



**Cynulliad Cenedlaethol Cymru**  
**The National Assembly for Wales**

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Eich cyf/Your Ref: GO/L154/VAD

Ein cyf/Our Ref: APP 122-07-017 formerly  
APP D6820/X/99/513586

Dyddiad/Date: August 2000

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990:SECTION 77**  
**CALLED-IN APPLICATION BY MR E L GRIFFITHS**  
**APPLICATION FOR THE DEVELOPMENT OF DWELLING AND STORE FOR A**  
**MOBILE SHOP ON LAND AT Pt OS9311, Y GLYN, TALGARREG, CEREDIGION.**

1. Consideration has been given to the report of the Inspector, Mr Alwyn B Nixon BSc (hons) MRTPI, who held a public local inquiry into the application by your client, Mr E L Griffiths, for the development of a dwelling and store for mobile shop on land at Y Glyn, Talgarreg, Ceredigion.
2. On 20 July 1999 the National Assembly for Wales directed, under Section 77 of the Town and Country Planning Act 1990 (the 1990 Act), that the application be referred to it rather than being determined by the local planning authority. On 12 July 2000 the Assembly resolved that a committee, to be known as Planning Decision Committee 2000/2 be established, in accordance with Standing Order 27 to discharge the functions of the Assembly under Section 77 of 1990 Act in respect of the application by Mr E Griffiths described above. Accordingly, the Planning Decision Committee has considered the application and has resolved under Standing Order 27. 16 to adopt this letter.
3. The Inspector's conclusions are contained in paragraphs 21 - 29 of his report, a copy of which is enclosed, and those conclusions are reproduced as an annex to this letter. The Inspector has recommended that the application for planning permission be refused and the Planning Decision Committee agrees with his recommendation.
4. The Inspector referred to conditions to ensure that the development is carried out for the intended purpose, and concluded that these would not guard against the real risk that future changes in circumstances could lead to a cessation or relocation of the business. He went on to conclude that the proposal could well, through time, result in a dwelling in the countryside without an underlying justification, together with a building which would attract proposals for other uses.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE

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The Planning Decision Committee does not consider that there is sufficient evidence to show that the business is at risk. The Planning Decision Committee does not consider that the imposition of a condition preventing occupation of the dwelling until the mobile shop store has been erected and brought into use and limiting occupancy of the dwelling to the operator of the mobile shop business and any dependants, or any of the other suggested conditions, presented to the inquiry, would overcome the objections to the proposal on the grounds of its conflict with policies against new development in the countryside identified by the Inspector.

5. On 29 June the Assembly's Planning Division wrote to you and the local planning authority asking for comments on what bearing if any the guidance in TAN6 (June 2000) had on the issues relating to your client's application. The local planning authority wrote to the Assembly on 5 July 2000 stating that it did not believe that TAN6 had any relevance to the determination of the application. You wrote to the Assembly on 4 July 2000 stating that in your view the determination of the decision should be based on the evidence received and the then current planning guidance applicable at the date of the hearing. You also argue that, if that view was not favoured, Paragraph 25 of TAN6 should be applied sympathetically, the application being for a service to an agricultural area.

6. The Planning Decision Committee consider that the determination should be made having regard to planning policies current at the date of the decision. The Committee do not consider that paragraph 25 of TAN6 or TAN6 generally, have any direct relevance to the application. While the desirability of encouraging small operations in the agricultural area is accepted by the Committee it is not considered to be a factor which could materially affect the decision on the application.

7. Subject to the above comments, the Planning Decision Committee agrees with the Inspector's appraisal and accepts his recommendation. Therefore, for the reasons given by the Inspector, the Planning Decision Committee dismiss your application and hereby refuse to grant planning permission for the proposed erection of a dwelling and store for mobile shop on land at Part OS 9311 at Y Glyn, Talgarreg, Ceredigion

8. A copy of this letter has been sent to the Director of Planning, Ceredigion County Council and Mr E Griffiths.

Yours faithfully



**Dr Richard Edwards AM**

Chair, Planning Decision Committee 2000/2.

Enc: Leaflet "HC"

## **Conclusions**

21. I shall set out my conclusions in the following terms;

1. relevant national and development plan policies;
2. the visual, environmental and access implications for the site and surrounding areas;
3. other considerations and overall conclusions.

The numbers in brackets [ ] are the sources of material on which my conclusions are based.

