

Application Number: DM/2020/01801

Proposal: Use of domestic garage as a dwelling for a temporary period while building works are undertaken on a consented barn conversion

Address: Campston Mill, Barry-Cathlea Road, Llanvihangel Crucorney, Monmouthshire, NP7 8EF

Applicant: Mr Stephen Leonard

Plans: Location Plan P01 - , Block Plan P02 - , Other Schedule of Works - May 2021

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 08.12.2020

This application is presented to Planning Committee due to it having received five or more objections

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a site in the open countryside. Consent has been granted for the rehabilitation/conversion of an existing dilapidated cottage and a new garage. The garage is now complete.

The site is within the Phosphorous Sensitive Area of the River Wye SAC.

1.2 Proposal Description

This application seeks to allow temporary accommodation within the existing garage during the works to convert the cottage. The garage is of recent construction and was allowed as part of the same application (DM/2018/01956). The applicant had intended to live on site in a caravan whilst the works were completed to rehabilitate the ruined cottage. This would not require planning permission. However, it became evident that it was not possible to bring a static caravan to site due to the tight lanes. As such, the garage is now being used for living accommodation whilst works to what will be the main dwelling are undertaken. The applicant was subsequently informed that this would require a temporary planning permission.

The original consent is considered to be extant as the garage has been built as well as some underground works to facilitate the conversion of the cottage. The Schedule of Works submitted in support of the application has a move-in date of 14th November 2022.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2018/01956	Redevelopment of ruined structure to form new dwelling with single storey extension to rear & side. New garage with storage over for agricultural machinery and garaging. New driveway and domestic garden reinstated.	Approved	11.10.2019
DM/2020/01261	The variation of condition 2 of planning consent DM/2018/01956, to include the revised set of drawings that shows windows added to ground floor	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Grosmont Community Council - No formal comments received to date.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Six representations received. Object on the following grounds:

The application is a fabrication set out to deceive and circumvent the planning process.

The suggestion that it will take two years to convert the cottage is ludicrous.

It is the intention of the applicant to live in the garage permanently and rent out the cottage once completed as a holiday let.

The building was insulated to residential standard. Residential windows and doors were installed together with a wood burning stove, satellite dish and propane gas.

There was no intent to use the lower level for agricultural storage or as a car port.

The application states that the garage is not within 20 metres of a watercourse but a watercourse within this distance can be clearly seen from the road way and on a map. Is a residential building, either temporary or permanent, permitted within such a distance?

By allowing this to stand unchallenged you are setting a new precedence for anyone else who would look to do the same thing, and would be making a mockery of your own laws and regulations in the process.

It would be possible to get a static caravan to the site.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The applicant states that the works have been severely hindered by Covid 19. To reduce the costs the applicant is having to employ separate sub-contractors which has further delayed the build. However, some underground work has already been carried out, such as drainage works and the installation of a sewage treatment plant as well as an electrical connection.

6.1.2 The applicants could bring a static caravan to the site and reside in there until the works have been completed without the need for planning consent as this is classed as Permitted Development. In this respect, the applicant has advised that the tight lanes around the site meant that this wasn't possible. The use of the existing garage building as an alternative to a caravan is considered to be acceptable in this case, provided that the works to the cottage are undertaken in a timely manner and the use of the garage as living accommodation ceases as soon as possible. To this end, the applicant has provided a Schedule of Works for the cottage to demonstrate that it is the intention to complete the build and move into the cottage as the main residence by November 2022. On this basis, it is considered that the use of the garage for living accommodation for a temporary period only is acceptable. This will be controlled by condition should Members be minded to approve the application.

6.2 Good Design/Placemaking

6.2.1 With the exception of some minor alterations to the windows, the external appearance of the garage is as approved under the original consent. As such there will be no additional visual impact as a result of the temporary use.

6.3 Impact on Residential Amenity

6.3.1 There are no neighbouring properties within close proximity to this site that could be adversely affected in terms of loss of privacy or noise or disturbance. In addition, the site already has permission for the rehabilitation of the old cottage to a dwelling. The application therefore does not conflict with LDP Policy EP1.

6.4 Access / Highway Safety

6.4.1 No changes to access are proposed as part of this application. There is a temporary loss of parking available within the garage but the site is large enough to accommodate the necessary parking provision and turning area within the site without relying on the garage.

6.5 Response to the Representations of Third Parties and/or Community/Town Council

6.5.1 The main objections to the application appear to be on the grounds that it was always the intention of the applicants to use the garage as a dwelling and let out the cottage once converted back to habitable standards. It is not the function of the planning department to make a judgement on this assumption which has been refuted by the applicant. Notwithstanding this, should the applicant seek to retain the garage as living accommodation in the future then a planning application would be required which would be contrary to both national and local planning policy. Allowing the temporary use applied for therefore, would not lead to the creation of a new permanent dwelling in the open countryside, nor set a precedent for this elsewhere, each case being treated on its merits.

6.5.2 The issue regarding the watercourse would be a matter for NRW who would require a permit for any discharge into this watercourse.

6.5.3 It is unknown whether or not it would be feasible to get a static caravan to the site. However, regardless of this, the use of an existing building on a temporary basis as living accommodation is not contrary to any local development plan policy and therefore there are no grounds to refuse the application and insist a static caravan is employed in this instance.

6.6 Foul Drainage (phosphates)

6.6.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the riverine Special Areas of Conservation (SACs) in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river SACs catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as there is an extant consent under construction for a residential use and this application is for temporary use of the building in lieu of the completion of that consent. There is therefore no net increase above the extant consent. The use of the garage as living accommodation would cease when the dwelling is brought into occupation or by the time set out in condition no.2 below.

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

6.7.1 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

6.8 Conclusion

6.8.1 The temporary use of the garage as living accommodation whilst works to the cottage are undertaken instead of the use of a static caravan on site is considered to be acceptable in this instance.

6.7.2 The Schedule of Works submitted in support of the application demonstrates that it is the intention of the applicant to complete the works to the cottage by 14th November 2022 and return the garage to its approved use as ancillary to the main dwelling. This can be controlled by appropriate planning condition which would see the use of the building as a dwelling cease by the aforementioned date.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 The use of the building as a dwelling shall cease on or before 14th November 2022 or as soon as the cottage approved under application DM/2018/01956 is brought into beneficial use, whichever is the sooner.

REASON: This is a temporary consent. Use of the garage as living accommodation once works to the main dwelling on the site are complete would be contrary to national and Local Development Plan policies to control the building of new dwellings in the open countryside.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.