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| PWYLLGOR CYNLLUNIO                   | DYDDIAD: 09/12/2024 |
| ADRODDIAD PENNAETH ADRAN CYNORTHWYOL |                     |

**Number: 3**

**Application Number: C23/0463/18/LL**

**Date Registered: 09/10/2023**

**Application Type: Full**

**Community: Llanddeiniolen**

**Ward: Penisarwaun**

**Proposal: Retrospective application to convert an outbuilding to a holiday let.**

**Location: Plas Coch, Penisarwaun, Caernarfon, Gwynedd, LL55 3PW**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## **1. Description:**

- 1.1. The application in question is a retrospective full application to convert an outbuilding to a holiday let. As the above proposal has already been completed without planning permission, a retrospective application is submitted. The unit in mind was an outbuilding which was being used as an ancillary use to the Plas Coch property. The outbuilding has now been renovated and converted into one modern holiday unit.
- 1.2. The structure in question stands approximately 5m to the east of the main Plas Coch house. From looking at the plans submitted, the size or shape of the structure have not changed as a result of the conversion. The height of the roof and its one-sided ridge has been kept, but changes have been made to the position of windows and doors and the finish. Glazed windows and doors cover most of the front elevation, a large roof window has been installed on the side elevation, and two windows have been installed on the other side elevation. The unglazed parts of the front of the property are finished in stone cladding, and the rest of the unit is finished in white painted render. The roof of the unit has also been finished with natural slate.
- 1.3. The structure in its entirety contains a kitchen, a sleeping area, seating area and bathroom on the ground floor, and then another bedroom on the first floor or mezzanine as it appears on the plans. Externally, a decking has been installed in front of the front elevation to provide an outdoor area for a hot tub. A hedge will be planted around the decking and there is parking space for two cars to the east of the property on an existing area of gravel.
- 1.4. The site is located in a countryside location close to the Waun Cluster (Penisarwaun), approximately 500m north of the Local Penisarwaun Village development boundary as defined by the Anglesey and Gwynedd Joint Local Development Plan, 2017. The site is served by a private road that also serves another property and links with an unclassified road leading to the west to the wider roads network. The site lies within the Dinorwig Landscape of Outstanding Historic Interest.
- 1.5. The following documents/assessments have been submitted as part of the application:
  - Ecological Survey Report
  - Business Plan
- 1.6. This application was postponed in the Planning Committee dated 15/01/2024 to give the applicant an opportunity to arrange a way to reduce over-looking of adjoining houses by submitting information about a screen or something similar on some of the windows on the front elevation as mentioned in Committee. The applicant was also asked to submit a document to confirm the holiday unit's operating rules to alleviate neighbours' concerns and reduce noise on site. The Local Planning Authority has asked the applicant for this information a number of times, but no additional information has been provided. Due to the lack of response and the period of time which has elapsed the application is being submitted to the Planning Committee without the additional information. This does not change the officer's recommendation.

## **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 in accordance with the

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Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. 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 reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017**

PS 1: The Welsh Language and Culture

PS 4: Sustainable transport, development and accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 5: Sustainable Development

PS 6: Alleviating and adapting to the effects of climate change

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PS 14: The Visitor Economy

TWR 2: Holiday Accommodation

PS19: Conserve and where appropriate enhance the natural environment

AMG 5: Local Biodiversity Conservation

PS20: Conserving and where appropriate enhancing heritage assets

AT1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

### 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Issue 11 – February 2021)

Letter of the Welsh Government's Minister for Climate Change, dated 11 October 2023 announcing an update to chapter 6 of Planning Policy Wales with immediate effect.

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- Technical Advice Note 12: Design
- Technical Advice Note 13: Tourism
- Technical Advice Note 18: Transportation
- Technical Advice Note 22: Planning for sustainable buildings

Local Supplementary Planning Guidance (as a material planning consideration) -

- Tourist Facilities and Accommodation (March, 2021)
- Replacement Dwellings and Conversions in the Countryside (September 2019)

### 3. Relevant Planning History:

3.1 C22/0916/18/LL Newid defnydd tir presennol i greu strwythurau "lodge" dros dro er mwyn gosod ar gyfer gwyliau. Change of Use of existing land to create temporary structure lodges for holiday lets. Refused 19-01-2023

C23/0494/18/LL Newid defnydd o dir presennol i greu strwythurau dros dro ar gyfer gosod gwyliau. Change of use of existing land to create temporary structure lodges for holiday lets. Refused (date)

This application that is under consideration was submitted following an Enforcement investigation under reference G22/0221.

### 4. Consultations:

Community/Town Council: Object to the application as it has a 'harmful effect on a small, quiet area of rural Wales'.

Transportation Unit: 'I refer to the application above and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road'

Public Protection: Should the applicant intend to connect to the existing sewage treatment unit, it must be ensures that the current system is in good condition. It will need to be adequate to deal with any potential increase in effluent and loads as a result of the proposed development. We ask the applicant to provide these details to the Authority to prove that there is enough capacity in the current tank. Note: Private sewage treatment tanks and systems must comply with Building Standard 6297:2007 + A1 2008, and Approved Document H (Drainage and waste disposal) of the Building Regulations. It is

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not permitted to install any part of the system within 10 metres of a stream, ground drain or ditch. The applicant will need to contact Natural Resources Wales to register any sewage tanks.

Welsh Water:

'As the development proposes to use another form of drainage instead of using the main drain, the applicant is advised to discuss with Natural Resources Wales and/or the Building Control Department / Approved Building Surveyor since both are responsible for regulating different types of drainage systems. However, should the circumstances change and connecting to the public sewer/public sewage treatment works system be favoured, we would have to be re-consulted regarding this application.'

Biodiversity Unit:

The unit asked for an ecological report for the site to alleviate concerns regarding ecological matters and identify biodiversity mitigation measures.

After receiving the report, the Biodiversity Unit confirmed that they had no objection as long as the Biodiversity improvements noted in the ecological report are completed within one month of the date of the planning permission.

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Public Consultation:

A notice was posted on site and nearby residents were informed. The advertisement period has ended and a large number of letters were received objecting to the development on the following grounds:

- negatively affecting a residential area
- the changes to the unit are not in keeping with the area
- narrow access and the unit will increase traffic volume on a narrow road
- intrusive effect on neighbourhoods
- concerns about Biodiversity, particularly impact on bats and the felling of trees and hedgerows without permission
- does not blend in with the landscape
- the property is outside the cluster
- new materials, not the original
- concerns about litter
- noise disturbance arising from the unit
- pollution from hot tub water
- a negative visual impact
- destroys the character
- overuse of a location
- have lost a lot of tranquillity and privacy
- development in the countryside and no access to public transport nearby
- concerns regarding the septic tank
- there is strong lighting outside the property
- the existing house is holiday accommodation
- the plans are incorrect
- the absence of a structural report and the quality of construction
- the water supply in the area is already poor
- part of the original building has been demolished

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## 5. Assessment of the material planning considerations:

### The principle of the development

5.1 The principle of the proposal should be assessed against policy TWR 2: Holiday Accommodation in the Local Development Plan. Policy TWR 2 permits proposals that involve the provision of self-serviced holiday accommodation provided the proposal complies with a series of criteria as included in the policy, namely:

i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;

ii. that the proposed development is appropriate in scale considering the site, location and/or settlement in question;

iii. That the proposal will not result in a loss of permanent housing stock;

iv. That the development is not sited within a primarily residential area or does not significantly harm the residential character of an area;

v. The development does not lead to an excess of such accommodation within the area.”

5.2 In terms of the criteria i-iv above, the building already exists, and is not a new building. We note that the site is also located within the curtilage of the existing property and that the building was a traditional one, used as ancillary to the residential property, therefore it would also make use of a suitable previously developed site. It is believed that the scale is reasonable as it does not create a holiday let that is excessively large, it does not involve erecting an extension, and as the unit is already being used as an outbuilding it does not lead to the loss of permanent housing stock. The unit is located in a rural area close to individual dwellings that are scattered around, and as such it does not cause significant harm to the area's residential character as there are scattered residential dwellings around the location.

5.3 It is noted that any application to convert existing buildings should include a full structural survey report by a qualified person which states that the building is structurally sound for conversion without requiring substantial reconstruction, alterations or extensions. It is noted that no structural report has been included as part of the information pack accompanying the application as the property has already been converted, therefore there is no value to a structural report as the changes have already been completed on the site. We note here again that the proposal makes use of a suitable previously developed site, and that comments have been received highlighting the difference between the original building and the current structure, and that part of the building and the roof were demolished. This difference is minimal and does not affect the scale or size of the building compared with the original - rather, it does affect the shape of the roof slightly, and we note that one gable-end of the building is completely glazed. To this end, the development is acceptable and complies with the principles of criteria i-iv of policy TWR 2.