## **Relevant national and development plan policies**

22. National and development plan policies concerning new housing development exist to protect the countryside from the harmful effects of a proliferation of new dwellings. Structure plan Policy H8 presumes against new residential development, including individual dwellings, in the open countryside except where it is clearly needed to house a worker in agriculture, forestry or other appropriate employment who must live on the spot rather than in a nearby settlement [7]. Policy ESD07 of the draft local plan opposes proposals outside defined settlement boundary limits [8]. The proposal for a dwelling does not rest upon a need for Mr Griffiths to live at Y Glyn in the interests of the agricultural operation of the holding; Structure Plan Policy E11 [8] thus does not apply. The draft Ceredigion Local Plan, which informs Structure Plan Policy H8, places the southern limit of the settlement boundary for Talgarreg on the north side of Y Glyn [9, Doc 4 spot]. Although the settlement boundary is in draft form only, and there have been local representations to widen the development limit of Talgarreg, no changes to the current settlement policies are anticipated until the existing development plan is eventually replaced by the UDP; the form of future UDP policies for Talgarreg is undetermined [8-9]. The site of the proposed dwelling lies beyond the physical built-up limit of Talgarreg and outside the boundary identified in the draft Ceredigion Local Plan [5-6, 9]. Although just outside the settlement, it is in the open countryside. The proposal would extend, albeit to a relatively minor degree, the line of intermittent development at the south end of the village into the surrounding open countryside, which Policies H8A and ESD08 of the Structure Plan and draft Local Plan oppose [7-8].

23. There would clearly be operational and security benefits from the provision of a dwelling on the same site as the mobile shop premises [11]. The development of land already in family ownership would obviously be more straightforward and cheaper than the acquisition of a site elsewhere. However a residential presence is not in my view imperative in connection with the shop storage facility; indeed, the business currently operates from a different location to the applicant's place of residence [4]. Moreover, although Talgarreg is the geographical hub of the mobile shop's customer area [Doc 3 app 1] there is no functional requirement for the business to operate from this specific location. Although some other sites in Talgarreg have been considered and rejected because of their size and relationship to other dwellings [10], other possible options, including use of the site or of other sites or buildings in the locality for the enhanced commercial facility without a dwelling, have not been fully considered and investigated. I conclude that the proposal conflicts with Policies H8 and ESD07

24. As regards employment-related policies, Structure Plan Policy E9 presumes against development in the open countryside. The Council interprets this as any location outside settlement boundaries. The proposal therefore conflicts with Structure Plan policy in these terms [7]. Draft Local Plan Policy E03, although not having the weight of the development plan, has a more flexible approach, permitting employment generating activity next to existing settlement boundaries [8]. This sits more closely with national policy guidance, which allows for development that benefits the rural economy where the character of the countryside is not harmed. Paragraph 10.3.3 of Planning Guidance (Wales) Planning Policy (first revision) in particular seeks to accommodate appropriate small-scale enterprise in or adjoining rural settlements. There are no allocated employment sites within the settlement, and I observed no suitable available buildings at Y Glyn. However, whilst these considerations might carry significant weight in the case of a proposal simply for an improved commercial facility, I do not regard them as justifying a dwelling which would be clearly contrary to established national and development plan policies.

### **Visual, environmental and access implications**

25. The site lies beyond Y Glyn, which marks the southernmost end of Talgarreg [4]. The development would be close to the house and farm buildings of Y Glyn. It would be enclosed by higher land to south and east and would be partly screened by existing roadside trees on the south approach to the village. Nonetheless, the proposal would be plainly evident as an extension to existing development. Although close to the edge of Talgarreg it would be a clear incursion of development into the surrounding open countryside. Notwithstanding the loose linear form and character of the village, it would detract from the existing rural character and appearance of the site and the countryside surrounding Talgarreg of which it is a part.
26. The proposal would remove existing heavy goods vehicle parking and unloading from the highway [11, Doc 7.7]. It would also move the existing commercial storage use away from the domestic curtilage of Y Glyn. No other properties would be affected by vehicular movements, deliveries, loading and unloading. Adequate access could be provided to the site by widening of the existing farm access. Sufficient visibility would be gained from a widened access to enable vehicles to emerge safely onto the highway without removing any of the mature roadside trees [15]. In terms of wider environmental implications the enhanced viability of the enterprise and increased service provided by a better facility would reduce the need for travel by shop customers [10, Doc 3.2-7 & app 1 ] .
27. I conclude that the proposed development would physically extend the limits of Talgarreg into the open countryside, causing visual harm to the character and appearance of the site and its surroundings; but would not cause harm and would bring about slight benefits in terms of its access and wider environmental implications.

