

PLANNING COMMITTEE	DATE: 16/11/2020
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	

Number: 3

Application Number: C20/0350/42/DT

Date Registered: 01-05-2020

Application Type: Householder

Community: Nefyn

Ward: Nefyn

Proposal: Erection of a garage and extension of curtilage

Location: Cae Rhug Farm, Ffordd Dewi Sant, Nefyn, Pwllheli, Gwynedd, LL53 6EG

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is an application to erect a garage and extend a curtilage. The new building would include a three-bay garage on the ground floor, and on the first floor it is intended to create a storeroom, with an entrance via an exterior staircase. The garage would measure approximately 12 metres by 7 metres with a height of approximately 5.9 metres to the ridge. The garage would have a slate pitch roof that would include a total of six skylights (three on the eastern elevation and three on the western elevation). The exterior walls would be a combination of stone face and oak cladding. The proposal also includes extending the curtilage of the property. It is intended to extend the curtilage on land to the east of the existing residential house, with this extension measuring approximately 18 metres by 26 metres.
- 1.2 This application was submitted using the householder application form and payment of the relevant fee. In dealing with the application, further information was received from the agent regarding the use of the garage. As part of this information it is noted that the applicant is a local building contractor who employs approximately ten people either directly or as sub-contractors. The business has grown and prospered over the years, and the need has arisen for a high quality and safe building with sufficient office space to undertake administrative work as a replacement for the existing timber structure that is deteriorating, and no longer fit for purpose for the applicant. It is noted that the applicant is concerned about his basic work equipment and needs a suitable space to store a number of trailers, cement mixers, scaffolding, vehicles etc. in the new structure. The space above the garage would be used to store equipment and materials safely, with an office for administrative work and a secure place to keep building plans.
- 1.3 The property is located in the countryside in the Nefyn area and within a Landscape of Outstanding Historic Interest. Access to the site is along a track, which has access to a class 2 road. A part of the track is a public footpath. There are some scattered houses in the vicinity, and a cemetery is located approximately 30 metres to the west.
- 1.4 The application is submitted to 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 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 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 2011-2026, adopted 31 July 2017**

TRA 2: Parking Standards

TRA 4: Managing transport impacts

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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 19: Protect and/or enhance natural environment

AMG 5: Local biodiversity conservation

PS 20: Protecting and where appropriate enhancing heritage assets

AT 1: Conservation Areas, World Heritage Sites and Registered Landscapes, Parks and Historic Gardens.

2.4 **National Policies:**

Planning Policy Wales (Edition 10, December 2018)

TAN 12: Design

3. **Relevant Planning History:**

3.1 C07D/0290/42/LL – Two-storey side extension to side of dwelling house - Approved 30 November 2011

3.2 2/22/415 – Conversion of an outbuilding into a bungalow - Approved 15 November 1988

4. **Consultations:**

Community/Town Council: To refuse.

Transportation Unit: No recommendation as it is assumed that the proposed development would not have a detrimental impact on any road or proposed road.

Welsh Water: It is noted that not all sewers / drains are shown on their records.

Biodiversity Unit: No concerns regarding biodiversity.

Rights of Way Unit: Not received.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and no observations have been received.

5. **Assessment of the material planning considerations:**

The principle of the development

5.1 The proposal has been submitted as a householder application to construct a garage and extend the curtilage of the dwelling house. In dealing with the application, it became apparent that the applicant needed the garage to store tools and equipment associated with his business as a building contractor, and also an office for the business. The applicant was contacted following the

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receipt of this information, which highlighted the fact that no planning application had been granted for the construction of the existing garage on the land. Ariel photography shows that the garage was built as some point between 2006 and 2009, but that an addition to the garage had been made at some point between 2014 and the present day. It was also noted that the information that had been submitted stated that the proposed garage was needed as a storage facility, and the office for the building construction business. There was no planning permission in place to use the site as a builder's yard, and that the existing application had been submitted as a householder application, and not for business use. Reference as made to the fact that a business use should be located on an industrial estate and not on this type of site in the countryside. The applicant and agent were contacted regarding the matters noted above on 25 September 2020, but at the time of writing this report, no response had been received to the points raised.

