1. Gohiriwyd/Deferred

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A201081	17-12-2020	Mr Robert Taylor	Proposed affordable dwelling to include installation of package treatment plant	Land adj College Farm, Bethania, Llanon, SY23 5NJ	Refuse
2	A210091	29-01-2021	Ms Jane C Morgan	Retrospective planning application for agricultural implement and storage shed and improvements to existing vehicular access	Land opposite Tan Yr Allt, Coxhead, Tregaron	Refuse

1.1. A201081

Waun-fawr
Brodawel
Drain
Bryn-wichell
Track
Drain
Ponds
B 4577
A201081

Rhif y Cais / Application Reference	A201081
Derbyniwyd / Received	17-12-2020
Y Bwriad / Proposal	Annedd fforddiadwy arfaethedig i gynnwys gosod cyfleuster parod i drin carthion
Lleoliad Safle / Site Location	Tir yn gyfagos i College Farm, Bethania, Llanon, SY23 5NJ
Math o Gais / Application Type	Caniatâd Cynllunio Llawn
Ymgeisydd / Applicant	Mr Robert Taylor, Dol Y Gwanwyn, Nebo, Llanon, Ceredigion, SY23 5LF
Asiant / Agent	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen, Llanrhystud, Ceredigion, SY23 5E

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn ymwneud â chae amaethyddol sydd oddeutu 185m o'r B4577. Nid oes gan safle'r cais ddim hanes cynllunio perthnasol.

MANYLION Y DATBLYGIAD

Gofynnir am ganiatâd cynllunio llawn ar gyfer codi annedd fforddiadwy. Ôl troed yr annedd arfaethedig yw 137 metr sgwâr a bydd ganddi gegin cynllun agored gyda lle bwyta a lle byw gydag ystafell amlbwrpas a thoiled ar wahân ynghyd â dwy ystafell wely dwbl ac ystafell ymolchi. Mae defnyddiau'r annedd arfaethedig yn cynnwys waliau wedi'u rendro â godre brics gyda rhan o'r wedd flaen i fod yn gladin pren. Bydd y ffenestri a'r cafnau a pheipiau glaw yn uPVC llwyd ynghyd â drws pren. Cynigir bod y to yn llechi.

POLISÏAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol Perthnasol

- Cymru'r Dyfodol - Y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)
- TAN12 Dylunio (2016)
- TAN2 Cynllunio a Thai Fforddiadwy (2006)
- TAN 5 Cynllunio a Chadwraeth Natur (2009)

Mae polisïau canlynol y Cynllun Datblygu Lleol yn berthnasol wrth benderfynu’r cais hwn:

- S01 Twf Cynaliadwy
- S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill
- S05 Tai Fforddiadwy
- LU02 Gofynion sy’n ymwneud â phob Datblygiad Preswyl
- LU04 Diwallu Ystod o Anghenion o ran Tai
- LU05 Sicrhau Cyflenwi Datblygiadau Tai
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM06 Dylunio a Chreu Lle o Safon Uchel
- DM10 Dylunio a Thirweddu
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM17 Tirwedd Gyffredinol

Canllawiau Cynllunio Atodol perthnasol a fabwysiadwyd:

- Canllawiau Cynllunio Atodol Safonau Parcio Cyngor Sir Ceredigion

- Canllawiau Cynllunio Atodol Amgylchedd Adeiledig a Dylunio
- Canllawiau Cynllunio Atodol Cadwraeth Natur
- Canllawiau Cynllunio Atodol Tai Fforddiadwy
- Taflenni Cymorth Canllawiau Cynllunio Atodol Tai Fforddiadwy

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol arfer y swyddogaethau hynny ar droseddau ac anhrefn o fewn ei ardal, a'r angen i wneud popeth o fewn ei allu i atal trosedd ac anhrefn yn ei ardal. Mae'r ddyletswydd honno wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai dim cynnydd sylweddol nac annerbyniol mewn trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchodedig', sef oed; anabledd; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw dyledus i hybu cydraddoldeb yn cynnwys:

- cael gwared ag anfanteision y mae pobl yn eu dioddef oherwydd eu nodweddion gwarchodedig neu eu lleihau;
- cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchodedig lle mae'r rhain yn wahanol i angen pobl eraill; ac
- annog pobl o grwpiau gwarchodedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Rhoddwyd ystyriaeth ddyledus i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir na fyddai'r datblygiad arfaethedig yn peri goblygiadau sylweddol i bobl â nodweddion gwarchodedig nac yn cael effaith arnynt sy'n fwy nag ar unrhyw berson arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau i gyflawni'r saith nod llesiant yn y Ddeddf. Paratowyd yr adroddiad hwn wrth ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y nodir yn Neddf 2015. Wrth gyrraedd yr argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu diwallu heb gyfaddawdu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain.

YMATEBION I'R YMGYNGHORIAD

- Cyfoeth Naturiol Cymru - Dim Gwrthwynebiad yn destun amod
- Priffyrdd - Ni all y gwaith gychwyn nes y derbynnir cytundeb trydydd parti cynhwysfawr

  Dyddiad ymateb 20-1-2021 - "I refer to your consultation dated 11th January 2021 regarding the above application and advise that the Local Highway Authority advises that planning permission should not be granted at this time as the applicant has provided insufficient information to determine the application. The applicant must address the following LHA concerns – The LHA needs to ensure that the increase in traffic that would be generated during the construction phase, and subsequent residential use of the property (to include visitor and service vehicles) would not have a detrimental impact on existing users of the County Unclassified (U/C) Road serving the site, and its nearby junction with the County Class II Road B4577. Whilst it is reasonable to consider that the development of a single dwelling at this location would not be likely to have a detrimental impact on the capacity of the U/C Road, which appears to serve 4 properties (approx.), there is a road safety concern over the increased use of the U/C Road junction with the B4577; this junction has substandard carriageway width, entry/exit radii and visibility conditions. It is unclear whether the applicant is able to undertake any works, by agreement with any affected third-party landowners, to carry out any mitigating improvement works that would address the LHA safety concerns. The applicant is required to investigate what measures may be readily carried out to improve road user safety at this location and submit a revised plan showing such improvements, to the LPA for approval. Please note that the junction is located within a 40mph Speed Limit; consequently, Manual for Streets demands splays measuring 2.4m (min 'x' distance) by 59m (min 'y' distance) by 600mm (max height) each side of the B4577 County Road junction".