5.4 Paragraph 3.2.1 TAN 33 states as follows: Economic Development, the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation. It emphasises the need for the building in question to be suitable for the proposed use and paragraph 3.2.1 notes:

"The re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation. In

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recognising this, local planning authorities are expected to adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings that are located within or adjoining farm building complexes, on the basis that:

- they are suitable for the specific use;
- the conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- their form, bulk and general design are in keeping with their surroundings;
- imposing conditions on a planning permission overcomes any planning objections, for example on environmental or traffic grounds, which would otherwise outweigh the advantage of re-use;
- if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- the conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and/or architectural interest.”

5.5 Further guidance relating to the suitability of buildings that are subject to conversion is provided in the adopted Supplementary Planning Guidance, 'Replacement Dwellings and Conversions in the Countryside'. Section 10 of the SPG provides guidance on aspects relating to design.

5.6 Having assessed the application against the relevant policy principles noted above, we believe the application as a whole is acceptable in principle and complies with the relevant criteria that are highlighted above.

### **Excess**

5.7 After establishing whether the principle of the proposal is acceptable in terms of the build, we should be mindful of the proposal's compliance or otherwise with criterion 'v' of Policy TWR 2 which states as follows:-

“v. The development does not lead to an excess of such accommodation within the area.”

5.8 When considering criterion v, it should be ensured that a Business Plan is presented as part of the application to include the necessary information in terms of the vision for the proposal and to ensure that there is a market for this type of use (paragraph 6.3.67 of the JLDP). In addition, the existing provision of holiday accommodation within the local area should be taken into account. It is noted that a Business Plan has been submitted with the planning, outlining its intention and how the development adds to the local economy through tourism. To this end we consider that the Business Plan meets the requirements of criteria 'v' of policy TWR2.

5.9 Furthermore, the Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021) states that a high number of holiday accommodation or a concentration of holiday accommodation in a specific area can have a detrimental impact on the social fabric of those communities. Section 4.6 of the guidance seeks to define excess and paragraph 4.6.5 states:

"In assessing whether or not there is an over-provision of holiday accommodation, the following should be considered:-

- Whether or not there is an even distribution of holiday accommodation across the area - A provision of holiday accommodation that has been distributed evenly across the area is a way of



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ensuring that it does not lead to pockets of empty properties during the winter and ensures that excess pressure is not placed on local services and infrastructure at the peak of the season;

- Sociocultural impact - If holiday accommodation permeates into a traditionally residential area it can lead to a change in people's values and behaviour, and consequently, lead to them losing their cultural identity.
- Impact on the amenities of local residents, e.g. complaints regarding noise, disturbance, increase in traffic etc.
- Lack of community facilities and services - Local businesses providing for the needs of visitors more than the needs of local residents and only opening on a seasonal basis.
- Pressure on local infrastructure – The capability and capacity of local infrastructure to cope at the peak of the season.
- Quantity of holiday accommodation - Favourable consideration will not be given to applications for self-serviced holiday accommodation when the existing combination of holiday accommodation and second homes within the Community/Town/City Council area is higher than 15%. Council Tax information should be used as the information source to find this information. Exceptions may arise, where it is considered that there is a high level (more than 15%) of holiday accommodation in a particular settlement/area within a Community/Town/City Council area. In such circumstances, consideration may need to be given to provision beyond the Community/Town/City Council level."

5.10 In accordance with Council Tax figures (February 2022) the combined total of second homes and holiday accommodation in the Llanddeiniolen Community Council area is **3.63%**, therefore, it is considered that the proposal complies with this element of the relevant SPG, and that permitting this proposal would not lead to an over-provision of a particular type of holiday accommodation in the area.

5.11 In this case it is considered that the proposal is acceptable for approval in principle.

### **Visual amenities**

5.12 Policy PCYFF 3 states that proposals, including extensions and alterations to existing buildings and structures, will be permitted provided they conform to a number of criteria including that the proposal complements or enhances the character of the site, the building or the area in terms of siting, appearance, scale, height, massing and elevation treatment; that it respects the context of the site and its place within the local landscape; that it uses materials that are appropriate to their surroundings and incorporates soft landscaping; that it enhances a safe and integrated transport and communications network; that it limits surface water run-off and flood risk and prevents pollution; that it achieves an inclusive design that allows access for all and helps to create healthy and vibrant environments taking into account the health and well-being of future users.