### **Other considerations and overall conclusions**

28. The commercial element of the proposal would significantly benefit the surrounding rural community. The proposal would foster the enhanced viability and expansion of a small but important rural enterprise, which is widely supported and brings clear benefits to the wider rural community; the operational, economic and rural mobility/transport implications of the proposal are also material considerations [10-11,14,16-20]. Nonetheless, a dwelling in this location would be clearly contrary to development plan policies and national policy guidance, which impose strict

controls over new housing in the countryside. The general presumption against housing in the countryside is an important principle, not to be set aside except in very special circumstances. Whilst understanding the applicant's desire to develop his existing business, the residential element of the proposal would represent a clear breach of prevailing policies concerning development in the countryside. To permit the proposal would harm the open, undeveloped character and appearance of the site and undermine policies which seek to resist new dwellings in the countryside except where a specific, demonstrable requirement for a residential presence exists. In my view the requirements of the mobile shop business do not provide sufficient justification for a new dwelling in this location. Moreover, whilst not doubting the applicants genuine intention to continue with the enterprise, I consider it a real risk that future changes in circumstances could lead to cessation or relocation of the business. Conditions to ensure that the development is carried out for the intended purpose, by requiring that the store building is completed and brought into operation before the dwelling is occupied and that occupancy of the dwelling is limited to the proprietor of the business and any dependants, would not guard against this. The proposal could well, through time, result in a dwelling in the countryside without an underlying justification, together with a building which would attract proposals for other uses.

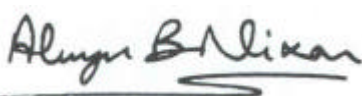
29. Consequently I consider that the proposal would threaten the objectives of countryside protection policies, and that there are insufficient circumstances to outweigh the conflict with policies concerning new dwellings in the countryside and the harm which I have identified. I therefore conclude that, given the overall balance of policy and other material considerations, the proposal should not be permitted.

### **Conditions**

30. In the event that my recommendation is not accepted I have considered what conditions might be attached to any permission. The Council's suggested conditions [15, Doc 9] are acceptable to the applicant. Conditions 1-4 comprise the usual conditions in the case of outline applications, relating to the approval of details of reserved matters and the time limits for submission of these and commencement of development. Conditions 5 and 6, preventing occupation of the dwelling until the mobile shop store has been erected and brought into use and limiting occupancy of the dwelling to the operator of the mobile shop business and any dependants, would be essential if the new dwelling was permitted on the basis of exceptional circumstances sufficient to outweigh the identified conflict with the development plan and national policy guidance, to ensure that the development fulfills its stated purpose. Condition 7, which regulates the means of drainage to serve the new development, is also necessary in the light of the Environment Agency's observations, to ensure that pollution does not occur.

### **Recommendation**

31. I recommend that the application for planning permission be refused.



Inspector



## **Adroddiad**

ymweliad a safle cynhaliwyd ar 01/03/2000

## **Report**

site visit held on 01/03/2000

gan/by Stuart B Wild MRTPI MIMgt

**Arolygydd cyfarwyddwyd gan Cynulliad  
Cenedlaethol Cymru**

**an Inspector instructed by the National  
Assembly for Wales**

Dyddiad/Date

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**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77**

**CEREDIGION COUNTY COUNCIL**

**PLANNING APPLICATION AT OS 9311, TALGARREG**

**BY**

**MR E L GRIFFITHS**

## **Application: APP/D6820/X/99/513586**

- The application has been called in for decision by the National Assembly for Wales by a direction made under Section 77 of the Town and Country Planning Act 1990.
- The application was made by Mr E L Griffiths to the Ceredigion County Council.
- The site is located at part O S 9311, Y Glyn, Talgarreg.
- The application (ref:970906) is dated 7 September 1997.
- The development proposed is the erection of a dwelling and a store for a mobile shop.