  Dyddiad ymateb 6-7-2021 - "The submitted third-party 'Agreement' regarding permission for the applicant to carry out visibility works at the County Road junction adjacent to "Gwynfa", Bethania is too vague and cannot be endorsed by the highway authority. Please find below relevant technical requirements on visibility based on guidance from Planning Policy Wales TAN18. The application should be accompanied a dimensioned survey illustrating the proposed junction visibility improvement. There is a need to plot the visibility splays, measured from a 2.4m set back (x) distance at the

junction to 59m (y) distance, measured along the nearside edge of carriageway, in each direction. The splays shall be taken at a 1.05m height at the 2.4m (x) distance to a 0.60 height at the (y) distance. All growth within the splay on land identified within the ownership/control shall be cleared and retained by the applicants in perpetuity. The junction improvement shall be identified in blue and notice served on the respective landowner(s). Any planning permission issued would be subject to the discharge of the pre-commencement condition relating to the junction improvement".

- Draenio Tir - Dim Gwrthwynebiad yn Destun Amodau
- Hawliau Tramwy Cyhoeddus - Effeithir yn uniongyrchol ar lwybr troed 34/38
- Dŵr Cymru Welsh Water - Dim Gwrthwynebiad
- Cafwyd gwrthwynebiad gan Ymgyrch Diogelu Cymru Wledig am y rhesymau a ganlyn:

    1. Gwrthodwyd pum cais ar wahân i ddatblygu ar gaeau cyffiniol, gyda nifer o'r gwrthodiadau yn cael eu cefnogi ar apêl gan yr Arolygiaeth Gynllunio (891770, 762971, 762578, 762577, 751583).
    2. Mae Polisi S04 y CDLl, sy'n ei chael yn anodd rheoli toreth o ddatblygiadau preswyl yng nghefn gwlad agored, yn caniatáu anheddau newydd mewn 'Lleoliadau eraill' dim ond os oes menter wledig y gellir ei chyfiawnhau gan TAN6 neu angen lleol heb ei ddiwallu am dai fforddiadwy.
    3. Nid yw'r ymgeisydd yn dadlau bod menter wledig y gellir ei chyfiawnhau gan TAN6 — mae'n mwynhau "tyfu cnydau amrywiol", ond "yn gweithio fel gwas sifil".
    4. Rhaid i ddatblygiad mewn 'Lleoliadau Eraill', hyd yn oed tai fforddiadwy, gael ei "leoli yn union gyfagos i grwpiau presennol o anheddau yn unol â bwriadau Para 9.2.22 Polisi Cynllunio Cymru a TAN 2, Para 10.13" [CDLl SO4, 4b; Polisi Cynllunio Cymru 10, 4.2.34]. Nid yw'r safle hwn yn union gyfagos i unrhyw grwpiau o anheddau presennol: nid yw'n safle eithriedig gwledig.
    5. Mae p'un a fyddai'r annedd arfaethedig yn diwallu anghenion pobl leol am byth (fel sy'n ofynnol gan TAN2 a Pholisi Cynllunio Cymru 10) yn dibynnu ar a yw'n parhau i fod yn fforddiadwy. Byddai, heb os, yn diwallu anghenion presennol cwpl priod gyda dau o blant 4 a 2 oed, ond mae gan blant arfer o fynd yn fwy a mynnu eu hystafelloedd eu hunain. Byddai ehangu mewn ffordd ddisgwyliadwy yn ddiweddarach yn arwain at dŷ na ellir ei fforddio yn rhy gostus i ddiwallu unrhyw angen lleol.
    6. A fyddai'r adeilad amaethyddol a gynigiwyd yn flaenorol (A180718) wedi'i leoli'n gyfagos i'r annedd a gynigiwyd ar hyn o bryd?

CASGLIAD

Mae Adran 38 (6) Deddf Cynllunio a Phrynu Gorfodol 2004 yn datgan: "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 in accordance with the plan unless material consideration indicate otherwise".

Egwyddor y Datblygiad:

Mae safle'r cais o fewn 'lleoliadau eraill' fel y'u nodwyd yn y Cynllun Datblygu Lleol (CDLl) mabwysiedig lle rheolir datblygu yn llym er budd cyflawni datblygu cynaliadwy a gwarchod cefn gwlad agored. Mae Polisi S04 y CDLl yn nodi bod tai cyffredinol yn amhriodol mewn 'lleoliadau eraill' oni bai y gellir ei gyfiawnhau ar y sail ei fod yn diwallu angen am dai fforddiadwy nas diwallwyd yn yr ardal. Mae'r Polisi hefyd yn ei gwneud yn ofynnol i dai fforddiadwy gael eu lleoli yn union gyfagos i grwpiau presennol o anheddau yn unol â bwriadau paragraff 9.2.22 Polisi Cynllunio Cymru. Er bod Polisi Cynllunio Cymru wedi'i ddiweddaru ers hynny, mae paragraff 3.60 yn parhau i fynnu bod datblygu yng nghefn gwlad wedi'i leoli o fewn aneddiadau ac yn gyfagos iddynt lle y gellir ei ddarparu orau o ran seilwaith, mynediad, cynefin a gwarchod y dirwedd ac mae'n nodi y gallai mewnlenwi neu fân estyniadau i aneddiadau presennol fod yn dderbyniol yn enwedig pan fyddant yn diwallu angen lleol am dai fforddiadwy, ond bod yn rhaid parhau i reoli, yn llym, adeiladu newydd yng nghefn gwlad agored i ffwrdd o aneddiadau presennol.

Nid oes dim eiddo cyfagos i'r safle, gyda'r annedd agosaf oddeutu 185m i ffwrdd. Felly, mae'r cynnig yn amlwg yn groes i bolisi cenedlaethol a lleol, sef Polisi Cynllunio Cymru a pholisïau S01 ac S04 y CDLl, gan ei fod wedi'i leoli mewn lleoliad cefn gwlad agored.

Gofynion Nodweddion Ffisegol

Nodir lleiafswm ac uchafswm arwynebedd net y llawr ar gyfer cartref fforddiadwy yn atodiad 4 Taflenni Cymorth Canllawiau Cynllunio Atodol Tai Fforddiadwy (gweler tudalen 10). Y safon uchaf absoliwt yw 137 metr sgwâr. Fel y nodwyd uchod, arwynebedd net y llawr yw 137 metr sgwâr ac felly mae'n cydymffurfio ag uchafswm yr ôl troed a ganiateir ar gyfer annedd fforddiadwy.

Effaith ar Amwynder Preswyl

Oherwydd bod lleoliad y cynnig yng nghefn gwlad agored, nid oes dim eiddo cyfagos yn agos iawn. Felly, ni fydd y cynnig yn effeithio ar amwynder dim eiddo.

Effaith ar Gymeriad

Mae'r datblygiad arfaethedig ar gyfer annedd unllawr. Nid yw safle'r cais mewn lleoliad hynod amlwg er ei fod yn

debygol o fod yn weladwy o rannau o'r B4577. Felly ni ystyrir bod y cynnig yn cael effaith andwyol sylweddol ar y dirwedd.

