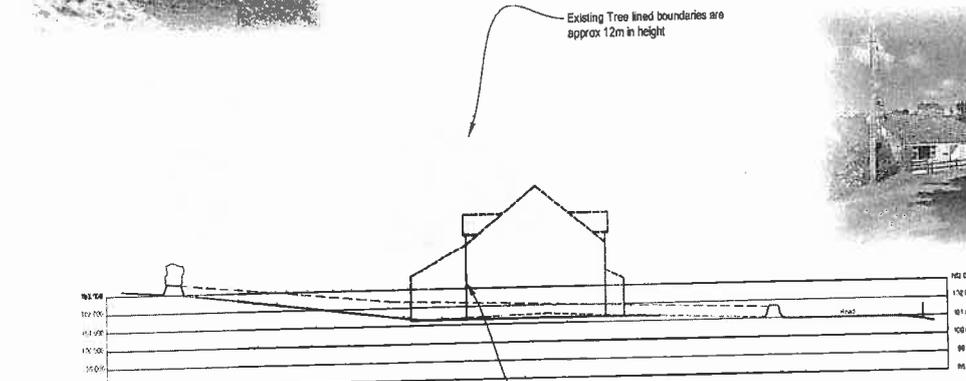
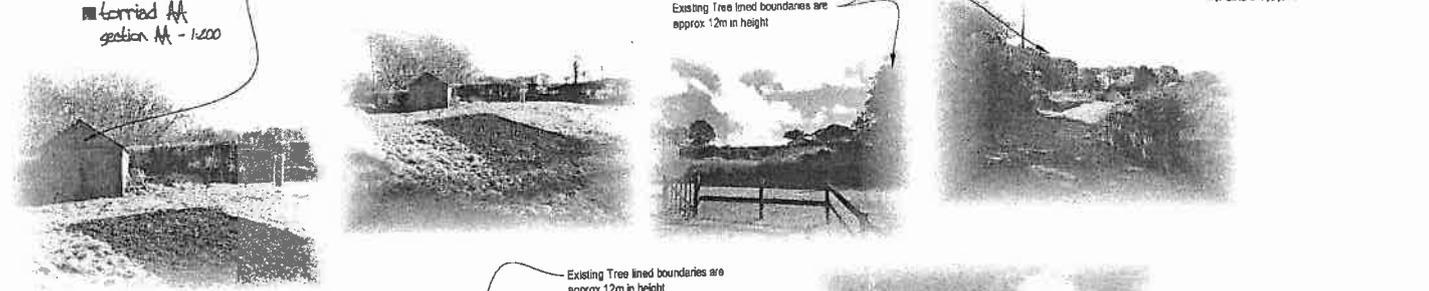
GENERAL
This drawing is a preliminary design and is not to be used for construction purposes. It is intended to provide a general impression of the proposed development. The design is subject to change without notice. The client is responsible for obtaining all necessary permissions and approvals for the proposed development.

READ ALL DRAWINGS AS ONE
This drawing is to be read in conjunction with all other drawings and specifications. The design is subject to change without notice. The client is responsible for obtaining all necessary permissions and approvals for the proposed development.

NOT FOR SITE PURPOSES
This drawing is a preliminary design and is not to be used for construction purposes. It is intended to provide a general impression of the proposed development. The design is subject to change without notice. The client is responsible for obtaining all necessary permissions and approvals for the proposed development.

