

Application No	E/33595
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Application Type	Full Planning
Proposal & Location	CONVERSION OF A WATER STORAGE TANK AND THE PLANT SHED TO A HOLIDAY LET AT LAND AT BRYNGOIALLT, FELINGWM, CARMARTHEN, SA32 7PX

Applicant(s)	MR DEIAN OWEN, 10 CLOS GER Y BRYN, TIRCOED, SWANSEA, SA4 9IL
Agent	NICOLE JONES ARCHITECTS - NICOLE JONES, 6 MYRDDIN CRESCENT, CARMARTHEN, SA31 1DX
Case Officer	Ceri Davies
Ward	Llanegwad
Date of validation	05/04/2016

CONSULTATIONS

Planning Ecologist – Has advised on the existence of bats and nesting birds and the requirements of the Habitats Regulations 1994 and the Wildlife and Countryside Act 1981.

Llanegwad Community Council – Has objected to this application citing a number of concerns addressed in the Officer's appraisal.

Local Member – County Councillor Mansel Charles is a member of the Planning Committee and has made no prior comment.

Natural Resources Wales – Has not commented on this application to date

Dwr Cymru Welsh Water – Has advised on disposal of foul water.

Neighbours/Public – One neighbour was notified on receipt of this application; two letters of representation have been submitted to date; the concerns raised are addressed in the Officer's appraisal.

RELEVANT PLANNING HISTORY

There is no relevant planning history

APPRAISAL

THE SITE

The application site consists of a redundant water treatment site near a residential property, Bryngoiallt, an isolated site, approximately 2km north-west of the village of Felingwm Uchaf and 1.8km south-east of Horeb. The site occupies an elevated position which affords extensive views over the Cothi Valley and further afield; the land immediately south and east of the application site is predominantly woodland, whilst the land to the north and west is predominantly pastureland associated with various farmsteads.

Access to the site is derived off an unmade access track which serves both the water treatment plant and Bryngoiallt; the said access comes off an unclassified road (U5570) which links a number of farmsteads between Felingwm Uchaf and Horeb.

The site includes an underground water tank and a single storey shed above ground, constructed of concrete panels with a shallow roof pitch; the shed sits within an extensive grassed area which is bounded by mature hedgerows and trees. Immediately north east of the application site is the residential curtilage associated with the adjacent property, Bryngoiallt; the said curtilage appears to have been extended over the years and wraps around the southern perimeter of the application site.

THE PROPOSAL

The application seeks full consent for the conversion of the water storage tank and the plant shed to a holiday let. As part of the overall proposal the above ground shed is to be totally re-built with a link attached connecting the above and underground elements. The proposal involves extensive ground clearance works whereby the actual underground water tank which at present is totally obscured will be exposed along its southern, eastern and western elevations, the roof will be grassed over. New fenestration and door openings will be inserted into the water tank as part of the conversion works. Provision will also be made for vehicular access and parking along with a patio area.

POLICY CONTEXT

The relevant planning policies in this instance are Policies TSM4 and H5 of the Carmarthenshire Local Development Plan which state:-

Policy TSM4 Visitor Accommodation

Proposals for new build serviced or self catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15. Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self catering visitor accommodation will be permitted where it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.

Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use

Proposals for the conversion and re-use of buildings in rural areas outside the Development Limits of a defined settlement (Policy SP3) for residential purposes will only be permitted where:

- a) The authority is satisfied that every reasonable endeavour has been made to secure an alternative business use and the application is supported by a statement of evidence to the Council's satisfaction of appropriate efforts that have been undertaken to achieve this;
- b) Any residential use would be a subordinate element associated with a wider scheme for business re-use; or,
- c) The residential use contributes to the provision of affordable housing to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:
 - i) The benefits of the initial affordability will be retained for all subsequent occupants;
 - ii) It is of a scale compatible with an affordable dwelling and would be available to low or moderate income groups.

