
PLANNING COMMITTEE 19 JUNE 2023

Present:

Councillors: Elwyn Edwards, Delyth Lloyd Griffiths, Louise Hughes, Elwyn Jones, Gareth T Jones, Huw Wyn Jones, Anne Lloyd Jones, Cai Larsen, Edgar Owen, John Pughe Roberts, Huw Rowlands and Gruffydd Williams

Officers: Gareth Jones (Assistant Head of Department – Planning and the Environment), Iwan Evans (Head of Legal Services), Keira Sweeney (Planning Manager) and Lowri Haf Evans (Democracy Services Officer).

1. APOLOGIES

Apologies were received from Councillor Elin Hywel and Councillor Gareth Roberts

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

a) The following member declared that he had an interest in relation to the item noted:

Councillor Huw Wyn Jones (a member of this Planning Committee), in item 5.1 (C23/0148/17/LL) on the agenda as he knew the family.

The Member believed it was a prejudicial interest, and he withdrew from the meeting during the discussion on the application.

b) The following members declared that they were local members in relation to the items noted:

- Councillor Arwyn Herald Roberts (not a member of this Planning Committee), in item 5.1 (C23/0148/17/LL) on the agenda.
- Councillor Elwyn Jones (a member of this Planning Committee), in item 5.2 (C23/0212/30/LL) on the agenda

3. URGENT ITEMS

None to note

4. MINUTES

The Chair accepted the minutes of the previous meeting of this committee, held on 22 May 2023, as a true record.

5. PLANNING APPLICATIONS

The Committee considered the following applications for development. Details of the applications were expanded upon, and questions were answered in relation to the plans and policy aspects.

RESOLVED

5.1 APPLICATION NUMBER C23/0148/17/LL Uwchlaw'r Rhos, Penygroes, Caernarfon, Gwynedd

Construction of a rural enterprise house and associated work.

Attention was drawn to the late observations form.

- a) The Assistant Head of Environment Department highlighted that the decision had been deferred at the Planning Committee meeting on 22/05/2023 in accordance with his instruction as there was significant risk to the Council in respect of the Planning Committee's intention to approve the application contrary to officers' recommendation. The matter had been referred to a cooling-off period in accordance with the Committee's standing orders. The purpose of reporting back to the Committee was to highlight the planning policy issues, the possible risks and the possible options for the Committee before it reached a final decision on the application.

The Members were reminded that this was a full application for planning permission to construct a rural enterprise dwelling on Uwchlaw'r Rhos Farm outside the village of Penygroes, on a site outside any village boundary as defined in the Joint Local Development Plan (JLDP).

In presenting an assessment of the Planning considerations, it was emphasised, with regard to protecting the countryside, that very special justification was required to approve the construction of new dwellings, and that applications would only be approved in exceptional circumstances. It was noted that those exceptional circumstances were contained in Technical Advice Note 6: Planning for Sustainable Rural Communities – July 2010 (TAN 6), and that one of the requirements was the need to submit information relating to the functional test, time test, financial test and the other dwellings test to prove the need and justification for constructing a dwelling in open countryside.

In respect of the functional test and the time test, it was noted that there were three partners in the business with one of the partners (the applicant's son) living on the farm permanently, working on the farm occasionally and in a position to supervise the farm's activities during difficult hours. It was added that the applicant lived 1.6 miles from the site and had done so since purchasing the business in 2018, and that the applicant's sister lived in the second dwelling on the site – a second house within the ownership of the applicant's family, which enabled sufficient supervision of the site. No information had been received indicating their intention to change the farming system, which would change the situation to necessitate a permanent presence on the land. The Council had not been convinced that robust evidence had been submitted as explicit confirmation that the applicant needed to be available permanently on the farm, considering the circumstances of the holding.

In the context of the financial test, it was noted that the applicant was required to provide financial evidence for a period of at least three years, and also assess whether the size and cost of the proposed dwelling were commensurate with the enterprise's ability to fund and maintain the dwelling without harming the ongoing viability of the enterprise, and demonstrate a reasonable prospect that the business would make

earnings on the labour employed for at least the subsequent five years. In addition, the figures should show that the business could cope with paying workers' wages (1.5 in this case) and that there were earnings left over to maintain the business and construct the dwelling. Although accounts had been submitted which showed a profit and that the partners received a proportion of the profit, it was unclear whether the applicant was in receipt of a salary from the business as a full-time employee. It was not clear either whether one of the sons received a salary from the business as an agricultural contractor and the second son as a casual worker on the farm. Consequently, it was not considered that the applicant had provided sufficiently robust information to indicate that the business's financial position was sound enough to warrant the construction of a house, therefore the application could not be supported as it had failed the financial test.

