



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date 30/05/2024

Appeal reference: CAS-02999-R5J9C7

Site address: Land adjacent to Whitehall, Llanon, Pennant, Ceredigion, SY23 3PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Price and Mrs Bethan Lewis-Price against the decision of Ceredigion County Council.
 - The application Ref A211046, dated 18 October 2021, was refused by notice dated 6 February 2023.
 - The development proposed is an open market dwelling to include installation of vehicular access.
 - A site visit was made on 23 April 2024.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are whether the proposal would provide a suitable site for housing, having regard to the principles of sustainable development, and whether any harm in this respect would be outweighed by other material considerations, including the need for the proposal.

Reasons

3. The appeal site comprises part of a small field located between two properties known as Hafan and Whitehall, towards the eastern edge of Pennant, which is a designated Linked Settlement within the Ceredigion Local Development Plan (LDP).
4. Part of the LDP's settlement strategy is to allow for a greater critical mass of housing to be achieved in terms of the Service Centres. This, it states, will help strengthen the network of Centres which exist across the County. In turn this will ensure that development is focused back into the most sustainable locations (the Service Centres) in line with the Vision, thus reducing the need to travel, improving the County's resilience, protecting and enhancing its environmental resources and improving the County's sustainability overall.
5. LDP Policy S01 outlines a distribution of new dwellings to meet the projected growth, with at least 51% within the Urban Service Centres, 24% in the Rural Service Centres and a maximum of 25% (or in any event no more than 1522 units) in the 'Linked Settlements' and 'Other Locations' on non-allocated sites in line with LDP Policy S04. The LDP states that this 'high level spatial distribution' was chosen as it results in a higher concentration of housing in the most sustainable locations than has been the case in the past.

6. LDP Policy S04 states that locations other than the Service Centres (Urban or Rural) are less sustainable and therefore development in 'Linked Settlements and Other Locations' will only be permitted where, in the case of housing development and amongst other matters, the overall level of development within the 'Linked Settlements and Other Locations' does not exceed its provision (criterion 2b); it comes forward at a rate no greater than the proportionate rate of development in the relevant Service Centre (criterion 2c); and in the 'Linked Settlements' only, it does not cumulatively exceed 12% of the existing level of housing as at 2007 in that 'Linked Settlement' (criterion 2d).
7. The Council has provided housing figures dated November 2023, which indicate that at that time, there was an over provision of 22 dwellings within the other locations of the Aberaeron (Llwyncelyn) settlement group (criterion 2b), at a rate greater than the proportioned 33.5% for Linked Settlements and Other Locations, at 55% (criterion 2c) and that the 9 additional units apportioned to Pennant within the plan period have been completed, with 2 further commitments remaining (criterion 2d). Based on the available information, the proposal would exacerbate these breaches of LDP Policy S04's criteria, which are already significant.
8. The LDP is adopted and has been subjected to independent examination following public consultation. I therefore attach considerable weight to these policies.
9. From my observations during my site visit and the submitted evidence, Pennant comprises a predominantly residential settlement in an isolated rural location. It is not conveniently served by a range of accessible services or amenities via active travel or public transport links. As such, Pennant's residents would likely be dependent on the use of a private car for their day-to-day needs. In this respect, the appellants contend that the proposal would be sustainable, as it is intended to serve an occupant already living within the settlement, who would likely have a reduced travel and social service requirement through the provision of shared care and support from neighbouring family members on adjacent land to the appeal site. However, I have no mechanism before me to control the proposed dwelling's occupancy, or indeed the neighbouring properties, to secure this arrangement and the associated benefits in perpetuity. I therefore attach limited weight to this contention, which would not outweigh the harm to the sustainability aims of the LDP's housing strategy, which seeks to control further open market dwellings within this remote location.
10. Notwithstanding the above occupancy concerns, it is nonetheless a positive consideration that the proposal would provide independent accommodation to cater for the needs of a person with disabilities. I acknowledge that there has been a lack of social housing availability in the area and that Whitehall is currently occupied at full capacity. However, there is little compelling evidence to indicate that the appeal proposal is the only realistic means of securing the identified benefits. I therefore attach moderate weight to the benefits the development would afford to this person.
11. I have had regard to the Equality Act 2010 which imposes a Public Sector Equality Duty on public authorities and other decision makers to have due regard to matters such as eliminating discrimination or advancing equality of opportunity for persons of a protected characteristic e.g. disability and fostering good relations between them and others. However, the harm I have identified to the principles of sustainable development would be significant and an overriding factor. Consequently, it would be proportionate to withhold planning permission in the circumstances.
12. I conclude that the proposal would not provide a suitable site for housing, having regard to the principles of sustainable development and there are no other material considerations that would be sufficient to outweigh this harm. The proposal would therefore be contrary to LDP Policies S01 and S04.

Other Matters

13. The Council has outlined that the site lies partially within an area at risk of flooding from surface water and small watercourses. The Welsh Government (WG) and Natural Resources Wales (NRW) have clarified that the Flood Map for Planning (FMfP) constitutes the best available information in respect of flood risk and that it may represent a material consideration in planning decisions [WG Letter, dated 15 December 2021, Ref: MA-JJ-3967-21]. However, I have limited information before me to consider the extent to which Zones 1, 2, and 3 extend into the appeal site, or to properly assess the proposal's effects upon flood risk. The LDP also requires a financial contribution towards affordable housing, which the appellants have indicated a willingness to provide. However, there is no legally binding undertaking before me, and the proposal therefore fails to make this provision. Nonetheless, as the appeal is being dismissed on other substantive grounds, I have not considered these matters further.
14. A Green Infrastructure Statement (GIS) has been submitted with the appeal, which the Council has not had an opportunity to comment on. Nonetheless, even if the GIS was acceptable, this would not change the outcome of this appeal. That NRW or the Council's Highways and Environmental Services department do not object to the proposal is also of neutral weight to this appeal.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.
16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Richard James

INSPECTOR