Priffyrdd
Mae'r 'Cytundeb' trydydd parti a gyflwynwyd ynghylch caniatâd i'r ymgeisydd wneud gwaith gweleded ar gyffordd Ffordd y Sir ger "Gwynfa", Bethania yn rhy amwys ac ni all yr awdurdod priffyrdd ei gymeradwyo. Byddai unrhyw ganiatâd cynllunio a roddir yn amodol ar ryddhau amod cyn cychwyn i sicrhau gwella'r gyffordd a byddai'n rhaid i'r Awdurdod Cynllunio Lleol fod yn hapus bod gobaith rhesymol y bydd y tir hwnnw ar gael cyn y gellid gosod amod o'r fath.

Pwerau Dirprwyedig

Mae'r Aelod Lleol, y Cynghorydd Dafydd Edwards wedi gofyn i'r cais gael ei gyflwyno i'r Pwyllgor Rheoli Datblygu i'w benderfynu am y rhesymau a ganlyn:

1. Mae'n credu bod y cais yn cydymffurfio â pholisi fel y mae o fewn Bethania;
2. Mae'n annedd fforddiadwy;
3. Ni fydd yn cynyddu traffig i'r safle gan fod yr ymgeiswyr yn defnyddio'r safle nawr fel 'ardal ardd' ac yn ymweld o leiaf ddwywaith y dydd.

RHESWM DROS OHIRIO:

Ystyriwyd y cais yng nghyfarfod y Pwyllgor Rheoli Datblygu a gyfarfu ar 8 Mehefin, 2021. Penderfynodd y Pwyllgor gyfeirio'r cais i'r Grŵp Gorchwyl a Gorffen a gyfarfu ar 21 Medi, 2021. Adolygodd aelodau'r Grŵp y cais, y adroddiad pwyllgor, y cynllun lleoliad, y cynllun bloc presennol, y datganiad a gyflwynwyd gan yr ymgeisydd a'r datganiad a ddarparwyd gan yr Aelod Lleol. Roedd y Panel o'r farn y gellid ystyried bod y safle'n gyfagos i'r anheddiad lle byddai tŷ fforddiadwy yn unol â pholisi S04, sy'n ymwneud â datblygiad newydd mewn 'lleoliadau eraill'. Roedd y Panel yn cydnabod bod maint a graddfa arfaethedig yr annedd yn unol â safonau dylunio ar gyfer tai fforddiadwy.

Fodd bynnag, nododd y Panel fod angen datrys pryderon diogelwch a godwyd gan yr Adran Briffyrdd cyn y gellir ystyried caniatâd. Roedd angen rhagor o wybodaeth am y lleiniau gweleded a chytundeb trydydd parti am ganiatâd i'r ymgeisydd wneud gwaith gweleded ar dir ym mherchnogaeth y trydydd parti er mwyn lliniaru'r pryderon hyn. Cytunodd y Panel i ohirio argymhelliad er mwyn caniatáu cyflwyno gwybodaeth foddhaol ynghylch y cytundeb trydydd parti.

Er y gofynnwyd am y wybodaeth berthnasol a manylion y cytundeb trydydd parti ar sawl achlysur ni dderbyniwyd unrhyw wybodaeth gan yr ymgeisydd na'r asiant sy'n ceisio datrys pryderon priffyrdd.

Ar y sail hynny mae argymhelliad gwreiddiol yr ACLl yn parhau sef bod y cais yn cael ei wrthod.

ARGYMHELLIAD :

Argymhellir gwrthod y cais gan fod y datblygiad arfaethedig yn cynrychioli datblygiad tai amhriodol mewn 'lleoliadau eraill' sy'n groes i Bolisïau S01 ac S04 y CDLl a'r polisi cynllunio cenedlaethol.

Rhif y Cais / Application Reference	A201081
Derbyniwyd / Received	17-12-2020
Y Bwriad / Proposal	Proposed affordable dwelling to include installation of package treatment plant
Lleoliad Safle / Site Location	Land adj College Farm, Bethania, Llanon, SY23 5NJ
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr Robert Taylor, Dol Y Gwanwyn, Nebo, Llanon, Ceredigion, SY23 5LF
Asiant / Agent	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen, Llanrhystud, Ceredigion, SY23 5ED

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to an agricultural field located approximately 185m from the B4577. The application site has no relevant planning history.

DETAILS OF DEVELOPMENT

Full planning permission is sought for the erection of an affordable dwelling. The footprint of the proposed dwelling is 137sqm and is to have an open plan kicthen, dining, living space with a separate utility and w/c along with two double bedrooms and a bathroom. The materials of the proposed dwelling include rendered walls with a brick plinth with part of the front elevation to be timber cladding. The windows and guttering are to be grey uPVC along with a timber door. The roof is proposed to be slate.

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

- Future Wales: The National Plan 2040
- PPW Planning Policy Wales (Edition 11, February 2021)
- TAN12 Design (2016)
- TAN2 Planning and Affordable Housing (2006)
- TAN5 Nature Conservation and Planning (2009)

These Local Development Plan policies are applicable in the determination of this application:

- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing
- LU02 Requirements Regarding All Residential Developments
- LU04 Meeting a Range of Housing Needs
- LU05 Securing the Delivery of Housing Development
- DM03 Sustainable Travel
- DM04 Sustainable Travel Infrastructure as a Material Consideration
- DM06 High Quality Design and Placemaking
- DM10 Design and Landscaping
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape

Relevant adopted Supplementary Planning Guidances:

- CCC Parking Standards SPG
- Built Environment and Design SPG
- Nature Conservation SPG
- Affordable Housing SPG
- Affordable Housing SPG Help Sheets

OTHER MATERIAL 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 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

- Natural Resources Wales - No Objection Subject to Condition
- Highways - Works cannot commence until a comprehensive third party agreement is received

  Response dated 20-1-2021 - "I refer to your consultation dated 11th January 2021 regarding the above application and advise that the Local Highway Authority advises that planning permission should not be granted at this time as the applicant has provided insufficient information to determine the application. The applicant must address the following LHA concerns – The LHA needs to ensure that the increase in traffic that would be generated during the construction phase, and subsequent residential use of the property (to include visitor and service vehicles) would not have a detrimental impact on existing users of the County Unclassified (U/C) Road serving the site, and its nearby junction with the County Class II Road B4577. Whilst it is reasonable to consider that the development of a single dwelling at this location would not be likely to have a detrimental impact on the capacity of the U/C Road, which appears to serve 4 properties (approx.), there is a road safety concern over the increased use of the U/C Road junction with the B4577; this junction has substandard carriageway width, entry/exit radii and visibility conditions. It is unclear whether the applicant is able to undertake any works, by agreement with any affected third-party landowners, to carry out any mitigating improvement works that would address the LHA safety concerns. The applicant is required to investigate what measures may be readily carried out to improve road user safety at this location and submit a revised plan showing such improvements, to the LPA for approval. Please note that the junction is located within a 40mph Speed Limit; consequently, Manual for Streets demands splays measuring 2.4m (min 'x' distance) by 59m (min 'y' distance) by 600mm (max height) each side of the B4577 County Road junction".