Proposals will also be required to demonstrate that the following criteria can be met:

- d) The building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re-construction;
- e) The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant

THIRD PARTY REPRESENTATIONS

Llanegwad Community Council has objected to the application on the following grounds:

- Conversion to holiday let is financially unviable
- It will potentially become a permanent residential dwelling
- Access issues with the adjacent neighbour could lead to friction/dispute
- The loss of the water storage tank will have an impact on the village of Felingwm
- Ground works will impact the water course

Two letters of objection have been submitted to date, one from a farmer, whose farm is in Horeb, but he farms land adjacent to the application site; the other objectors are the occupiers of the adjacent dwelling, Bryngoyallt. A site meeting has also been held with the occupiers of Bryngoyallt.

Concerns raised are summarised as follows:

- Unsuitable site within a rural/farming community
- Inappropriate tourism use in the open countryside
- Detrimental Impact on the privacy/amenity of the occupiers of Bryngoyallt.
- General disturbance for the occupiers of Bryngoyallt
- Noise pollution for the occupiers of Bryngoyallt
- Traffic increase/unsuitable access road
- Inadequate parking
- Installation of a septic tank
- Impact on security for the occupiers of Bryngoyallt

- Impact on health for the occupiers of Bryngoyallt

Of the aforementioned list of concerns/objections, Members are reminded that the Authority will only consider matters which are deemed planning related material considerations for the purposes of this application.

APPRAISAL

With regard to the above objections, it should be noted that both Policy TSM4 and H5 allow for the re-use and adaption of redundant buildings in the open countryside; the said policies are aimed at allowing the re-adaption of buildings where appropriate, which in turn reduces the need/demand for new development in the open countryside.

It is acknowledged in this instance that this proposal is somewhat unique in that it involves the adaption of an underground water tank rather than a conversion of a redundant agricultural outbuilding which tends to be the norm for proposals considered against Policies TSM4 and H5 of the Local Plan, however it is important to note that there is no stipulation within either policy that restricts conversion proposals to certain types of structures. The text of the policy actually states that the adaption/re-use of buildings within the plan area will be allowed subject to various stipulations. Whilst this above-ground building is not of any great architectural merit, as it was merely designed as a functional building, it is acknowledged that the said building is an ancillary building in that the main structure in this instance is the underground water tank. It is further acknowledged that this proposal by its very nature is unlikely to adhere strictly to the full criteria of Policy H5 on the basis that it involves an underground tank.

In terms of the concerns raised by the community council, Members are advised that matters raised in relation to financial viability of the holiday use, potential permanent residential use and potential friction with the adjacent neighbour are not material planning considerations for the purposes of this application. In terms of the concerns over loss of the water storage tank and potential impact on the water course, Members are advised that further to DCWW's consultation response and further to a site inspection, it was evident that there continues to be operating apparatus throughout the site. Clarification has therefore been sought from DCWW as to whether or not there are any easements in place and/or any restrictions in terms of building within certain distances to the operating apparatus.

In response, DCWW has provided the authority with a revised water map extract showing the removal of a supply pipe through the centre of the site as it is no longer there. DCWW has confirmed that this is the most up-to-date record they have of their apparatus on site. The plan indicates active pipes linking active apparatus along the northern end of the application site and inactive pipes linking inactive apparatus around the underground water tank and associated ancillary building. The authority is therefore satisfied that based on DCWW's advice it is physically possible for the applicant to develop this site in lieu of the pipes/apparatus at this location. Furthermore, as the tank is no longer in use, there are no issues regarding water supply for the wider area.

In terms of the concerns raised in relation to the appropriateness of such tourism/holiday use in the open countryside, Local Plan policies clearly support and encourage such uses, particularly where they involve adaption of existing buildings/structures.

With regard to the objection received from the occupiers of the adjacent property, the authority has scrutinised the concerns raised by the said occupiers very closely and have also met with the occupiers at Bryngoyallt to fully evaluate the potential impact of the proposal on their property. It is noted that the dwelling is 24 metres north-east of the application site and 33 metres away from the actual water tank itself; however it was also noted at the time of the site inspection that the water tank/shed is not visible from the dwelling by virtue of the presence of mature trees between the application site and Bryngoyallt. As such, it is considered the conversion/adaption of the water tank will not impact on the dwelling itself.

It is accepted that by developing this site, the peace and tranquillity, referred to by the occupiers of Bryngoyallt will be disturbed, what the authority has to determine whether or not the extent of that disturbance warrants refusal.

