

Application Number: DM/2023/01329

Proposal: Change of Use of Glebe Bungalow to C3 dwellinghouse from Annex and Holiday Let granted permission under DC/2007/00778 and DC/2017/01200

Address: Glebe Bungalow, Llantilio School Road, Llantilio Pertholey, Abergavenny, NP7 6NU

Applicant: Mr Liam Kirwan

Plans: Location Plan - , Site Plan

RECOMMENDATION: Refuse

Case Officer: Ms Kate Bingham

Date Valid: 26.09.2023

1.0 APPLICATION DETAILS

This application was presented to Planning Committee on 10th January 2024 with a recommendation for refusal. Members did not agree with this recommendation and accordingly the application is represented for approval subject to the following conditions and informatives:

CONDITIONS:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 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.

3 The installation of two bird boxes on the north elevation of the building as described in email from Owen Davies dated 21/2/24 and drawing dated 21/2/24 shall be implemented as approved within 3 months of the date of this permission and shall be retained in perpetuity.

Reason: To provide net benefit for biodiversity on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1.

4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D and E of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: If substantial extensions or alterations were necessary this development would not normally be favourably considered and would be contrary to LDP Policy H4.

5 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of

enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy H4.

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.

2 Any external works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

The previous report to the meeting of Committee held in January 2024 is below.

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This application is presented to Planning Committee at the request of the Local Member

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an existing building (Glebe Bungalow) which originally granted permission (DC/2007/00778) as an annex to Glebe Cottage in 2009 and subsequently permission was granted in 2017 to vary the condition allowing it to be occupied as an annex but also let out to visitors as a holiday let (DC/2017/01200). The building itself replaced a static caravan that was on site and occupied as an annex to the same property that was granted a Certificate of Lawful Use in 2007. In 2020, the applicant sold the main house, thereby severing the tie between the house and the annex.

The site is located on the edge of the settlement of Llantilio Pertholey to the north of Abergavenny. The village is not classified as a major or minor village under Local Development Plan (LDP) Policy S1 and the location is therefore considered to be open countryside. For clarity the site sits outside of the development boundary for Abergavenny which is to the west on the opposite side of Hereford Road.

The site is within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Proposal Description

Planning permission is sought to retain the use of the building as a dwellinghouse (C3) to allow the applicant to continue to occupy it following its separation from the main house.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2023/00237	Two storey side extension and porch to replace lean-to extension – Glebe Cottage (not annex)	Approved	29.06.2023
DM/2023/00631	Renovations, alterations and conversion of former cowshed/dairy to a holiday let unit – Glebe Cottage (not annex)	Approved	05.10.2023
DM/2023/00946	Discharge of condition 3 (Samples and external finishes) for planning decision DM/2023/00237.	Approved	17.07.2023
DC/2017/01200	Variation of condition 1 (to change the restriction from annex only to holiday let and annex). Relating to application DC/2007/00778.	Approved	25.01.2018
DC/2007/01218	Static caravan used for twenty years for residential purposes - Certificate of Lawfulness.	Approved	17.10.2007
DC/2007/00778	Proposed New Granny Annex to replace Lawful Static Caravan used for Residential Purposes within Curtilage.	Approved	01.04.2009
DM/2023/01329	Change of Use of Glebe Bungalow to C3 dwellinghouse from Annex and Holiday Let granted permission DC/2007/00778 and DC/2017/01200	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision

S12 LDP Efficient Resource Use and Flood Risk

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

Development Management Policies

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
DES1 LDP General Design Considerations
SD3 LDP Flood Risk
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal

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

Llantilio Pertholey Community Council - No comments received to date.

Natural Resources Wales (NRW) - No objections.

Foul Drainage: We note that the annex/holiday let which is the subject of this planning application (Glebe Bungalow) was originally within the residential curtilage of the main house (Glebe Cottage) and has been used a dwellinghouse since 2013. Recognising the specific nature of the application submitted, we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

Flooding: Our Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 (Rivers). As this application is for a change of use from an annex/holiday let to a dwelling, we note that a highly vulnerable use already exists. Given the nature of the proposed development, and in the absence of a flood consequences assessment, we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

Network Rail - Network Rail have no objections in principle to the above application. Any external works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months' notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

MCC Environmental Health - Please note that, with the pre-existing use of the property as an annex to a dwelling and the property's likely historic use as a dwelling, the Public Protection Team have no objections to the sought change in use.

MCC Biodiversity - The Biodiversity team has no comment on the above application. We think it is appropriate to secure net benefit in accordance with PPW on all planning applications, including change of use. An appropriate condition is suggested should the application be approved.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Three representations in support of the application for the following reasons:

- I know the occupier has lived in the bungalow for 10 years or more, so I don't see any issues or concerns and are in favour for Glebe Bungalow becoming residential.
- Only right that this dwelling should now be classified as a permanent home and not as a holiday let.
- Very happy for the bungalow to be formally made into a dwellinghouse as opposed to a holiday let.
- Prefer the consistency of residents rather than have frequently changing visitors in such an important building in our small community.

5.3 Other Representations

None.