  Response dated 6-7-2021 - "The submitted third-party 'Agreement' regarding permission for the applicant to carry out visibility works at the County Road junction adjacent to "Gwynfa", Bethania is too vague and cannot be endorsed by the highway authority. Please find below relevant technical requirements on visibility based on guidance from Planning Policy Wales TAN18. The application should be accompanied a dimensioned survey illustrating the proposed junction visibility improvement. There is a need to plot the visibility splays, measured from a 2.4m set back (x) distance at the junction to 59m (y) distance, measured along the nearside edge of carriageway, in each direction. The splays shall be taken at a 1.05m height at the 2.4m (x) distance to a 0.60 height at the (y) distance. All growth within the splay on land identified within the ownership/control shall be cleared and retained by the applicants in perpetuity. The junction improvement shall be identified in blue and notice served on the respective landowner(s). Any planning permission issued would be subject to the discharge of the pre-commencement condition relating to the junction improvement".

- Land Drainage - No Objection Subject to Conditions
- Public Rights of Way - Footpath 34/38 is directly affected
- Dwr Cymru Welsh Water - No Objection

- An objection has been received from the Campaign for the Protection of Rural Wales for the following reasons:

  1. Five separate applications to develop on adjoining fields have been refused, with several of the refusals supported on appeal by the Planning Inspectorate (891770, 762971, 762578, 762577, 751583).

  2. LDP Policy S04, struggling to control the proliferation of residential development in open countryside, permits new dwellings in 'Other locations' only if there's a TAN6-justifiable rural enterprise or an unmet local need for affordable housing.

  3. The applicant does not contend that there is a TAN6-justifiable rural enterprise — he enjoys "growing various crops", but "works as a civil servant".

  4. Development in 'Other Locations', even of affordable housing, must be "located immediately adjacent to existing groups of dwellings in line with the intentions of Para 9.2.22 of PPW and TAN 2, Para 10.13" [LDP SO4, 4b; PPW10, 4.2.34]. This site is not immediately adjacent to any existing groups of dwellings: it is not a rural exception site.

  5. Whether the proposed dwelling would meet the needs of local people in perpetuity (as required by TAN2 & PPW10) rather depends upon whether it remains affordable. It would, undoubtedly, meet the present needs of a married couple with two children aged 4 & 2, but children have a habit of getting bigger and demanding their own rooms. A predictable later enlargement would result in an unaffordable house too costly to meet any local need.

  6. Would the previously-proposed agricultural building (A180718) be sited adjacent to the presently-proposed dwelling?

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states 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 in accordance with the plan unless material consideration indicate otherwise".

Principle of Development:

The application site lies within 'other locations' as identified within the adopted Local Development Plan (LDP) where development is strictly controlled in the interest of achieving sustainable development and protecting the open countryside. LDP Policy S04 states that general housing is inappropriate within 'other locations' unless justified on the basis that it meets a demonstrated unmet affordable housing need in the locality. The Policy also requires affordable housing to be located immediately adjacent to existing groups of dwellings in line with the intentions of Planning Policy Wales (PPW) paragraph 9.2.22. Whilst PPW has since been updated, paragraph 3.60 continues to require development in the countryside to be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscaping conservation, and states that infilling or minor extensions to existing settlements may be acceptable in particular where they meet a local need for affordable housing, but that new building in the open countryside away from existing settlements must continue to be strictly controlled.

There are no neighbouring properties to the site with the nearest dwelling being approximately 185m away. Therefore, the proposal is clearly contrary to national and local policy, namely PPW and LDP policies S01 and S04, as it is located within an open countryside location.

Physical Characteristics Requirements
The minimum and maximum net floor area for an affordable home is set out within appendix 4 of the Affordable Housing SPG Help Sheets (see page 10). The absolute maximum standard is 137sqm. As noted above the net floor area is 137sqm and therefore, complies with the maximum footprint allowed for an affordable dwelling.

Impact on Residential Amenity
Due to the location of the proposal being within the open countryside, there are no neighbouring properties within close proximity. Therefore, the proposal will not impact on the amenity of any properties.

Impact on Character
The proposed development is for a one storey dwelling. The application site is not in an extremely prominent location although is likely to be visible from parts of the B4577. The proposal is therefore not considered to have a significant adverse impact on the landscape.

Highways
The submitted third party agreement regarding permission for the applicant to carry out visibility works at the County Road junction adjacent to "Gwynfa", Bethania is too vague and cannot be endorsed by the local highway authority. Any planning permission issued would need to be subject to the discharge of a pre-commencement condition relating to the junction

improvement and the LPA would have to be satisfied that there is a reasonable prospect of that land being made available before such a condition could be imposed.

Delegated Powers
The Local Member, Cllr Dafydd Edwards has requested that the application be taken to Develpment Control Committee to be decided for the following reasons:

1. Believes that the application complies with policy as it is within Bethania;
2. It is an affordable dwelling;
3. It will not increase traffic to the site as the applicants use the site now as a 'garden area' and visit at least twice a day.

REASON FOR DEFERRAL:

The application was considered at the Development Control Committee meeting which met on the 8th June, 2021. The Committee resolved to refer the application to the Task and Finish Group which met on the 21st September, 2021. Members of the Group reviewed the application, the committee report, the location plan existing block plan, the statement presented by the applicant and the statement provided by the Local Member. The Panel considered that the site could be considered as adjacent to the settlement where an affordable house would be in accordance with policy S04, that relates to new development at ‘other locations’. The Panel recognised that the proposed size and scale of the dwelling was in line with design standards for affordable housing.

However, the Panel noted that safety concerns raised by Highways needed to be resolved before a permission could be considered. Further information on the visibility splays and third party agreement for permission for the applicant to carry out visibility works on land owned by the third party was necessary in order to mitigate these concerns. The Panel agreed to defer a recommendation to allow for the submission of satisfactory information regarding the third party agreement.

