

DC/2016/00537

REMOVAL OF CONDITIONS 10, 11 AND 12 (RESTRICTION TO HOLIDAY LET) OF PLANNING PERMISSION DC/2014/00441

HAZEL AND OAK COTTAGES, WERNDDU FARM, ROSS ROAD, LLANTILIO PERTHOLEY, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Registered: 06/06/2016

1.0 APPLICATION DETAILS

- 1.1 This application was presented to Committee in July 2017 with a recommendation for approval. Members did not accept this recommendation due to lack of evidence that the units had been adequately marketed as holiday lets prior to the submission of this application.
- 1.2 A previous application for permanent residential use was refused and dismissed on appeal as not complying with criterion (e) of UDP Policy H7 because the buildings were unsuitable for general residential accommodation, in that the buildings were of modern construction. A similar criterion is included in LDP Policy H4;

e) buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and/or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;
- 1.3 The units which are subject to this application form part of a larger range of traditional barns that have all been converted to residential use. These units have been finished to a high standard using traditional materials and do not appear utilitarian or incongruous in appearance within this setting. It is therefore accepted that the removal of holiday let conditions and use as dwellings would not have any impact on the character or appearance of the area.
- 1.4 With regards to the second part of criterion (e), the buildings probably date from the 1950's/1960's and were used as storage buildings for around 40 years as was their original intended purpose.
- 1.5 Strategic Policy S11 relating to the visitor economy is also of relevance which states in part that proposals that would result in the unjustified loss of tourism facilities will not be permitted.
- 1.6 It is now argued that there is an oversupply of holiday accommodation in this area and that there has been little demand for the properties as holiday accommodation. The applicant has provided profit and loss details for the units when they were operating as holiday accommodation between 2010 and 2012. These show that at the peak of the business use, the units were only being let for 132 days per year and made a loss of £2434. As such the business ceased in 2012. Since this time the units have been

unoccupied or let out on a short term basis to various family members and close friends on an ad-hoc and sporadic basis. Since 2014, the units have benefited from consent to be let out for a maximum of 56 (rather than 28) days at a time and therefore not all of the occupation since this time will have been in breach of the condition. The last occupier was a close family member awaiting the completion of a Monmouthshire Housing Association development in Raglan. Both units are now vacant. Further to this the applicant has also provided evidence showing that sale of the properties as holiday lets has been unsuccessful, despite listings since late 2012 at a realistic price. A board at the site advertising the cottages to rent for holiday accommodation was also in place between June 2011 and May 2016.

The units were marketed as holiday lets by Sykes from 2009 – 2011. Following this the two bedroom unit was marketed for sale as holiday accommodation for £125,000 by Christie Residential (dated 19/12/2012) and Kingston Newell (22/1/2014) and Paul Fosh Auctions (undated) on Rightmove, Movehut (dated 03/03/2016) on Rightmove. The one-bedroom unit was marketed for sale as holiday accommodation by Kingston Newell (22/01/2014) and Paul Fosh Auctions (undated) on Rightmove at £99,950

Kingston Newell who marketed the properties from 26th June 2013 provided the following statement:

“Since marketing began for the above property on the 26th July 2013, we have received numerous enquiries from potential purchasers. However, upon learning of the restrictions currently imposed on the properties the vast majority of viewers have instantly retracted their interest. The reason they have retracted their interest is solely down to the limited occupancy terms set on the properties.”

As part of the assessment required to calculate the amount required as a financial contribution to the provision affordable housing in the case that the holiday let restrictions are lifted, the Council’s Housing Officer has calculated the open market value of the units to be £170,000 for the two-bedroom unit and £115,000 for the one-bedroom unit. As such, it is considered that the units were marketed by the applicant at a realistic price that reflected their use as tourist accommodation only.

It may also be worth adding that in relation to criterion (e) of Policy H4, in the previously dismissed appeal for the removal of the condition the Inspector stated that:

“In that the buildings now have a more traditional appearance, with rendered and timber panel walls and a slate roof, their use as dwellings may better accord with criterion (e) of the policy than at the time that planning permission was granted for their present tourism use”.

1.7 Prolonged attempts have been made to sell the units as holiday accommodation which have been unsuccessful. Furthermore, the change of use from holiday accommodation to full residential use would have no impact on the character of the buildings or the appearance of the wider area. It is also accepted that the units have been in existence for a significant period. The provision of two additional homes, both within a first time buyer’s budget, would also be welcomed together with the associated financial contribution towards affordable housing in the locality that the applicant has agreed to pay, should consent be granted. As such, the loss of the units as tourist accommodation is considered to be justified in this exceptional instance.

