

INTERNAL MEMORANDUM

To: Adam Foote - Development Control Case Officer

Reference: P/24/0100

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 17th May 2024

Summary

Potential objection raised. If the proposed development does not meet the relevant requirements of TAN 6, and subsequently those of Replacement LDP policy (SW4), then an objection would be raised in those terms.

Particular consideration should also be given to the impact of the development on the character and appearance of the countryside, the impact on the SINC and SLA, the impact on surrounding area and occupiers in terms of noise and disturbance, and the impact on highway safety, traffic generation and parking provision, due to increased traffic movements from the occupier/operator (Policies SW11, SW12, EnW1, EnW3, EnW4 and EnW5).

The requirements of Policy SW9 should also be noted.

Observations in respect of the above proposal

1. Proposed Development

Application for the construction of a rural enterprise dwelling and associated works, at land at The Paddocks, Nant-y-Fedw, Trelewis.

2. Development Plan Framework

The existing development plan framework in Merthyr Tydfil is provided by:-

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031)

The relevant LDP Objectives are:-

- *LDP Objective 1 Sustainable Population Growth: To encourage a sustainable level and distribution of population growth.*
- *LDP Objective 2 Welsh Language and Culture: To protect and enhance Welsh language and culture.*
- *LDP Objective 3 To ensure the sufficient provision of land for the delivery of a range and choice of housing and affordable housing to address local housing needs.*

- *LDP Objective 4 Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.*
- *LDP Objective 6 Sustainable Design: To promote high quality, sustainable and inclusive design and support measures which mitigate the predicted effects of climate change.*
- *LDP Objective 7 Transport: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling and public transport links.*
- *LDP Objective 9 Heritage and Cultural Assets: To protect, enhance and promote all heritage, historic and cultural assets.*
- *LDP Objective 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.*
- *LDP Objective 11 Countryside and Landscape: To protect and enhance the character and appearance of the landscape and the countryside.*
- *LDP Objective 13 Rural Economy: To strengthen and diversify the rural economy.*
- *LDP Objective 17 Minerals: To ensure a sustainable supply of minerals.*

The following development plan policies would apply:-

- *Policy SW1: Provision of New Homes*
- *Policy SW2: Provision of Affordable Housing*
- *Policy SW3: Sustainably Distributing New Homes*
- *Policy SW4: Settlement Boundaries*
- *Policy SW9: Planning Obligations*
- *Policy SW11: Sustainable Design and Placemaking*
- *Policy SW12: Improving the Transport Network*
- *Policy CW1: Historic Environment*
- *Policy EnW1: Nature Conservation & Ecosystem Resilience*
- *Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species*
- *Policy EnW4: Environmental Protection*
- *Policy EnW5: Landscape Protection*
- *Policy EcW10: Sustainably Supplying Minerals*
- *Policy EcW13: Minerals Safeguarding*

The following supplementary planning guidance is applicable:-

- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 1: Affordable Housing (March 2012)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 5: Nature and Development (May 2015)*

National Planning Policy

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010)

Planning Policy Wales (Edition 12, February 2024)

Planning Policy Wales provide guidance on matters relevant to this application, namely:

- Placemaking in Action: Good Design Making Better Places
- Placemaking in Action: Sustainable Management of Natural Resources
- Placemaking in Action: Placemaking in Rural Areas
- Strategic Placemaking: Previously Developed Land
- Strategic Placemaking: Development in the Countryside
- Activities in Places: Living in a Place
- Distinctive and Natural Places: Recognising the Special Characteristics of Places

Future Wales: The National Plan 2040 (February 2021)

Future Wales provides guidance on matters relevant to this application, including, but not limited to:

- Policy 1: Where Wales will grow
- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 4: Supporting the rural economy
- Policy 7: Delivering Affordable Homes
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

3. Policy Considerations

The proposal is similar to a previous planning application which was refused permission (P/22/0218), with amendments which attempt to address the reasons for refusal.

The site of the proposal is located within an Other Growth Area (Policies SW1 and SW3), as defined by the LDP. It is also located outside the settlement boundary where development is regarded as ‘countryside development’, and will not be permitted unless certain criteria are met (Policy SW4). The proposal – the construction of a rural enterprise dwelling and associated works – has been supported by a Planning Statement, a Rural Enterprise Dwelling Appraisal, a Financial Statement, Accounts, a Planned Budget, and related information. The proposal will be assessed against the criteria of Policy SW4, which states that a development will not be permitted unless it “supports the expansion of an existing business in the countryside”, and of TAN 6.

Technical Advice Note 6: Planning for Sustainable Rural Communities, paragraph 4.3.1 states that:

“ One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence”.