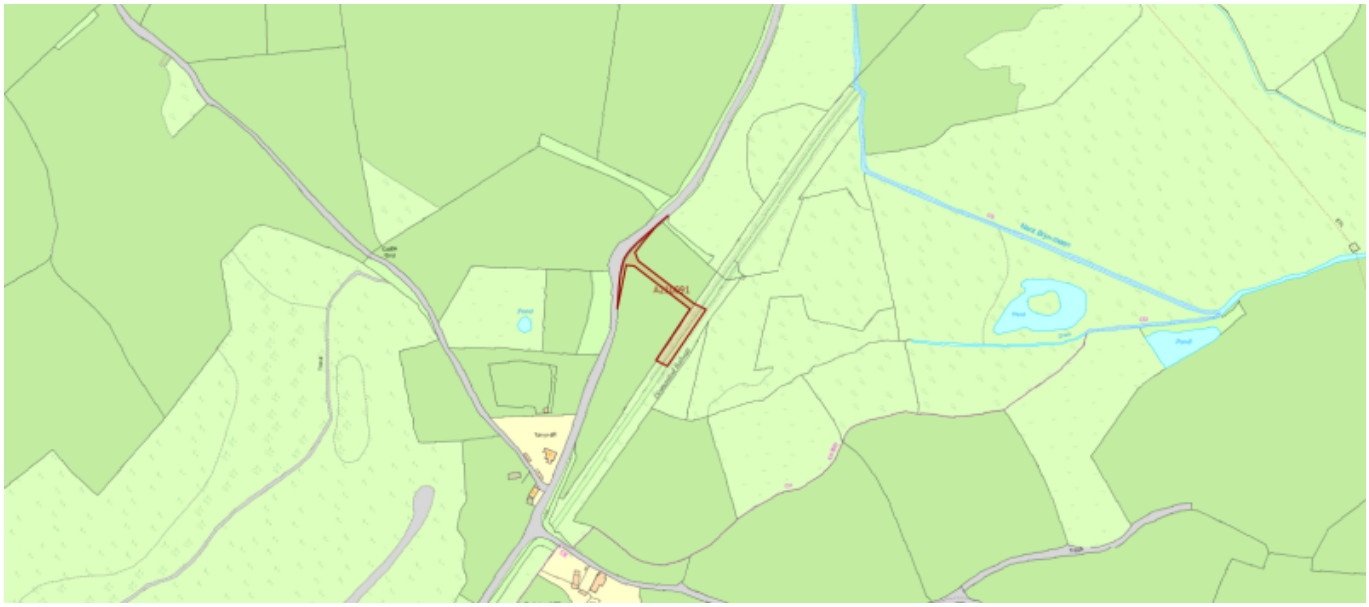
Despite requesting the relevant information and details of the third party agreement on numerous occasions no information has been received from the applicant or agent seeking to address highway concerns.

As such the original recommendation of the LPA remains in that the application be refused.

RECOMMENDATION:

The application is recommended for refusal as the proposed development represents inappropriate housing development within 'other locations' which is contrary to LDP Policies S01 and S04 and national planning policy.

1.2. A210091



Rhif y Cais / Application Reference	A210091
Derbyniwyd / Received	29-01-2021
Y Bwriad / Proposal	Retrospective planning application for agricultural implement and storage shed and improvements to existing vehicular access
Lleoliad Safle / Site Location	Land opposite Tan Yr Allt, Coxhead, Tregaron
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Ms Jane C Morgan, 9, Forest Lane Terrace, Llangybi, Lampeter, SA48 8LZ
Asiant / Agent	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen, Llanrhystud, SY23 5ED

Y SAFLE A'I HANES PERTHNASOL

Saif safle'r cais ar ddarn o dir sy'n cynnwys gwely'r hen drac trên a fu'n rhedeg rhwng Aberystwyth a Chaerfyrddin. Saif tua 4 cilomedr i'r gogledd-ddwyrain o Langybi ger ffordd sirol yr A485.

Saif y safle mewn 'lleoliadau eraill' at ddiben polisi cynllunio.

Yn 2020 cafodd yr Awdurdod Cynllunio Lleol adroddiadau fod datblygu yn digwydd yno heb ganiatâd.

Roedd y datblygu a dynnwyd i sylw'r Awdurdod Cynllunio Lleol yn cynnwys mynediad newydd i gerbydau i'r A485 heb ganiatâd, ynghyd â chodi sied a newid defnydd y tir ar gyfer gwerthu peiriannau.

Fel rhan o'r ymchwiliad gorfodi, bu i'r Awdurdod Cynllunio Lleol gyflwyno Hysbysiad o Dramgwydd Cynllunio a Hysbysiad Atal Dros Dro. Mae'r gwaith o werthu peiriannau ar y safle bellach wedi dod i ben ond mae'r sied yn parhau ar y safle.

MANYLION Y DATBLYGIAD

Gwneir ôl-gais cynllunio er mwyn gwneud yn swyddogol y gwaith o adeiladu'r sied i'w defnyddio at ddibenion amaethyddiaeth, yn benodol cadw peiriannau a phorthiant y fferm. Gofynnir am ganiatâd hefyd ar gyfer mynedfa i'r safle.

Mae'r sied yn mesur 9.240 metr wrth 13.820 metr gyda gorffeniad mewn cladin proffil bocs, lliw gwyrdd o dan do sment ffibr. Mae'r cais yn cynnwys 128 metr sgwâr o ofod llawr.

POLISÏAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

- Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

Mae'r polisïau canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu ar y cais hwn:

- DM13 Systemau Draenio Cynaliadwy
- S01 Twf Cynaliadwy
- S04 Datblygu mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'
- DM06 Dylunio a Chreu Lle o Safon Uchel
- DM18 Ardaloedd Tirwedd Arbennig
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM18 Ardaloedd Tirwedd Arbennig

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn rhoi dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol y swyddogaethau hyn ar droseddau ac anhrefn o fewn ei ardal, ac i wneud popeth y gall yn rhesymol i atal troseddau ac anhrefn. Mae'r ddyletswydd hon wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai cynnydd sylweddol neu annerbyniol mewn troseddau ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchodedig', sef oed; anabledd; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw priodol i hyrwyddo cydraddoldeb yn golygu:-dileu neu leihau anfanteision a wynebir gan bobl oherwydd eu nodweddion gwarchodedig; -cymryd camau i ddiwallu anghenion pobl sy'n perthyn i grwpiau gwarchodedig pan fydd yr anghenion hyn yn wahanol i anghenion pobl eraill; -annog pobl o grwpiau gwarchodedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle bo'u cyfranogiad yn anghyfartal o isel.

Rhoddwyd sylw dyledus i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir na fyddai'r datblygiad arfaethedig yn peri goblygiadau sylweddol i bobl â nodweddion gwarchodedig nac yn cael effaith arnynt sy'n fwy nag ar unrhyw berson arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau i fodloni'r saith nod llesiant a geir yn y Ddeddf. Paratowyd yr adroddiad hwn gan ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy' fel y'i nodir yn Neddf 2015. Wrth roi'r argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb amharu ar allu cenedlaethau'r dyfodol i gwrdd â'u hanghenion eu hunain.

YMATEBION I'R YMGYNGHORIAD

Cyngor Cymuned Llangybi – Gwrthwynebu

Priffyrdd – Dim gwrthwynebiad, yn ddibynnol ar amodau

Draenio Tir – Hysbysiadau cyffredinol

Ecoleg – Dim gwrthwynebiad

Cyfoeth Naturiol Cymru – Dim gwrthwynebiad

Sylwadau gan drydydd partïon:-

Daeth sylwadau i law yn gwrthwynebu'r cais oddi wrth gymydog yn ogystal â grŵp ymgyrchu Traws Link Cymru ac Ymgyrch Diogelu Cymru Wledig. Ystyrir y gwrthwynebiadau hyn ymhellach yn yr adroddiad hwn.

