

**07/2024/1377**

 **N Graddfa / Scale:** 1:2480

**Canol / Centre:** 302551, 334797

**Dyddiad / Date:** 2025-04-30 09:44:03



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11

**style**

WARRA PRO BEAMER  
WOODCUTTING BAT BOX  
(MIB), TO BE ERECTED ON  
SATISFACTORY STRUCTURE ON  
SITE (AS DIRECTED BY  
LICENSED ECOLOGIST).  
BAT BOXES ARE TO BE  
ERECTED PRIOR TO  
COMBINATION OF  
WORKS AND LEFT IN PLACE  
(SHOWN INDICATIVELY  
ANALOGOUS LOCATION TO

NEW LEAN TO STRUCTURE  
TO REPLACE EXISTING  
STRUCTURE TO BE  
REMOVED AS PART OF THE  
PROPOSED WORKS - SEE  
ATTACHED SAT &  
PROTECTED SPECIFIC  
REPORT FOR DETAILS

BARN:2

REAR GARDEN

#### ADDRESS TO SITE USING EXISTING TRAIL

www

RE-UTILISE EXISTING YARD  
FOR VEHICULAR PARKING  
AND ABILITY TO TURN  
VEHICLES AROUND AND  
LEAVE THE SPOT IN  
FORWARD GEAR

VIVARA PRO SEAWALLS  
WOODSTONE BAT BOX  
(BIB), TO BE ERRECTED ON  
SUSTAINABLE STRUCTURE OR  
SILTS (AS DIRECTED BY  
DOWNED HOODLEST,  
BAT BOXES ARE TO BE  
ERRECTED PRIOR TO  
COMMENCEMENT OF  
WORKS AND LEFT IN-SITU.  
(SHOWN INDICATIVELY  
FINISHED LOG475W/78

POUL GRAINS  
TAKEN TO  
FARMING  
EXHIBIT

SHED

REPORTER TO  
PROPOSED  
REPORTER  
-REVEALING SOURCE

PROPOSED AIR  
APPROPRIATELY

PPPLC

### PROPOSED JEP PLAN









(LOWER) EXTERNAL STORAGE BUILDING RENOVATED TO BECOME PART OF THE PRIMARY BUILDING STRUCTURE, A NEW PITCHED TYPE ROOF MAY BE REQUIRED TO ALLOW SUFFICIENT HEAD HEIGHT OVER FOR STAIRCASE PASSAGE

REAR ELEVATION

TOPOGRAPHY OF LAND SLOPES UP IN THIS DIRECTION

LINE OF OWNERSHIP BOUNDARY

REAR DECKED TERRACE

VIEWS

IMPORTANT NOTE "EXCAVATION INTO THE LAND WOULD BE REQUIRED IN THIS AREA TO ALLOW FOR EXTENSION"

HIGH LEVEL WINDOW

SIDE ELEVATION 2

TOPOGRAPHY OF LAND SLOPES UP IN THIS DIRECTION

SHOWER ROOM

UTILITY

BEDROOM

KITCHEN/DINING

LIVING AREA

IMPORTANT NOTE "EXCAVATION INTO THE LAND WOULD BE REQUIRED IN THIS AREA TO ALLOW FOR EXTENSION"

MAINTAIN ACCESS PATH AROUND SUITABLE FOR MAINTENANCE REQUIREMENTS

EXISTING STONE PILLAR TO BE REMOVED

EXISTING BLOCKED UP DOORWAY TO BE RE-OPENED TO CREATE MAIN ENTRANCE

EXISTING BLOCKED UP DOORWAY TO BE RE-OPENED TO CREATE WINDOW

EXISTING DOOR TO BE REPLACED WITH WINDOW & TIMBER PANELING

WET ENTRANCE TO UTILITY/WARMING ROOM AND SHOWER

AIR SOURCE HEAT PUMP

ENTRANCE

GATED ACCESS TO FIELD RETAINED (IF REQUIRED)

TOTAL AREA (GROSS INTERNAL) • 53m<sup>2</sup>  
EXISTING FOOTPRINT AREA (GROSS INTERNAL) • 41m<sup>2</sup>  
INCLUDING BARN 1 & LOWER STORE SECTION TO BARN 1\*  
PROPOSED EXTENSION AREA (GROSS INTERNAL) • 12m<sup>2</sup>

FRONT ELEVATION



GRASS BANK (LANDSCAPED)