**Summary of recommendation:** That the application for planning permission be refused.

### **Preamble and procedural matters**

1. I have been asked to advise on the above application. The application is in outline, with all matters of detail pertaining to the siting, design and external appearance of buildings, means of access and landscaping reserved for later consideration. I held a local inquiry into the proposal on 16 February 2000, followed by an inspection of the site and its surroundings.
2. The application was referred to the National Assembly under monitoring arrangements relating to development proposals which are contrary to the provisions of the development plan. The application was called in for decision by the Assembly by a direction made on 16 September 1999 because it is considered that the proposed development raises planning issues of more than local importance. On the information available at the time the following matters appeared likely to be amongst those relevant to the consideration of the application:
  - i The visual, environmental and access implications of the proposed development on the site and surrounding areas;
  - ii Relevant national and development plan policies, especially in relation to national policy on housing in the open countryside as set out in Planning Guidance (Wales) Planning Policy: First Revision - April 1999; and Policies H8, H8A and E9 of the approved Dyfed Structure Plan and Policies ESD07, ESD08 and E 11 of the deposit version of the Ceredigion Local Plan.
3. This report contains a description of the site and surrounding area, the policy context and relevant background to the proposal; a summary of the cases put to me on behalf of Mr Griffiths, the Ceredigion County Council and other interested parties; and my conclusions and recommendation as to the decision which might be made, on the basis of the evidence I heard, other representations in writing and my own observations.

### **Background**

4. Y Glyn is an agricultural holding of some 28ha (70 acres) of owned and rented land belonging to Mr Griffiths' father, located at the south end of the village of Talgarreg. Until 1997 Mr Griffiths lived at Y Glyn with his parents. Prior to 1987 Mr Griffiths and his father were both employed on a nearby farm. When that employment ceased, Mr Griffiths commenced a mobile shop business serving the surrounding area, based at Y Glyn. In 1997 Mr Griffiths married, and since that time has occupied rented accommodation at the other end of the village. The mobile shop business continues to be based at Y Glyn. The application seeks to provide, in a single

location, a new home for Mr Griffiths and his wife together with a building from which to run the mobile shop business.

### **The site and surroundings**

5. The application site is a rectangular portion of **the field to the south of Y Glyn**. It fronts the east side of the B4459 leading south out of **Talgarreg, which is marked by a line of mature** roadside trees at this point. It is bounded on its north side by the access track leading to the farmyard behind Y Glyn. Behind the site to the east and south rises open countryside; there are also open fields across the B4459. Y Glyn, which is a two-storey house about 100 years old, fronts the B4459 about 30m north of the farm track. It has a vehicle hard standing on its the south side, on which private cars and the mobile shop are currently parked, with small attached outbuildings and a domestic garage to the rear (presently used to store shop stock), between the house and the farm buildings behind.
6. Talgarreg is a small village containing around 45 dwellings. It is essentially linear, with development along the B4459 and offshoots towards its north end; however, the distribution of development is irregular, with gaps of varying size between individual buildings and groups of buildings. The house and farm buildings of Y Glyn are the southernmost elements of a loose collection of development forming the southern part of Talgarreg, with unevenly spaced houses of varying ages, mainly on the same side of the road as Y Glyn and the application site. The village garage is also in this part of the village, about 100m north of Y Glyn. The main focus of the village is at its north end, near the junction of the B4459 and B4338; this area also contains the school, village hall, chapel and pub. Between the two main areas of development in Talgarreg is a mainly undeveloped gap of about 500m, containing intermittent dwellings in ones and twos and a small post office and stores.

### **Policy background [Doc 8]**

7. The development plan is the approved Dyfed Structure Plan (including Alterations No. 1), 1990. Policy H8, in line with the thrust of national policy guidance, presumes against new residential development, including individual dwellings, in the open countryside except where it is clearly needed to house a worker in agriculture, forestry or other appropriate employment who must live on the spot rather than in a nearby settlement. Policy H8A presumes against the ribboning of development on roads outside the acceptable limits of settlements. Policy E9 presumes against proposals for new building and use of land for new industrial development and other employment undertakings in areas of open countryside.
8. There is no adopted local plan for this location. The Ceredigion Local Plan has reached deposit draft stage. Although progression of the Local Plan to adoption has been halted in favour of commencing work on a unitary development plan, it is nonetheless a material consideration. Policy ESD07 of the draft local plan does not permit proposals outside defined settlement boundary limits; Policy ESD08 does not permit the linear extension of the settlement. Policy E11 does permit new dwellings in the open countryside where needed to house workers employed in agriculture, forestry or other appropriate rural employment who must live on the spot; whilst Policy H11 sets out the framework for provision of affordable housing in rural



areas. Policy E03 permits employment generating activities in appropriate locations within or adjoining established settlements, subject to these not harming the character of the settlement or the amenities of neighbouring properties.

