

PLANNING COMMITTEE	DYDDIAD: 03/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	SIAMBR DAFYDD ORWIG, CAERNARFON

Number: 2

Application Number: C16/1154/41/LL

Date Registered: 20-09-2016

Application Type: Full - Planning

Community: Llanystumdwy

Ward: Llanystumdwy

Proposal: An amended design to the one refused under C16/0705/41/LL to convert an outbuilding into a four bedroom affordable house.

Location: Penarth Fawr, Chwilog, Pwllheli, Gwynedd LL53 6PR

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1. This is a re-submission of a previously refused application, namely a full planning application to convert existing outbuildings from agricultural / storage use to residential use.
- 1.2. The site is located in open countryside and, therefore, it is located outside any defined development boundary as shown in the Gwynedd Unitary Development Plan. It forms a cluster of existing outbuildings which at some time were likely to be associated with a nearby farmhouse. An unclassified public road runs past the rear of the site with several mature trees dispersed near and within the site. The buildings are a mixture of finishes with what is noted as storage/chaffing shed/granary being traditional stone buildings whilst the other storage sheds are of more recent brick construction.
- 1.3. The application has been amended since its original submission and the plans now show an intention to convert part of the buildings into a house which would comprise three bedrooms, kitchen/dining room, lounge and bathroom. The proposal originally indicated that part of the existing building would be demolished and reconstructed leaving a space between the dwelling and the outbuilding. This has now changed by including a garage and new storage area, and externally, this section would be finished with smooth rendered walls and a roof of corrugated sheets.
- 1.4. The original application has been amended from the previous application that was refused by removing the garage that was to be included within part of the building that was shown for conversion. Further amendments as explained above, indicate a further intention to include a garage and storage area.
- 1.5. The application is submitted to the Planning Committee at the Local Member's request as he is of the opinion that the building is suitable for conversion to an affordable house for a young local family and there is a shortage of such housing in the area.

2. Relevant Policies:

- 2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2. Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. 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 making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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2.3 Gwynedd Unitary Development Plan 2009:

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS -
Ensure that sufficient information is provided with the planning application with regard to any significant likely environmental impact or other impacts in the form of an environmental impact assessment or other impact assessments.

POLICY A3 – PRECAUTIONARY PRINCIPLE - Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt ultimately that the impact can be avoided or alleviated.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT - Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B24 – ADAPTING AND EXTENDING BUILDINGS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for adaptations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

POLICY C4 – ADAPTING BUILDINGS FOR RE-USE – Proposals to adapt buildings for re-use rather than demolish them will be approved provided they conform to specific criteria relating to the suitability of the building, visual considerations, design and the effect on the vitality of neighbouring towns and villages.

POLICY CH12 – CONVERSION OF BUILDINGS IN RURAL VILLAGES AND IN OPEN COUNTRYSIDE FOR RESIDENTIAL USE Approve the conversion of buildings to residential use within rural villages and the countryside if a suitable economic use cannot be secured for the building, and that criteria relating to local need, affordability, impact on the character of the area and occupancy of the dwelling can be met.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular access, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

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In addition to UDP policies, full consideration is given to the Authority's adopted Supplementary Planning Guidance (SPG), which are material and relevant considerations. In this case, the following are considered to be relevant:

- Converting buildings in open countryside and in rural villages
- Affordable Housing

2.4 **GWYNEDD AND ANGLESEY JOINT LOCAL DEVELOPMENT PLAN (Composite Version including Matters Arising Changes, January 2017)**

POLICY PCYFF 1: Development criteria

POLICY PCYFF 2: Design and place shaping

POLICY AMG 4: Local Biodiversity Conservation

HOUSING POLICY 19: Converting buildings in open countryside for residential use

POLICY TRA 2: Parking standards

2.5 **National Policies:**

Planning Policy Wales Edition 9 2016
TAN 2: Planning and Affordable Housing
TAN 5: Planning and Nature Conservation
TAN 12: Design

3. **Relevant Planning History:**

- 3.1 Application C16/0705/41/LL - an application to convert an outbuilding into an affordable four bedroom house - refused 19.08.16.

For information, the agent submitted a request for advice prior to submitting the previous planning application and this issue will be discussed further in the assessment below.

4. **Consultations:**

Community/Town Council: Support once again and express disappointment that local people are being refused to use existing buildings on their own land.