Mae Cyngor Cymuned Llangybi yn gwrthwynebu i nifer y ceisiadau cynllunio sy'n cael eu gwneud yn ôl-weithredol, fodd bynnag caniateir ceisiadau o'r fath o dan Adran 73a o'r Ddeddf Cynllunio Gwlad a Thref. Felly maent yn offeryn deddfwriaethol cyfreithlon sy'n golygu bod modd gwneud datblygiad anghyfreithlon yn swyddogol drwy ganiatâd cynllunio ar yr amod bod yr holl ystyriaethau cynllunio eraill wedi cael sylw.

CASGLIAD

Dywed Adran 38 (6) o Ddeddf Cynllunio a Phrynu Gorfodol 2004: "Os rhoddir ystyriaeth i'r cynllun datblygu er mwyn gwneud penderfyniad o dan y Deddfau Cynllunio, bydd yn rhaid i'r penderfyniad hwnnw fod yn unol â'r cynllun oni bai fod ystyriaethau perthnasol yn awgrymu fel arall."

<u>Egwyddor y Datblygiad</u>
Rhaid i ddatblygiadau mewn lleoliadau arall gael eu rheoli'n llym a rhaid bod modd eu cyfiawnhau. Llenwyd a chyflwynwyd holiadur amaethyddol i gefnogi'r cais ac mae'n dangos bod arwynebedd y tir a amaethir yn yr uned hon yn ymestyn i 4.45 hectar.

Hefyd mae'r ymgeisydd yn rhentu 17 erw arall o dir (6.9 ha) ar draws dau leoliad - yn Wernyglyn, Olmarch a Maesfforest, Llangybi. At ei gilydd mae'r ymgeisydd yn amaethu 11.35 hectar o dir ac mae'r fferm yn cynnwys diadell o 64 o ddefaid magu a 2 hwrdd.

Roedd y ddiadell yn bresennol ar y safle ar adeg yr ymweliad â'r safle.

O ystyried maint y gweithgarwch amaethyddol sydd ar waith, nid ystyrir bod cyfiawnhad dros godi adeilad o'r maint hwn yn y lle hwn.

Felly, ystyrir bod yr egwyddor o ddatblygu yn y lleoliad hwn yn annerbyniol ac nid oes cyfiawnhad dros ddatblygu yn y cefn gwlad agored, yn groes i Nodyn Cyngor Technegol 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010).

Effaith ar y Tirwedd

Fel y nodir uchod, saif safle’r cais yn y cefn gwlad agored mewn man amlwg. Mae gogledd y safle yn arbennig o agored o ran y tirwedd gan olygu fod y safle yn weladwy iawn i bobl. O ganlyniad, byddai adeilad o'r maint hwn yn y lleoliad a gynigir yn niweidiol i dirwedd a chymeriad yr ardal. Ar hyn o bryd, nid oes yr un adeilad cyfreithlon ar y safle ac felly byddai'r datblygiad arfaethedig yn cyflwyno adeilad sydd heb gyfiawnhad a hynny mewn lle amlwg iawn ar y tirwedd. Felly mae'r cais yn groes i Bolisïau DM06 a DM17 o'r Cynllun Datblygu Lleol.

Mae Ymgyrch Diogelu Cymru Wledig hefyd yn gwrthwynebu’r cais ac o’r farn y byddai’n well fod y sied yn cael ei gosod ar fferm sy’n bodoli’n barod.

Effaith ar Amwynder yn lleol

O ystyried lleoliad y datblygiad arfaethedig, ni chredir y byddai’r datblygiad yn cael effaith niweidiol ar amwynder y trigolion cyfagos o ran eu gormesu neu fwrw cysgod drostynt. Serch hynny, daeth llythyr o wrthwynebiad i law yn pwysleisio’r sŵn a ddaw o beiriannau amaethyddol yn sgil y datblygu, yn ogystal â’r effaith ar y tirwedd a’r olygfa a’u mwynhad o’u heiddo nhw.

Fodd bynnag, ystyrir nad yw’r sŵn cyffredinol a ddaw o beiriannau amaethyddol yn anghydnaws â’r lleoliad amaethyddol hwn.

Teithio Cynaliadwy

Cafwyd neges o wrthwynebiad i’r datblygiad oddi wrth fudiad Traws Link Cymru sy’n ymgyrchu dros ailsefydlu’r cyswllt rheilffordd rhwng Aberystwyth a Chaerfyrddin.

Mae diogelu hen reilffyrdd neu reilffyrdd na ddefnyddir mwyach yn gallu bod yn ystyriaeth gynllunio berthnasol wrth asesu cais cynllunio. Cadarnheir hyn gan rifyn cyfredol Polisi Cynllunio Cymru sy'n cynghori y dylid diogelu hen reilffyrdd rhag bod datblygu yn digwydd arnynt ac effeithio'n andwyol ar y gallu i’w defnyddio fel rheilffyrdd yn y dyfodol.

Mae Cynllun Datblygu Lleol (CDLl) Cyngor Sir Ceredigion hefyd yn cydnabod potensial hen seilwaith trafnidiaeth gyda pholisi DM04 yn nodi bod amddiffyn, gwella neu gyd-ddatblygu seilwaith trafnidiaeth blaenorol neu bresennol sydd â’r potensial i ddarparu ar gyfer teithio mwy cynaliadwy yn ystyriaeth berthnasol ym mhob datblygiad. Mae testun polisi DM04 yn nodi ymhellach ei bod yn bwysig fod seidins rheilffyrdd a daliadau cyfagos hefyd yn cael eu gwarchod rhag datblygu amgen a fyddai’n anghyson â defnyddiau o’r fath.

Byddai caniatáu’r datblygiad yn gwrthdaro â byrdwn cyffredinol DM04.

Ecoleg

Saif safle’r cais yn agos i Safle o Ddiddordeb Gwyddonol Arbennig (SSSI) Rhosydd Bryn-maen. Yn dilyn diwygiadau i'r cynllun sy'n egluro'r dull o waredu dŵr wyneb, mae Cyfoeth Naturiol Cymru yn fodlon na fydd y datblygiad yn debygol o niweidio nodweddion arbennig safle Rhosydd Bryn-maen.

