

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

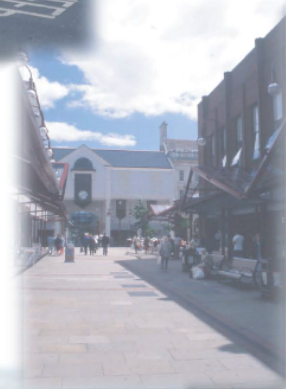
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN/**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 13 AWST 2020
ON 13 AUGUST 2020**

**I'W BENDERFYNU/
FOR DECISION**

***Ardal
Gorllewin/
Area West***



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.

COMMITTEE:	PLANNING COMMITTEE
DATE:	13.08.2020
REPORT OF:	HEAD OF PLANNING

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Application No	W/40035
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Application Type	Full
Proposal & Location	PROPOSED CONVERSION AND CHANGE OF USE OF EXISTING PART OFFICE/PART STORAGE BUILDING TO A MANAGERS DWELLING (TO BE TIED TO THE STORAGE YARD ADJACENT) UNDER TAN6 AT DRAGON GUARD STORAGE (FORMERLY BRONYGARN GARAGE), BRONYGARN, CAPEL IWAN, NEWCASTLE EMLYN, SA38 9LP

Applicant(s)	Mr J Nepean
Agent	Castle Designs
Case Officer	Helen Rice
Ward	Cenarth
Date registered	

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Hazel Evans.

Site

The site lies approximately 2.2km south west of Newcastle Emlyn on the road towards the village of Capel Iwan that lies a further 2km south west of the application site. The site forms part of a former garage (known as Bronygarn) that has more recently been used in association with a self storage business known as Dragon Guard Storage. The immediate area surrounding the site is characterised by a hamlet of dwellings, the neighbouring Bronygarn Auto Spares business, farmsteads and a caravan park to the south west. The application site itself refers to the office/storage/ building that is used in association with the storage business that was formerly the garage/office building for Bronygarn garage.

The building has been the subject of various improvements over the years including the insertion of larger commercial style openings and a new roof. The building currently provides four specific insulated storage areas along with a small office building.

To the north of the application site lies Bronygarn Auto Spare and a residential dwelling known as Bronygarn that is in separate ownership. The building the subject of the application is accessed via an access road serving the storage yard and is set back from

the adjacent highway and due to local topography that generally slopes from east to west, is set down at a lower level than the highway with intervening vegetation and car parking/turning area between the building and the highway.

Proposal

The proposal seeks permission to make various changes to the building to enable its conversion for residential use for the applicant and his family who are the owners and operators of the business. Whilst the general footprint of the building would be used, the proposal involves increasing the overall height of the building by at least 1m, the addition of two side extensions and changes to the existing openings to provide domestic style windows and doors and creation of a front porch. These changes would create a bungalow with rooms in the roof, with an open kitchen/living/dining area, playroom and bathroom on the ground floor and 3 bedrooms and a bathroom on the first floor that would be within the roof area served by velux rooflights and side gable windows. The submitted application includes an area immediately to the rear of the dwelling house as a garden area as well as a separate area to the south, adjoining the highway identified to be used for domestic garden purposes. No changes are proposed to the access over and above the improvements required in association with previous permissions on the site.

The application has been submitted as a TAN6 Rural Enterprise Dwelling on grounds that the dwelling is required to enable the applicants who manage the site to be on site at all times. The storage facility offers container storage, insulated and humidity container storage along with caravan /motorhome /boat storage and is open from 7:30am until 8:00pm, 7 days per week. Whilst it is a self storage facility the applicant advises that many customers expect on site presence and some customers require assistance with opening the storage units. Furthermore, the business offers an out of hours service whereby customers can access the site outside of normal hours by prior appointment. Security measures include 24hr HD CCTV, floodlighting and security fencing. 71 container units were initially granted planning permission, and this has recently been extended to 107 units in total. It is understood that the first 71 units are all generally fully occupied, hence the reason for the site's extension.

The applicant advises that whilst he remains to be in the building trade, he also manages the self storage yard between himself and partner, with his partner being available during the day (subject to childcare) and himself being available in the early mornings late evenings. The applicant currently resides at Aberarad and therefore if they are required up on the site it means travelling up to the site (an approximate 15 minute journey) to meet customers. The applicant advises that they do not employ anyone to assist with the site's management for financial reasons but that current management arrangements is having a detrimental impact on the current work/life balance of the family. The applicant is anticipating that as the business grows that demands for themselves to be on site will increase and he fears that no presence on site will affect their business. The applicant also raises concerns over security in that whilst the site has various security measures, it would take 15 minutes for the applicants to arrive the site should they happen to see something on the CCTV and therefore being present on the site would add further security, especially given the less populated rural area within which the site is located. The applicant has advised that they are prepared accept a condition/legal agreement to tie the dwelling to the business.