Transportation Unit: No objection, but the same observations are submitted as those submitted with the previous application.

Natural Resources Wales: Observations and advice as submitted with the previous application, namely, an observation regarding the bat survey and appropriate steps that would be needed to safeguard protected species, including the need for a licence.

Welsh Water: Standard advice

Strategic Housing Policy Unit: Confirmation that the applicant has been assessed by Tai Teg.

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- Tai Teg: Confirmation that the applicant has been assessed and qualifies for an affordable dwelling.
- Biodiversity Unit: It is suggested that a condition be imposed as with the previous application to undertake the development in accordance with the findings of the bat survey and the required mitigating measures.
- Senior Conservation Officer: Not received, for information, no observations were provided on the previous application.
- Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and no correspondence has been received at the time of writing.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 There are a number of policies that are relevant in determining whether this application is acceptable in principle. Policy C4 of the Gwynedd Unitary Development Plan approves plans to adapt buildings for re-use subject to compliance with criteria, which include ensuring that the building is of permanent construction and is structurally sound and that it can be converted without major reconstruction work; that the building is suitable for the proposed use; that the design respects the structure, form and character of the original building and its surroundings; ensuring that no additional buildings or external work will cause significant harm to the visual quality and character of the surrounding area and that the development will not lead to dispersing activities on a scale that would harm the vitality of towns and villages.
- 5.2 The buildings which are the subject of this application are empty agricultural buildings and are a mixture of natural stone and bricks with a slate pitched roof and a roof of corrugated sheeting. The buildings have traditional and natural openings. A structural survey has been submitted which refers to the buildings as units 1-5. The report confirms that some reinforcing, maintenance and repair work is needed, including local reconstruction where necessary, along with strengthening the roof of most of the buildings but units 4 and 5 need to be demolished completely due to their poor structural condition. It is now proposed to include 'unit 5' as part of the proposal as a result of the amendments as part of this latest application compared to what was originally received with the previous application. 'Unit 4' continues to form part of the development and with the proposed garage they represent almost a third of the total area of the whole unit namely completely new buildings. As the structural report refers to the need to demolish what is referred to as units 4 and 5, it is deemed that the proposal does not fully comply with policy requirements in terms of being able to convert the buildings without undertaking major reconstruction work that would be tantamount to erecting a new building.
- 5.3 As a result of the above, it is considered that the proposal does not comply with the requirements of policy C4 of the Unitary Development Plan which deals with re-using buildings and neither does it satisfy the requirements of the SPG 'Conversion of buildings in open countryside and rural villages' as the condition of all the buildings that form the application are unsuitable to be converted and the structural report submitted with the application highlights and confirms this view.

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- 5.4 As a consequence of the location of these buildings in open countryside, the proposal to convert them is subject to policy CH12 of the Gwynedd Unitary Development Plan. The policy states:

"in rural villages and in the countryside conversions of buildings for residential use will not be permitted unless it is proven first that a suitable economic use cannot be secured for the building..."

- 5.5. Only if there is compliance with the first part of the policy can the associated four criteria be considered. Compliance must be ensured with all these requirements in order to support such a proposal based on this policy. These specific criteria deal with proving a local community need for an affordable house; ensuring that the proposal will not lead to creating a substantial number of new residential units; that it will not lead to the loss of a community resource or service unless evidence has been submitted to the Council that the property has been marketed unsuccessfully as a unit for the relevant use; that suitable arrangements are in place to restrict the occupancy of the house.
- 5.6 Therefore, the starting point for considering this policy is the initial sentence which mentions securing an economic use. Insufficient evidence has been submitted by the agent and the applicant on the failure to ensure a suitable economic use for the building which is the subject of the application, despite the advice given prior to submitting the application for the need to secure this. The information submitted with the application including additional information submitted by the applicant is very general without evidence of any real attempt made to market the buildings for suitable economic use. The applicant recognises that the agricultural use of the buildings ceased in the 1960's and consequently the buildings have deteriorated for further use. It is noted that the buildings are not suitable or safe for renting or for modern agricultural requirements. It is also noted that consideration has been given for use as an industrial estate, however, the road is unsuitable and there are similar units available in the area. Lastly, there is reference to consideration as holiday use referring to the significant number of holiday places nearby, a letter was also sent by the owner of a nearby site referring to the lack of benefit from letting holiday homes in this specific area. The applicant is therefore of the opinion that research has been undertaken and that the buildings are not suitable for another use for various reasons including their current poor condition. They go on to refer to their hope of running their own business from the site in the future, although it is not known what exactly this would be and if such a proposal would require planning permission and in accordance with relevant policies.
- 5.7 There is no reference to prices or the marketing period which was undertaken. It is fair to note at this point that advice prior to submitting the previous application was given to the agent in a letter under enquiry No. Y16/000933 and this was further explained verbally at a meeting with the agent. A letter (dated 12 May, 2016, which is nearly two months prior to the formal submission of the application) responding to the enquiry, states clearly the need to prove that a suitable economic use cannot be secured for the buildings before consideration may be given to its use as a residential unit. It is also noted that similar advice was given to an earlier enquiry in the form of a formal letter, dated 21 August 2015. Therefore, it is believed that clear instruction and guidance were given to the agent for the need to comply with the requirements of the relevant policy especially the need to prove clearly that it was not possible to secure a suitable economic use for the buildings prior to considering an application for a permanent residential dwelling.