Saif safle’r cais o fewn Ardal Cadwraeth Arbennig (ACA) Afon Teifi. Cyhoeddodd Cyfoeth Naturiol Cymru Ddatganiad o Sefyllfa Gynllunio, ar 21 Ionawr 2021, lle gwnaethant ddweud y byddai unrhyw ddatblygiad arfaethedig a allai gynyddu faint o ffosffad (neu ffosfforws) sydd mewn dalgylch Ardal Cadwraeth Arbennig glan afon yn gallu arwain at effeithiau niweidiol i'r ACA. Felly, dylid sgrinio cynigion o'r fath drwy Asesiad Rheoliadau Cynefinoedd (HRA) i benderfynu a ydynt yn debygol o gael effaith sylweddol ar yr ACA.

Cynigir defnyddio'r adeilad ar gyfer storio peiriannau a phorthiant. Ar y sail honno, gellir sgrinio'r datblygiad drwy'r broses HRA fel un sy'n annhebygol o gael effaith sylweddol ar yr ACA. Fodd bynnag, mae ecolegydd y sir wedi dweud y byddai angen atodi amod i unrhyw ganiatâd a ddaw a hynny er mwyn cyfyngu ar y defnydd a wneir o'r adeilad ar gyfer storio peiriannau a phorthiant.

Materion Eraill

Nid yw’r Awdurdod Priffyrdd Lleol yn gwrthwynebu’r cais, yn ddibynnol ar amodau. Mae adran draenio tir y Cyngor wedi rhoi gwybod y byddai angen cymeradwyaeth SUDs (Systemau Draenio Cynaliadwy) ar gyfer y datblygiad. Bydd ceisiadau am gymeradwyaeth SUDs yn cael eu hystyried gan y SAB.

ARGYMHELLIAD:

Argymhellir bod y cais yn cael ei wrthod a hynny am y rhesymau canlynol:

1. Nid yw’r cais yn llwyddo i ddangos bod angen y datblygiad arfaethedig yn y lleoliad hwn. Felly nid oes digon o gyfiawnhad dros ganiatáu datblygu yn y cefn gwlad agored, yn unol â’r polisi cynllunio cenedlaethol. Mae’r cais, felly, yn groes i Nodyn Cyngor Technegol 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010).

2. Mae’r cais, yn rhinwedd ei leoliad ar yr hen drac rheilffordd rhwng Aberystwyth a Chaerfyrddin, yn methu â gwarchod seilwaith trafnidiaeth blaenorol sydd â’r potensial i ddarparu ar gyfer teithio cynaliadwy a hynny’n groes i bolisi DM04: Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol yn y Cynllun Datblygu Lleol a fabwysiadwyd gan Gyngor Sir Ceredigion.

3. Saif safle’r cais mewn lle amlwg ar y tirwedd ac i ffwrdd oddi wrth unrhyw ffurf adeiledig gyfreithlon. Felly ystyrir y byddai lleoliad a maint y datblygiad yn niweidiol i gymeriad a golwg yr ardal a’r tirwedd. O ganlyniad mae'r cais yn groes i Bolisïau DM06 a DM17 o'r Cynllun Datblygu Lleol.

Rheswm am Ailgyfeirio

Mae’r Cynghorydd Odwyn Davies wedi gofyn i’r cais gael ei gyfeirio i’r pwyllgor rheoli datblygu i benderfynu yn ei gylch a hynny am ei fod yn byw o fewn chwarter milltir i’r safle ac yn adnabod yr ymgeisydd yn dda.

Rheswm dros ohirio

Yn Mhwyllgor Rheoli Datblygu a gynhaliwyd ar 9fed o Fawrth 2022, penderfynodd y pwyllgor gohirio penderfynu y cais I ganiatáu amser i'r ymgeisydd gyflwyno gwybodaeth ychwanegol ynghylch sut mae ei ferch, sy’n dioddef o salwch, yn manteisio o’r datblygiad.

Er bod yr awdurdod cynllunio lleol yn cydnabod y ffordd y mae’r safle o fudd i ferch yr ymgeisydd, nid yw’n cael ei ystyried fod angen digonol i leoli’r sied ar wely’r trac sy’n groes â DM04 y CDLl. Byddai merch yr ymgeisydd yn cael yr un fantais pe bai'r sied wedi'i chodi yn rhywle arall ar y tir.

Fel rhan o'r cyflwyniad mae'r ymgeisydd wedi darparu nifer o llythyrau rhyngddi hi, Llywodraeth Cymru a'r Adran Drafnidiaeth. Mae'r Adran Drafnidiaeth wedi cadarnhau nad oes unrhyw fwriad i ailagor y lein ar hyn o bryd. Er gwaethaf hyn, mae DM04 wedi'i ddrafftio mewn ffordd sy'n diogelu seilwaith teithio cynaliadwy fel y gellir ei ddefnyddio eto ar gyfer dulliau trafnidiaeth cynaliadwy pe bai angen yn y dyfodol. Gallai hyn hefyd fod ar ffurf llwybrau beicio, cerdded a marchogaeth yn ogystal ag ar gyfer ailgyflwyno rheilffordd.

Yn y Pwyllgor Rheoli Datblygu a gynhaliwyd ar 9fed o Fawrth awgrymodd yr ymgeisydd y byddai'n barod i wneud cytundeb cyfreithiol a fyddai'n cytuno i dynnu'r datblygiad oddi ar wely'r trac blaenorol pe byddai angen ei ailddefnyddio.

Mae cyngor gan wasanaethau cyfreithiol yn awgrymu na fyddai cytundeb S106 yn briodol yn yr achos hwn.

Ar ôl ystyried y wybodaeth ychwanegol a ddarparwyd, Mae’r argymhelliad i wrthod y cais.

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Y Bwriad / Proposal	Retrospective planning application for agricultural implement and storage shed and improvements to existing vehicular access
Lleoliad Safle / Site Location	Land opposite Tan Yr Allt, Coxhead, Tregaron
Math o Gais / Application Type	Full Planning
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Asiant / Agent	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen, Llanrhystud, SY23 5ED

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to an area of land which consist of the former track bed of the Aberystwyth to Carmarthen railway line, and is located approximately 4km north east of Llangybi along the A485 county maintained road.

The site lies within other locations for the purpose of planning policy.

In 2020, the Local Planning Authority received reports that unauthorised developments were taking place at the site.

The developments which were brought to the LPA's attention comprised of a new unauthorised vehicular access onto the A485, along with the erection of a shed and the change of use of the land for the sale of machinery.

As part of the enforcement investigation, the Local Planning Authority served both a Planning Contravention Notice and a Temporary Stop Notice. The sale of machinery at the site has now since ceased however the shed remains in situ.

DETAILS OF DEVELOPMENT

The application is made in retrospect and seeks to regularize the building of the shed, for uses incidental to agriculture, specifically the storage of farm machinery and fodder. Permission is also sought for the site access.

The shed measures 9.240m meters by 13.820 meters and is finished in green box profile cladding beneath a fibre cement roof. In total the proposal allows for 128 square meters of floor space.