The supporting statement also refers to the proposal as utilising an existing building on a permitted rural business site, that whilst located in the countryside is located within a cluster of buildings and businesses within close proximity.

The application is also supported by a bat survey that confirms no bats currently utilise the building although nesting birds were present at the time of survey.

The application submission is also accompanied by two letters of support from nearby businesses Bron y Garn Auto Spares and Dolbryn Caravan & Campsite.

Relevant Planning Site History

W/30326	Proposed change of use of part of Bronygarn site to container and storage facility, from office/workshop, petrol filling station, workshop and scrap yard Full Planning Permission Granted	31/03/2015
W/39374	Retrospective permission for engineering works to create level platform and extension of storage yard to include additional storage containers (B8 USE) Full Retrospective Planning Permission Granted	13/11/2019

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution- Settlement Framework
- SP14 Protection and Enhancement of the Natural Environment
- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- H2 Housing within Development Limits
- H5 Adaptation and Re-use of Rural Buildings for Residential Use
- AH3 Affordable Housing- Minor Settlement in the Open Countryside
- TR3 Highways in Developments- Design Considerations
- EQ4 Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

[Planning Policy Wales](#) (PPW) Edition 10 December 2018

[Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Cenarth Community Council – has commented that the site is kept very tidy and clean and that they wish to support a young local person who has set up their own business in a rural area and therefore fully support the application.

Local Member(s) - Councillor Hazel Evans fully supports the application in that she considers it would be advantageous for the family to live on the site. Cllr Evans has expressed that the application is considered by the Planning Committee to enable further discussions should it be recommended for refusal.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

The application was the subject of notification by way of a site notice. In addition to the two letters submitted in support of the application, 3 letters of objection were received. The matters raised are summarised as follows:

Objections

- There would be an adverse impact on the ecological balance of the area
- There would be an adverse effect on the privacy of occupants in the immediate area
- It is not clear whether the proposal is in line with the local development plan
- Would adequate sewage proposal be provided
- The applicant has previously undertaken works without planning permission and then applied retrospectively and has not fully adhered to the permissions. It is feared that further proposals will not be adhered to.
- Residential properties in the area maybe adversely affected in their value
- There may have been a condition on the sale of the land that no dwelling was to be placed upon it
- No plans have been discussed with neighbouring properties

Support

- Security of the surrounding area would be improved if the site was permanently occupied
- The applicants need to be on site for the business to grow to the benefit of the wider community
- Welcome a young family into the local area
- Site is kept immaculately tidy and applicants contribute to the community

All representations can be viewed in full on our [website](#).

Appraisal

Principle of development

The application site, whilst situated within a cluster of other buildings, dwellings and businesses is nevertheless not within a defined settlement and is rather within the countryside. It is only in exceptional circumstances that planning permission for the creation of a dwelling is considered within the countryside, such exceptions include conversions of traditional rural buildings to dwellings, local affordable housing needs, dwellings associated with One Planet Developments and Rural Enterprise Dwellings. Of key relevance to this application is the exception applied to the conversion of rural buildings to dwellings and Rural Enterprise Dwellings.

Dealing with the conversion of rural buildings in the first instance. Policy H5 of the LDP supports the conversion of rural buildings into residential dwellings provided such developments comply with set criteria. It is considered that this proposal fails to meet the fundamental criteria of the policy which allows only those buildings that demonstrate quality architectural features and traditional materials to be considered for conversion. The

LDP further explains that, *“Only those building which are of an appropriate architectural quality and which incorporate traditional materials will be considered. Proposals for buildings of a modern, utilitarian construction such as concrete block work, metal or other sheet cladding finishes will not generally be considered appropriate for conversion”*.

The building is an active commercial building, that was formerly the garage office building constructed from concrete block, render under a metal sheet roof. The building has more recently been altered to serve its current use as an office and storage unit. The building has no architectural quality and does not incorporate traditional materials and thus directly conflicts with criterion e) of Policy H5.

In addition to the failure to meet criterion e), it is contended that the proposal would require substantial works to the building to the extent that its existing appearance would be significantly altered. Whilst the general footprint would remain the same, the main section of the building would be raised in height with two side extensions added above the existing side lean-to structures. All openings would be amended to create domestic openings with the addition of a porch. The end building would effectively appear as a new dwelling within the countryside. It is therefore also the case that the proposal would not comply with criterion d) in that the existing building is not of a sufficient size to accommodate the proposed use without extensive alterations and extensions.

It was for this reason that the applicant was advised at pre-application stage that an application for conversion of the building would not be looked upon favourably in that the proposal would fail to meet the two fundamental criterion of the policy.

The applicant has therefore submitted the application under Welsh Government's Technical Advice Note 6 : Planning for Sustainable Rural Communities, specifically as a Rural Enterprise Dwelling due to the fact that the applicant's only wish to reside at the site is to enable them to be on site at all times to support the self-storage yard as detailed above.

TAN6 specifies at paragraph 4.3.1 that *“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence”*. It further clarifies at paragraph 4.3.2 that *“....qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises”*.

It firstly needs to be established whether a self storage yard can fall to be considered as a rural enterprise. In this case, evidently the site is within a rural area and thus is a business within a rural area. However, the nature of the business is not one that is required to be located within the countryside and is in fact more akin to a use that is found within industrial areas close to densely populated areas. It is not considered that the business obtains its primary inputs from the site as is the case with agricultural/forestry or minerals activities and is not a form of rural land management activity, tourism or leisure enterprise.

As such, having regard to the clear definition of qualifying rural enterprise set out in TAN6, it is considered having regard to the above that the business cannot be considered as a Rural Enterprise. Therefore it follows that the Rural Enterprise Dwelling policy is not applicable in this case.

Notwithstanding the above, there are further tests set out in TAN6 that need to be met when considering Rural Enterprise Dwellings, these are referred to as :

- The functional test – that it is essential for a worker to be readily available at most times, at or in close proximity to the site of need, for an appropriate rural enterprise to function properly.
- The Time Test –where there is a functional need there must be a full time requirement for a worker to be present.
- The Financial Test – the rural enterprise must be sustainable and financially sound to fund the proposal.
- The Alternative Dwelling Test – demonstration that there is no other alternative dwelling options available.

In terms of the functional test, the applicant and partner currently manage operation of the site from their current home in Aberarad and presence on the site at the office. It is understood that the applicant is a builder during normal working hours during which time his partner is on hand (when childcare allows) to deal with any queries at the storage yard. The applicant then is present in the morning and evenings. The submission has stated that whilst the yard is largely self-service during opening hours (07:30 and 20:00 7 days per week) they suggest that customers expect a presence on site, with some occasionally requiring assistance along with other “out of hours” visits requiring access on occasions. This requirement is having an effect on the applicant’s family work/life balance, and the applicant also suggests that he has lost some trade on grounds that there is no continuous presence on the site.

The arguments put forward are acknowledged and evidently it would be preferable for the applicant to be on site at all times, however, personal preference is not a consideration that can be taken into account when assessing rural enterprise dwellings as set out in TAN6. It is rather the needs of the business itself to have someone present at all times that is the overriding requirement to be met. In this instance, the business is generally self-service with customers free to access the site at their leisure during opening hours. Whilst it may be the case that on occasions some customers may need assistance, it is not considered that this alone is sufficient to require someone to be on site at most times. The applicants are a 15 minute drive away from the site and therefore are readily able to attend the site should problems arise. In terms of surveillance, the site has an array of security measures including Alarms, CCTV, lighting and security fencing. As stipulated by TAN6, where adequate surveillance through remote means can be achieved, the need for on site presence is diluted. Whilst it is appreciated that the applicant states that should an alarm or notification via CCTV of a security breach occur they are some distance away, they still would be able to reach the site within 15 minutes from their residence. Furthermore, it is the case that the site is surrounded by other dwellings and businesses which creates an indirect deterrent. In terms of losing business as a result of no presence on the site, it is the case that the site has not had continuous on-site presence since its commencement but evidently that did not deter users in that the first tranche of 71 containers are largely

fully utilised hence the need for further expansion. As such, whilst it may deter a minority of customers, evidently the business is successful based on the current arrangements. Therefore, in all it is not considered that the proposal meets the stringent functional need test set out in TAN6.

With regards the other tests, limited information has been provided to demonstrate that the business requires a full time worker on the site to meet the time test. Given the self service nature of the use, the majority of the daily use of the site would not necessarily require a full time worker. Indeed the applicant is not fully employed by the business in that he remains to be within the building trade during the day with his partner on hand should the need arise. This suggests at present there is no full time worker demand for the business.

In terms of the financial test, accounts submitted with the application indicate that the existing business is successful and has returned a profit in the last three years and thus would meet this test. Lastly in terms of the availability of other dwelling options, the applicant advises that the reason for the application is to reside on the site closer than their existing residence 15 minutes away. None of the dwellings in the immediate vicinity are for sale and would likely be out of their financial reach in any event. Therefore the next best option available is the conversion of an existing building. Whilst the argument put forward is accepted it is not considered that this is sufficient a reason to overcome the fundamental conflicts with TAN6 in terms of the business not being classed as a Rural Enterprise and in any event would not meet the functional and time tests for the reasons set out above. Therefore, whilst the personal circumstances of the applicant are noted and their clear preference to reside on site to make their family work/life balance easier, this is not sufficient a reason to constitute a functional need to be on the site and justify an exception to the overarching policy set out in Planning Policy Wales that required new building in the countryside to be strictly controlled. The application therefore fails to meet the requirements of Policy H5 and/or TAN6.

