

PLANNING COMMITTEE	DATE: 01/07/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

Number: 1

Application Number: C19/0149/46/LL

Date Registered: 18/02/2019

Application Type: Full - Planning

Community: Tudweiliog

Ward: Tudweiliog

Proposal: Demolish existing outbuilding and construct a single-storey extension to dwelling and conversion of outbuilding into two holiday units

Location: Beudy Bach, Congl-y-Cae, Llangwnnadr, Pwllheli, LL538NL

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 The application was deferred at the Planning Committee on 20 May 2019 on the grounds of an appeal decision to refuse holiday accommodation at Ty'n Pwll, Nefyn for reasons concerning an excess of second homes in the area. As a result of the figures noted in the appeal decision, it was considered necessary to re-assess the application before you against the relevant figures.
- 1.2 This is an application to demolish an existing outbuilding that is attached to the rear of the house and to erect a one-storey extension in its place at Congl y Cae, Llangwnnadr. The proposal will provide a new living room and the extension will be finished with a slate roof with an external finish in keeping with the existing dwelling. The proposal also requests the conversion of the existing former agricultural building into two self-contained holiday units. This is a one-storey stone building and the work would involve re-roofing from an asbestos roof to a slate roof, installation of roof-lights, a little structural work and minor alterations to some of the openings. The units would be divided into a two bedroom unit (to sleep four) and the other with four bedrooms (to sleep eight). There would be parking provision in the extensive yard near the side of the building.
- 1.2 The property stands in open countryside, adjacent to a class 2 county highway, namely the B4417, with the house and the outbuilding visible from it. It is situated within a Special Landscape Area.
- 1.4 This application is an amended resubmission of planning application C18/0927/46/LL refused in January this year for 'Change of use of house into a holiday unit, erection of a first floor above the outbuilding attached to the house to create a separate holiday unit and convert and extend an agricultural building into three holiday units (total of five holiday units)'. It was refused on the grounds that the proposal was an over-development in terms of the number of units as well as the need to erect substantial inappropriate extensions to the buildings and the impact on amenities. The change of use element of the house into a holiday unit has been taken out of the amended application, as the loss of housing stock would be contrary to policy.
- 1.4 A Planning Statement was submitted in response to the previous refusal reasons, and also an Access Statement, Structural Report and Business Plan with the application.
- 1.6 The application is submitted to the Committee at the request of the Local Member.
- 1.7 An appeal for a lack of decision on this application has been registered with the Planning Inspectorate and if the application is refused or deferred then the appeal will continue.

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 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 seven well-being goals

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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

TRA 2: Parking Standards

TRA4: Managing transport impacts

PS 5: Sustainable Development

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

CYF 6: Re-use and adapt rural buildings or a residential unit for business use or construct new units for business/industry

PS 14: The Visitor Economy

TWR 2: Holiday Accommodation

PS19: Conserving and where appropriate enhancing the natural environment

AMG 2: Special Landscape Areas

AMG 5: Local Biodiversity Protection

AT 4: Protection of non-designated archaeological sites

Supplementary Planning Guidance: Converting buildings in open countryside (2009)

Supplementary Planning Guidance: Holiday Accommodation (2011)

Supplementary Planning Guidance: DRAFT Tourist facilities and accommodation (2018)

2.4 National Policies:

Planning Policy Wales, (Edition 10) 2018

Technical Advice Note (TAN) 12: Design

Technical Advice Note (TAN) 13: Tourism

Technical Advice Note (TAN) 18: Transportation

3. Relevant Planning History:

C19/0517/46/LL Demolition of outbuilding attached the house and erect a one-storey extension in its place: Awaiting a delegated decision on the application

The application of the householders for the extension was submitted, this is also the subject of an application before you in case the holiday accommodation element is refused.

C18/0927/46/LL Change of use of house into a holiday unit, erection of a first floor extension above the outbuilding to create a separate holiday unit and convert and extend an agricultural building into three holiday units (total of five holiday units): Refused 25 January 2019

Enquiry. Discussions with the agent following refusal explaining our reasoning for refusal.

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4. Consultations:

Community/Town Council: Refusal and a call for the application to be submitted before a committee. Over-development in an Area of Outstanding Natural Beauty having an impact on countryside amenities.

Transportation Unit: I confirm that I am satisfied with the application, and content for you to use the original observations, namely no objection.