5.4 Local Member Representations

County Councillor Revd Malcom Lane - I have been contacted by the agent for applicant Mr Liam Kirwan in relation to his application to convert a holiday let to a dwelling house at Glebe Bungalow DM/2023/01329. There are unusual background circumstances and matters in relation to the interpretation of Local Policy H4 Conversion of buildings in the open countryside for residential use, including modern constructed buildings, that should be discussed by the Planning Committee before a decision is made. I have visited the site which is behind St Teilo's Church.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 By way of background to the application, works were completed on the building the subject of this application by 2013. As stated in paragraph 1.1 the building replaced a static caravan that was on site and occupied as an annex to the same property that was granted a Certificate of Lawful Use in 2007. For personal reasons, the applicant had to sell Glebe Cottage (the primary dwelling) - thus separating ownership of Glebe Cottage and Glebe Bungalow (the name of the annex building the subject of this application). As such, it is no longer possible for the applicant to comply with the condition attached to permission DC/2017/01200 limiting the property to being used as an annex.

6.1.2 The condition also allows the use of the building as holiday accommodation although this would not be of benefit to the applicant who wishes to live in the property himself. However, it remains a viable option for the building given that it can no longer be used as an annex and a holiday let would indirectly benefit the economy of the wider area.

6.1.3 Notwithstanding the understanding that there were personal reasons for the separation of ownership of the site, the application must be determined on its planning merits only. In terms of planning policy, the change of use of the building from an annex to a self-contained dwelling falls to be considered under LDP Policy H4 - Conversion of Redundant Buildings in the Open Countryside.

6.1.4 It is important to highlight the supporting text around Policy H4 within the adopted LDP which states in para. 6.1.13 that, "The conversion/ rehabilitation of buildings in the open countryside for residential use is an exception to national policies which generally seek to strictly control residential development in the open countryside."

6.1.15 This is reinforced within Policy H4 and it states that the "criteria will be applied strictly; proposals that are deemed not to comply with them will be judged against national policies relating to the erection of new dwellings in the countryside or against Policy T2 relating to the re-use and adaptation of existing buildings to provide permanent serviced or self-catering visitor accommodation."

6.1.6 Of particular relevance to this application is criterion (e) of Policy H4 which sets out that:

'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'

6.1.7 The property is a modern purpose-built two bedroom-building, now set within its own garden. It is served by an access, off road parking, its own private foul drainage and no extensions or alterations are sought for its retention as use as a self-contained dwelling.

6.1.8 However, while it is not disputed that the building has been constructed to a high quality in terms of its appearance and would not require any physical changes, it is undoubtedly of modern construction (being completed in 2013). As such, its design standard does not fundamentally outweigh the failure to comply with criterion (e) of Policy H4 and therefore is unacceptable in principle.

6.1.9 The conversion of this modern annex/holiday let into a residential dwelling does not meet the criteria of Policy H4 of the LDP and there are no overriding reasons to allow the development of a new dwelling in the open countryside. Policy LC1 outlines that "there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies". The application does not outline any rationale for the construction of this unjustified new build dwelling in the open countryside and therefore the proposal does conflict with the requirements of Policies S1 and LC1 of the LDP.

6.1.10 Finally, in support of this application, the applicant has provided some examples of where existing holiday let properties have been granted consent for conversion to dwellinghouses. However, upon review, these examples relate to traditional buildings rather than a modern, purpose-built annex. Therefore little weight can be afforded to these as direct comparison is not possible and no precedent has been established. In summary, there are no material planning reasons to justify the granting of planning permission for a building of modern construction to be used as a single dwellinghouse when it is in direct conflict with criterion (e) of LDP Policy H4.

6.2 Impact on Residential Amenity

6.2.1 The nearest neighbouring dwelling is Glebe Cottage but this is over 20m away from any habitable room windows of the building in question and therefore overlooking between the two is minimal. There are no other existing dwellings within close proximity of the site with St Teilo's Church being located to the north.

6.2.2 It is noted that the current occupier is in support of the application and representations have been made by other local residents that there is a preference for a permanent residential dwelling rather than a holiday let.

6.3 Access / Highway Safety

6.3.1 The property benefits from its own access, parking and turning area which spurs off from a shared entrance onto the highway with Glebe Cottage. No changes are proposed as part of this application.

6.4 Biodiversity

6.4.1 As there are no physical works proposed as part of this application there are no issues in relation to loss of habitat or harm to any protected species. However, it would be appropriate to secure net benefit for biodiversity in accordance with PPW. This could be secured via condition should Members be minded to approve the application,

6.5 Flood Risk

6.5.1 Natural Resources Wales (NRW) Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 (Rivers). The current lawful use as an annex/holiday let is already considered to be a highly vulnerable use in terms of flood risk and the proposed change of use would not increase this risk. As such NRW have no objections on flood risk grounds subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

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.

6.6.2 Natural Resources Wales has set new phosphate standards for the river Special Areas of Conservation (SACs) in Wales (21st January 2021). 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.

6.6.3 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (version 3 issued 22nd July 2022). It is considered that 'No Likely Significant Effects' on the SAC are anticipated as a result of this development proposal as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice: Any development that does not increase the volume and phosphorus concentration of wastewater. The building already has consent to be used as an annex and a holiday let. The proposed change of use would not lead to any material increase in occupation.

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 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.

6.8 Conclusion

6.8.1 Having carefully reviewed the case made to retain the use of building as a self-contained dwelling, there are no material planning reasons or other reasons so exceptional to overcome the principle of a building of modern construction being suitable for conversion which fails to comply with criterion (e) of LDP Policy H4 and thus would be contrary to policies S1 and LC1.

7.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

The building is of modern construction, being completed in 2013. As such, it cannot be considered favourably for conversion as a separate dwelling as it fails to comply with criterion (e) of Policy H4 of the Monmouthshire Adopted Local Development Plan in that it would represent an unjustified new dwelling in the open countryside which also conflicts with Policies S1 and LC1.