



RPS Plc

Park House

Greyfriars Road

Cardiff

CF10 3AF

Eich cyf . Your ref: LP/tlg/JCA 5113

Ein cyf . Our ref: A—PP069-07-033

Dyddiad . Date: 27 June 2002

Dear Sir or Madam:

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 77

**APPLICATION BY MR C ALFORD FOR PROPOSED AGRICULTURAL DWELLING ON
LAND AT CASTLE LANDS, PENCELLI, BRECON**

1. Consideration has been given to the report of the Inspector, Mr Alwyn B Nixon Bsc

(Hons) MRTPI, who reported on the application by Mr C Alford for a proposed agricultural workers dwelling on land at Castle Lands, Pencelli, Brecon. The application was the subject of a hearing.

2. On 18 September 2001 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 18 June 2002 the Assembly resolved that a committee, to be known as Planning Decision Committee 2002/5 be established in accordance with Standing Order 35 to discharge the functions of the Assembly under Section 77 of the 1990 Act in respect of the application by Mr Alford as described above. Accordingly, the Planning Decision Committee has considered the application and has resolved under Standing Order 35.16 to adopt this letter.

3. The Inspector's conclusions are set out at paragraphs 24 to 36 of his report a copy of which is enclosed. The Inspector recommended that the application be dismissed.

4. The Planning Decision Committee agree with the Inspector's conclusions and accept his recommendation. Accordingly for the reasons given by the Inspector the Planning Decision Committee dismiss your client's application and hereby refuse to grant planning permission for proposed agricultural dwelling on land at Castle Lands, Pencelli, Brecon.
5. The decision to refuse the planning application in this case rests on the failure to demonstrate the need for a permanent agricultural dwelling in particular having regard to the functional and financial tests set out in national policy. The Planning Decision Committee agree with the Inspector that while your client's agricultural experience and previous activity, together with the progress to date in establishing the new agricultural enterprise gives reason for some confidence that sustainable long-term enterprise is likely to be achieved this does not provide an adequate basis for departing from established, clear national guidance. National policy is that in circumstances where the case is not completely proven the dwelling should normally for the first three years be a caravan, or a wooden structure which can be easily dismantled, or other temporary accommodation. The Planning Decision Committee note that the Inspector states in paragraph 5 of his report that permission has not been sought for the caravan. In these circumstances it would be for the local planning authority, in the first instance, to consider the applicability of this policy to this particular case and resolve the issue of what temporary accommodation, if any, should be permitted on the site.

6. The Planning Decision Committee has given careful consideration to a written representation made to the Assembly after the Inspector had submitted his report which stated that the process of spending another winter in a mobile home is causing a great deal of concern. However, having regard to the submitted evidence, the Committee have been unable to conclude that the personal circumstances of the applicant are such

that exceptionally a grant of planning permission would be justified in this case contrary to the recommendation of the Inspector.

7. Since the Inspector submitted his report Planning Guidance (Wales) Planning Policy April 1999 (PGW) has been cancelled by Planning Policy Wales March 2002 (PPW). The Planning Decision Committee do not consider that there are any substantial differences between the policies of PGW referred to by the Inspector and those set out in PPW.

8. A copy of this letter has been sent to the National Park Officer, Brecon Breacons National Park Authority and the Director of Planning, Powys County Council.

Yours faithfully



Tom Middlehurst AM

Chair, Planning Decision Committee 2002/5

Enc: Leaflet "HC"