9. The draft Local Plan settlement boundary for Talgarreg consists of two separate envelopes around the two concentrations of development described in 6 above [Doc 4 app 1]. Some recent dwellings are not shown on this plan. The application site is about 35m beyond the south end of the southern envelope. This part of the boundary was initially drawn to terminate before Dolgerdd, the dwelling to the north west of Y Glyn. However, after local pressure to provide more scope for new housing in Talgarreg the boundary was extended to include the open land between Dolgerdd and Y Glyn [Doc 5 app 1]. The new boundary excludes Y Glyn on the basis that it is part of a farm holding in the countryside rather than part of the village. Although further local representations have been made concerning the inclusion of various other site, including the application site, within the settlement boundary [Doc 5 app 2], the Council did not determine its response to these before halting progress on the local plan.

### **The case for the applicant**

10. The material points are that the proposal underpins the development of a rural business of great benefit and value to the area around Talgarreg. The mobile shop provides an important service to many people who without it would have to travel long distances for their basic shopping needs. [Doc 3 paras 2-7 and app 1]. The proposal has the full support of the local planning authority and wide support from the local community. No objections whatsoever have been voiced. Mr Griffiths has by his own efforts established a successful rural enterprise, providing him with self-employment. However, current circumstances are hindering the further development and future prosperity of the business. Since May 1997 he has searched for a suitable site or property in Talgarreg where he could live and operate his business; however, there are no suitable sites or properties available [Doc 3.8]. During this time there have been 3 possible development sites within the settlement boundary area; however, these have been unsuited to the combined residential/commercial proposal because of inadequate size, access and proximity to neighbours.
11. The existing arrangements present several shortcomings. The existing storage facilities at Y Glyn are inadequate; parking and loading of the mobile shop takes place in the open; heavy goods vehicles park on the adjacent B4459 to deliver new stock [Doc 7.7]; the separation between home and mobile shop base is inconvenient. There are no other buildings at Y Glyn which could accommodate the proposed uses. The proposal would provide larger and improved stock and vehicle storage facilities, including proper refrigerated storage; improved security and supervision associated with a dwelling in the same location; and would enable delivery lorries to unload clear of the highway. Development of land at Y Glyn would also facilitate Mr Griffiths giving part-time assistance with the farm at Y Glyn, and enable his parents to deal with stock deliveries and provide security in Mr Griffiths' absence.
12. Although the site is outside the boundary for Talgarreg defined in the deposit draft local plan, it is adjacent to it and inside the road sign announcing the start of the village. It is not an isolated site in the countryside, but part of the village. The Council and the local community agree that

there should be more scope for new housing in Talgarreg and have indicated their support for a change in the boundary to include the application site. This would have happened if progress with the local plan had not been halted in favour of work on a unitary development plan. The site is well located in relation to the village; development would not harm the character of the area and would have no ribboning effect. The roadside trees would not be harmed; other residents would not be affected by delivery activities. Whilst the proposal conflicts with a strict interpretation of the restrictive structure plan policies, the proposed store accords with draft local plan Policy E03, which permits employment generating activity adjoining existing settlement boundaries. The proposal is consistent with government guidance encouraging development to sustain the rural economy where there is no harm to the countryside; its benefits for the rural community outweigh any technical conflict with the development plan.

### **The case for the Council**

13. The material points are that whilst there are elements of conflict with a rigid reading of development plan policies, the development nonetheless accords with the overall objectives of established planning policies and government guidance. It would benefit the rural economy without harming the countryside. The store element of the proposal plainly falls within the scope of employment generating proposals to which structure plan Policy E9 and local plan policy E03 apply. The store is contrary to structure plan policy E9 only because the site lies slightly outside the defined boundary for Talgarreg. It would be a very minor encroachment on the countryside. It would make the mobile shop business more viable and thereby help to sustain suppliers of stock from the surrounding area. As the site adjoins the settlement the proposal fully accords with policy E03 of the draft local plan, which notwithstanding its draft status is consistent with government policy towards rural enterprises.
14. As regards the housing issues, the proposal conflicts with structure plan Policy H8 and draft local plan Policy ESD07 only because of the position of the defined boundary at the time that work on the local plan was suspended. Local representations to amend the boundary are viewed favourably, by the Council; if the local plan process had proceeded this modification would have taken place. The line as presently defined is arbitrary; the physical form of Talgarreg makes definition of a logical settlement limit difficult. Future policies may even adopt criteria-based policies which do not rely on a line on a map. The proposed development would be next to the established settlement and would not harm the open countryside. Although technically in conflict with Policy H8A, Talgarreg is a basically linear settlement anyway. A single dwelling in this location would not create or add to a harmful ribbon of suburban development and would not harm the character of the area. Set against the technical infringement of policy without real harm is the considerable social benefit to the rural community and the value of a service which cuts down the need for individual travel in a sparsely populated rural area. The Council's support is based on the benefits of the mobile shop business to the community at large, as witnessed by the extent of public support for the enterprise, which the proposal would enable to prosper, rather than the personal circumstances of Mr Griffiths. The benefits of the proposal for the area at large outweigh the technical infringement of development plan policy.

