

**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**

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

**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.