Observations on the previous application C18/0927/46/LL: No objection: I can confirm that there is no objection to the proposal. Satisfactory parking provision is shown within the site with room to turn around and exit in a forward gear. Visibility to the south is dependent on the ability to see over the nearby boundary, however, I note that this property has already received planning permission with a condition to reduce the boundary to be no higher than one metre. It is therefore considered that visibility is acceptable and is unlikely to be prevented.

Biodiversity Unit: Observations 16.10.18 on the previous application. Appears to be an asbestos roof. Therefore, together with the surrounding landscape, it is unlikely that bats are present. It is likely that swallows are present and perhaps a barn or small owl. (Therefore, a request can be made to provide a nesting site for swallows and owls.)

Economy and Community Department: As this application has emphasised the merits of establishing a self-catering business on the northern Llŷn coastline in the business plan, having looked at this catchment area by taking a line from Morfa Nefyn across Pen Llŷn to Porth Neigwl and the villages within this line up to Uwchmynydd. This gives a figure of 175 self-catering units, sleeping 1,241 people.

Agencies administer 144 of these units, these provide accommodation for 941 persons, percentage of over 80% of the self-catering stock. 68 units are under the management of agencies graded by Visit Wales for grading agencies (this is in accordance with Visit Wales grading 29.03.2019). In terms of businesses graded as 5 Stars by Visit Wales, outside agency grading in this catchment area, three businesses have been graded as 5 Stars, these have eight units, which as a percentage is 4.5% of the whole stock.

Welsh Water: As the development uses a private treatment system they are advised to contact Natural Resources Wales.

Natural Resources Wales: NRW is of the opinion that the proposed development will not affect their matters or the consultation subjects.

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Therefore, we have no observations to make on the proposed development.

Gwynedd
Archaeological
Planning Service:

The buildings for conversion have a local historic interest. The outbuilding range is depicted on the tithe map of 1840 and therefore dates from at least the mid 19th century; the house is first depicted on the 1889 first edition Ordnance Survey map and is therefore slightly later in date. The application details provide little information about the historic integrity of the buildings, but from the submitted plans, it would appear that apart from replacement of the roof covering, the range retains its original structure and layout as a typical 19th century agricultural range.

The proposed conversion entails considerable alteration to the layout and fabric of the outbuilding, to the extent that the ability to appreciate its original functions, and its internal and external appearance, will be almost entirely lost. Accordingly, it is considered appropriate that a record is made of the buildings prior to conversion, to mitigate the impact of the development on the historic integrity and character of the buildings and to serve as a permanent archive record. It is therefore suggested that the following condition is included:

The development hereby approved shall not commence until a photographic survey of the buildings has been undertaken in accordance with the Gwynedd Archaeological Planning Service Requirements for General Photographic Surveys of Buildings, and the survey submitted to and approved in writing by the Local Planning Authority.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period is coming to an end. One letter / correspondence was received objecting on the grounds of:

- Over-development
- Concern about the structure's stability
- No one living on the site to manage the units

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The application comprises two elements, namely the extension to the house and the conversion of the agricultural building into holiday units, which are different planning considerations. Proposals are permitted to extend dwellings if they are of a suitable design and in accordance with the requirements of the principles of design policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan (LDP) which will be discussed further in the next section.

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The principle of conversion is discussed under policy CYF6 and tourism policy TWR2 together with the relevant Supplementary Planning Guidance.