- 5.2 The proposal involves erecting a garage on a site outside the curtilage of the applicant's house, and outside any development boundary as defined by the LDP. Policy PCYFF 1 states that outside the development boundaries, proposals will be refused unless they are in accordance with specific policies in the Plan or national planning policies or that the proposals show that its location in the countryside is essential. While it is accepted that buildings used as an auxiliary use to a residential house can be acceptable on sites in the countryside, it is obvious that this is not the case in this application, and that the garage is intended to be used in association with the construction business. Therefore, the principle of the development must be assessed in accordance with the requirements of policy PCYFF 1.
- 5.3 The explanation of policy PCYFF 1 states that the development boundaries were identified for all types of settlements in the Plan apart from clusters. Policy PCYFF 1 notes that development boundaries, amongst other things, prohibit inappropriate developments from being located in the countryside, provide definite guidance and clarity in relation to where exceptions can be applied, e.g. rural exception policy, identify areas where developments could be approved and promote the efficient and appropriate use of land and buildings. It is therefore considered that the remainder of the Plan area is the subject of more control and is mostly limited to developments that require a countryside location or that meet a local rural need, support rural diversification or sustainability.
- 5.4 In relation to protecting the countryside, it could be acknowledged that some types of developments are needed if the location of the proposal is necessary e.g. agricultural sheds and addressing the area's social, economic or environmental needs. Although constructing a garage for storage linked to the construction business is convenient for the applicant, it is not considered that a countryside location is essential for this specific land use. Therefore, it is not considered that the proposal meets the objectives of policy PCYFF 1 of the LDP.
- 5.5 Although the application was submitted as a householder application, it is obvious from the information submitted by the agent that the building would be used for business purposes, and therefore the content of Policy CYF 6 of the LDP should be alluded to when considering this current application. Policy CYF 6 is supportive of proposals for the re-use and adaptation of rural buildings for business use or to adapt a residential unit in order to allow home working or new units for industry or business, provided that specific criteria can be met. The proposal involves erecting a substantial garage for storage and an office in connection with a construction business, and is therefore appears that the proposal would establish a business / industrial use on the site, located near residential houses. Due to the nature of the use, and its impact on existing uses nearby, it is considered that the proposal does not meet the requirements of criteria 1 and 2 of policy CYF 6.

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Visual amenities

- 5.6 It is noted that Policy PCYFF 3 states, amongst other things, that proposals will be approved, including extensions and changes to existing buildings and structures, provided that the proposal adds to or enhances the character or appearance of the site, the building or the area in terms of setting, appearance, scale, height, mass, and elevation treatment; that it respects the context of the site and its place in the local landscape; including its impact on main gateways into Gwynedd or Anglesey, its impact on the streetscape and the historic and cultural townscape and that it considers the site's topography in addition to main skylines or backdrops.
- 5.7 Although the policy approves extensions and changes to existing buildings and structures, this proposal does not form an extension to any building or specific land use. This site of the garage is located outside the area that would be considered as the existing curtilage of the residential house. It is located on a plot of land to the north west of the residential house, and there would be approximately 20 metres between the proposed garage and the house. There is also a track that serves as a public footpath separating the site of the garage and the residential house and its curtilage, and there is separate access from the track to the garage site. The site for the garage is therefore totally separate and disconnected from the residential house. It is recognised that there are existing buildings (without permission) on the application site, but these buildings are fairly insignificant, are comparatively low in height and finished in timber, and are similar to agricultural buildings / stables.
- 5.8 The scale and size of the building is substantial. The proposed building would be a rectangular shape, and would include a three-bay garage on the ground floor, with storage on the first floor within the roof space. This building would measure approximately 12 metres by 7 metres with a height of approximately 5.9 metres to the ridge. The floor surface area is approximately 84 metres square, with a floor surface area in the roof space of approximately 42 metres square. The total floor area will be approximately 126 metres square, which is a substantial size for a garage. In relation to its setting, the garage would be located at a significant distance from the residential house, and would appear physically separate to it, and therefore in terms of scale and location, it would not appear to be ancillary. While it could be argued that the appearance and materials are sympathetic, the scale of the proposed garage and its degree of physical separation in relation to the dwelling are visually disproportionate. Therefore, due to its setting, its substantial size, mass, scale and design, it is not considered that the proposal is ancillary to the main house, and therefore it would be an incongruous and incompatible feature. Further, due to the design and bulk of the building, it is considered that the development would be visually equivalent to the construction of a house in the countryside. The existing proposal must therefore be considered in its context as the construction of a domestic building outside the existing curtilage of the property, and where there no justification has been submitted to the Local Planning Authority about locating the garage on this land. Even if the garage was used for a purpose that is ancillary to the house, bearing in mind that the application was submitted as a householder application, due to the nature of the building, the proposal would equate to a substantial extension to the residential curtilage of the property, with no planning application having been submitted for extending the curtilage onto this part of the land. Additionally, it is intended to extend the curtilage of the property to the east of the residential house, and that in itself is a substantial extension of approximately 18 metres by 26 metres. Together, the proposal would lead to the domestication of a vast area of land outside the existing curtilage of the house with the consequential residential aspects that would be involved. Given the above, it is considered that the proposal is contrary to the requirements of policy PCYFF 3 of the LDP.