1.8 The previous report and recommendation (July 2017 Committee) are below.

1.0 APPLICATION DETAILS

- 1.1 This application refers to two units that are currently let out as tourist accommodation. They were granted consent for conversion in 2007 as part of larger group of buildings. As the two units were of modern construction and therefore failed to meet the criteria of the Council's policy for conversion of buildings to residential use, conditions were attached to ensure that they remained as holiday lets in perpetuity. A subsequent application to remove the conditions was refused in 2009 and an appeal dismissed. An application to increase the maximum length of let from 28 days to 4 months was approved in 2015 on the basis that there was demand for longer stays during the summer months.
- 1.2 This application now seeks the removal of all holiday let conditions to allow unrestricted residential use. The main issue in the determination of this application is whether the unrestricted residential use of the buildings would be acceptable having regard to development plan policies which seek to strictly control new residential development in the open countryside.

2.0 RELEVANT PLANNING HISTORY

DC/2014/00441 – Variation of occupancy condition to allow holiday use not exceeding 4 months in any calendar year (condition 12 of application no DC/2009/00163). Approved 2015.

DC/2012/00352 - Removal of condition to allow unlimited stay duration for holiday use - Condition 12 of DC/2009/00163. Refused 2012.

DC/2009/00901 - Removal of restrictive holiday occupancy conditions 11, 12 & 13 of planning permission DC/2009/00163 relating to two units known as Hazel and Oak. This would enable their occupation for permanent residential accommodation. Refused 2009. Appeal Dismissed 2010.

DC/2007/00492 – Conversion of existing barns to create 3 dwellings and 4 holiday lets. Approved 2007.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – Spatial Distribution of New Residential Development

S4 – Affordable Housing

S11 – Visitor Economy

H4 – Conversion of Redundant Buildings in the Open Countryside

T2 – Visitor Accommodation outside Settlements

EP1 – Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultation Responses

Llantilio Pertholey Community Council – Recommend refusal. Affects tourism in the locality.

MCC Planning Policy – It would be inconsistent to vary conditions on buildings that were considered inappropriate for permanent residential accommodation in such a way that

would adversely affect their potential for use as a tourism facility without being satisfied that there is a special justification for doing this.

4.2 Neighbour Consultation Responses

No comments received.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 It is noted that a previous application for permanent residential use was refused and dismissed on appeal as not complying with criterion (e) of UDP Policy H7 because the buildings were unsuitable for general residential accommodation, the buildings being of modern construction. A similar criterion is attached to LDP Policy H4. Tourism is not considered a business use in terms of criterion (g) of Policy H4, although rural building conversions that have been allowed for tourist accommodation as exceptions to Policy H4 and conditioned accordingly would generally be expected to remain as such in perpetuity.

5.1.2 If it is accepted that the change of use of the buildings to unrestricted residential accommodation would meet criteria (e) of LDP Policy H4 by virtue that the buildings are not utilitarian in appearance and their retention would not therefore harm the character of the area. Strategic Policy S11 relating to the visitor economy is also of relevance which states in part that proposals that would result in the unjustified loss of tourism facilities will not be permitted. It is now argued that there is an oversupply of holiday accommodation in this area and that there has been little demand for the properties as holiday accommodation. The applicant has provided information showing that sale of the properties as holiday lets has been unsuccessful, despite listings since late 2012. Further to this they have also provided profit and loss details for the units when they were operating as holiday accommodation. These show that at its peak the units were only being let for 132 days per year and made a loss of £2434. As such, the loss of the units as tourist accommodation is considered to be justified in this exceptional instance, taking into account the material considerations below.

5.2 Visual Impact

5.2.1 The removal of the conditions would not lead to any external changes to the buildings or to the areas around them.

5.2.2 It is accepted that whilst the units are of modern construction (pre-fabricated concrete), they have been converted using traditional external finishes including timber and slate and would assimilate well with the adjoining more traditional buildings which are already in general permanent residential use.

5.3 Residential Amenity

5.3.1 Hazel and Oak Cottages are part of a range of barns that have been converted to residential use. The two units are the only holiday lets on the site and their conversion to permanent residential accommodation would not have an adverse impact on the neighbouring dwelling units. In fact, longer term occupation of the units may lead to a reduction in noise and disturbance as a result of different holiday makers arriving and leaving and the associated cleaning required between stays.

5.4 Affordable Housing

5.4.1 As the approval of this application would result in the addition of two new open market residential dwellings, an affordable housing contributions to help fund provision off site should be sought in accordance with Policy S4 of the LDP and the associated Supplementary Planning Guidance. In this case the contribution has been calculated as £20,556 in total.

5.5 Well-Being of Future Generations (Wales) Act 2015

5.5.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions:

1. Five years in which to commence development.
2. Development shall be carried out in accordance with the list of approved plans set out in the table on the decision notice.