



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/03/21

gan J Burston, BSc MA MRTPI AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/3/21

Appeal Decision

Site visit made on 02/03/21

by J Burston, BSc MA MRTPI AIPROW

an Inspector appointed by the Welsh Ministers

Date: 22nd March 2021

Appeal Ref: APP/E6840/A/20/3265156

Site address: Catry Cottage, Quarry Road, Star Hill, Devauden, NP16 6NU

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Owain Berman against the decision of Monmouthshire County Council.
 - The application Ref: DM/2020/00734 dated 8 June 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the change of use from a holiday let property to a residential property C3 use class.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. An executed planning obligation under section 106 of the Town and Country Planning Act 1990, was submitted by the appellant. I have taken this into account in my decision.
3. In reaching my decision, I have also taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and a healthier Wales.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of potential future occupants.

Reasons

5. Catry Cottage is a modest stone-built property, accessed via a private drive. It is situated approximately 1km from the local facilities in Llanishen and located in the open countryside for planning purposes. The cottage has an extensive planning
-

history including planning permission¹ for the 'Proposed renovation and conversion of existing redundant building to provide holiday let accommodation'. This permission included an extension to provide a toilet/shower room.

6. Monmouthshire Local Development Plan (LDP) Policy H4 provides a criteria-based approach to the conversion/rehabilitation of buildings in the open countryside. Of particular relevance to this case is criteria F which establishes that *"the building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn"*.
7. This is further elaborated in the Council's Supplementary Planning Guidance: Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), November 2017 (SPG:RC), which states *"in assessing a building's suitability for conversion a minimum standard of 50 sq.m will be adopted. Conversions of buildings below this size will not be approved. This 50 sq.m standard relates to the internal floor space (including storage space) and conversion of a property of this size will only be allowed on the basis of a one bedroomed property for two people."*²
8. It is not disputed between the parties that the dwelling, including the extension, is some 37.9 sqm in footprint. Therefore, well below the minimum standard as set out in the SPG:RC.
9. The Council's Supplementary Planning Guidance 'Affordable Housing', July 2019 (SPG:AH), brought to my attention by the appellant, indicates that an acceptable amount of living space can be achieved with floor areas below the stated Notional Floor space Areas (NFA) and can in fact depend on the shape of the accommodation. In this respect the appellant states that Catry Cottage *"provides adequate space for all the furniture that occupants can be expected to need, there is good circulation space and sleeping and living areas are separated with all being served by natural daylight."* Further, *"although the appeal proposal doesn't fall into the definition of 'affordable housing', if made available on the open market it would provide an affordable housing option and help to address the market short-fall in the local authority area."*
10. It is acknowledged that the proposal is currently used for holiday accommodation and it may be argued that as a result lower space standards could apply particularly as holiday users are often out exploring the area rather than inside the dwelling. However, the proposal is nevertheless use class C3 residential and consideration must be given to the suitability of the accommodation taking into account the living conditions of future occupiers. The provision of adequate internal space is an important part of ensuring a good standard of amenity for all future occupants and ensuring a 'healthier Wales'.
11. The living space would be very confined with the ground floor comprising an entrance lobby, toilet/shower room, an open plan kitchen/sitting room, and a staircase. The first-floor mezzanine is allocated as a bedroom. There appears to be little in the way of internal storage space. Furthermore, whilst I accept that the dwelling would have access to a large area of external amenity space, this would do little, particularly in the winter months, to offset the cramped internal conditions.

¹ Planning permission reference DC/2013/00417 refers.

² 3.17

12. I also acknowledge the 'furniture layout' provided by the appellant. Nevertheless, to my mind, this depicts the bare minimum, when in practice more furniture / domestic paraphernalia would be required to facilitate a permanent living space. Indeed, the amount of space needed not only depends on the number of people living there, but basic lifestyle needs such as having enough space to store possessions, to cook safely, work from home, entertain friends or to enable the installation of welfare aids and adaptations where these are required.
13. I also note that given that permitted development rights would be restricted, as confirmed in the LDP, any future occupiers would be unable to erect any outbuildings to enable garden equipment/furniture to be safely stored.
14. The provision of a small dwelling may add to the Council's housing supply, to a limited extent. However, I have little evidence to show a demand for such properties and no valuation before me to consider its affordability. In reaching this finding I accept that the appellant has provided a financial contribution towards off-site affordable housing.
15. I have also been referred to other developments, which are said to be similar by the appellant. Nevertheless, the circumstances are not directly comparable, particularly where they have been granted permission prior to the adoption of the SPG:RC. In any case each application and appeal must be determined on its own merits as I have done here.
16. I conclude on this main issue, that the appeal site is unsuitable for use as a C3 residential property as it would fail to provide adequate living conditions for future occupiers of the property. Accordingly, I consider that the proposal would be contrary to LDP Policy H4 (F) as set out above.

Planning Obligation

17. The obligation, dated 2 March 2021, provides for a financial contribution towards off-site affordable housings. Having regard to the evidence before me, it has been demonstrated that this contribution is necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. It accords with the tests set out in the Community Infrastructure Levy Regulations (as amended, 2019). Accordingly, I have taken them into account in my decision.

Conclusions

18. Although there are matters that weigh in favour of the development, there would, however, be negative impacts arising from the proposal. Thus, the scheme conflicts with the development plan when considered as a whole.
19. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Accordingly, for the reasons set out above, and taking into account all matters raised, I conclude that this appeal should be dismissed.

J Burston

INSPECTOR