15. Conditions considered appropriate by the Council [Doc 9] include the model conditions contained in Welsh Office Circular 35/95 relating to the submission and approval of reserved matters and time limits to submit these and commence development [conditions 1-4]. Given the particular circumstances which warrant approval of a dwelling outside the draft settlement boundary conditions are suggested precluding occupation of the dwelling before erection and use of the store for the mobile shop; and linking occupation of the dwelling to the associated mobile shop business [conditions 5-6]. On the advice of the Environment Agency [Doc 4 app 3] a condition is also suggested to ensure acceptable foul drainage arrangements, in order to prevent pollution [condition 7]. Adequate access arrangements can be secured at reserved matters stage. Although the highway authority recommends conditions including visibility splays of 2.1m x 90m in both directions [Doc 4 app 2], which would involve removal of roadside trees, the Council considers that the visibility available from an access widened and splayed to accept goods vehicles without removing existing trees would be acceptable. Mr Griffiths does not object to any of the suggested conditions.

#### The case put by other parties

16. The Llandysiliogogo Community Council considers that the draft local plan provides little scope for new housing to allow local people to remain in the community. Mr Griffiths has showed great enterprise in developing a local service of much benefit to the surrounding area and deserves wholehearted support. This is not an isolated site in open countryside - it is next to the farm, which is part of the village. The existing storage facility is clearly inadequate; the new store would allow the business to expand and enhance its long-term viability. Enterprises and proposals like this are the key to sustaining rural communities, culture and language.
17. The Ceredigion County Council local ward member considers that enabling young local families to make their homes in the area is vital for the future of the village school. The draft local plan does not provide a suitable site for this development. The proposal is a fine example of local initiative and enterprise, of value to the whole community. It represents a straightforward wish to use the family's own land to further a rural business. It would be a very minor addition to the end of the village; as adjoining land is also owned by the family there is no danger of similar proposals by others. Deliveries in this location would cause no problems for neighbours. The only objection is the present position of the boundary line in the draft local plan, which will probably change with the UDP.
18. Mr Evans (past ward member and Planning Committee Chairman) considers that the needs of the whole rural community are paramount. Village shops are closing all the time; Mr Griffiths provides an essential rural service - it is vital to encourage rural businesses like this, and to enable younger generations to have a livelihood in the area. Although some potential rural housing sites are identified in the local plan, land often is not available in practice.
19. Mr Griffiths for the Farmers Union of Wales emphasises that the farming community and the rural community at large are interdependent. This is a viable business, but by providing a livelihood for Mr Griffiths the holding of Y Glyn is more likely to survive as a unit. Agricultural holdings in Wales are increasingly providing only a partial income, requiring other enterprises like this for people to make a living [Doc 6]. The proposal would guarantee the longer-term

viability of a business which buttresses the farming activity at Y Glyn, provides a service to other members of the farming community and is supported by all.

### **Written representations [Doc 7]**

20. Representations in support of the proposal have also been made in writing at the time of the application and in response to notification of the inquiry. Representations by Mr Cynog Dafis, Assembly Member and former Member of Parliament, support the proposal and emphasise the operational needs of the enterprise and the community benefits it provides. Those by the Farmers' Union of Wales reflect its case summarised above. Letters from 3 suppliers of the business refer to the value of the mobile shop to the local community; the poor parking facilities for deliveries at present and the advantages of the proposed arrangement; also the financial difficulties for Mr Griffiths of having otherwise to purchase land for the development. A letter from a local resident and community councillor makes points in support which are amongst those expressed by others at the inquiry; a petition of some 215 local signatures in support has been submitted.

### **Conclusions**

21. I shall set out my conclusions in the following terms;
1. relevant national and development plan policies;
  2. the visual, environmental and access implications for the site and surrounding areas;
  3. other considerations and overall conclusions.

The numbers in brackets [ ] are the sources of material on which my conclusions are based.