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General and residential amenities

- 5.9 There are some scattered dwelling houses in the vicinity of the site. The application was submitted as a householder application, and as a domestic garage and extension to the curtilage of the house, it is not considered that the proposal would be likely to have an impact on the amenities of the local area. However, in this case, consideration must be given to the fact that the application noted that the need for a garage was related to the use for storage and a builder's office. There is no planning permission to operate a storage facility / builder's office from the site. This type of use has the potential to affect the amenities of nearby householders due to increased activities, disruption, noise etc. and therefore has a potential substantial detrimental impact on the amenities of the local neighbourhood. It is considered that the proposal to construct a garage to be used as storage / office for a builder would cause significant harm to the amenities of the local neighbourhood, and it is therefore considered that the proposal, as submitted, is contrary to the requirements of criterion 7 of Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.10 Access to the site is along a track, which has access to a class 2 road. The Transportation Unit has no concerns regarding the proposal. In relation to road safety, it is not considered that the proposal to construct a domestic garage and extend the curtilage would affect road safety more than the existing situation in relation to the use of the property. However, the creation of a builder's yard would potentially increase the traffic using the track. However, the applicant would be required to submit a full application to use the site as a builder's yard, and there would be subsequent matters regarding roads that would require full consideration at that time. In relation to the householder application that has been submitted, it is not considered that the proposal would cause significant harm regarding road safety in relation to TRA 2 and TRA 4 of the LDP.

Biodiversity matters

- 5.11 The Biodiversity Unit was consulted on the proposal, and had no Biodiversity concerns relating to the proposal. It is not considered that the proposal would have a detrimental impact on biodiversity, and it is considered that the proposal is acceptable in relation to policy AMG 5 of the LDP.

6. Conclusions:

- 6.1 The proposal involves the construction of a garage that would be use as a store and office for a builder, and it is not considered that a location in the countryside is essential for this purpose. Additionally, erecting a garage on this site would create a disconnected development that would not appear ancillary to the residential house in relation to its setting, size, mass, scale or design. Substantial areas of the land would also be domesticated in order to construct the garage, and also the use of another part of the land would also be changed to create an additional curtilage. The use of the garage as a storage facility / builder's office would potentially have a substantial detrimental impact on the amenities of the local neighbourhood in relation to increased activities, disruption and noise. Having considered all the matters noted above, it is not considered that the proposal can be supported.

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7. Recommendation:

7.1 To refuse – reasons

1. It is not considered that constructing a building to be used as a store and builder's office in the countryside, outside any development boundary, is essential. The proposal is therefore contrary to Policy PCYFF 1 of the Gwynedd and Anglesey Joint Local Development Plan.
2. It is intended to erect the proposed garage on a plot of land outside the curtilage of the dwelling house, which would create a disconnected development in relation to its setting and location that would not appear to be ancillary to the main house in relation to its setting, substantial size, mass, scale or design. The proposal would also lead to the domestication of a vast area of land outside the existing curtilage of the house in order to build the garage, and also as part of the proposal to extend the curtilage. It is considered therefore that the proposal would create an incongruous and incompatible feature within a rural landscape, and that the proposal is contrary to the requirements of Policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan.
3. The use of the garage as a storage facility / builder's office would potentially have a substantial detrimental impact on the amenities of the local neighbourhood in relation to increased activities, disruption and noise, and it is therefore considered that the proposal is contrary to criterion 7 of Policy CYFF2 of the Gwynedd and Anglesey Local Development Plan.