RELEVANT PLANNING POLICIES AND GUIDANCE

- Future Wales - The National Plan 2040

- Planning Policy Wales (Edition 11)

These Local Development Plan policies are applicable in the determination of this application:

- DM13 Sustainable Drainage Systems
- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- DM06 High Quality Design and Placemaking
- DM18 Special Landscape Areas (SLAs)
- DM04 Sustainable Travel Infrastructure as a Material Consideration
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM18 Special Landscape Areas (SLAs)

OTHER MATERIAL 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 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council’s duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

Cyngor Cymuned Llangybi Community Council – Object

Highways – No objection STC

Land Drainage – General Informatives

Ecology – No Objection

Natural Resources Wales – No Objection

Third party representations:-

Representations have also been received objecting to the proposals from a neighbouring resident, the campaign group known as Trawslink Cymru and the Campaign to Protect Rural Wales. These objections are considered further within this report.

Llangybi Communtiy Council object to the number of planning applications being made in retrospect, however such applications are allowed for by virtue of Section 73a of the Town and Country Planning Act, and as such are a legitimate legislative tool which enable unlawful development to be regularized by planning permission providing al other planning considerations have been addressed.

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states 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 in accordance with the plan unless material consideration indicate otherwise”.

Principle of Development
Development in the other locations must be strictly controlled and should be justified. A completed agricultural questionnaire has been submitted in support of the application which demonstrates that the area of land farmed at this unit extends to 4.45 ha.

The applicant also rents a further 17 acres of land (6.9 ha) across two locations at Wernyglyn, Olmarch and Maesforest, Llangybi. In total 11.35 ha of land is farmed by the applicant and the farm consist of a flock of 64 breeding yews and 2 rams.

The flock was present at the site at the time of the site visit.

Given the level of agricultural activity taking place a building of this size is not considered justified in this location.

The principle of development at this location is therefore considered unacceptable and would be unjustified development in the open countryside, contrary to Technical Advice Note 6: Planning for Sustainable Rural Communities (2010).

Impact on the Landscape
As noted above, the application site is located in the open countryside and is in a prominent location. The north of the site in

particular is very open in its landscape which allows the site to be easily visible from public viewpoint. Consequently, a building of this scale in the proposed location would be detrimental to the landscape and character of the area. At present, there are no lawful buildings on the site and consequently, the proposed development would introduce an unjustified building in a very prominent location within the landscape. The proposal is therefore contrary to Policies DM06 and DM17 of the LDP.

The Campaign to Protect Rural Wales also offer an objection to the scheme and consider that the shed would be better situated at an existing farmstead.

Impact of neighbouring amenity

Given the location of the proposed development it is not considered that the proposed development will impact on the amenity of neighbouring residents by virtue of overlooking, or overshadowing, however one letter of objection has been received focusing on the noise arising from the development as a result of noise from farm machinery as well as the landscape and visual impact impacting on the enjoyment of their property.

It is however considered that the general noise associated with farm machinery is not incommensurate with this agricultural setting.

Sustainable Travel

A third party representation has been received from the organisation known as Trawslink Cymru (who campaign for the reestablishment of a West Wales Railway linking Aberystwyth to Carmarthen), objecting to the scheme.

The safeguarding of former or disused railway lines can be a material planning consideration when assessing planning applications. This is confirmed by the current edition of Planning Policy Wales, which advises that disused railways should be safeguarded from development which could adversely affect them being brought back to rail use in the future.

Ceredigion County Council's Local Development Plan (LDP) also recognises the potential that former transport infrastructure has, with policy DM04 stating that the protection, enhancement or complementary development of former or existing transport infrastructure, with potential to provide for more sustainable travel, will be a material consideration in all development. The written justification for policy DM04 further states that it is important that railway sidings and adjacent holdings are safeguarded from alternative development that would be inconsistent with such uses.

Allowing the development would conflict with the general thrust of DM04.

Ecology

The application is located within close proximity to the Rhosydd Bryn-Maen Site of Special Scientific Interest (SSSI). Following amendments to the scheme which clarify the method of surface water disposal, NRW are content that the development will not likely lead to damage to the Rhosydd Bryn-maen SSSI.

The application site is located within the Afon Teifi SAC. NRW issued a Planning Position Statement, on the 21st of January 2021 in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

The proposed use of the building is for the storage of machinery and fodder. On that basis the development can be screened through the HRA process as being unlikely to have a significant effect on the SAC. However the county ecologist has advised that a condition would need to be attached to any forthcoming permission restricting the use of the building for the storage of machinery and fodder.

Other Matters

The Local highways Authority offer no objection in respect of the proposal subject to condition. The Councils land drainage department have advised SUDs approval will be needed in respect of the development. Applications for SUDs approval will be considered by the SAB.

RECOMMENDATION:

It is recommended that the application be refused for the following reasons:

1. The application fails to demonstrate a need for the proposed development in this location. Therefore there is not sufficient justification for allowing development in the open countryside in line with national planning policy. The proposal is therefore contrary to Technical Advice Note 6: Planning for Sustainable Rural Communities (2010).

2. The proposal by virtue of its siting on the track-bed of the former Aberystwyth to Carmarthen railway line fails to protect former transport infrastructure which has potential to provide sustainable travel contrary to policy DM04: Sustainable Travel Infrastructure as a Material Consideration of the adopted Ceredigion County Council's Local Development Plan (LDP)

3. The application site is located in a prominent location in the landscape away from any lawful built form. Therefore, the siting and scale of the development is considered to be detrimental to the character and appearance of the landscape and area. Consequently, the proposed development is contrary to Policies DM06 and DM17 of the Local Development Plan.

Reasons for Referral

Cllr Odwyn Davies has requested that the application be referred to the development control committee for determination as he lives within a quarter of a mile of the site, and knows the applicant very well.

Reason for Deferral

At the Development Management Committee held on the 9th of March 2022, members resolved to defer determination of the application to allow time for the applicant to submit additional information about how her daughter, who suffers from a number of illnesses benefits from the development.

While the local planning authority recognises the way in which the site benefits the applicant's daughter, it is not considered as sufficient justification for the need of the shed to be sited on the former track bed in conflict with DM04 of LDP. The applicants daughter would benefit equally had the shed been erected elsewhere on the land.

As part of the submission the applicant has provided a number of correspondence between herself, Welsh Government and the Department for Transport. The Department for Transport have confirmed that there are currently no intentions to reopen the line. Notwithstanding this DM04 is drafted in a way as to protect sustainable travel infrastructure so that it may again be used for sustainable transport modes should the future need arise. This could also be in the form of cycling, walking and riding routes as well as for the reintroduction of a railway line.

At the Development Management Committee held on the 9th of March the applicant suggested that she would be amenable to entering a legal agreement whereby she would agree to remove the development from the former track bed should the need for the its reuse arise.

Advice from legal services suggest that a S106 agreement would not be appropriate in this instance.

Having considered the additional information provided, the recommendation to refuse the application remains.