### **Relevant national and development plan policies**

22. National and development plan policies concerning new housing development exist to protect the countryside from the harmful effects of a proliferation of new dwellings. Structure plan Policy H8 presumes against new residential development, including individual dwellings, in the open countryside except where it is clearly needed to house a worker in agriculture, forestry or other appropriate employment who must live on the spot rather than in a nearby settlement [7]. Policy ESD07 of the draft local plan opposes proposals outside defined settlement boundary limits [8]. The proposal for a dwelling does not rest upon a need for Mr Griffiths to live at Y Glyn in the interests of the agricultural operation of the holding; Structure Plan Policy E11 [8] thus does not apply. The draft Ceredigion Local Plan, which informs Structure Plan Policy H8, places the southern limit of the settlement boundary for Talgarreg on the north side of Y Glyn [9, Doc 4 spot]. Although the settlement boundary is in draft form only, and there have been local representations to widen the development limit of Talgarreg, no changes to the current settlement policies are anticipated until the existing development plan is eventually replaced by the UDP; the form of future UDP policies for Talgarreg is undetermined [8-9]. The site of the proposed dwelling lies beyond the physical built-up limit of Talgarreg and outside the boundary

identified in the draft Ceredigion Local Plan [5-6, 9]. Although just outside the settlement, it is in the open countryside. The proposal would extend, albeit to a relatively minor degree, the line of intermittent development at the south end of the village into the surrounding open countryside, which Policies H8A and ESD08 of the Structure Plan and draft Local Plan oppose [7-8].

23. There would clearly be operational and security benefits from the provision of a dwelling on the same site as the mobile shop premises [11]. The development of land already in family ownership would obviously be more straightforward and cheaper than the acquisition of a site elsewhere. However a residential presence is not in my view imperative in connection with the shop storage facility; indeed, the business currently operates from a different location to the applicant's place of residence [4]. Moreover, although Talgarreg is the geographical hub of the mobile shop's customer area [Doc 3 app 1] there is no functional requirement for the business to operate from this specific location. Although some other sites in Talgarreg have been considered and rejected because of their size and relationship to other dwellings [10], other possible options, including use of the site or of other sites or buildings in the locality for the enhanced commercial facility without a dwelling, have not been fully considered and investigated. I conclude that the proposal conflicts with Policies H8 and ESD07
24. As regards employment-related policies, Structure Plan Policy E9 presumes against development in the open countryside. The Council interprets this as any location outside settlement boundaries. The proposal therefore conflicts with Structure Plan policy in these terms [7]. Draft Local Plan Policy E03, although not having the weight of the development plan, has a more flexible approach, permitting employment generating activity next to existing settlement boundaries [8]. This sits more closely with national policy guidance, which allows for development that benefits the rural economy where the character of the countryside is not harmed. Paragraph 10.3.3 of Planning Guidance (Wales) Planning Policy (first revision) in particular seeks to accommodate appropriate small-scale enterprise in or adjoining rural settlements. There are no allocated employment sites within the settlement, and I observed no suitable available buildings at Y Glyn. However, whilst these considerations might carry significant weight in the case of a proposal simply for an improved commercial facility, I do not regard them as justifying a dwelling which would be clearly contrary to established national and development plan policies.

### **Visual, environmental and access implications**

25. The site lies beyond Y Glyn, which marks the southernmost end of Talgarreg [4]. The development would be close to the house and farm buildings of Y Glyn. It would be enclosed by higher land to south and east and would be partly screened by existing roadside trees on the south approach to the village. Nonetheless, the proposal would be plainly evident as an extension to existing development. Although close to the edge of Talgarreg it would be a clear incursion of development into the surrounding open countryside. Notwithstanding the loose linear form and character of the village, it would detract from the existing rural character and appearance of the site and the countryside surrounding Talgarreg of which it is a part.

26. The proposal would remove existing heavy goods vehicle parking and unloading from the highway [11, Doc 7.7]. It would also move the existing commercial storage use away from the domestic curtilage of Y Glyn. No other properties would be affected by vehicular movements, deliveries, loading and unloading. Adequate access could be provided to the site by widening of the existing farm access. Sufficient visibility would be gained from a widened access to enable vehicles to emerge safely onto the highway without removing any of the mature roadside trees [15]. In terms of wider environmental implications the enhanced viability of the enterprise and increased service provided by a better facility would reduce the need for travel by shop customers [10, Doc 3.2-7 & app 1 ] .
27. I conclude that the proposed development would physically extend the limits of Talgarreg into the open countryside, causing visual harm to the character and appearance of the site and its surroundings; but would not cause harm and would bring about slight benefits in terms of its access and wider environmental implications.