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5.8 The importance of this consideration can be seen in a similar case on the site of Tŷ Coch, Glasinfryn. An appeal was lodged against the Council's decision to refuse this application (ref. no. APP/Q6810/A/12/2173297), the Planning Inspector stated in his decision:

"Policy (CH12) requires it to be ensured that there is no suitable economic use for the building ... The buildings had not been marketed to decide whether there was an economic or employment use for them and in the lack of such marketing, I conclude that the proposal does not comply with the policy requirement to provide proof that an economic use cannot be secured for the buildings". Attention was drawn to this appeal decision in the letter to the agent, dated 12 May, 2016 prior to submitting the first formal planning application.

5.9 Although the proposal does not satisfy the first part of policy CH12 which is crucial before considering the criteria, there is no requirement afterwards to assess whether the proposal is in accordance with the criteria as it fails on the main part, however, attention has been given to the information received in the context of these criteria for completeness. In terms of the first criterion, confirmation has been received from Tai Teg that the applicant has been assessed as being in need of an affordable property. It is not clear whether Tai Teg's assessment acknowledges that usually conversions are far more costly than purchasing or building a house. Similarly, it must be highlighted that Tai Teg do not approve planning matters only matters dealing with being in need of an affordable house - therefore, they are not in a position to provide an opinion on the suitability of the site/conversion as this is a policy issue for the Planning Department.

5.10 Again, for clarity, the criteria of policy CH12 state:

1. *a community local need for an affordable house has been proven;*
 2. *the proposal would not lead to the creation of a substantial number of new residential units which would be likely to have a harmful impact on the structure and character of the village and/or the community of which they are a part;*
 3. *the proposal would not lead to the loss of a community resource or service unless strong, relevant evidence was submitted to the Council that the property had been marketed unsuccessfully as a unit for the relevant use at a reasonable and fair price, for sale or to rent, for a permanent 12 month period;*
- That adequate arrangements are available to restrict the occupancy of the house initially and in perpetuity to those who have a community local need for an affordable house.*

5.11 The proposal could be acceptable in respect of criteria 1 and 2 and in terms of the third criterion which states that the proposal would not lead to the loss of a community resource or service and evidence must be submitted to prove that the building has been marketed for appropriate use for a permanent 12 month period. The policy's explanation elaborates by stating "In accordance with the Assembly's advice and as economic development and increasing employment are Council priorities, proposals to convert rural buildings to residential use will not be permitted unless every effort has been made to find a suitable economic use for the building initially..." Paragraph 7 of the SPG states: "Conversion of outbuildings in the countryside and in rural villages" also states the need "... for strong evidence to be submitted to the Council proving that the property has been marketed for a reasonable and fair price, for sale or for rent for a period of 12 months, which is in accordance with the principles of Policy CH12 of the Gwynedd Local Unitary Plan". It is not believed that the evidence submitted to the Council shows that the buildings have been

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marketed unsuccessfully as units for the relevant use prior to considering their conversion to residential use.

