

## **Planning Statement**

**November 2017**

### **Proposed Residential Development**

**Land adjacent The Manse, Tanhouse, Dolau, Powys**

#### **1. Introduction**

1.1 This Planning Statement supports an outline application for the erection of three dwellings on land adjacent to The Manse in Tanhouse, Dolau. It assesses the application in terms of its alignment with prevailing local and national planning policy and concludes that the scheme is supportable in that it represents a development that promotes all three strands of sustainability - social, economic and environmental - with realistic prospects for delivery.

#### **2. Legal context**

2.1 Section 70(2) of the Town and Country Planning Act 1990 says that when dealing with planning applications, planning authorities shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says that if regard is to be had to the development plan for the purposes of making any determination under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### **3. Site description**

3.1 The site is an area of farmland lying within the north-western corner of Tanhouse, Dolau. Existing and planned development lies to the south and east, with further farmland to the north and west. The minor County road running east-west through the village, from where access is proposed, is located immediately to the south. Overall, the nature and extent of development locally provides for a village character.

#### **4. Relevant planning history**

4.1 Planning application ref. P/2015/1033 for a holiday log cabin scheme at the site was refused on 6 January 2016, on the main grounds that the proposed development would harm the character and appearance of the settlement and surrounding area.

4.2 A subsequent appeal under ref. APP/T6850/A/16/3144232 was dismissed on 7 June 2016 for very similar reasons. The appeal inspector considered that the proposed change from an undeveloped field on the edge of the settlement, with a built-form and layout that would not fit the regular linear pattern of buildings in the area, and with recreational activity associated with holiday use, would be significant in this tranquil rural setting. He added that the scheme would not fit into the village grain of development locally, and would appear unduly conspicuous as a result.

## **5. Proposed development**

5.1 The application takes account of the findings of the appeal inspector. It seeks outline planning permission for three open market dwellings at the site, with all detailed matters reserved for future consideration, including access, which in broad terms is proposed to be taken directly from the existing minor County road abutting the site to the south.

5.2 In line with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), which requires the approximate location of buildings, routes and open spaces to be stated along with the upper and lower limits for the height, width and length of buildings and areas where access points will be situated, the proposed indicative block plan shows the majority of necessary detail.

5.3 In terms of scale, it is envisaged that each dwelling will be two storey with 3 bedrooms and in the order of 140sqm floorspace, with the dwellings being approximately 10.0m x 7.0m. As far as minimum and maximum parameters are concerned, each dwelling will have an approximate eaves height of between 4.7m and 4.8m and an overall ridge height of between 7.7m and 8.0m. Sufficient private garden and amenity space will also be available, as indicated, as would adequate parking and turning space for each plot, in line with current County Surveyors Society (CSS) Wales current parking standards.

5.4 Overall, a sympathetic and modest, low-key frontage scheme is proposed to respect the linear settlement pattern and grain of development that characterises this part of the village, as referred to by the appeal inspector previously, and the wider context of the site.

## **6. Development plan**

6.1 The Unitary Development Plan (UDP) is the development plan for Powys. It was adopted in March 2010 and at paragraph 1.4.1, says that it will guide development until mid-2016. Although the plan period is at an end, the UDP remains the statutory development plan for the area in advance of the future Local Development Plan (LDP).

6.2 The UDP places sustainable development at its core and policy SP1 specifies that development proposals will be assessed against their contribution towards the delivery of sustainable development and to meeting the needs of local communities and residents. Tanhouse is designated a Small Village in the UDP, in recognition of both its sustainability potential and the contribution it makes to the functionality and 'liveability' of this rural part of Powys. At paragraph 2.4.21, the UDP explains that Small Villages provide the focus of rural living for much of the population within Powys and how they fulfil an important community and social function. Tanhouse has a range of services and facilities, all available within walking distance of the site, including Llanfihangel Rhydithon County Primary School. It also provides opportunities for outdoor recreation and offers good transport links to nearby larger settlements, including Llandrindod Wells, a designated Area Centre in the UDP, where a greater range of service and goods provision exists, such as schools, shops, health care provision and businesses.

6.3 The UDP also says that as a means of ensuring the sustainability of local communities and the future viability of rural villages in Powys, limited housing growth can take place within Small Villages. However, there are limited further opportunities for growth in Tanhouse, be that either infill development within the settlement's development boundary, or affordable housing beyond. In addition, very few new dwellings have been provided within the UDP plan period to help sustain the village and the services and facilities it offers. Because of this, the appropriate level of growth for Tanhouse, as envisaged by its inclusion within the UDP as a Small Village, has not been delivered, and it is, therefore, necessary to look beyond the development boundary for appropriate opportunities for new housing, such as that now provided by the application site.