### **Other considerations and overall conclusions**

28. The commercial element of the proposal would significantly benefit the surrounding rural community. The proposal would foster the enhanced viability and expansion of a small but important rural enterprise, which is widely supported and brings clear benefits to the wider rural community; the operational, economic and rural mobility/transport implications of the proposal are also material considerations [10-11,14,16-20]. Nonetheless, a dwelling in this location would be clearly contrary to development plan policies and national policy guidance, which impose strict controls over new housing in the countryside. The general presumption against housing in the countryside is an important principle, not to be set aside except in very special circumstances. Whilst understanding the applicant's desire to develop his existing business, the residential element of the proposal would represent a clear breach of prevailing policies concerning development in the countryside. To permit the proposal would harm the open, undeveloped character and appearance of the site and undermine policies which seek to resist new dwellings in the countryside except where a specific, demonstrable requirement for a residential presence exists. In my view the requirements of the mobile shop business do not provide sufficient justification for a new dwelling in this location. Moreover, whilst not doubting the applicants genuine intention to continue with the enterprise, I consider it a real risk that future changes in circumstances could lead to cessation or relocation of the business. Conditions to ensure that the development is carried out for the intended purpose, by requiring that the store building is completed and brought into in operation before the dwelling is occupied and that occupancy of the dwelling is limited to the proprietor of the business and any dependants, would not guard against this. The proposal could well, through time, result in a dwelling in the countryside without an underlying justification, together with a building which would attract proposals for other uses.
29. Consequently I consider that the proposal would threaten the objectives of countryside protection policies, and that there are insufficient circumstances to outweigh the conflict with policies concerning new dwellings in the countryside and the harm which I have identified. I therefore conclude that, given the overall balance of policy and other material considerations, the proposal should not be permitted.

## Conditions

30. In the event that my recommendation is not accepted I have considered what conditions might be attached to any permission. The Council's suggested conditions [15, Doc 9] are acceptable to the applicant. Conditions 1-4 comprise the usual conditions in the case of outline applications, relating to the approval of details of reserved matters and the time limits for submission of these and commencement of development. Conditions 5 and 6, preventing occupation of the dwelling until the mobile shop store has been erected and brought into use and limiting occupancy of the dwelling to the operator of the mobile shop business and any dependants, would be essential if the new dwelling was permitted on the basis of exceptional circumstances sufficient to outweigh the identified conflict with the development plan and national policy guidance, to ensure that the development fulfills its stated purpose. Condition 7, which regulates the means of drainage to serve the new development, is also necessary in the light of the Environment Agency's observations, to ensure that pollution does not occur.

## Recommendation

31. I recommend that the application for planning permission be refused.

A handwritten signature in cursive script, reading "Alwyn B. Nixon". The signature is written in black ink and is positioned above a horizontal line.

Inspector

**APP/D6820/X/99/513586**

**APPEARANCES**

**FOR THE APPLICANT:**

Mr R G Owen, Solicitor	30 Bridge Street, Lampeter, Ceredigion SA48 7AA
He called	
Mr E L Griffiths	Ffynnonwen, Talgarreg, Ceredigion (Applicant)

**FOR THE LOCAL PLANNING AUTHORITY:**

Mr M Dyson, Solicitor	Ceredigion County Council
He called	
Mr R C Williams BA(Hons) DipEP MRTPI	Principal Planning Officer, Ceredigion County Council
Cllr J T Jones	Chairman, Development Control Committee, Ceredigion County Council

**INTERESTED PARTIES:**

Mr J Davis	Chairman, Llandysiliogogo Community Council
Cllr C Llwyd	Ty-Ysgol, Talgarreg, Ceredigion (Local Ward Member Ceredigion C C)
Mr J Evans	Former Local Ward Member and past Chairman of Planning Cttee, Ceredigion C C
Mr L Griffith, MSc	County Executive Officer (Ceredigion), Farmers Union of Wales, 1 Ffordd y Gogledd, Aberaeron, Ceredigion, SA46 OJE

**DOCUMENTS:**

Document	1	List of persons present at the inquiry
Document	2	Council's notification letter, press notice and list of persons notified
Document	3	Mr Griffiths' proof of evidence and appendices
Document	4	Mr Willians' proof of evidence and appendices
Document	5	Cllr Jones' proof of evidence and appendices
Document	6	Statement in support of proposal from Farmers Union of Wales
Document	7	Written representations and petition in support of the proposal
Document	8	Policies of Dyfed Structure Plan and draft Ceredigion Local Plan
Document	9	Council's list of suggested conditions

Plan A Application plan: 1:2500 site plan