Impact upon character and appearance of the area

Policy GP1 of the LDP requires all developments to have regard to the character and appearance of the area. the proposal would significantly change the appearance of the existing building to the extent that the resultant dwelling would appear as a new dwelling within the countryside. It is however accepted that the building is set back from the road and would be viewed within the context of the wider business and surrounding properties. Therefore it is not considered that the proposal would have a detrimental impact upon the character and appearance of the area.

Privacy Impacts

Policy GP1 also seeks to ensure that any development respects the living conditions of nearby residents and the amenity of nearby uses. Some third party representations have raised that the proposal would have an effect on the privacy of nearby residents. The application being considered only relates to the proposed dwelling rather than the wider business area which already benefits from planning permission. Given that the proposed dwelling would be some distance away from neighbouring properties with limited overlooking, it is not considered that the proposal the subject of tis application would have an unacceptable impact upon the living conditions of nearby residents nor upon the amenity of nearby uses.

Biodiversity Impacts

Whilst the application will result in various changes to the existing building, the submitted bat survey has confirmed that no bats utilise the building and therefore no mitigation measures are required. However, nesting birds were present at the time of the survey and thus the survey sets out various methods such as timing and avoidance measures to limit impacts. The report also highlights proposed biodiversity enhancement measures including the provision of 2 pairs of house martin nest cups under the west soffit and a bat box on the apex of the southern end gable. It is considered on the basis of the report and mitigation and enhancement measures proposed that the proposals does not give rise to concerns over biodiversity impacts and therefore complies with policies SP14 and EQ4 of the Local Development plan.

Highway Impacts

Policy TR3 requires all developments to be served by a suitable access. The proposal would utilise the existing access into the storage yard area which itself is the subject of conditions to improve access into the site. The use of the office building into a dwelling is not considered to require any further improvements as already secured via planning permission for the wider site and thus no concerns are raised in relation to highway impacts.

Third Party Representations

In terms of objections raised by third parties which are not addresses by in the above report, Members are advised that concerns about impact of development on the value of property or the presence of any legal covenants or ownership restrictions are not a material planning consideration. Furthermore, there is no statutory requirement for this scale of development to undertake pre-application consultation with the wider community.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision 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.

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed building is of a form that falls outside the scope of Policy H5 which enables the conversion of rural buildings into dwellings and in any event the various proposed changes to the building would amount to a significant alternation and extension to the extent that the appearance of the building would be significantly altered as a result. Furthermore, the application is not considered to comply with TAN6 on grounds that the self-service storage yard cannot be considered as a rural enterprise and in any event, due to the nature of the use there is no essential functional need for someone to be readily available at most times by being resident on the site for the business to function properly. Whilst the personal

circumstances of the applicant are recognised, such personal reasons are not matters that can be considered under the policy as stipulated in TAN6. Furthermore, whilst the proposal is not considered to give rise to unacceptable impacts in terms of the character and appearance of the area, the living conditions of nearby residents, biodiversity impacts and highway impacts, these positives are not considered sufficient to outweigh the fundamental conflict with Policy H5 and TAN6 that reflect the overarching policy of PPW that requires developments within the countryside to be strictly controlled. The application is therefore recommended for refusal for the reasons set out below.

Reasons for Refusal

- 1 The proposal is contrary to Section 4.3.2 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010) in that the business, whilst located in a rural area, is not a land related business that obtains its primary input from the site and is a use that does not specifically require a countryside location. The existing business therefore cannot be considered a Rural Enterprise and therefore it falls that the Rural Enterprise Dwelling policy is not applicable in this instance.
- 2 The proposal fails to demonstrate that there is an existing functional need for a full time worker to be present on the site at most times for the proper functioning of the business and therefore does not comply with paragraph 4.4.1. (a) and (b) of Technical Advice Note 6 : Planning for Sustainable Rural Communities (July 2010).
- 3 The existing building is of little architectural quality and does not incorporate traditional materials. The building is of modern construction recently improved to facilitate its current office and storage use, and as such is not considered to be a building that is appropriate for conversion to the contrary of criterion e) of Policy H5 and paragraph 6.2.30 of the Carmarthenshire County Local Development Plan 2014.
- 4 The proposal would require extensive alterations and extensions to the existign building to accommodate the proposed use as a dwelling, to the extent that the proposal would appear as a new dwelling in the countryside to the contrary of criterion d) of Policy H5 of the Carmarthenshire County Local Development Plan 2014.