The introduction of the holiday use will lead to additional traffic movements, however the proposal makes adequate provision within the application site for parking and turning areas which will allow vehicles to enter and leave in a forward gear, hence it is considered the additional movements will not have an unacceptable impact on the adjacent occupiers. The entrance to Bryngoyallt is approximately 20 metres north-east of the entrance to the application site, hence no actual traffic will go beyond the application site. Furthermore, the level of traffic envisaged will not be to a level that cannot be accommodated within the surrounding road network hence highway safety will not be detrimentally affected by this development.

In terms of concerns over loss of privacy/overlooking, it is noted that the immediate garden/private amenity space associated with Bryngoyallt is the piece of land to the south and east of the dwelling. The authority's photographic records show the residential curtilage has been extended in a south western direction and has absorbed the land to the south of the application site. The land in question though now forming part of the extended residential curtilage of Bryngoyallt, is not deemed to be the immediate garden area, hence the authority considers the objections over loss of privacy and overlooking cannot be sustained in this instance. Members are advised that planning permission. The presence of trees/mature hedgerows will ensure that there is no direct over-looking or loss of privacy whatsoever in regard to the immediate garden area associated with Bryngoyallt.

Other issues raised such as impact on security and health are not deemed material planning considerations; the installation of the septic tank will be controlled via Building Control Regulations and any excessive noise issues will be enforced against under more appropriate legislation contained in the Environmental Protection Act.

It is not envisaged that allowing this permission will result in a precedent for similar developments as such proposals are quite rare in the county area. The authority acknowledges that certain criterion stipulated by Policy H5 cannot be achieved owing to the nature of the structure, however, the water tank itself is definitely structurally sound and substantially intact, furthermore, it is deemed of sufficient size to accommodate the holiday use without extensive re-construction. The ground works to expose the water tank are not deemed excessive; the justification for the installation of windows/door openings is accepted due to the lack of any natural lighting at present.

Whilst it is acknowledged that the above ground building is to be totally demolished and rebuilt, this is deemed to be the ancillary structure as the main element of this proposal is the water tank itself. Notwithstanding the aforementioned, the replacement structure be it

with a minimal increase in size/mass and an increase in the roof pitch, will replicate the existing building in terms of shape and form; furthermore will occupy the same footprint. The Bat/Owl survey has concluded that there are no bats present at this site.

Criterion a) of Policy H5 is satisfied in that the proposal to utilise the building for holiday rental demonstrates that the business re-use of the building is viable and appropriate at this location. In view of the above, it is considered the proposal complies with the general criteria as set out in the aforementioned LDP policies, the application is therefore put forward with a favourable recommendation.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of two years from the date of this permission.
- 2 The approved development relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any other condition:
 - Location Plan – 1:1250 scale
 - Block Plan 1:500 scale
 - Existing Sections & Plans – 1:100 scale
Received on 20th March 2016
 - Proposed Floor Plans – 1:100 scale
 - Proposed Elevations – 1:100 scale
Received on 26th July 2016
- 3 The premises shall be used for holiday accommodation and for no other purpose (including any purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, G, shall be carried out within the curtilage of the dwelling hereby approved (other than those expressly authorised by this permission) without the prior written permission of the Local Planning Authority.
- 5 Where any species listed under Schedules 2 or 4 of the Conservation (Natural Habitats, etc) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

- 6 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity. (Policy H5 of the LDP)
- 3 For the avoidance of doubt as to the extent of this consent and in the interest of ensuring that the proposal does not allow for conversion to residential use without consideration within a further planning application.
(Policy TSM4 of the LDP)
- 4 To prevent over-development of the site (Policy H5 of the LDP)
- 5 In the interests of protecting wildlife and to ensure that the development does not adversely affect a European Protected Species. (Policy SP14 of the LDP)
- 6 In the interest of highway safety (Policy SP9 of the LDP)

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The development accords with Policy H5 of the LDP in that the building is suitable for conversion without substantial alterations. The alterations / modifications have been carefully designed to integrate with the buildings architectural integrity and do not detract from the character of the building. It is considered the building is substantially intact and capable of conversion; the building is of a traditional rural character and its future can best be secured through appropriate conversion.

NOTE

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent

developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice