

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)
Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12: Design (2016)
Technical Advice Note (TAN) 18: Transport (2007)
Technical Advice Note (TAN) 23: Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
HP10 – Affordability Criteria
DC11 – Non-mains Sewage Treatment
TR2 – Tourist Attractions and Development

Powys Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Additional Information received

The additional information from the Brecon & Radnor Branch for the Protection of Rural Wales is noted and it is considered that these matters have already been discussed within the original report.

In relation to the additional information submitted by the Agent/Applicant and the concerns raised regarding the recommendations for refusal and compliance with HP10 of the Powys UDP (2010). The following comments are made in response:

Whilst a member of the public may comply with the affordability criteria set out within policy HP10, the setting/location of an affordable dwelling as set out within policies HP6, HP7, HP8 and HP9 needs to be complied with first. Only then once compliance is met with the setting/location of the affordable dwelling, does the affordability criteria of policy HP10 get considered. The proposed development is not located within a settlement, nor does it adjoin a settlement with a development boundary, it is also not located within a rural settlement as defined by the Powys UDP. The nearest settlement is Erwood located approximately 3,900 metres to the south east of the application site. The proposed development therefore does not comply with policy HP7, HP8 or HP9 of the Powys UDP (2010). In this instance as set out within the original report, the location of the affordable dwelling does not comply with policies HP6, HP7, HP8 and HP9.

In relation to the concerns regarding the reason for refusal based on highway safety grounds the following comments are made:

Welsh Government Trunk Road Agency (TRA) has been consulted on the proposed development. The TRA has stated that the applicant has provided insufficient information to determine this application has been submitted in support of this application and would require information relating to visibility splays and details regarding the access. It is noted that the agent/applicant has stated that the dwelling has been in this location for 3 years, however, no permission has been given for this dwelling which therefore means that an appropriate assessment of the access has not been carried out. Given the insufficient information submitted in support of this application it is considered that the reason for refusal remains.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same as set out in the original report.

The proposed development is a departure from the Powys Unitary Development Plan (2010) and does not comply with affordable housing policies HP6, HP7, HP8 and HP9 of the Powys UDP (2010). The recommendation is therefore one of refusal on the following grounds:

Refused

1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).
2. Insufficient information has been provided to properly assess the acceptability of the development as to whether the development will have a detrimental impact upon highway safety. The proposed development therefore does not comply with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note: 18 Transport (2007).

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