- 5.2 It is proposed to convert and adapt a former one-storey agricultural building into two self-contained holiday units. It is a long stone building with an asbestos roof, a small lean-to section in the front and the northern corner extending out to the front. The proposal would mean re-roofing the existing asbestos roof with slate which would entail a little increase in height and it is also proposed to install roof-lights. The front lean-to section would be re-built with minor structural work to re-erect a section of the protruding rear wall. A few new door/window openings would be created, however, on the whole the existing openings will be retained. The units would be split with a two bedroom unit (to sleep four) and the other with four bedrooms (to sleep eight).
- 5.3 Policy CYF6 of the LDP and SPG Converting buildings in open countryside, deals with the principle of converting an existing building for business use in open countryside. Policy CYF 6 has the following criteria:
1. That the scale and nature of the development is acceptable given its location and size of the building in question;
 2. That the development would not lead to a use that conflicts with nearby uses or has an impact on the viability of similar uses nearby;
 3. When the proposal relates to an existing building:
 - i. That the building is structurally sound;
 - ii. That the scale of any extension is necessary and of a reasonable size;
 - iii. That the building is suitable for the proposed use
- 5.4 A brief Structural Survey Report was submitted as part of the planning application which discusses the condition and the general deficiencies of the building. The Structural Report states that a section of the building's rear wall has been significantly affected by excavation which has exposed the lower section and weakened the structure. From the site visit it was confirmed that a section of the rear wall was protruding out and in a very poor condition. The area of the wall that is in a fragile condition is shown in red on the floor plan/existing elevation and the structural report recommends that it is re-built. SPG Converting buildings in open countryside, confirms that it is necessary to consider the level of re-building in the context of an application for conversion as well as the size and purpose of any extension. One of the reasons for refusing previous application number C18/0927/46/LL, was that the proposal included erecting a number of extensions, erecting a new first floor and placing a number of inappropriate openings in the building to create three holiday units. The extensions were numerous with the original structure and character of the building being lost and unreasonably and unnecessarily compromised in order to have an excess of holiday units. This amended application has significantly changed the proposal, retaining the existing form of the building and the openings to keep the original sense and character of the building as well as reducing the number of holiday units to two. It is proposed to re-build the existing lean-to and this is considered reasonable. The proposed work of constructing a slate roof and the work of re-building the walls shown, is now less than the 10% recommended in section 9 of the SPG. To this end, it is believed that the proposal now satisfies the criteria of policy CYF 6 in terms of scale and suitability of the building to be used as two holiday units, making use of the existing building and preventing it from deteriorating.
- 5.5 Policy TWR2 approves proposals to convert existing buildings such as agricultural buildings into holiday accommodation as long as they comply with the following criteria:

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- ii. The scale of the proposed development is appropriate considering the site, location and/or dwelling in question.
- iii. The proposal does not lead to a loss in the permanent housing stock;
- iv. The development is not located in a mainly residential area, and does not cause significant harm to the residential character of the area;
- v. The development does not lead to an excess of such accommodation in the residential area.

It is considered that the scale of the proposed development is appropriate on the grounds of policy and is also an improvement on the previous application and that two units (up to 12 persons) within the substantial building is appropriate to its rural location in this case. The change of use of the house into two holiday units, that was part of the previous application, has been withdrawn from the proposal and the number of holiday units that are now proposed are two rather than five, which is considered to be more reasonable. The proposal would not lead to a loss of permanent housing stock and the proposal is not located within a mainly residential area, and does not cause significant harm to the area's residential character. It is therefore considered that the proposal satisfies the requirements of criteria ii, iii and iv.

- 5.6 Criterion 'v' in TWR 2 requires that the development does not lead to an over-concentration of such accommodation in the area, however, the policy does not set specific thresholds to establish what is considered to be an over-concentration. However, there is an explanation in paragraph 6.3.67 of the policy that there are concerns about over-provision of self-serviced accommodation in parts of the Plan area, and this may mean that providers and operators may not receive the income anticipated of what is presumed could be a significant investment. Clearly, neither National Guidance nor the Councils intend for this policy to lead to an excessive concentration of this type of holiday accommodation in a specific location which may result in businesses failing. Therefore, the policy requires the applicants to submit a detailed business case to show the resilience of the proposed plan, for the Council to assess whether the proposal has a realistic hope of being viable, and that the proposal is not speculative. In this case, the applicants have submitted a Business Plan with their application, and this includes investment figures, costs and expected letting figures and is considered to be realistic and indicates viability as a holiday use. It also compares the holiday units that are already available in the area and the demand for high quality 5* units.
- 5.7 As an additional guidance, Supplementary Planning Guidance: Holiday Accommodation (2011) offers further guidance to policies and although they refer to old policies in the previous Unitary Development Plan, their contents is very similar to the current TWR 2 policy in the LDP. Paragraph 24 requires that when determining applications for self serviced accommodation consideration is given to the number of second homes in the communities. A threshold is given where 10% or more of the housing stock are second homes then further self serviced accommodation within the area of that Community Council should not be approved. The threshold is specified to recognise the impact on local services that approving further self serviced accommodation can have on communities with a significant concentration of second homes. Emphasis was given to this factor by the Planning Inspector in his recent appeal refusal decision for Tŷ'n Pwll, Nefyn APP/Q6810/A/19/3221799, dated 16 May 2019, that the number of second homes in a community are an important consideration when determining applications for self serviced holiday accommodation. In the case of Nefyn, it was shown that 33.3% of the housing stock is used as second homes and is significantly higher than the 10% threshold noted and granting the appeal would have exacerbated the impact on local services. In light of the appeal decision and as the

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Supplementary Planning Guidance: DRAFT Tourist facilities and accommodation (2018) has not yet been adopted, then the existing application will have to be determined on the grounds of the 2011 adopted SPG.