TAN 6 also (Para. 4.6.1) states that:

“If it is considered that a new dwelling will be essential to support a new rural enterprise, it should satisfy the following criteria:

- a. clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions);*
- b. clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available;*
- c. clear evidence that the proposed enterprise has been planned on a sound financial basis;*
- d. there is a clearly established functional need and that need relates to a full-time worker, and does not relate to a part-time requirement;*
- e. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and*
- f. other normal planning requirements, for example siting and access, are satisfied”.*

Para. 4.6.2 advises that *“where the case is not completely proven for a dwelling permission should, not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. Three years will normally be appropriate to ensure that the circumstances are fully assessed. If such a permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraphs 4.4.1 or 4.6.1 are met. The planning authority should make clear in planning conditions the period for which the temporary permission is granted and that the temporary dwelling will have to be removed when that period expires. It should also include an informative attached to the planning decision notice stating the requirements that will have to be met if a permanent permission is to be granted. It will be unsatisfactory to grant successive extensions to a temporary permission if that will result in a permission having a total duration of more than three years”.*

TAN 6 (Para. 4.7.1) goes on to state that:

“Planning applications for new permanent and temporary rural enterprise dwellings in the open countryside need to be supported by robust evidence. A Rural enterprise dwelling appraisal must accompany planning applications for this type of development and include information sufficient to enable the planning authority to make a full and effective assessment. The appraisal should address the following tests:

- The functional test to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise.*
- The time test to provide evidence of the labour requirement for the worker who is working on the justifying enterprise.*

- *The financial test to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification.*
- *The other dwellings test to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need.*
- *Other normal planning requirements test to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment”.*

The views of an appropriate agricultural consultant should be sought to ensure that the above requirements are met.

Policy SW1 states that 2250 additional homes are required to sustainably grow our population. The proposal comprises a new residential unit, which would represent a contribution to the 2250 units that are required during the plan period. Furthermore, Policy SW3 states that new homes will also be directed to other settlements within the County Borough, including Merthyr Vale.

Policy SW9 relates to planning obligations. Given that the proposal is for a single dwelling, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. Additionally, Community Infrastructure Levy (CIL) is not chargeable in this part of the County Borough.

Policy SW11 requires new development to, among other things:

1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;
3. not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design;
4. contribute to the provision of green infrastructure, including open space in accordance with the Council’s standards, sustainable drainage systems where appropriate, and ensure that the County Borough’s network of green infrastructure is accessible and connected;
5. allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council’s parking standards;
6. incorporate a range of inclusive/adaptable design specifications, a mix of house types, tenures and sizes to meet identified local needs;
7. incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques.

Considering the countryside location of the application site, careful consideration should be given to these issues. The submitted plans indicate that the dwelling would have off-street parking provision. As such, the proposed parking provision, should be checked against the Council’s current parking standards, and the views of the Engineering and Traffic Group Leader should be sought in this respect, as well as in respect of highway safety issues.

Policy SW12 supports development that encourages a modal shift towards sustainable transport, including the enhancement of pedestrian, cycle, rail and bus facilities, in addition to any necessary road improvements. Development proposals will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport. As such, the views of the Engineering and Traffic Group Leader should be sought in this respect.

Policy CW1 advises that the integrity of our historic environment assets will be conserved and enhanced. Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. And that, development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas (UCA) and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance. As such, the views of the relevant Officer or external body should be sought, as appropriate, in this regard.

Policy EnW1 states that development proposals will be required to promote the resilience of ecosystems. In particular, proposals will be required to maintain and enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through future management regimes.

Policy EnW2 states that development proposals likely to affect protected species will only be permitted where it is demonstrated that:

1. The population size, range, distribution and long-term prospects of the species will not be significantly adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate, avoidance, minimisation, mitigation, compensation and enhancement measures are provided.

Policy EnW3 states that development proposals likely to have an adverse impact on Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, or Priority Habitats and Species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the conservation value of the site;
2. Adverse impacts on nature conservation features or geological features can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development maintains and where possible enhances biodiversity and geodiversity interests.

Policy EnW5 states that The following areas are designated as Special Landscape Areas (SLAs):

- SLA1: Nant Morlais & Cwm Taf Fechan;
- SLA2: Winchfawr;
- SLA3: Merthyr West Flank;
- SLA4: Pontygwaith and
- SLA5: Gelligaer and Taf Bargoed.

Development proposals will be permitted where it can be satisfactorily demonstrated that:

- a) It would not cause unacceptable harm to the character and quality of the landscape setting of the County Borough;
- b) Development within Special Landscape Areas are sensitive to their special characteristics;
- c) Development respects the local distinctiveness and historic character of the landscape;
- d) Development will safeguard local landscape character and landscape features, including views, which make a significant contribution to the character, history and setting of the locality;
- e) Development secures the enhancement of the character, appearance and quality of the landscape, through restoration, management or enhancement where possible;
- f) There is no satisfactory alternative and the benefits associated with the development can be demonstrated to outweigh the harm; and
- g) Where damage to local landscape character cannot be avoided appropriate mitigation has been secured.

The application site is within the open countryside, and within a Site of Importance for Nature Conservation (SINC) 31: Cwm Fedw, and Special Landscape Area (SLA) 5: Gelligaer and Taf Bargoed. As such, policies EnW1, EnW2, EnW3 and EnW5 are relevant, and the comments of the Council's Ecologist, Landscape Architect, and any other appropriate Officer, are therefore particularly relevant.

Policy EnW4 advises that development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

- Pollution of land, surface water, ground water and the air;
- Land contamination;
- Hazardous substances;
- Land stability;
- Noise, vibration, dust, odour nuisance and light pollution; or
- Any other identified risk to public health and safety.

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures have been incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes. With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15.

Policies EcW10 and EcW13 seek to safeguard a sustainable supply of minerals. The proposal is located within a sandstone resource area.