It was not considered that adequate reasons or evidence had been submitted with the application to satisfy local and national planning policy criteria, therefore the members would be required to present reasons and evidence to justify permitting the application contrary to the officers' recommendation, also taking into account that the application under consideration here was for a new dwelling in open countryside. The officer referred to the risks to the Council should the Committee resolve to approve the application, and also the three options that were available to the Committee to consider:

- a) Refuse the application in accordance with the recommendation – no risks to the Council. If the applicant was dissatisfied with the Council's refusal, there would be a right to appeal the refusal.
- b) Approve the application with a standard planning condition for a rural enterprise house and other usual planning conditions. However, the Council would have to accept the risk of a planning application being submitted in future to lift the condition, and the strong potential that this would have to be permitted, bearing in mind that there was no evidence of a need for a new rural enterprise dwelling in the first place.
- c) Approve as an open market house outside the boundary with standard conditions – this posed the greatest risk to the Council as it would approve an open market house in the countryside without any control in terms of occupancy or price.

It was recommended that the application be refused.

- b) Taking advantage of the right to speak, the Local Member made the following comments:

- The application was for erecting a dwelling for a full-time agricultural worker
- The committee had decided to support the application in the previous meeting but the officer had referred the application to a cooling off period
- The report suggested that there was no functional need for the applicant as a main agricultural worker to live on the site as one of the sons already lived on the site. The son worked full-time away from the farm and only helped out with the paperwork.
- With the son working away from the farm, someone needed to be available day and night to look after the stock during a period of time that extended over six months. It was completely unreasonable to ask the son to do this – the applicant, as the main person who ran the farm, needed to be available
- The two houses at Uwchlaw'r Rhos had been sold separately to the farmland in 2018 and the business was not in a financial position to be able to buy the land and the house after renting for generations. The two houses had been

sold separately, and neither of them were available to the business, to the farm or for the applicant to live in.

- This was a three-bedroom dwelling for an agricultural worker. They were a family of local Welsh-speaking people.
- There was a clear need for the applicant to live on the site. There was no other house available to him in Uwchlaw'r Rhos, thus the only option was to build a house for him and his family.
- Looking at the three options, this was not an application for an open market house, but a house for an agricultural worker. There was no intention to attempt to remove a condition from any permission in future. He asked the committee to support option b.
- The situation had not changed since the previous meeting; therefore he asked the Committee to continue supporting the application.

c) It was proposed and seconded to approve the application contrary to the recommendation for the reason that nobody who lived on the farm worked on the farm – that there was no dwelling on the business site.

ch) An amendment was proposed to conduct a site visit so that members could assess the locations of the houses, the location of the proposed dwelling and its connection to the farm buildings, and to also visit the applicant's current home to measure the distance from there to the site.

The amendment was not seconded.

d) During the ensuing discussion, the following observations were made by Members:

- The business was now capable of building a house
- A worker was needed on the site
- Travelling was troublesome
- They were a local, Welsh-speaking family

RESOLVED: To approve the application (option b – approve with a standard planning condition for a rural enterprise dwelling, and other standard planning conditions) contrary to the recommendation

Conditions:

- **Five years**
- **In accordance with the plans**
- **Measures to improve biodiversity**
- **Archaeological survey**
- **Drainage plan**
- **Protect the public footpath**
- **Removal of permitted rights**
- **Agricultural worker / rural enterprise condition**

5.2 APPLICATION NUMBER C17/0846/18/LL LAND AT BRO RHIWEN, RHIWLAS

A residential development of four affordable dwellings together with associated accesses and parking (amended scheme to that originally submitted)

- a) The Planning Manager explained that this was an application to erect four affordable dwellings for local need on a site on the outskirts of Rhiwlas village. He noted that this was an amended application to that submitted to the Planning Committee in February 2018 for five affordable dwellings, which had been deferred on the following grounds: (i) to ask the developer for evidence of a real need for three-bedroom social housing in the village of Rhiwlas; (ii) to receive confirmation whether or not a registered housing association was interested in the units as well as (iii) information about waiting lists for social housing in the area.

It was noted that the application contained the following elements:

- Erect 2 two-storey, two-bedroom houses and erect 2 two-storey, three-bedroom houses in the form of a terrace.
- Provide separate accesses for each house along with private driveways for off-road parking.
- Provide domestic sheds/storage as well as a laundry drying area at the rear of the houses.
- Culverting approximately 26m of the ditch that ran through the eastern corner of the site.

It was reported that the site was located outside the development boundary as included in the LDP but directly abutted the boundary. It could therefore be considered as an *exemption site*.

It was noted that the principle of constructing affordable housing on the site was established in Policy TAI16 of the Local Development Plan (exemption sites) which noted that a development immediately adjacent to a development boundary must be for 100% affordable housing if it could be shown that there was a proven local need for affordable housing that could not be met on a site within the development boundary.

The indicative supply level for Rhiwlas over the lifetime of the Plan was noted as nine units. Two units had been completed in the village between 2011 and 2020, and the figure for the land bank within the village was one unit. Considering this information, approval of the application on the site would be supported against the indicative supply level.