OUTBUILDING 2

PROPOSED FLOOR PLAN

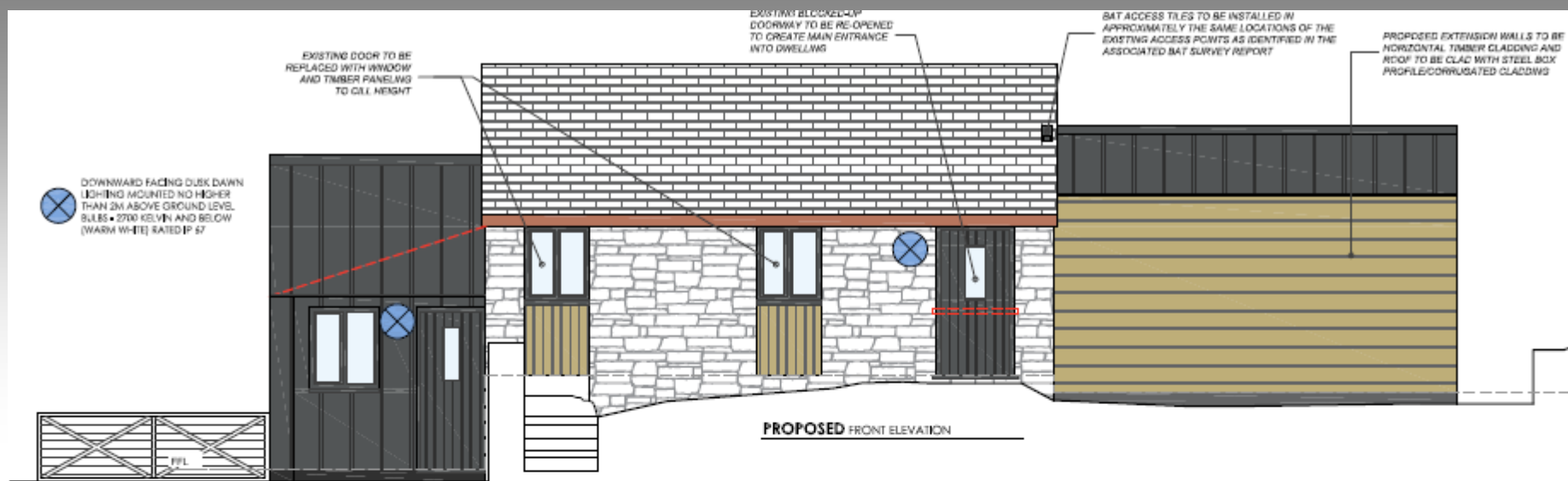


Project CHANGE OF USE OF EXISTING OUTBUILDING TO FORM HOLIDAY LET UNIT • PLANNING DRAWINGS  
Address BARNS ON LAND ADJACENT TO BRYN PELLYN, LLANDRILLO (52° 54' 7.2640"N 3° 25' 57.2615"W)  
Client MR & MRS BURN