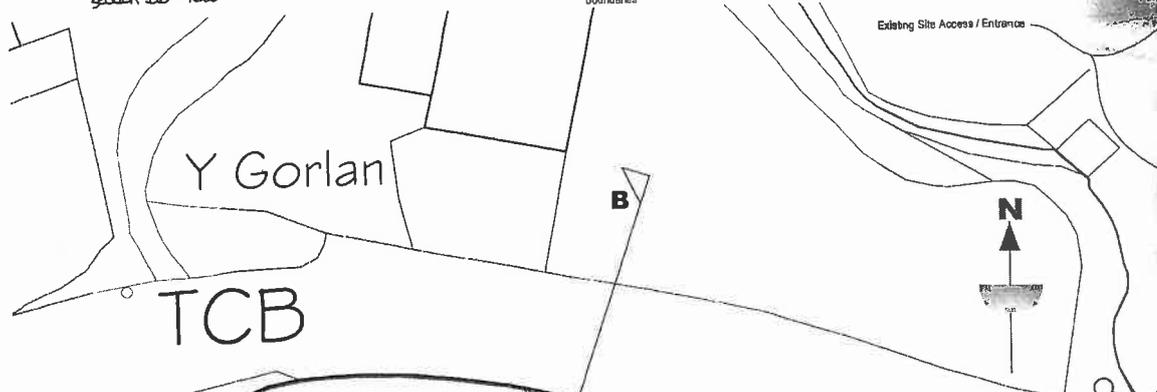


terriad AA
section AA - 1:200



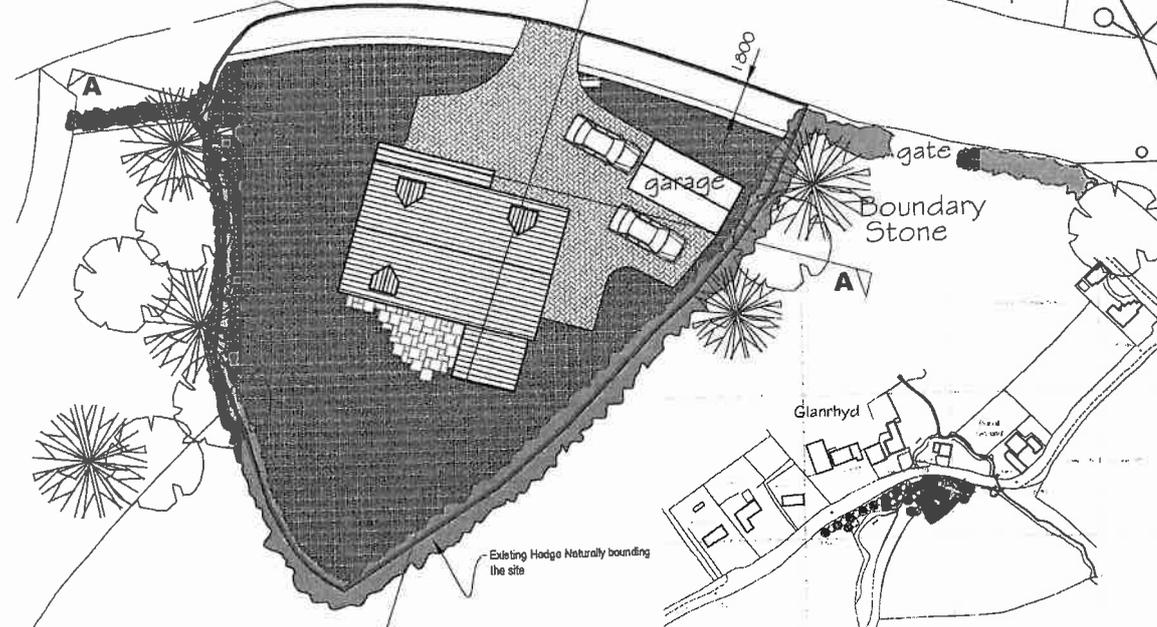
terriad BB
section BB - 1:200

Dotted lines indicate the approx size of a dwelling which in this location would nestle in amongst the existing tree lined boundaries



PLEASE NOTE: The Dwelling shown is Indicative. Full details to be finally agreed at the reserved matters stage

NP 11 3 2 /
Planning Scheme



cynllun safle
site plan - 1:200
Total Area of the Site - 0.07ha

cynllun safle
site plan - 1:2500

Rob-Hardy.com

PROJECT NAME	NP 11 3 2 /
CLIENT	
DATE	21/01/04
SCALE	1:200
DESIGNER	Rob-Hardy.com
CHECKED BY	
APPROVED BY	

Robert Hardy
Architectural Consultant
Design
2101-04
The only access
is via the gate

architectural
consultants
planning
permissions