The planning application for five dwellings had been deferred by the Planning Committee in 2018 because the developer was required to evidence a real need for three-bedroom social housing in the village of Rhiwlas. In the meantime, the applicant had reduced the number of dwellings from five to four, nevertheless he had not presented robust or clear evidence to confirm that the need existed for three-bedroom social housing in Rhiwlas despite having submitted a Planning Statement and Affordable Housing Statement to support the application. It was highlighted that the Affordable Housing Statement referred to the need for social housing in the village based on figures in the Council's Housing Options register, which showed that 38% needed a two-bedroom house and 24% needed a three-bedroom house out of a total of 98 people. It was added that these were figures for the Penisarwaun Ward in general and not specifically for Rhiwlas (it would be difficult to identify who might have shown their willingness to move to/live in Rhiwlas should the opportunity arise).

Furthermore, it was noted that the Local Member had already noted that there was a greater need for social bungalows/single-storey dwellings for the elderly in the community rather than three-bedroom houses as 50% of the three-bedroom social

housing stock in Rhiwlas was underoccupied. It was added that residents were reluctant to re-home as there were no single-storey dwellings/smaller bungalows available within the village. To this end, therefore, the need for social affordable housing in Rhiwlas was not considered to have been proved indisputably.

In relation to the provision of intermediate affordable housing in Rhiwlas, Tai Teg figures showed that there was no need for two-bedroom houses and there were only two people on the register for three-bedroom houses (to buy), and in response to the statutory consultation process, the Housing and Property Unit had confirmed that there was no need within the village for intermediate affordable housing.

Although the application was considered acceptable based on capacity and location, it was not considered that the applicant had presented robust evidence to confirm beyond doubt that the need for the type of affordable housing proposed here was proven for the village of Rhiwlas. It was considered that the current proposal was not acceptable in principle and that it did not satisfy the relevant policy requirements.

- b) Taking advantage of the right to speak, the applicant made the following observations:
- There had been interest in the site since 2008 where there had been discussions with North Wales Housing about providing 10 units. They had had to reduce the number of units because of the impact on habitat
 - They had intended to build five dwellings in response to local needs, but they now proposed four
 - They were happy to discuss and revise the application to secure a design that met the village's needs (the scheme had already been revised at least five times)
 - The land was approved in the former Local Development Plan
 - They were happy to revise the application if that was the committee's wish
- c) Taking advantage of the right to speak, the Local Member made the following observations:
- The application had gone back and forth several times since he had become Councillor in 2017
 - He implored developers to consider building bungalows in Rhiwlas
 - There were enough three-bedroom dwellings – these were underoccupied
 - The builder's work was to be commended
 - Concern that people who were looking to down-size had to move out of the community
 - He welcomed bungalows, but was not supportive of this scheme for three-bedroom dwellings
- ch) It was proposed and seconded to refuse the application.

In response to a question regarding the applicant's willingness to consider building bungalows and the offer to withdraw the application so that further discussions could be held with the officers to avoid costs, the Monitoring Officer noted that a decision was required on the application in question.

RESOLVED: To delegate the right to the Assistant Head of Environment Department to refuse the application for the following reasons:-

1. The proposal is contrary to the requirements of Policy PCYFF 2 (development criteria) of the Anglesey and Gwynedd Joint Local Development Plan 2017 as it does not comply with all the relevant policies within the Plan that relate to proposals for developing affordable housing.
2. The proposal is contrary to the requirements of Policy TAI 8 (appropriate housing mix), Policy TAI 15 (affordable housing threshold and distribution), Policy TAI 16 (exemption sites) together with the advice contained in the Supplementary Planning Guidance: Housing Mix and Technical Advice Note 2: Planning and Affordable Housing, as no robust evidence has been received from the applicant that confirms beyond doubt that the need for affordable housing on an exemption site in Rhiwlas is proven and that the valuation of the actual dwellings is affordable for local people.
3. The proposal is contrary to the requirements of Policy PS 1 (the Welsh language and culture) together with the advice contained in the Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities, as no firm evidence has been received which confirms that the development meets the needs of the local community which would protect and/or promote the Welsh language in Rhiwlas.

5.3 APPLICATION NUMBER C23/0295/33/DT Tŷ NI, CEIDIO, PWLLHELI, GWYNEDD

An extension to a dwelling to provide an accessible garage, therapy room and wet room for a disabled person

- a) The Planning Manager explained that this was an application to erect a single-storey extension on the side of the existing single-storey dwelling to be used as an accessible garage along with a therapy room and a wet room. It was explained that the proposal involved providing an access ramp to the property's main entrance and patio doors on the rear elevation also. Access to the extension would be gained through the proposed garage and also through the existing property.

The application was submitted to the Committee because the applicant was the Local Member's son.

It was considered that the revised scheme was acceptable in respect of visual amenities, landscape, residential amenities and transport and that it complied with relevant policy requirements.

- b) It was proposed and seconded to approve the application.

RESOLVED to approve with conditions.

1. Five years
2. In accordance with the plans
3. Slates on the roof
4. Finish to match

**Welsh Water Note
Biodiversity Note**

The meeting commenced at 13:00 and concluded at 13:55

CHAIR