Drawn by TY ARCHITECTURE



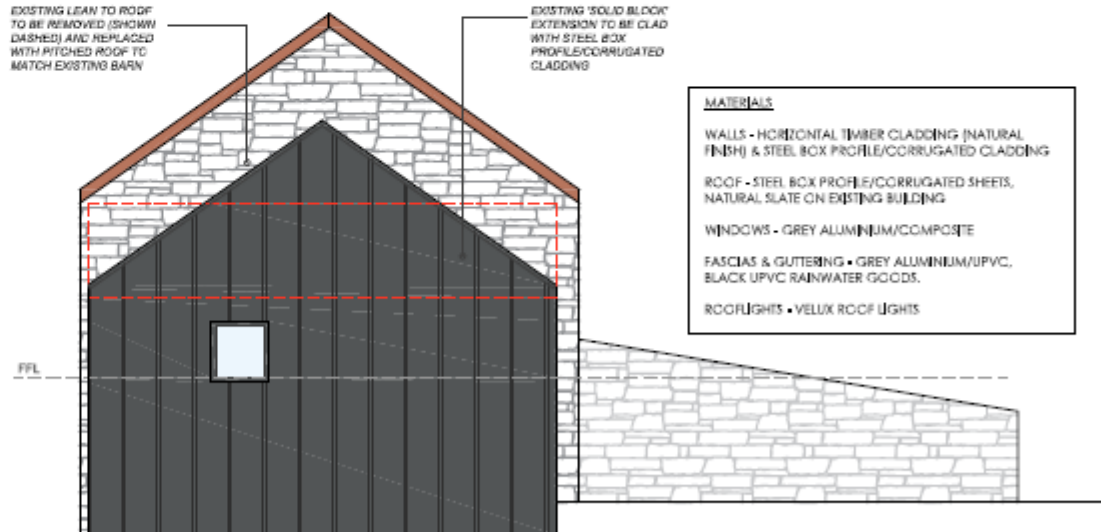




PROPOSED FRONT ELEVATION

EXISTING LEAN TO ROOF TO BE REMOVED (SHOWN DASHED) AND REPLACED WITH PITCHED ROOF TO MATCH EXISTING BARN

EXISTING 'SOLID BLOCK' EXTENSION TO BE CLAD WITH STEEL BOX PROFILE/CORRUGATED CLADDING



PROPOSED SIDE ELEVATION 1

#### MATERIALS

WALLS - HORIZONTAL TIMBER CLADDING (NATURAL FINISH) & STEEL BOX PROFILE/CORRUGATED CLADDING

ROOF - STEEL BOX PROFILE/CORRUGATED SHEETS, NATURAL SLATE ON EXISTING BUILDING

WINDOWS - GREY ALUMINIUM/COMPOSITE

FASCIAS & GUTTERING - GREY ALUMINIUM/UPVC, BLACK UPVC RAINWATER GOODS.

ROOFLIGHTS - VELUX ROOF LIGHTS

TOTAL AREA (GROSS INTERNAL) • 53m<sup>2</sup>

EXISTING FOOTPRINT AREA (GROSS INTERNAL) • 41m<sup>2</sup>  
\*INCLUDING BARN 1 & LOWER STORE SECTION TO BARN 1\*

PROPOSED EXTENSION AREA (GROSS INTERNAL) • 12m<sup>2</sup>

#### PROPOSED ELEVATIONS



**Project** CHANGE OF USE OF EXISTING OUTBUILDING TO FORM HOLIDAY LET UNIT - PLANNING DRAWINGS  
**Address** BARNS ON LAND ADJACENT TO BRYN PELLYN, LLANGREILO (52° 54' 7.0940"N 3° 28' 57.2568"W)  
**Client** MR & MRS BURN





PROPOSED EXTENSION ROOF TO BE CLAD WITH STEEL BOX PROFILE/CORRUGATED CLADDING WITH LARGE ROOFLIGHT.

SLIDING DOOR OUT TO DECKED PATIO AREA

BAT ACCESS TILES TO BE INSTALLED IN APPROXIMATELY THE SAME LOCATIONS OF THE EXISTING ACCESS POINTS AS IDENTIFIED IN THE ASSOCIATED BAT SURVEY REPORT

SOLAR PANELS TO BE INSTALLED TO EXISTING ROOF

SOLAR PANELS TO BE INSTALLED TO PROPOSED EXTENSION ROOF

DOWNWARD FACING DISC DAWN LIGHTING MOUNTED NO HIGHER THAN 2M ABOVE GROUND LEVEL BULBS - 2700 KELVIN AND BELOW (WARM WHITE) RATED IP 67

PFL

### PROPOSED REAR ELEVATION

#### MATERIALS

WALLS • HORIZONTAL TIMBER CLADDING (NATURAL FINISH) & STEEL BOX PROFILE/CORRUGATED CLADDING  
ROOF • STEEL BOX PROFILE/CORRUGATED SHEETS  
WINDOWS • GREY ALUMINIUM/COMPOSITE  
FASCIAS & GUTTERING • GREY ALUMINIUM/UPVC, BLACK UPVC RAINWATER GOODS.  
ROOFLIGHTS • VELUX ROOF LIGHTS

