

<b>PLANNING COMMITTEE</b>	<b>DATE: 10/01/2022</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER</b>	

**Number: 6**

**Application Number: C21/1010/32/LL**

**Date Registered: 19/10/2021**

**Application Type: Full**

**Community: Botwnnog**

**Ward: Botwnnog**

**Proposal: Conversion of outbuilding to provide an affordable dwelling, together with alterations to existing vehicular access, installation of a package treatment plant and associated works.**

**Location: Caerau, Llangwnnadr, Pwllheli, LL53 8NS**

**Summary of the Recommendation: TO REFUSE**

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## **1. Description:**

- 1.1 This is an application to convert an existing outbuilding (formerly a dwelling house) to an affordable house with two bedrooms, a living room and a kitchen diner. It is also proposed to create a garden adjacent to the building. It is proposed to retain the building's main structure, but to demolish the external walls associated with the construction of single storey extensions on the side and rear of the main structure.
- 1.2 The site is located in a rural area, far from any development boundary as defined by the Gwynedd and Anglesey Joint Local Development Plan. It is also within a Special Landscape Area and the Llŷn and Bardsey Island Landscape of Outstanding Historical Interest. It is also partially within the Caerau Regional Wildlife Site.
- 1.3 It is proposed to restore the walls of the former house (measuring 15.0m x 5.6m) by repointing them, constructing a 4.2m x 4.1m side extension and a 5.9m x 5.1m rear extension. The walls of the extensions would be finished with timber cladding (larch) and a new slate roof would be installed over the structure.
- 1.4 The following information was submitted in support of the application:
- Planning Statement (including confirmation from Tai Teg that the applicant is eligible for an affordable home),
  - Initial Ecological Report and
  - Structural Report.
- 1.5 The application is submitted to the Committee at the local member's request.

## **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 Local 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, and in making 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. 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 and Anglesey Joint Local Development Plan. (July 2017)

PCYFF 1: DEVELOPMENT BOUNDARIES

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

PCYFF 4: DESIGN AND LANDSCAPING

TRA 2: PARKING STANDARDS

TRA 4: MANAGING TRANSPORT IMPACTS

TAI 7: CONVERSION OF TRADITIONAL BUILDINGS IN THE OPEN COUNTRYSIDE TO RESIDENTIAL USE

AMG 2: AREAS OF SPECIAL LANDSCAPE

PS 19: CONSERVING AND WHERE APPROPRIATE ENHANCING THE NATURAL ENVIRONMENT

Supplementary Planning Guidance 'Replacement Dwellings and Conversions in the Countryside (September 2019).

Supplementary Planning Guidance 'Affordable Housing' (September 2019).

### 2.4 National Policies:

Planning Policy Wales,

Technical Advice Note 5 – Nature Conservation and Planning

### 3. Relevant Planning History:

None

### 4. Consultations

Community/Town Council: Support

Transportation Unit: Not received

Welsh Water No observations to submit

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Natural Resources Wales:	No objection - observations for the applicant
Gwynedd Archaeological Planning Service	Request a condition to ensure that a detailed photographic survey of the structure is completed prior to commencing any work
Public Protection:	There are no details regarding the sewage treatment tank or percolation tests for the site of the stone ditch. The applicant should provide details of the percolation tests that have been conducted in relation to the stone ditch to ensure that the soil is suitable.
Biodiversity Unit:	Agree with the mitigation measures and the measures to enhance biodiversity. Appropriate conditions needed to ensure that the necessary steps are implemented
Land Drainage Unit:	Due to the size and nature of the development, it is possible that an application will need to be provided to the SuDS Approval Body for approval before construction work commences.
Tai Teg:	Not received
Public Consultation:	A notice was posted on the site and neighbours were notified. The consultation period has come to an end and no correspondence was received regarding the application.