6.4 Situated beyond the development boundary, although effectively contiguous with it on both its southern and eastern sides, the site is classed as open countryside. However, there can be little doubt as to the site's integration with the settlement and local community, to the extent that its development would be seen as a logical way of 'rounding-off' the village in this location, and helping sustain the area and wider rural hinterland within this part of Powys in the process, identified as a fundamentally sustainable rural location within the UDP.

6.5 Furthermore, being part of the strategic settlement hierarchy, policy SP2 recognises the contribution that development in the countryside can make, further demonstrating that there will be occasions when it is acceptable. Whilst policy HP4 seeks to limit such occasions to those where development complies with policies HP6, HP8 or HP9 (which require dwellings to be either for affordable housing or accommodation needed for an agricultural, forestry or other qualifying rural enterprise), housing land supply also needs to be taken into account. Policy SP5 allocates land to accommodate the required amount of new housing across the County, between 2001 and 2016 and in accordance with the strategic settlement hierarchy, of which the countryside is a part. Policy HP3 stresses that through a process of monitoring and review, the Council will ensure that there is at least a five-year supply of genuinely available land for housing throughout the plan area. This is not presently the case in Powys, a matter which the Council needs to address by looking to bring forward new housing sites in sustainable locations such as this.

6.6 In summary, therefore, the overall UDP strategic policy context confirms that appropriate and sympathetic residential development in sustainable locations, albeit beyond the development boundary, has a key role to play in meeting both local and strategic community housing needs, and that there will be occasions when such development is acceptable, as in this case, particularly as a means of enhancing the supply of much needed housing land. This presents a strong policy argument in favour of the principle of the proposed development.

6.7 In terms of detailed considerations, policy GP1 sets out the requirements for all new development, specifying that the design, layout, size, scale, mass and materials should complement and where possible enhance the character of the surrounding area, ensuring that the amenities enjoyed by occupants of nearby properties are not unacceptably affected. Adequate utility services shall exist or be capable of being provided and any important trees, hedgerows, stone walls, open spaces and other local features that contribute significantly to the quality and character of the local environment should be safeguarded. Additionally, development must take account of the needs of all transport users, especially pedestrians and cyclists together with the needs of those with disabilities and mobility impairment.

6.8 The proposed houses will respect the character and appearance of their surroundings, adding positively to the mix of dwelling and building types in the village. In addition, they are well related and complementary in terms of density, offering an appropriate level of development in keeping with surrounding and adjoining land uses. Furthermore, the new homes will not appear incongruous or out of keeping, nor will they undermine any existing attractive views or vistas. As such, the layout, scale and appearance of the proposed development will complement both the existing built and undeveloped form in this location, providing a sympathetic low-key development that safeguards and

enhances the site, its surroundings and its wider context, meeting all relevant and applicable policy and design criteria in the process.

## **7. Other material considerations**

*Planning Policy Wales - Edition 9 - November 2016 (PPW)*

7.1 National policy set out within PPW has the promotion of sustainable development at its heart. Its overriding objective is to deliver social, environmental and economic prosperity for the country and it looks to the planning system to help achieve this. At paragraph 4.2.2, it states that the planning system provides for a presumption in favour of sustainable development to ensure that such factors are balanced and integrated in decisions taken on planning applications. At paragraph 4.2.3, it explains how this approach is supported through legislation and that planning authorities, as public bodies subject to the requirements of the Well-being of Future Generations (Wales) Act, must exercise these functions as part of carrying out sustainable development.

7.2 Specifically, within the bullet points listed in paragraph 4.4.3, PPW states that in contributing to the goals of the Well-being of Future Generations Act, planning proposals and decisions should ensure that all local communities, both urban and rural, have sufficient good quality housing for their needs, in safe neighbourhoods and promoting access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.

7.3 At paragraph 4.7.8, PPW states that development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Whilst new building in the open countryside away from existing settlements must be strictly controlled, PPW confirms that infilling or minor extensions to existing settlements, as in this case, can be acceptable. All new development should respect the character of the surrounding area and should be appropriate in terms of scale and design. The proposals would achieve this.