TOTAL AREA (GROSS INTERNAL) • 43m<sup>2</sup>

EXISTING FOOTPRINT AREA (GROSS INTERNAL) - 41m<sup>2</sup>  
\*INCLUDING BARN 1 & LOWER STORE SECTION TO BARN 1\*

PROPOSED EXTENSION AREA (GROSS INTERNAL) • 12m<sup>2</sup>

PROPOSED EXTENSION WALLS TO BE HORIZONTAL TIMBER CLADDING WITH HIGH LEVEL WINDOW TO ALLOW NATURAL LIGHT INTO LIVING AREA

PFL

### PROPOSED SIDE ELEVATION 2

### PROPOSED ELEVATIONS

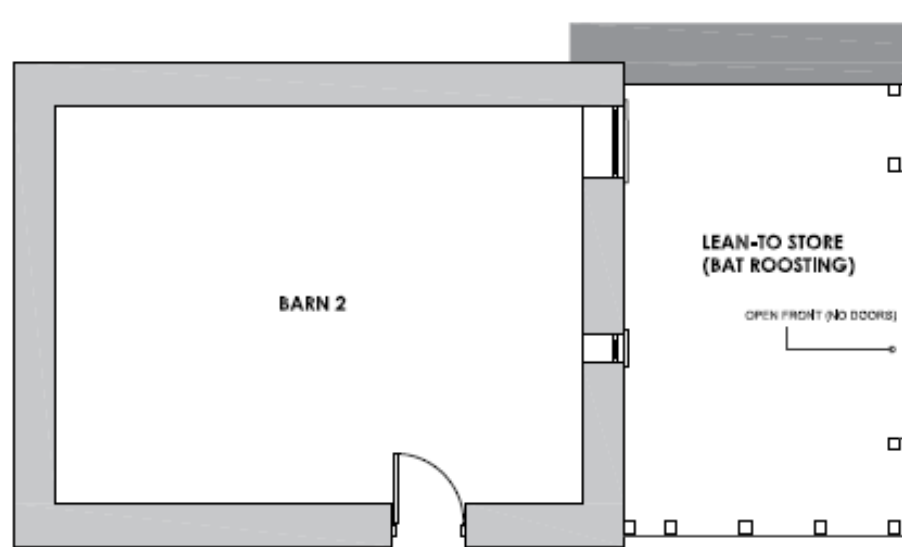


**Project** CHANGE OF USE OF EXISTING OUTBUILDING TO FORM HOLIDAY LET UNIT • PLANNING DRAWINGS  
**Address** BARN 1 ON LAND ADJACENT TO BRYN PELLYN, LLANDRILLO (52° 54' 7.0540"N 3° 29' 57.2598"W)  
**Client** MR & MRS BURN  
**Scale** 1:50 @ A3  
**Drawing** TY1235/PL03A

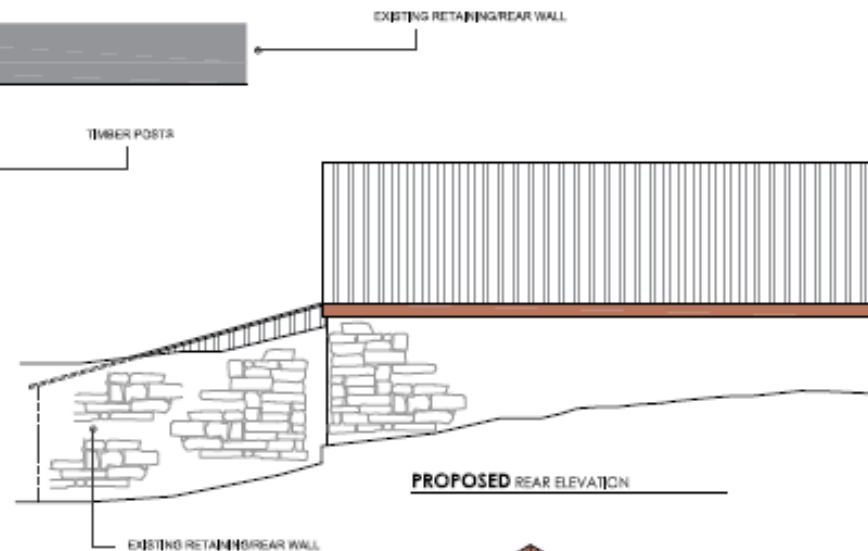


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Date: 01/01/2024  
Drawing: 01/01/2024