## 5. Material Planning Considerations:

### The principle of the development

- 5.1 This site is outside any development boundary that is identified under policy PCYFF 1 of the LDP which notes that, outside development boundaries, proposals will be refused unless they are in accordance with specific policies in this Plan. In this case, although the proposal is to convert an existing outbuilding, there is doubt whether this structure can be considered as a "building" rather than the ruin of a former dwelling. Supplementary Planning Guidance 'Replacement Dwellings and Conversions in the Countryside' notes

*"9.1 Any building in the countryside proposed for conversion should be a permanent building of sound construction. Developments that entail significant re-building work will not be permitted as this would be tantamount to constructing a new building. The walls should be structurally sound and should be eaves level in height. Any building in the countryside that is in such a dilapidated condition where substantial parts of it would have to be replaced or that the building would have to be completely replaced, will not be acceptable. This will ensure that the special character and appearance of the building will not be damaged. As a guide, an*

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*application for the conversion of a building should not be considered if it is necessary to rebuild more than 10% of the total wall area when it is necessary to restore the roof, or 20% of the total wall area if there is no need to restore the roof."*

- 5.2 Additionally, Planning Policy Wales notes that the following should not be considered as "Previously Developed Land"

*"land where there are remains of any construction or activity that has merged into the landscape over time, can be considered reasonably to be part of the natural environment;"*

- 5.3 Having examined historic aerial photographs of this site it appears that the structure has been without a roof and has merged into the landscape since at least the year 2000 although it is obvious that the site was cleared of some overgrowth sometime during the period 2009 - 2014. It is not considered that this changes the fact that the structure has become a part of the natural landscape over a period of time, and therefore should not be considered as a previously developed site.

- 5.4 A structural report was submitted as part of the application, alleging that the existing walls are structurally sound and suitable to be retained without the need for significant rebuilding, and it is also noted that it would not be necessary to rebuild more than 10% of the area of the original walls. In accepting this assessment, it is noted that there is some uncertainty in the report, including the need to rebuild parts of the existing walls, the need to replace the main structural elements such as the roof, floors and lintels and the shallow foundations of the existing walls that could be undermined during aspects of the development nearby.

- 5.5 Given the above, there continues to be significant doubt about whether the structure is a suitable building for conversion, or whether the work associated with the development is tantamount to building a new house in the countryside, contrary to policy PCYFF 1 of the LDP.

### **Housing Policies**

- 5.6 Policy TAI 7 is relevant to plans for the conversion of traditional buildings in the countryside to residential use. This policy requires these types of developments to comply with all of the below criteria:

1. *There is evidence that employment use of the building is not viable;*
2. *That the development provides an affordable unit for local need (in accordance with the Terms List) or that the residential use is a subsidiary element linked with a larger development for employment use;*
3. *The structure is structurally sound;*
4. *No extensive alterations are required to enable the development;*
5. *Any architectural characteristics of merit and traditional materials are retained and that the proposal does not lead to the loss of the original structure's character.*

- 5.7 In relation to criterion 1, the Design Statement submitted with the application alleges that no economic use of the building would be practical apart from its conversion to a holiday unit (that would be acceptable in relation to the percentage of holiday units in the community), however they considered that the over-riding priority should be its use as an affordable house to meet local need.

- 5.8 Despite the above, the explanation for policy TAI 7 in the LDP (para. 6.4.38) notes that the priority for traditional buildings in the countryside is for employment use, and the SPG "Conversion of Traditional Buildings in the countryside to Residential Use" notes that the following steps should be followed in marketing a unit for employment use:

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- *Market the property with Local Estate Agents as well as Estate Agents that specialise in commercial/business properties.*
- *Evidence of the advertisement process on the web as well as in local daily or weekly newspapers.*
- *Contact agencies/organisations that specialise in establishing new small businesses e.g. the Council's Economic Development Department, Local Business Enterprises, Community/Town Councils, Federation of Small Businesses, Welsh Government and Business Wales.*
- *Information regarding any interest shown in the building together with any offers and the response to them - including justification for that response.*