5.13 The application involves converting the existing outbuilding into a holiday let, which is sited in the countryside and where there are several individual dwellings in the surrounding area and along the road to the property in question. The proposal does not involve any change to the size of the outbuilding, however, there are changes to the front elevation with glass being installed on most of the elevation. As well as this, a roof-window is being installed, and other windows and

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doors are being repositioned, and the building's finish is completely different to that of the former building. We must note that the property's size, shape or scale has not changed as a result of its conversion into a holiday unit. It is not believed that the proposal would disrupt the visual or general amenities of the area as a whole, nor that it would have a significantly negative impact on the Landscape of Outstanding Historic Interest. Observations have been received noting concerns that the unit does not blend in with the landscape and that original materials have been removed and replaced by alternative materials. There are also concerns that the change to the building is causing a negative visual impact, however, the plans do not show a change in the shape or size of the original building. We must emphasise that there is a substantial change to the front elevation with the developer having installed glass along the elevation, but the elevation does not directly face nearby housing, and the elevation is not overly noticeable from the road as it is the side elevation that faces the access road. Although the original materials are not retained, the materials used are not considered unacceptable and they do not affect the character of the area significantly enough to cause a negative impact. This meant that the development was acceptable and met the requirements of Policy PCYFF 3, PS 20 and AT 1 of the LDP.

### **General and residential amenities**

- 5.14 Policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan relate to assessing the design of the proposal, amenities and landscaping. The site is located outside any development boundary as defined in the Local Development Plan. Since the proposal only involves the conversion and alteration of an existing building on the site into a holiday let, a new structure is not being installed on the site. Although the building's appearance has changed somewhat, it is not believed that the changes are excessive, and consequently they do not affect the setting of the unit on the site. Although the changes made to the unit can be considered to be modern changes that do not complement the rural character and feel of the area, we do not believe that this effect is substantial enough to be considered unacceptable in policy terms, since the shape and scale of the unit remain unchanged.
- 5.15 Some screening is offered by existing trees and hedgerows, and we do not believe that additional screening is needed as the unit already existed on the site, and this proposal is essentially a change in its appearance as a result of windows, doors and finish.
- 5.16 In addition to this, currently the nearby houses abut either other residential dwellings and their gardens or open fields. This proposal would mean a change of use from a unit that is ancillary to a residential dwelling into a self-serviced holiday let. Despite its proximity to residential dwellings in the vicinity, and that the nature of holiday use may be different to full-time residential use; because of the small size of the unit with only two double beds, we do not believe that the impact of the proposed unit would be significant enough to harmfully affect the character of the site and the local neighbourhood, or the amenities of neighbouring residents. Although the Local Planning Authority accepts that there will be some noise disturbance and an increase in movement as a result of the use, due of the location of the individual unit and the fact that the unit is acceptable in principle through the conversion of an outbuilding into a high-quality holiday let, we do not believe that it is likely to lead to a harmful impact on neighbouring residents' amenities through disruption, traffic, the timing of movements, noise etc. Although the proposed site is located close to the current dwelling-house, the effect on the amenities of the nearby residential dwelling (which is in the same ownership) is not considered significant. Subsequent to the above, the proposal is considered to comply with policies PCYFF 2 and PCYFF 3 of the LDP.

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### **Transport and access matters**

- 5.17 We noted that there were concerns regarding the location of the holiday unit along a narrow road that is used by local people. There were concerns about the holiday unit use that would make this narrow lane busier and affect the amenities of nearby residents. The Transportation Unit was consulted regarding this matter and the unit had no objection regarding this element of the development. Parking spaces have been designated for the holiday unit, and the residential property has a garage on site. The Transportation Unit assume that the proposed development would not have a detrimental impact on any road or proposed road. On this basis therefore, it is considered that the proposal complies with the requirements of policies TRA 2 and TRA 4 of the LDP.