- 5.12 If the proposal was acceptable in every other respect, there would be a requirement to bind the development to a 106 Agreement 'community local need for an affordable house'. As the proposal is contrary to several policies, the agent/applicant was not requested to confirm this aspect. Also, and again, only if the application was acceptable in every relevant aspect, the agent/applicant would be required to submit a likely open market value of the finished property in order to be able to give the appropriate discount on the 106 Agreement to ensure its affordability in the long-term.
- 5.13 As a result of the above, it is considered that the proposal fails to comply with the basic requirements of policy CH12 and all the requirements of policy C4 and, therefore, it is not acceptable in principle. As noted above, these concerns were highlighted to the agent when the application was submitted for advice prior to submitting a planning application.
- 5.14 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless material considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001 - 2016) and the Joint Local Development Plan for Gwynedd and Anglesey (Joint LDP) will replace the Unitary Plan as the 'development plan' once it is formally adopted. It is likely that the Joint LDP will be adopted during July 2017.
- 5.15 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The Joint LDP is now a material planning consideration for the purposes of development control. Paragraph 3.1.3 of Planning Policy Wales states:

"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ..."

- 5.16 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report.

Paragraph 2.14.1 of Planning Policy Wales states:

"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

- 5.17 In this case, the Joint LDP policies as noted in 2.4 above are material and as these policies are consistent with the policies of the Unitary Development Plan and the relevant National Advice included in PPW and TAN 6, it is considered that the above assessment and the recommendation of this report are consistent with the emerging policy.

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Visual amenities

- 5.18 It is not believed that the modifications made to the buildings would be completely unacceptable in terms of the visual amenities, although a section would be reconstructed, it would be in-keeping with the remainder of the buildings in terms of scale, appearance and finish. Although this is insufficient to override basic concerns about the application, it is not believed that it undermines the relevant requirements of policies B23 and B24 in respect of visual amenities.

General and residential amenities

- 5.19 As noted in paragraph 5.2 above, it is not believed that the proposal is completely unacceptable in terms of its compliance with the requirements of other policies. Although there is a residential dwelling comparatively close, it is not deemed that there would be a detrimental effect on this property's amenities to an unacceptable degree and, therefore, it is not believed that this aspect would be completely contrary to the relevant requirements of policy B23.

Transport and access matters

- 5.20 The Transportation Unit has no objections to this application on the grounds of access issues and parking provision, and, therefore, it is not believed that this aspect of the application is unacceptable and complies with the requirements of policies CH33 and CH36.

Biodiversity matters

- 5.21 Initial concerns were highlighted regarding a bat survey submitted with the previous application, as a result the survey was updated and based on the information in the amended survey it is considered that the recommendations and mitigating measures are acceptable. No response was received at the time of writing from the Biodiversity Unit but if the application is approved, it would be appropriate to impose a condition ensuring that any development is undertaken in accordance with the recommendations of the amended survey and based upon that, it is believed that this aspect would be acceptable and would comply with the requirements of policies A1, A3 and B20.

Relevant Planning History

- 5.22 The decision to refuse the previous application was made on the grounds of a lack of compliance with relevant policies and guidelines. The agent did not ask to discuss the refusal with the Local Planning Authority and it can be seen that this second application has not responded sufficiently to the obvious concerns referred to at the time, including the appeal decision (Tŷ Coch) to refuse a similar application to convert buildings in the countryside to residential use without proving initially that a suitable economic use had not been fully considered.

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Any other considerations

5.23 As has already been noted above, formal comprehensive advice was given by Planning Service officers to the agent prior to the submission of the previous application which clearly states the need for robust evidence to be submitted regarding appropriate economic use for the buildings before consideration can be given as to their suitability for permanent residential use. This requirement is clearly endorsed by the decision of the Tŷ Coch appeal as is also referred to above.

6. Conclusions:

6.1 Having considered the above and all the relevant planning matters including local and national policies and guidance, it is not believed that this application to convert agricultural outbuildings into a dwelling is acceptable in this case, based on the specific points as noted in the above assessment.

7. Recommendation:

7.1 To refuse – reasons –

1. It is considered that the proposal is contrary to criteria 1 and 2 of policy C4 of the Gwynedd Unitary Development Plan (2009) as the building is located in the countryside and a significant section of the building is not structurally sound for conversion without substantial reconstruction work and therefore it is not a suitable building for its proposed use.

2. No sufficient evidence has been submitted to prove that a suitable economic use cannot be secured for the building and therefore it is considered that the proposal does not conform to the basic requirements of policy CH12 of the Gwynedd Unitary Development Plan and the Supplementary Planning Guidance - Conversion of buildings in open countryside and rural villages.