- 5.9 No evidence has been submitted to demonstrate that the steps required under criterion 1 of policy TAI 7 have been followed, and therefore the application does not meet this policy requirement.
- 5.10 In relation to criterion 2, in accepting that the applicant is eligible for an affordable house, no evidence has been submitted that the house will truly be affordable in the long-term. The notional floor space for a single storey two-bedroom house included in the Affordable Housing SPG is 58m<sup>2</sup>, while this property would have an internal floorspace of 98.9m<sup>2</sup>. In addition, no information has been submitted regarding the likely market value of the property, which means that it is not possible to assess the practicality of ensuring the long-term affordability of the property by securing a price discount via a legal agreement.
- 5.11 In relation to criterion 3, paragraphs 5.1 - 5.4 above discuss these matters regarding the soundness of the structure.
- 5.12 Criterion 4 requests that substantial extensions to the original building should be avoided. This is reinforced in the SPG "Conversion of Traditional Buildings in the Countryside to Residential Use", which notes in the context of Policy TAI 7 that the building intended for conversion for alternative use should be suitable for the intended use. No extensive extensions should be required to enable the development, and the building in its current form (in terms of size) should be suitable. The structure's existing footprint that is to be retained is 84m<sup>2</sup>, and the proposal includes extensions that would have a total footprint of 47.3m<sup>2</sup>. Given that it is intended to increase the structure's floor area by over 50%, it is considered that this highlights the fact that the building is not suitable in terms of size for the development in question, and significant extensions would be needed to secure the intended use.
- 5.13 In relation to the final criterion, Gwynedd Archaeological Planning Service noted that the existing building dates from at least the mid-19th century, and is probably older. The style is characteristic of the area's post middle-ages rural buildings, although this site is slightly larger than a typical farm. Despite the fact that it is more or less a ruin, it continues to be a good example of the architecture of the period. It is likely that the proposed restoration of the building would lead to the total loss of the building's original fabric. Although it is likely that the new property would be of standard architectural quality and would reflect the original design in some aspects, it would essentially be a new house built, with a totally different character to the previous building.
- 5.14 Given the above, it is not believed that it can be considered that this proposal meets all the requirements of policy TAI 7 of the LDP, and therefore there is no option but to refuse the application.

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### **Location, Design and Visual Impact**

- 5.15 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan permit proposals for new developments as long as they do not have a detrimental impact on health, safety or the amenities of the occupiers of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and enhance, the character and appearance of the site
  - Respect the site and its surroundings in terms of their position in the local landscape.
  - Use appropriate materials
- 5.16 Policy PCYFF 3 states clearly that new developments should only be permitted where they give full consideration to the context of the site's natural, historical and built environment. Additionally, developments should add to and enhance the character and appearance of the site in terms of setting, appearance, scale, mass and elevation treatment. They should also respect the context of the site and its place in the local landscape. Policy PCYFF 4 also emphasises that all proposals should integrate into their surroundings and that proposals that do not respect, retain and add to the site's positive characteristics should be refused.
- 5.17 In this case, accepting that the site is fairly well concealed from nearby public places, and that it is intended to plant trees and bushes in order to screen the site, due to the proposed changes to the building and the intention to establish an adjacent garden and parking area, the work would inevitably bring an urban aspect to the site, and would have a greater visual impact than the existing structure, that has by now merged into the landscape. This would have a detrimental impact on the character of the landscape in an area that has been protected due to the quality of its landscape. It is therefore considered that the proposal is contrary to the requirements of Policies PCYFF 3 and PCYFF 4 of the LDP as they relate to protecting the area's visual amenities, and Policy AMG 2 that aims to protect the Special Landscape Area.
- 5.18 There are some dwellings near the site; however, due to the property's orientation and the distance between the site and the nearest houses, it is not considered that the proposal would cause significant harm to the amenities of the local neighbourhood. Therefore, it is considered that the proposal is acceptable in terms of compliance with policy PCYFF 2 of the LDP in relation to private amenities.

### **Biodiversity Matters**

- 5.1 The Biodiversity Unit confirms that the content of the Initial Ecological Report is acceptable, and agrees with the proposed mitigation measures. Subject to the inclusion of appropriate conditions, it is believed that the development could be acceptable under policy PS 19 of the LDP as it relates to the protection of local biodiversity characteristics.

## **6. Conclusions:**

- 6.1 Based on the above assessment, even it is accepted that this is a traditional building in the countryside that is suitable to be converted to a dwelling house, it is not considered that the proposal in question conforms with any of the specific criteria for such developments as listed in policy TAI7 of the Gwynedd and Anglesey JLDP. While recognising that the applicant is in need of an affordable house and that the overall design of the house is of standard quality, due to the visible location, the uninhabited nature of the existing site and the number of changes proposed to the structure, there is no option but to refuse the application.

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**7. Recommendation:**

7.1 To refuse

The proposal does not comply with all the criteria of Policy TAI 7 of the Gwynedd and Anglesey Joint Local Development Plan as there is no evidence that the existing structure has been marketed for business use, and no evidence to demonstrate that the proposed property would be truly affordable in the long-term, there is no certainty that the existing structure is sufficiently robust to cope with the restoration work without requiring significant rebuilding, substantial extensions would be needed to deliver the development, and the structure's original historic character would be lost by undertaking this restoration work.