### **Biodiversity matters**

- 5.18 The Biodiversity Unit requested an ecological report for the site to alleviate concerns regarding ecological matters and to identify biodiversity mitigation measures. The Biodiversity Unit agrees with the results and requirements of the wildlife report received. The unit requests that the development be carried out in accordance with the Ective Ecology report, October 2023. The ecology report had been commissioned for two applications on the same site. Application C23/0463 which is the retrospective application in front of the committee for converting a dilapidated outbuilding into a single residential unit, and also C23/0494 which is a planning application for change of use to permit the construction of three holiday lodges on a residential area of a back garden. Application C23/0494 has been refused through delegated powers. As there are two applications linked to the ecological report, it is difficult to understand which elements relate to which application. In this case and in the circumstances, it will be necessary to impose a condition to agree biodiversity improvements within one month of the date of the permission, and to also be implemented according to an agreed timetable. This will ensure that specific biodiversity improvements are made to this development directly.
- 5.19 Although observations have been made that the developer has cut trees and hedges on the site, this is remedied by following biodiversity enhancements and mitigation measures that are introduced in the ecological report. In addition to this, concern was received regarding pollution from the hot tub and septic tank. As the foul water drainage system and the septic tank already exist, and that the proposal has already been completed, any problem would have already highlighted itself. Any problems that may arise in the future are managed by Building Control, or are civil matters. Therefore, there is no need for the planning system to duplicate other legislation that is in place to protect the environment, although a condition could be imposed to agree on the details of any improvements or a new system should the need arise.
- 5.20 As a result of the above, we believe that the development complies with Policies PS19 and AMG 5 of the LDP, together with the Letter of the Welsh Government Minister for Climate Change dated 11 October 2023 which announced an update to chapter 6 of Planning Policy Wales relating to the green infrastructure and the phased approach.

### **The Welsh Language**

- 5.21 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para 3.28 of Planning Policy Wales (Edition 11, 2021), along with Technical Advice Note 20.

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- 5.22 The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019) provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.23 It is noted that there are some specific types of developments where the proposal will be required to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. The proposed development does not reach these thresholds.
- 5.24 The applicant was asked for a Welsh Language Statement several times, but nothing was received. The guidance contained in Appendix 5 states that all retail, commercial or industrial developments that are not required to submit a Welsh Language Statement/Assessment should demonstrate how consideration has been given to the language. The policies of the plan support tourism developments according to specific criteria that relate to over-provision, therefore it is considered in this case and since the proposal complies with the requirements of the relevant policies, that the proposal is unlikely to have a harmful impact on the language. We can also impose a condition to ensure that bilingual signs are used on the site. It is therefore considered that the proposal is acceptable in respect of Policy PS1 of the relevant SPG.

#### **Response to the public consultation**

- 5.25 Several observations were received to the public consultation. These were the main points and concerns raised:
- negatively affecting a residential area
  - the changes to the unit are not in keeping with the area
  - narrow access and the unit will increase traffic volume on a narrow road
  - intrusive effect on neighbourhoods
  - concerns about Biodiversity, particularly impact on bats and the felling of trees and hedgerows without permission
  - does not blend in with the landscape
  - the property is outside the cluster
  - new materials, not the original
  - noise disturbance arising from the unit
  - pollution from hot tub water
  - a negative visual impact
  - destroys the character
  - Overuse of a location
  - have lost a lot of tranquillity and privacy
  - development in the countryside and no access to public transport nearby

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- concerns regarding the septic tank
- there is strong lighting outside the property
- the absence of a structural report and the quality of construction

5.26 These matters have been considered in the body of the report. Individuals had raised some concerns that were outside the remit of planning issues. The Local Planning Authority had no control over the fact that the original property on the site was also holiday accommodation, as there was currently a right to change use from a residential property to holiday accommodation without planning permission. We must emphasise in this case that it will be the plans that are the subject of the application that will be approved, and that it is the applicant's responsibility to ensure that the development conforms to what has been permitted.

5.27 As well as this there were concerns regarding the area's water supply, but Welsh Water have not raised a concern regarding this. Finally, some observations were made about refuse from the property, but this would be handled in the same way as a residential dwelling as their refuse densities are similar, therefore we do not require further information regarding the management of refuse and bins.

## **6. Conclusions:**

6.1 In accordance with the above assessment, it is not believed that any matter arising with the proposal is contrary to the requirements of the relevant policies, and the proposal is considered to meet the requirements of the policies noted above and is acceptable for approval.

## **7. Recommendation:**

7.1 To approve – conditions

1. In accordance with the plans
2. Use as holiday accommodation only
3. Any changes or upgrades to the foul water drainage system to be agreed within a specified time of the permission.
4. Agree biodiversity enhancements
5. Bilingual signage.