- 5.8 In accordance with Council Tax figures (May 2019) there is a total of 65 second homes in Tudweiliog (Community Council area). With the total domestic units for the Community Council at 464 (including second homes) this means that 14.01% of the domestic units in Tudweiliog are second homes, and is therefore higher than the 10% threshold. It has to be noted that on this basis the Authority arrived at the figure of 33.3% that is stated in the Nefyn appeal and under the circumstances it is considered appropriate to use the same basis to assess similar applications until the new SPG is adopted.

However, as background information it can also be noted that there are 20 units (4.13%) that are taxed as holiday accommodation within the Community Council area.

- 5.9 It is noted that the number of units taxed as non-domestic businesses are likely to be lower than the actual provision of holiday accommodation and this is specifically as the providers have not necessarily transferred over to pay 'Non-domestic Business Rates' and rather continue to pay domestic council tax. Self catering holiday accommodation providers can only transfer to pay non-domestic business rates when the unit has been available for 140 days and is rented out for at least 70 of those days.

Total number of domestic units	Total Number of second homes	Percentage of Second Homes	Total holiday accommodation (Non-domestic Business Rate)	Percentage of holiday accommodation (Non-domestic Business Rate)
464	65	$65/464 * 100 =$ 14.01%	20	$20 + 464 = 484$ $20/484 * 100 =$ 4.13%

- 5.10 As part of the applicant's amended Business Plan he refers to the number of holiday units and holiday homes in the Community Council and argues that the situation in Tudweiliog is very different to the Nefyn appeal situation in terms of housing stock figures. They aim to provide 5* Holiday Units, where there is not much provision to this standard in the vicinity and they state that this will be of benefit to the area. It is argued that when searching the web on holiday sites such as Tripadvisor, AIRBNB, Booking.com and Wales Holiday Cottages the majority of second homes are used as second homes and are not available for letting. By looking at the figures of holiday units and second homes the applicant is of the view that over-provision is not a problem in Tudweiliog Community Council.
- 5.11 Despite the applicant's arguments and although all the other TWR 2 matters are acceptable, on the basis of the current above figures and in light of the Inspector's decision and assessment on the Ty'n Pwll, Nefyn appeal we have to recommend that the application is refused on the grounds of an over-provision of such accommodation and contrary to criterion 'v' TWR 2 of the LDP and the SPG thresholds.

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Visual amenities

- 5.12 Policy PCYFF 3 of the Joint Local Development Plan is the policy to be considered when assessing design, materials and visual amenities as well as AMG 2 which discusses the impact of the development on designated Special Landscape Areas. An element of the proposal comprises the demolition of the existing one-storey outbuilding attached at an angle to the back of the house and to erect a one-storey extension in its place. The layout of the extension would change to a straight form from the rear of the house and a little higher in terms of height with the window openings to the side and gable-end. The scale and size of the extension would be very similar to the existing outbuilding, without any significant change to the design or to visual amenities. Therefore, it is considered that the proposed extension to the house is acceptable in this case and is a more reasonable improvement than the previous proposal.
- 5.13 In terms of the design of the conversion of the agricultural building, it is considered that the proposal before you is a significant improvement and is much more considerate of the character and form of the former agricultural building. Visually the building would change by being re-roofed with slate and it is considered that this would contribute positively to the building's appearance. The small lean-to on the front would be erected with a pitch slate roof in its place and this alteration is considered to be reasonable enough. The majority of the openings would be retained and one would be widened with a new opening added to the front and two large windows would be created in the western gable of the building, the farthest from the road, to make the most of the coastal views. It is considered that the developer has responded to our refusal observations and has simplified the design as not to overly compromise the building's character. They have withdrawn the significant extensions and the alien and unsuitable urban features and have retained the development within the existing stone shell. The property lies in a prominent position near the county highway and the existing agricultural building stands without ceremony in open landscape. It is considered that the amended development is much more considerate of the building's form and respectful of its traditional rural context and will prevent the building from deteriorating by having a different use. A building adjacent to the site that used to form part of the holding has recently been converted into a house of a high standard and it is considered that the development before you would be more sensitive to it, without drawing excessive attention or have a detrimental impact in this context that is within a Special Landscape Area. It is therefore considered that the proposal as a whole is a significant improvement compared to the application refused and would not have a detrimental visual impact on the area's visual amenities, and would not undermine the Special Landscape Area designation. Therefore, it is considered that the proposal is acceptable in respect of policies PCYFF3 and AMG2 of the LDP.

General and residential amenities

- 5.14 One other property stands adjacent to the site, namely Beudy Bach, which used to be an agricultural building belonging to Congl Cae but has been separated fairly recently and converted into an affordable house. The curtilage of Beudy Bach abuts the rear wall of the agricultural building for conversion, with the affordable house itself approximately 15m away. There are currently three door openings on this rear wall and it is proposed to retain them, with an addition of two roof-lights. It is also proposed to re-erect a section of the rear wall which is current protruding. The impact on amenities was one of the reasons for the refusal of the previous application, with the neighbour objecting as the proposal meant placing seven full new French window openings in the southern elevation directly facing their curtilage at Beudy Bach. The amended application has responded to our concerns by adhering to the existing

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openings and re-arranging the internal layout in order that one of the openings is a bathroom window and the other two are windows in corridors, therefore they are not habitable living rooms. Since these are rooms where little time is spent, there is less concern regarding overlooking and loss of privacy now and it is considered that the amendments have overcome our concerns. Nevertheless, it is considered appropriate to set a condition to withdraw permitted rights to install new windows and erect further extensions to the building without planning permission, this would not only protect the neighbour but also the character of the conversion. The neighbour has stated his objection to this application as well, he is concerned about the possibility that there is no one to manage the development, however, this is not grounds to refuse the application. We should remember that the coming and going would have been proven if the use as an agricultural building continued, therefore it is considered that the proposed density of use is to an extent equivalent. The number of units have decreased from the original proposal and this is considered to be more reasonable for the site. Having assessed the proposal against the requirements of policy PCYFF 2 it is deemed that the amended proposal has responded to and overcome our concerns and would not have an intrusive or detrimental impact on the neighbour's amenities and is therefore acceptable in terms of policy PCYFF2 of the LDP.

Transport and access matters

- 5.15 The existing vehicular access to the site is off a class 2 county highway, the B4417, that leads down to an extensive yard at the rear of the house. The proposal shows that there are two parking spaces in front of the house and space for six vehicles at the far end of the yard with plenty of turning space. The Transportation Unit was consulted and they had no objection to the proposal. There is satisfactory visibility in both directions, together with a condition that the Beudy Bach boundary should not be any higher than 1m. Based on this, therefore, the proposal complies with the requirements of Policy TRA2 and TRA4 of the LDP.

Biodiversity matters

- 5.16 The Biodiversity Unit was consulted prior to registering the previous application to see if it was necessary to submit a Report on Bats. As the agricultural building has an asbestos roof together with open landscape, the Biodiversity Officer confirmed that this was not a suitable habitat for bats, therefore a Report on Bats was not essential. However, it was suggested that it may be possible that swallows or owls could be nesting in the building and it was suggested that nesting boxes are included. A plan has now been received to include swallow and owl nesting boxes and therefore no condition would be required. With the plans showing bird boxes, it is considered that the proposal complies with the requirements of policy PS19 of the LDP.

Archaeological Matters

- 5.17 Observations have been received from the Gwynedd Archaeological Planning Service stating that the buildings are shown in the 1840 Ordnance records and are of local historical interest. The Archaeological Service states that the conversion would entail changes to the layout and fabric of the outbuilding and would lose its original appearance and therefore a historic record. The Service therefore requests that a planning condition is included if approval is given, requiring that a photographic survey of the buildings is undertaken prior to commencing the work. With the suggested condition, the proposal would satisfy the requirements of policy AT 4 of the LDP.

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6. Conclusions:

- 6.1 Although the proposal complies with the majority of the requirements in policy TWR 2, it fails on the grounds of new current figures that have been received regarding the number of second homes in the Community of Tudweiliog (14%), that would lead to an excess of holiday accommodation and higher than the thresholds set by the Supplementary Planning Guidance: Holiday Accommodation (2011). Consequently and despite the fact that matters concerning roads, biodiversity and archaeology are acceptable, we have to recommend that the application is refused as it is contrary to criterion V, TWR 2 and the thresholds of the SPG: Adopted Holiday accommodation

7. Recommendation:

- 7.1 To refuse – reason:
1. Since 14% of second homes are within Tudweiliog Community Council the proposal would lead to an over-concentration of self-serviced holiday accommodation in the area and is therefore contrary to criterion v of Policy TWR 2 of the Anglesey and Gwynedd Joint Local Development Plan (2017) and Supplementary Planning Guidance: Holiday Accommodation (2011).