

© Crown copyright and database rights 2017 Ordnance Survey 100023408.

09/2017/0887

Scale: 1:2500

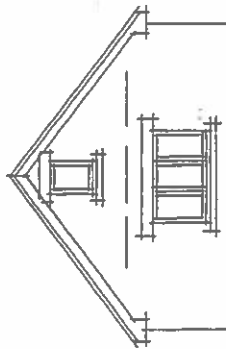
Printed on: 31/10/2017 at 13:18 PM



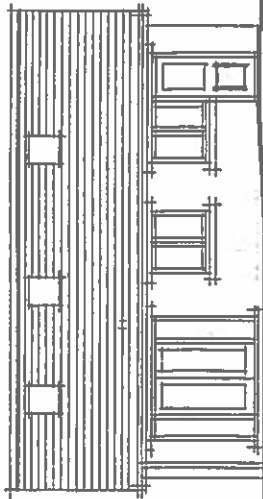
© Denbighshire County Council



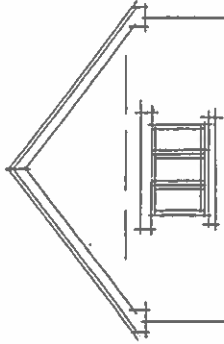
# PROPOSED PLANS



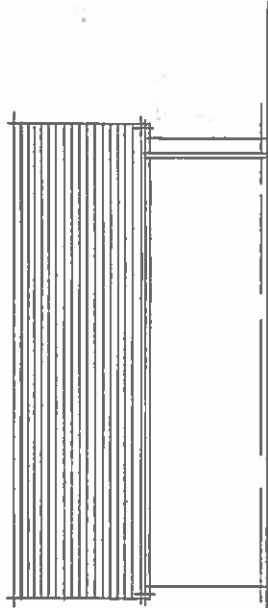
SIDE ELEVATION  
1:100



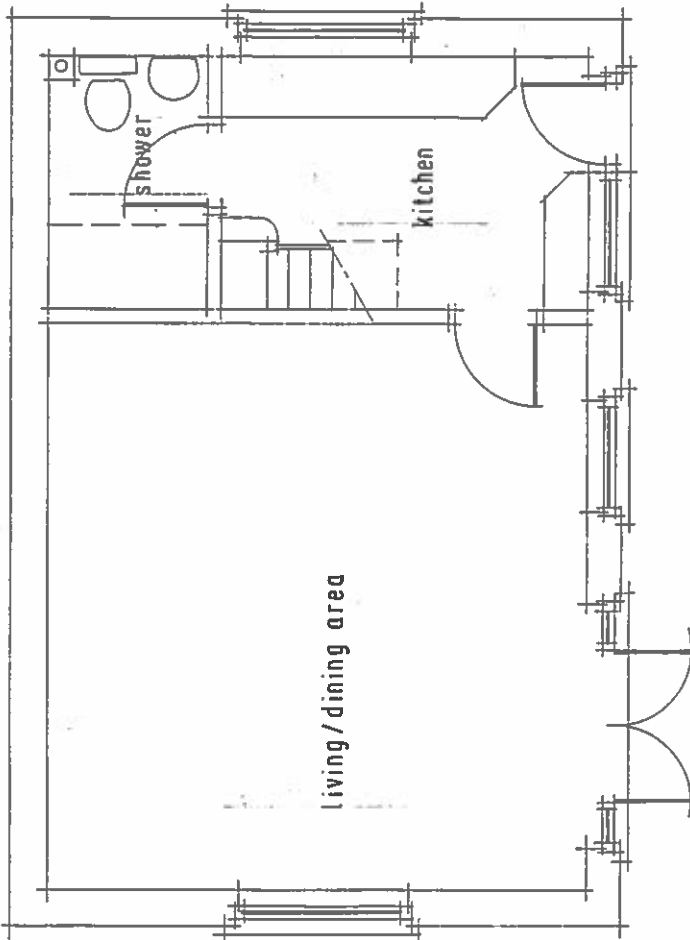
FRONT ELEVATION  
1:100



SIDE ELEVATION  
1:100



REAR ELEVATION  
1:100



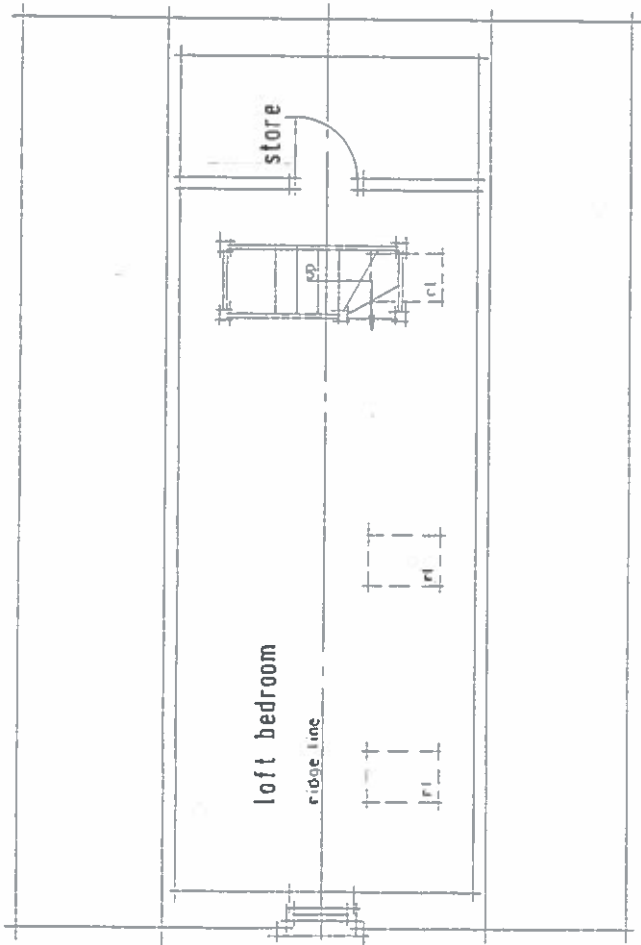
GROUND FLOOR LAYOUT PLAN  
1:50

© COPYRIGHT. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.

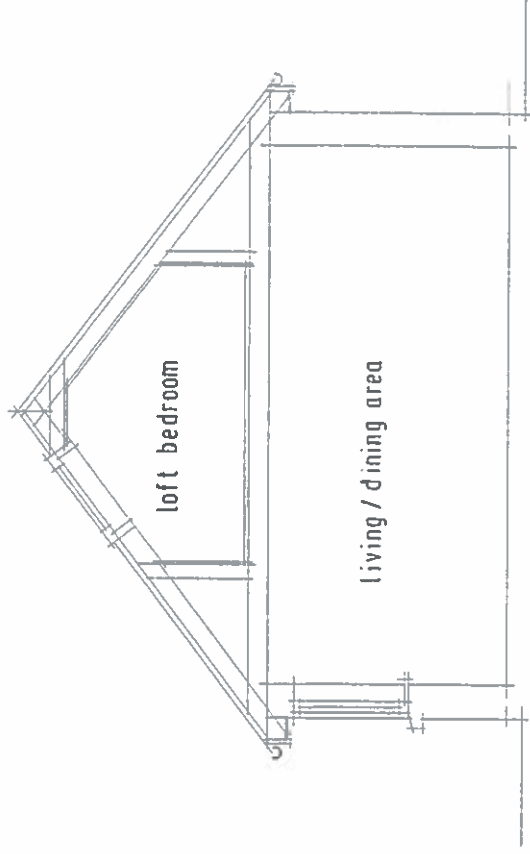
<b>MATISCHOK &amp; ROSS</b> architectural services	
project title	Tuolumne, 2 Ty Clwyd, Waen, Bodfari.
drawing title	Proposed Plan & Elevations.
project no.	0019
drawing no.	13
date	11/08/2017
scale	1:50/1:100
drawn by	P M
revision	
Birch House, Hen Lon Parwr, Rŵlth, Denbighshire, LL15 1NA t 01824 705 222 e 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk	



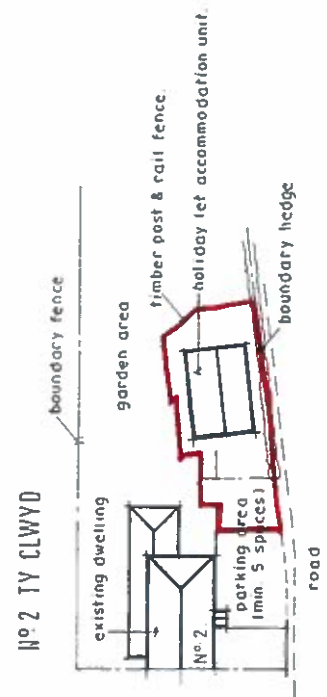
# PROPOSED SITE PLAN



FIRST FLOOR LAYOUT PLAN  
1:50



SECTION DETAIL  
1:50



SITE LAYOUT PLAN  
1:500

**Copyright. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.**

**M&R MATISCHOK & ROSS**  
architectural services

Project title  
*Tuolumne, 2 Ty Clwyd, Waen, Bodfari*

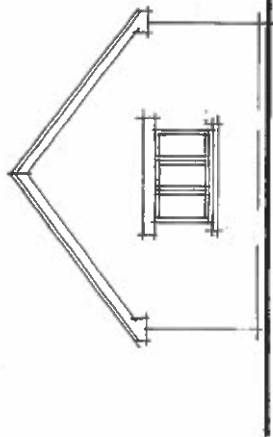
drawing title  
*Proposed Plan, Section & Site Plan.*

project no.	0019	drawing no.	14	revision	
date	11/08/2017	scale	1:50/1:500	drawn by	P M

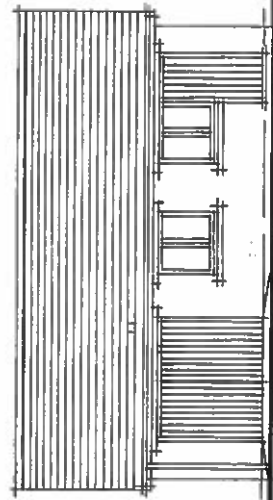
Birch House, Hen Lon Parcwr, Ruttlin, Denbighshire, LL15 1NA  
 ☎ 01824 705 222 ✉ 01824 707 171  
 ✉ mail@matischokross.co.uk www.matischokross.co.uk



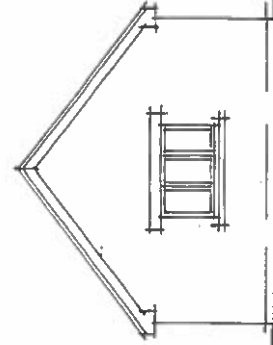
# EXISTING PLANS



SIDE ELEVATION  
1:100



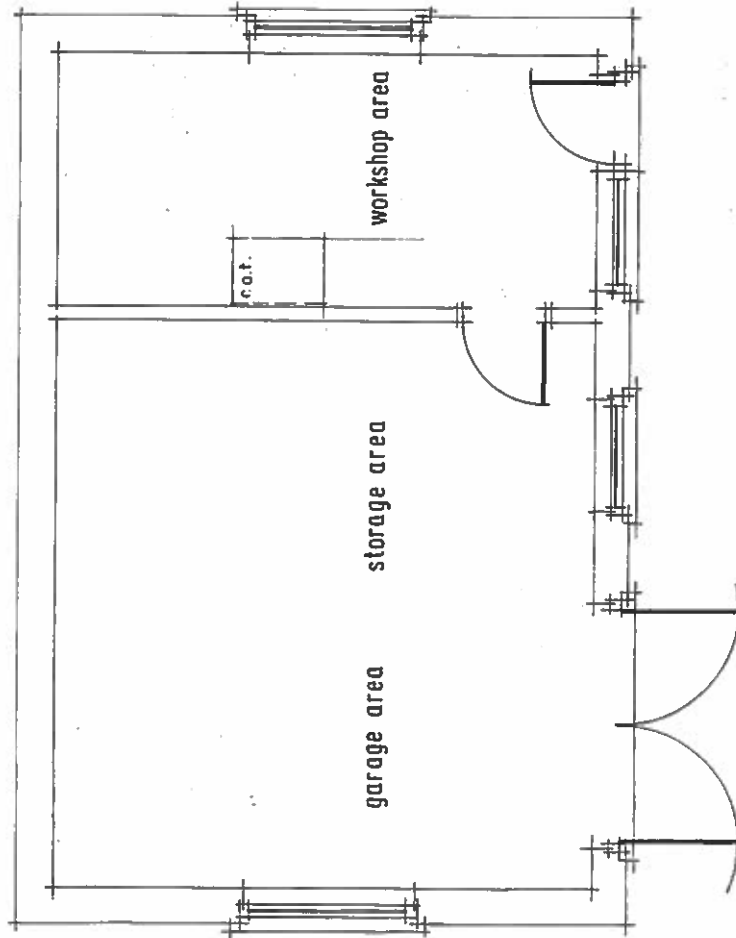
FRONT ELEVATION  
1:100



SIDE ELEVATION  
1:100



REAR ELEVATION  
1:100



GROUND FLOOR LAYOUT PLAN  
1:50

© COPYRIGHT. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.

**M & R**  
**MATISCHOK & ROSS**  
architectural services

project title  
Tuolumne, 2 Ty Clwyd, Waen, Bodfari.

drawing title  
Existing Plan & Elevations.

project no.	0019	drawing no.	11	revision	
date	10/08/2017	scale	1:50/1:100	drawn by	P M

Birch House, Hen Lon Parwr, Ruthin, Denbighshire, LL15 1NA  
t 01824 705 222 e 01824 707 171  
e mail@matischokross.co.uk www.matischokross.co.uk





**WARD :** Llandyrnog Community Council

**WARD MEMBER(S):** Cllr Merfyn Parry (c)

**APPLICATION NO:** 09/2017/0887/PC

**PROPOSAL:** Change of use and alterations of detached ancillary accommodation building to form a holiday let (retrospective application)

**LOCATION:** 2 Ty Clwyd Chapel Lane Bodfari Denbigh

**APPLICANT:** Mr & Mrs Emery

**CONSTRAINTS:** None

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**ABERWHEELER COMMUNITY COUNCIL**

“Please ensure the named Tuolumne Cottage is on the deeds of 2 Ty Clwyd, as it is an extension to the house. It appears the daughter only lived for a short time in the habitable accommodation Cert. Ref. BN/2015/0172 dated 12<sup>th</sup> October 2016. Members of the Aberwheeler Community Council object to this application as vehicles are unable to turn around to manoeuvre onto the site. Not enough space for parking the family vehicles and to the holiday let accommodation. Vehicles have to reverse out onto a busy narrow lane with a ditch behind.  
Comment: OBJECT.”

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**  
Head of Highways and Infrastructure  
- Highways Officer - No objection.

**RESPONSE TO PUBLICITY:** None.

**EXPIRY DATE OF APPLICATION: 09/11/2017**

**REASONS FOR DELAY IN DECISION (where applicable):**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The report relates to a retrospective application for the conversion of, and alterations to, an existing detached ancillary garage / workshop building within the residential garden area of 2 Ty Clwyd to holiday let accommodation.
- 1.1.2 The building was constructed in late 2014 following the grant of planning permission in 2010 for what was described as a ‘detached single storey garage, garden store and

workshop building & associated works'. It is understood the building was converted to habitable accommodation in 2016.

- 1.1.3 The works on the building consist of alterations to existing window and door openings in the front elevation and the introduction of a first floor window in the side gable and 3 no. roof lights on the south east facing roof pitch. These are shown on the plans at the front of the report alongside the plans of the garage / workshop approved in 2010.
- 1.1.4 The internal floor area has been reconfigured to provide a living room, kitchen and shower room at ground floor level and a bedroom at first floor level.
- 1.1.5 There is an existing parking area to the front of the main dwellinghouse, No 2 Ty Clwyd and a section of this parking area would be dedicated for use by persons using the holiday let unit.
- 1.1.6 The application is supported by a planning supporting statement which explains the chronology of the building's construction and subsequent uses, and indicates the applicants were unaware that the subsequent changes required planning permission, which explains the retrospective nature of the application.

## 1.2 Description of site and surroundings

- 1.2.1 The building is within the residential garden area of 2 Ty Clwyd, which is located along a minor unclassified road approximately 0.6km to the south-west of Aberwheeler village.
- 1.2.2 2 Ty Clwyd is one of a pair of semi detached dwellings, linked to 1 Ty Clwyd immediately to the north-east. There are no other immediate neighbouring properties.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside any development boundaries as defined in the Local Development Plan, hence in planning policy terms is in open countryside.
- 1.3.2 The site is within the Vale of Clwyd Historic Landscape.

## 1.4 Relevant planning history

- 1.4.1 Planning permission was refused for a two storey ancillary building in March 2010.
- 1.4.2 Revisions were made to the refused scheme through a reduction in height of the building, and planning permission was subsequently approved for what was described as a single storey ancillary garage / workshop building in August 2010.

## 1.5 Developments/changes since the original submission

- 1.5.1 The applicant has submitted comments in response to the Community Council's observations. These are summarised below:
  - 1. 'Tuolumne' is the name of the existing dwelling.
  - 2. The building was converted to ancillary habitable accommodation in 2016, and the relevance of the length of time it has been used as ancillary accommodation for daughter is questioned.
  - 3. There are at least 5 car parking spaces along the frontage of the site.
  - 4. Historically, car parking has been along the frontage of the site with no on-site turning areas facilities - cars reverse out on the unclassified road.
  - 5. The unclassified road is a 'no through' road with 4 or 5 dwellings/holiday let accommodation units to the south of No.2, Ty Clwyd - it therefore do not consider the road can be classed as a 'busy' lane.
  - 6. There is no ditch on the opposite side of the road to the frontage of the main dwelling and car parking area.

## 1.6 Other relevant background information

- 1.6.1 Building Regulations approval was issued for a detached garage / workshop building with associated works and the works were signed off as completed by the Council under building control ref: FP/2014/0261 on 16 February 2015.
- 1.6.2 A Building Regulation Completion Certificate for the conversion of the existing building to ancillary habitable accommodation has subsequently been obtained under Building control ref: BN/2015/0172 on 12 October 2016.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 09/2002/0283. Erection of a two-storey extension to side and rear of existing dwelling. Granted 10/05/2002.
- 2.2 09/2005/1145. Erection of pitched-roof extension at side of dwelling and detached garden store / workshop building at front of dwelling. Granted 01/11/2005
- 2.3 09/2010/0088. Erection of ancillary garage / workshop & store / home office accommodation & associated works (amended details to building previously granted under 09/2005/1145). Refused 10/03/2010
- 2.4 09/2010/0815. Proposed erection of detached single storey garage, garden store and workshop building & associated works. Granted 06/08/2010

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE4** – Re-use and adaptation of rural buildings in open countryside

**Policy PSE5** – Rural economy

**Policy ASA3** – Parking standards

3.2 Supplementary Planning Guidance

Re-use and adaption of rural buildings SPG

Residential Space Standards SPG

Parking in new developments SPG

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

3.4 Other material considerations

## **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy PSE 5 relates to the local economy and supports tourism and commercial development throughout the County subject to detailed criteria, including consideration relating to the character and distinctive qualities of the local landscape. Proposals for conversion and new build may be supported.

LDP Policy PSE 4 relates to “Re-use and adaptation of rural buildings in open countryside” and allows for conversions where a scheme makes a positive contribution to the landscape, any architectural features of merit are retained, it is demonstrated that an employment use is not viable, and any resulting dwelling is affordable for local needs.

The Re-use and adaption of rural buildings SPG amplifies LDP Policy PSE4 and at 6.1 it states ‘The Council would consider conversion to holiday accommodation or tourist facilities as an economic use.’

It is considered that a proposal of this nature would be acceptable in principle subject to assessment of its impacts and compliance with the detailed criteria of the above policies

**In terms of the planning history**, planning permission was granted in 2010 for the erection of a detached ancillary garden store and workshop building, and the Council’s building regulations consent records indicate the building was signed off as completed in 2015. This correlates with the information submitted by the applicant which indicates the building was completed in late 2014.

The supporting information then states that, within months of completion of the building works on the garage / garden store building, the applicant then converted the building to ancillary living accommodation for their daughter.

The building has then more recently been used as a holiday let as the applicant was unaware that use as an independent holiday let unit constituted a change of use in planning terms, and therefore the application is retrospective in nature.

Whilst it would appear the building was only used for its originally intended purpose of an ancillary garage / workshop for a very short period of time, having regard to the building control information, Officers are satisfied that the building was originally constructed in accordance with the 2010 permission.

PSE4 and PSE5 do not prescribe the types of rural buildings which are considered to be suitable for conversion, however paragraph 5.1 of the Re-use and adaption of rural buildings SPG does provide further information on this matter. Whilst ancillary domestic buildings are not included in this list, the SPG does clearly state the list of potential buildings for consideration is not exhaustive. Paragraph 5.2 of the SPG includes a list of buildings which are unlikely to be suitable for conversion, and Officers would note that new buildings and ancillary domestic buildings are not identified as buildings that are unsuitable for conversion.

Therefore, whilst noting the garage building was only built less than 3 years ago, it is nevertheless an existing rural building, which may be relevant for consideration under policy PSE 4.

With respect to applications of this nature where applicants are seeking to convert a very recently constructed domestic garage building to a holiday let, Officers inevitably have to address whether the planning history suggests there is evidence of the planning system being circumvented in order to secure a use which would not have been permitted in the first place, or is an obvious move to secure a new dwellinghouse in open countryside. However, in the particular circumstances, due to the proximity to, and relationship with the existing dwellinghouse, the holiday let is not considered to be capable of conversion to an independent dwelling unit as it would not provide sufficient amenity standards internally or externally in its own right.

Having regard to the above, whilst the building is less than 3 years old, and has only been used for its original garage/workshop use for a matter of months before it was converted to habitable accommodation in connection with the main dwelling, it is nevertheless considered to be a 'rural building' for the purposes of policy PSE4. The use of the building as a holiday let is considered to be an acceptable form of tourism / employment use under this policy and therefore Officers would consider the proposal to be acceptable in principle.

#### 4.2.2 Visual amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. Para 4.11.9 confirms that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

No representations have been received raising issues on visual amenity grounds.

The visual impact of the building was considered to be acceptable through the grant of planning permission in 2010. The alterations to the building proposed in association with the change of use to holiday let accommodation are limited to alterations to existing window and door openings in the front elevation, and the introduction of first floor window in the side gable and 3 no. roof lights in the south east facing roof.

Having regard to the limited nature of the alterations proposed, in relation to the character and appearance of the existing dwelling itself, the locality and landscape, it is considered the proposals do not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

#### 4.2.3 Residential amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

No representations have been received raising issues on residential amenity grounds.

Because of the location of the building, a holiday unit use would not seem likely to have any adverse residential amenity impacts on occupiers of dwellings outside the application site.

Due to orientation of windows, there would be no overlooking of habitable windows in the main dwelling, and whilst the ground floor windows overlook the private garden area of the main dwelling, as the garden is in the ownership of the applicant, this is not a concern to be taken into account.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential

amenity, and would therefore be in general compliance with the tests of the policies referred to.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decision (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The highway impacts of a development proposal are a material consideration. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Community Council has objected to the proposal on highway safety grounds due to concerns over parking provision and vehicles reversing onto the highway.

The applicant has responded to the Community Council's concerns and has confirmed that there are at least 5 parking spaces within the confines of the site, and whilst cars would reverse on to the highway, as it is an unclassified minor road and not a through route, it is not considered this would adversely impact on highway safety.

The applicant has also confirmed here is no ditch on the opposite side of the road to the frontage of the main dwelling and car parking area.

On the basis of the large off-road parking area to the front of the existing dwelling, Highway Officers have confirmed they have no objection to the proposal on highway safety or parking provision grounds.

Notwithstanding the views of the Community Council, having regard to the presence of off-road parking space and the views of Highway Officers, Officers would conclude the proposal would not give rise to unacceptable adverse impacts on highway safety.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal is considered to accord with the relevant policies and is therefore acceptable in principle.

5.2 The proposal is considered to be acceptable in terms of visual and residential amenity.

5.3 There is a large off-road parking area to the front of the dwelling which would provide sufficient parking space for the existing dwelling and the holiday let, and the proposal is not considered to adversely impact on highway safety.

5.4 The proposal is therefore considered to be acceptable, and subject to necessary planning conditions being applied to remove permitted development rights and restrict the use to holiday let accommodation only, it is recommended for grant.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 15th November 2022.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Planning Support Statement (Drawing No. PM/0019) - Received 11 September 2017
  - (ii) Existing Plans and Elevations (Drawing No. 11) - Received 11 September 2017
  - (iii) Existing Site and Floor Plans and Section (Drawing No. 12) - Received 11 September 2017
  - (iv) Proposed Plans and Elevations (Drawing No. 13) - Received 11 September 2017
  - (v) Proposed Site and Floor Plans and Section (Drawing No. 14) - Received 11 September 2017
  - (vi) Location Plan (0019/LP) - Received 11 September 2017
3. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 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 development permitted by the said Classes shall be carried out unless otherwise approved in writing by the Local Planning Authority.
4. The use of the building shall be restricted to holiday accommodation only and the building shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In order for the Council to retain control over the use of the building.
4. For the avoidance of doubt and in the interests of residential and visual amenity.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.