7.4 At paragraph 9.2.8, PPW says that planning authorities should follow a search sequence when considering sites for housing, starting with land and buildings within settlements followed by settlement extensions and then new development around settlements with good transport links. At paragraph 9.1.1, it says that new housing in edge of settlement locations should provide for a mix of housing and at 9.3.1 that new housing needs to be well integrated with and connected to the existing pattern of settlements. At paragraph 9.3.2, it says that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups can be acceptable. The proposed dwellings would satisfy these requirements.

7.5 In terms of the way in which decisions need to be made, PPW states at paragraph 3.1.3 that planning applications should be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise. Additionally, it states that all applications should be considered in relation to up to date policies and, at paragraph 2.14.4, that where policies are outdated, planning authorities should give an adopted plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development.

7.6 In relation to housing supply, PPW states at paragraph 9.2.3 that planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. Sites must be free, or readily freed, from planning, physical and ownership constraints and economically feasible for development so as to create and support sustainable

communities where people want to live. There must be sufficient sites suitable for the full range of housing types.

*Technical Advice Note 1 - Joint Housing Land Availability Studies - January 2015 (TAN 1)*

7.7 TAN 1 says at paragraph 2.1 that the planning system must provide the land needed to allow for new homes and that planning authorities must ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing. At paragraph 6.2, it says that the housing land supply figure should be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with development plan and national planning policies.

*Technical Advice Note 6 - Planning for Sustainable Rural Communities - July 2010 (TAN 6)*

7.8 TAN 6 confirms that the planning system has a key role to play in supporting the delivery of sustainable rural communities. At paragraph 2.1.1, it says that to help ensure appropriate development takes place in the right place and at the right time, sufficient land needs to be made available to provide homes for local people, helping to sustain rural services. It states that one of the overall goals for the planning system is to support living and working rural communities, so that they are economically, socially and environmentally sustainable.

7.9 At paragraph 2.2.1, TAN 6 says that new development can help generate wealth to support local services, ensuring communities are sustainable in the long-term. In particular, it says that support should be given to schemes that help achieve a better balance between housing and employment, encouraging people to live and work in the same locality. A key question for the planning authority is whether the proposed development enhances or decreases the sustainability of the community.

7.10 Commenting on the location of development, TAN 6 states at paragraph 2.2.4 that planning authorities should ensure that any sites identified for development are effectively available and likely to be brought forward for development by the owner, as in this case. It says this is particularly important in smaller settlements, where a limited number of landowners may control land supply.

*Technical Advice Note 12 - Design – March 2016 (TAN 12)*

7.11 At paragraph 2.2, TAN 12 confirms that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales. At paragraph 5.8.2, TAN 12 confirms that design is relevant to rural settlements and urban fringe locations and at 5.11.3, that the design of housing layouts and built form should reflect local context and distinctiveness. At paragraph 6.16, it also says that the appearance and function of proposed development, and its scale and relationship to its surroundings are material considerations in determining planning applications. In addition, it says that in order to help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows. The scheme has been designed having regard for the advice contained within the TAN.

*Powys Local Development Plan and Community Infrastructure Levy Viability Assessment Oct 2014*

7.12 As part of the background evidence to the future local development plan (LDP) is a report considering the viability of development across the County. Whilst the assessment has since been reviewed to reconsider overall viability, the points made in relation to smaller schemes such as this remain relevant. At paragraph 12.11, it says that many are undertaken on a self-build basis, which is a popular route to delivery within Powys, particularly in rural areas and that they are also often

undertaken on an unpaid basis and involve land that has been acquired through non-conventional routes, such as family connections. As a result, it concludes that smaller schemes continue to come forward, reinforcing the positive contribution they make to housing supply across the County. The proposed development is no exception.

*Joint Housing Land Availability Study - 2016 (JHLAS)*

7.13 The latest JHLAS, published in August 2016, concludes that across Powys, there is only 2.2 years supply of housing land (as at 1 April 2016). Despite planning permissions having been granted across the County recently, this represents only a marginal improvement on the previous 1.9 years supply. Furthermore, now that the UDP has expired, there is arguably zero land supply at the current time pending the adoption of the future LDP. The shortfall means that Powys must continue to identify ways in which to enhance housing supply, further reinforcing the immediate need for more dwellings being made available for local communities across Powys, to include the full range of housing types as required by PPW.

