

Report of the Head of Economic Regeneration & Planning

Development Management & Control Committee – 19 June 2014

Referral of Planning Application Ref: 2013/1745
From Area 2 Development Control Committee on 3 June 2014

CILIBION SAW MILLS, CILIBION, GOWER, SWANSEA

DETACHED DWELLING IN ASSOCIATION WITH SAWMILL (OUTLINE)

Purpose:	To determine the outline application for a detached dwelling in association with sawmill
Policy Framework:	National and Local Planning Policies
Reason for Decision:	Statutory responsibility of the Local Planning Authority
Consultation:	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B
Recommendation(s):	Refuse as set out in the report
Report Author:	Ryan Thomas
Finance Officer:	<i>Not applicable</i>
Legal Officer:	<i>Not applicable</i>

1.0 Background

- 1.1 This application was reported to Area 2 Development Control Committee on the 3rd June 2014, with the recommendation that planning permission be refused as the proposal constituted an unjustified dwelling in the countryside and would be detrimental to the character and appearance of the Gower AONB. Members did not accept my recommendation but resolved that the application be referred to Development, Management and Control Committee with a recommendation that it be approved subject to a S106 Obligation to tie the occupation of the dwelling to the sawmill, on grounds that the new dwelling was justified to serve a long standing business which makes a significant contribution to the rural economy and would not result in a detrimental impact upon the character and appearance of the area.
- 1.2 A plan showing the location of the application site is attached as Appendix A, and a copy of my report to the Area 2 Development Control Committee on the 4th December 2012 attached as Appendix B.
- 1.3 The report was updated to include reference to a letter from Gower Chiropractic Centre confirming that the applicant's father has been treated for joint conditions.

2.0 Planning Policy Issues

- 2.1 With regard the acceptability, in principle, of this form of development at this location, the proposal would result in the introduction of a residential dwelling in the heart of the Gower AONB and wider countryside where such development is strictly controlled and must be justified in the interests of agriculture, forestry or an appropriate use to serve the rural economy and under the provisions of Policy EV20 of the City and Country of Swansea Unitary Development Plan and where Policy EV26 seeks to resist development which would not conserve or enhance the character and appearance of the area.
- 2.2 A full policy appraisal is provided within the main body of my report at Appendix B.
- 2.3 In summary Welsh Government advice provided in paragraph 4.4.1 of Technical Advice Note (Planning for Sustainable Rural Communities) sets out clear function and financial tests which must be satisfied if a dwelling is to be justified in the countryside.
- 2.4 Of specific relevance is the functional need and the requirement for the proper functioning of a qualifying business for a worker to reside on site and to be readily available at all times for example, if to be on hand night and day to deal with an emergency that would threaten the viability and existence of the enterprise without immediate attention. In this respect the evidence submitted in support of the application is limited to the security requirements of the business. This is a secondary matter and not one which would in its own demonstrate a functional need or justify the development of a new dwelling in the countryside.
- 2.5 In addition no evidence, for example a statistical submission describing the operations and the man hours for each element of the enterprise, has been produced to demonstrate that there is a labour requirement for a full time worker and no accounts have been submitted to demonstrate that the enterprise has been run for the last 3 years, been profitable for at least one and is currently financially sound with a clear prospect of remaining so. These are key policy tests which have not been addressed let alone satisfied by the applicant's submission.
- 2.6 Planning Policy Wales (paragraph 3.16) makes clear that whilst the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community may be material to the consideration of an application permission may be granted subject to a condition that is personal to the application. However personal permissions will hardly ever be justified for works, as in this instance that will remain long after the personal circumstances of the applicant have changed.
- 2.7 In conclusion, therefore, it has not been demonstrated that the proposal relates to agriculture or forestry or that it has been run as an independent rural enterprise. No evidence has been submitted to demonstrate a functional need or that there is a sufficient labour requirement for the enterprise to fully employ a full time worker and no compelling evidence has been submitted to satisfy the financial test or that the requirements of the holding could not be satisfied by available accommodation elsewhere in the locality.

On this basis alone it is not considered that there is sufficient justification for a new dwelling at this locations or that established policy and National Guidance should be set aside in this instance.

3.0 Financial Implications

3.1 There are no financial implications associated with this report.

4.0 Legal Implications

4.1 There are no legal implications associated with this report.

5.0 Recommendation

5.1 It is recommended that:

- I. The application is refused subject to the reasons set out in my report in Appendix B

- II. Should Members resolve to approve planning permission contrary to my recommendation that it be approved subject to a S106 Obligation to tie the dwelling to the saw mill and subject to the conditions as detailed at Appendix C.

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:

Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Appendices:

Appendix A – Location Plan

Appendix B – Committee Report

Appendix C – Conditions