

**DC/2016/01440**

**MODIFICATION OF CONDITION TO SUBSTITUTE THE ORIGINAL PLANS WITH PLANS AS BUILT**

**THE CHICKEN SHED, PARKHOUSE, TRELLECH, MONMOUTH**

**RECOMMENDATION: Approve**

Case Officer: Paula Clarke

Date Registered: 15/12/2016

**1.0 APPLICATION DETAILS**

- 1.1 This is an application under Section 73 of the Town and Country Planning Act 1990 to vary a condition imposed on planning permissions DC/2011/00823 and DC/2016/01159 for the conversion of a redundant agricultural building into holiday accommodation. The condition to be varied is condition 1 attached to DC/2016/01159 which states that the development must be carried out in accordance with the approved plans. The building, as constructed, is not in accordance with the approved plans, therefore this proposal is to vary the approved plans to retain the holiday let as constructed.
- 1.2 The site is located within the Wye Valley Area of Outstanding Natural Beauty, adjoining Park House Wood which is a Site of Special Scientific Interest and The Elms which is a Site of Importance for Nature Conservation.

**2.0 RELEVANT PLANNING HISTORY**

DC/2011/00823 - Conversion of poultry barn to holiday let – Approved 15/02/2012

DC/2016/01159 - Non material amendment to the current planning permission (DC/2011/00823) to seek the addition of a condition specifying the original plan numbers – Approved 13/10/2016

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

- S1 Spatial distribution of housing
- S11 Visitor economy
- S13 Landscape, Green Infrastructure and the natural environment
- S17 Place making and design

Development Management Policies

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- H4 Conversion/rehabilitation of buildings in open countryside
- T2 Visitor accommodation outside settlements
- LC1 New built development in open countryside
- LC4 Wye Valley AONB
- LC5 Protection and enhancement of landscape character
- GI1 Green Infrastructure

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Trellech United Community Council – Recommends refusal.  
Councillors are extremely unhappy about this application and the unacceptable precedent that it sets. TUCC wishes to make representations at Planning Committee.

### **4.2 Neighbour Notification**

There has been one neighbour objection received:-

“The architectural merits of this building are irrelevant in the context of the building not having been built to the original plan. Both the original and the latest application have been submitted by a firm of professional architects who must have known that the footprint had increased - they would have done drawings I assume - and would also know that the planning officer should have been advised of the changes.at the time!  
In the new submission it is claimed that the changes are not significant but my calculations suggest that an extra 11% floor space, enough for an extra room was gained. This is a lovely building but the integrity of our planning system has to be upheld”.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

- 5.1.1 The building was originally granted permission for conversion to holiday let accommodation in 2012 under Policy T3 of the Unitary Development Plan which stated that the change of use and extension of existing buildings would be preferred to free standing new tourist accommodation. It further stated “where extensive rebuilding of a redundant building is required the Council will impose conditions restricting the use to tourist accommodation only and will remove permitted development rights for extensions.”
- 5.1.2 It was considered that the building was well designed and in keeping with the character of the Wye Valley AONB and the scheme would enhance the visual amenity of the area. Remote tourist accommodation is required to support the rural economy, therefore it was considered that the tourist accommodation would be a sustainable development that would support local businesses and services.
- 5.1.3 Following the completion of the building works it was noted that the resultant building did not conform to the approved plans. The building was slightly larger and higher than approved with different fenestration. This application is the result of informal enforcement action to regularise the building and remedy this breach of planning control.
- 5.1.4 The changes from the original scheme to that built comprise the building being constructed with a higher eaves height, and increase in length and width of the building; therefore the resultant building is approximately 0.5m higher than approved, 1m longer in length and 0.25m wider. The northern porch projection was originally designed to be the entrance and boot room, however this has been enlarged by 0.5m in both length and breadth and is now used as a snug with the entrance to the building via a new porch on the north-eastern corner. There are also changes to the fenestration of the building in relation to position, size and number of windows and doors.

## 5.2 Residential Amenity

- 5.2.1 The nearest residential property is Blands which is located approximately 60m to the south-west of the site, therefore there is no detrimental impact on the residential amenities of this property which would be created by the proposal. The building is well screened from the south.

## 5.3 Response to the Representations of the Community/ Town Council (if applicable)

- 5.3.1 It is considered that approval of this application will not set an undesirable precedent as this holiday let was approved under Policy T3 of the UDP which allowed for substantial rebuilding/reconstruction. The current Policy T2 of the LDP does not permit the substantial rebuilding/reconstruction of buildings for holiday accommodation and such buildings must be capable of conversion in accordance with the strict terms of the residential conversion policy H4.

## 5.4 Well-Being of Future Generations (Wales) Act 2015

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/Reasons

1. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 as amended no additional lighting fixtures, other than that previously approved, shall be attached to or positioned in the curtilage unless approved by the LPA in writing.
2. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (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 without the prior approval of the LPA.
3. The development hereby permitted shall be used for the purpose of providing holiday accommodation only.
4. The development hereby permitted shall not be occupied for a continuous period of more than 28 days by the same individual or the same group of persons in any calendar year and no person shall return within 28 days of a previous period of occupation.
5. A register of all lettings of the holiday unit hereby approved shall be maintained and made available for inspection by the Local Planning Authority at all times.

Reasons:

1. To protect species of conservation concern and to comply with LDP policy
2. This conversion is granted having regard to the Council's policies which relate to the conversion of redundant buildings in the countryside. If substantial extensions or alterations were necessary this development would not normally be favourably considered.
3. To ensure the property is occupied as holiday accommodation only
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