*Planning Policy Update / Position Statement - Housing Land Supply - 6 July 2016*

7.14 The Planning, Taxi Licensing and Rights of Way Committee considered an update report in July 2016 on housing land availability within Powys, which concluded that in the light of the current under supply, there remains a clear need to increase housing land supply. As such, the report acknowledges that in order to contribute towards the identified lack of housing in the County, there will continue to be occasions when there is a compelling justification for allowing departures to the UDP.

*Powys Residential Design Guide - October 2004 (SPG)*

7.15 The overall aim of the SPG is to improve design standards and layouts, encourage a mix of residential properties and create responsive environments, which are outward looking and connect with the community. In terms of specific requirements concerning building form and siting, the SPG states that new schemes will be expected to limit any negative consequences of their presence on the windows of habitable rooms in adjoining existing development. Some prescriptive standards are included, all of which would be met in this case and no specific breaches are identified. The SPG also refers to the importance for infill development to respond to its context by closely reflecting the building form and site layouts of surrounding dwellings. The proposed indicative layout shows how these requirements have been incorporated, and how the scheme is particularly well related to the two housing allocations in the UDP.

## **8. Conclusions**

8.1 The planning acts say that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point, therefore, is the UDP. The application, in proposing open market dwellings outside the development boundary would represent a departure from the UDP. However, the statutory position outlined above requires an assessment of other material considerations to be weighed in the balance and there will be occasions when a departure from the development plan is justified, following an assessment of all relevant factors.

8.2 In this respect, the need to increase the supply of housing land in Powys is a significant factor and a persuasive argument in itself in warranting a favourable decision contrary to the development plan. The latest JHLAS continues to demonstrate a significant under supply of housing land and TAN 1 confirms that such a scenario represents a strong material consideration when assessing planning applications for residential development, provided that it would comply both with local and national policy in all other respects. How the proposed development complies in this way and how, therefore,

the proposed dwellings offer a significant opportunity to successfully enhance the overall supply of housing can be demonstrated in the following way.

8.3 Firstly, PPW provides a presumption in favour of sustainable development. As a designated Small Village, Tanhouse meets a number of sustainability criteria. As such, the scheme accords with the sequential approach advocated in PPW, representing new development well related to an existing sustainable settlement. It would additionally meet all other requirements specified in PPW, such as the need to respect the character of surrounding areas and retaining important landscape features, being appropriate in scale and design and providing for a mix of housing in an edge of settlement location.

8.4 Secondly, the need to increase the supply of housing locally is an equally important factor, as this would help sustain the settlement and its wider rural hinterland. As advocated in TAN 6, one of the overall goals for the planning system is to support living and working rural communities so that they are economically, socially and environmentally sustainable, by supporting schemes that help achieve a better balance between housing and employment and by encouraging people to live and work in the same locality. The dwellings now proposed would make both a significant and meaningful contribution in this respect.

8.5 Thirdly, the updated LDP viability assessment highlights the positive contribution that small sites make in enhancing the supply of housing in Powys and how they remain a viable proposition. In addition, PPW requires sites to be economically feasible and also free from constraints and deliverable. The scheme meets these criteria.

8.6 In summary, therefore, whilst the proposals are contrary to policy in one respect, there is a need to reduce the identified overall shortfall in housing supply in the County. The proposed dwellings would make a significant contribution in this respect, a matter that TAN 1 confirms needs to be given considerable weight in the process. In addition, the scheme represents sustainable development, for which a presumption in favour exists nationally in PPW and, being a viable and deliverable proposition, it would enhance the supply of much needed homes locally, helping sustain the rural community, as advocated in TAN 6. Furthermore, there are no detailed areas of concern.

8.7 Taken together, these arguments present a compelling case in favour of the proposals, sufficient to outweigh and override any policy presumption against them that would otherwise exist. Whilst ultimately it is a matter for the planning authority, a decision to approve the application, taken on the strength of the relevant arguments and weighing all competing and conflicting issues in the balance would be appropriate, in that it would represent a well-informed position reflecting a sound understanding of all relevant factors. Section 38(6) of the Planning and Compulsory Purchase Act allows for such a decision to be made.

8.8 Finally, there is a willingness to meet all essential requirements to allow the Council to be able to properly assess the suitability and sustainability of the proposed development. If, therefore, further information is required, the applicant would gladly welcome the opportunity to provide any additional clarification or evidence necessary and would also be happy to discuss any appropriate conditions and/or necessary planning obligations with the Council in order for the application to go forward with a positive recommendation.