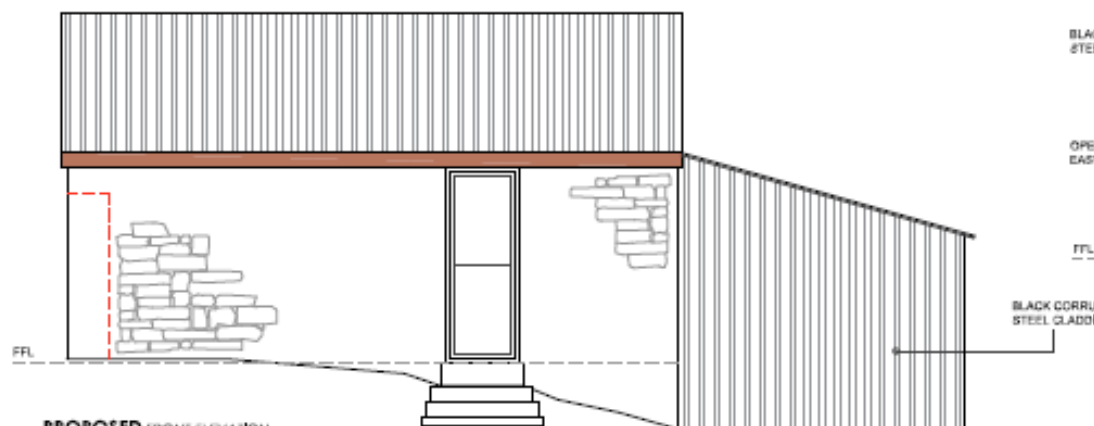




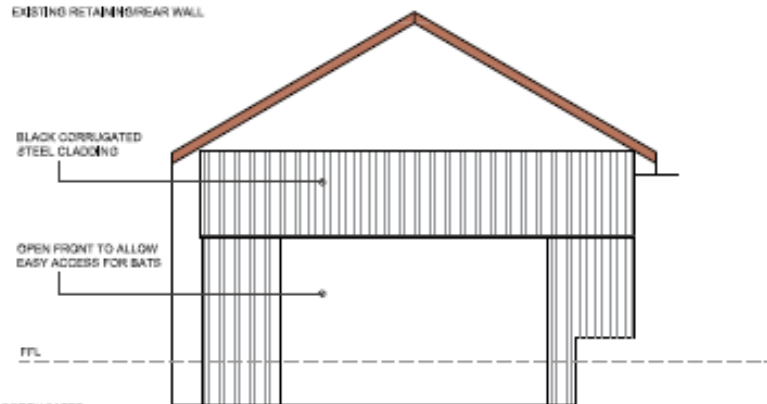
PROPOSED FLOOR PLAN



PROPOSED REAR ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

PROPOSED BARN 2 - STORE/BAT ROOST



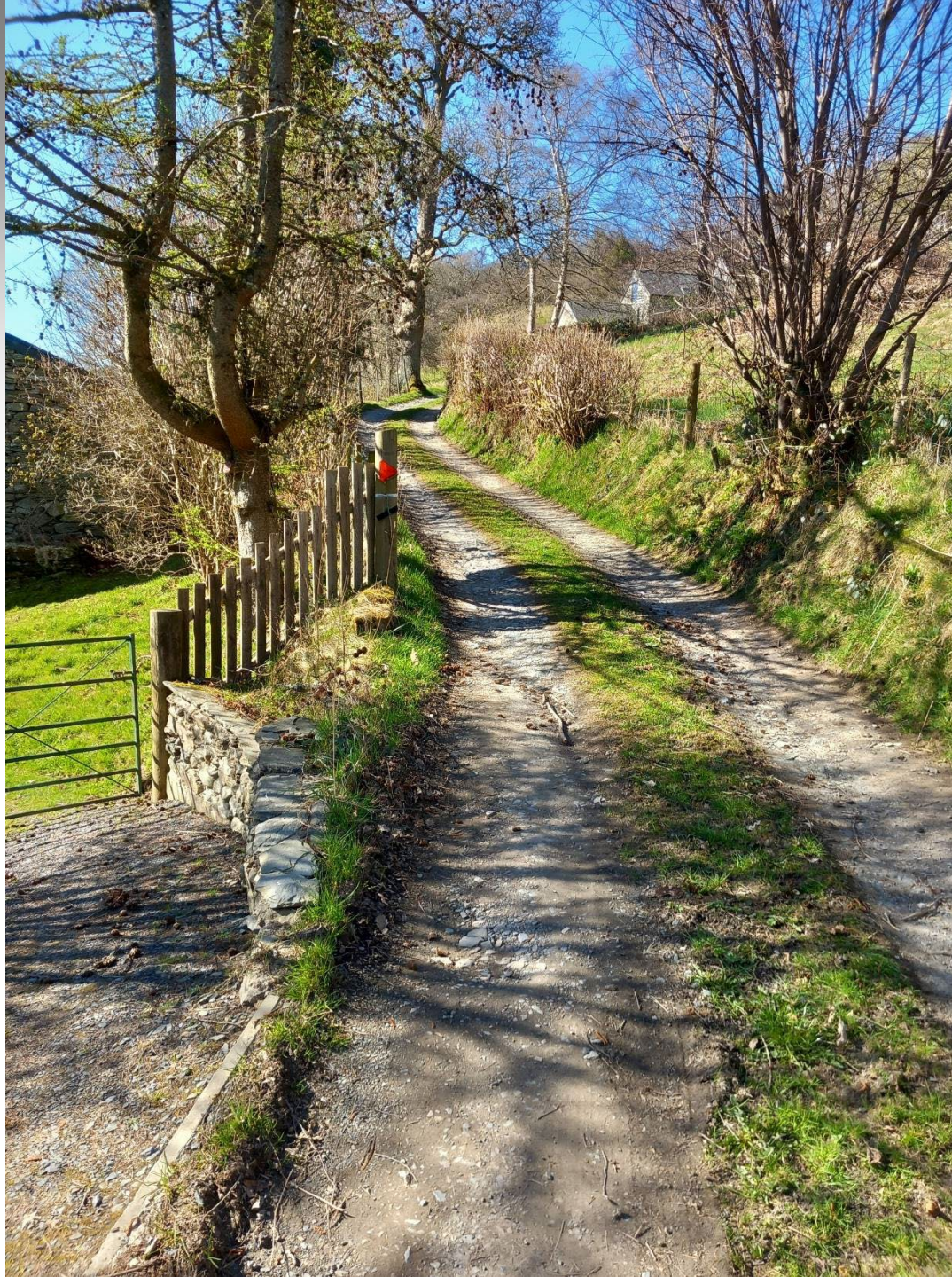
**Project** CHANGE OF USE OF EXISTING OUTBUILDING TO FORM HOLIDAY LET UNIT • PLANNING DRAWINGS  
**Address** BARNS ON LAND ADJACENT TO BRYN PELLYN, LLANDRILLO (52° 54' 7.0540"N 3° 26' 57.2665"W)  
**Client** MR & MRS BURN  
**Scale** 1:50 @ A3

Drawing: TY1295/PL065  
 10/10/2024

















































































Officer - Georgia Crawley

Ward - Edeirnion

Ward Member(S) - Councillor Gwyneth Ellis and Councillor Alan Hughes

Application Number - 07/2024/1377/PF

Proposal - Conversion and extension of existing outbuilding to form one holiday let unit (Use Class C6) including, installation of ground source heat pump, solar panels to roof, erection of lean-to bat roost to adjacent barn, formation of parking, landscaping and associated works

Location - Outbuildings Adj Bryn Penllyn Farm, Llandrillo, Corwen, Denbighshire,

Applicant - Mr and Mrs Robert & Frances Burn

Constraints

|                                    |                            |
|------------------------------------|----------------------------|
| Denbighshire Electoral Divisions   | Edeirnion                  |
| City Town and Community Councils   | Llandrillo Community       |
| Planning Applications 1974 to 1999 | 16/1638                    |
| Planning Applications 1974 to 1999 | 16/1831                    |
| Planning Applications 1974 to 1999 | 16/3967                    |
| Local Development Plan             | Area of Outstanding Beauty |

PUBLICITY UNDERTAKEN:

- Site Notice - f -
- Press Notice - f
- Neighbour letters - 22

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANDRILLO COMMUNITY COUNCIL

Resolved to not support this application because of the following negative effects on amenity relating to neighbours:

- 1) Information - The nearest existing private property to this application i.e. Bryn Penllyn has not received any communications about this development. Although the name or Bryn Penllyn is common to both the applicant and adjacent property, they are totally separate and unrelated.
- 2) Highway Access - The single lane access road / track to this development serves three properties plus agricultural land and is not metalled after passing the property of Bryn Bach. Any additional traffic generated by this development may cause further deterioration of the surface. During freezing weather conditions existing residents’ vehicles are left on the Pennant Road, any additional vehicles may not be accommodated.
- 3) Water Supply is not referenced in the application information. The existing supply is via a spring which is sufficient to serve the existing demand any additional stress placed upon this by the development may not be sustainable.
- 4) Noise and Disturbance from this development may directly affect and impinge up on residents at Bryn Penllyn and Bryn Bach situated some 60 metres and 160metres respectively from the development.
- 5) Drainage - Existing Building described as ‘lambing hut’ accommodates a bathroom and has been in use for many years. This discharges into an existing septic tank which may be insufficient to accommodate additional development.
- 6) A large mature oak Tree is situated adjacent to the proposed extension and decking area this may undermine the stability of the tree.
- 7) The proposal may be an over development of the existing site usage, generating additional adverse effect to the existing character and locality.

NATURAL RESOURCES WALES

Natural Resources Wales (NRW) advised that they have concerns with the development, however, they are satisfied that these

concerns can be overcome if the Bat and Protected Species Survey Report is included in the approved documents list. The report has identified that there are bats present at the application site. The proposed development is considered to be a higher risk for bats. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by NRW (where the three tests in paragraph 6.3.7 of TAN 5 have been satisfied. NRW requested a Note to Applicant highlighting the legal protection of protected species and the need for a licence to carry out any works. Natural Resources Wales also recommended that an Ecological Compliance Audit where Key Performance Indicators have been defined is submitted with any EPS licence application.

NRW also commented that the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with the NRW Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments. However, recognising the specific nature of the application submitted, e.g. private sewage treatment system which meets the screening criteria set out in our Advice, we are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

#### DWR CYMRU / WELSH WATER

Dwr Cymru Welsh Water is not the sewerage operator for this area.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

No objection.

#### Public Protection Officer

Public Protection raised initial concerns and recommended refusal of the application regarding the ability of the current spring-derived private water supply, being able to provide a sufficient water supply to the development and the existing residential property users which share the supply. There have been reports of low to no flow of water in the summer months. This would coincide with the main holiday let use of the proposed development.

#### Final response:

Following an amended scheme, Public Protection recommended that the application could be granted subject to the following condition:

1. The applicant shall submit and agree in writing with the Local Planning Authority a Normal and an Emergency Operating Plan for the rainwater harvesting private water supply.

Reason 1: To protect public health.

#### Notes to Applicant

The granting of planning permission does not preclude the Public Protection department from carrying out a formal investigation should a statutory nuisance complaint be received in the future.

#### Ecology Officer

*There are several statements made within the ecological report (Cambrian Ecology Ltd, 22/7/24) claiming that bats are not breeding on site. However, as the final emergence survey was completed on 12th June, prior to the peak breeding season, such statements cannot be confirmed.*

*At least five bat species were recorded on site with two species (common pipistrelle *Pipistrellus pipistrellus* and lesser horseshoe bat *Rhinolophus hipposideros*) confirmed as using the current building as a place of rest or shelter.*

*Technical Advice Note 5 (Nature Conservation and Planning) 6.3.7 states "It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European Protected Species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 licence are likely to be satisfied. To do otherwise would be to risk breaching the requirements of the Habitats Directive and regulation 3(4). It would also present the very real danger that the developer of the site would be unable to make practical use of the planning permission which had been granted, because no regulation 44 licence would be forthcoming."*

*It is recommended that further bat surveys are carried out in order ensure the correct roost characterisation has been achieved. A biodiversity enhancement plan must be developed considering use of the site by bats and the ecological*

*requirements of the confirmed species. Any proposed compensation roosting locations (places of rest/shelter/breeding) should provide like-for-like ecological functionality as is currently available.*

Final response:

*Having reviewed the proposals and associated ecological report, I recommend that the following conditions are attached to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales (Edition 12).*

*At least five bat species were recorded on site with two species (common pipistrelle *Pipistrellus pipistrellus* and lesser horseshoe bat *Rhinolophus hipposideros*) confirmed as using the current building as a place of rest or shelter. Bitumen 1F underslaters felt must be used in any roof alteration/creation where bats are to be encouraged to roost under/within the roof. Breathable roofing membrane must not be used as this can entangle and kill bats. Further information can be found at: <https://www.bats.org.uk/advice/im-working-on-a-building-with-bats/things-to-consider-when-planning-works/roofing-membranes>*

*Subject to conditions relating to full implementation of biodiversity enhancement measures, carrying out the development strictly in accordance with the approved Reasonable Avoidance Measures, an Ecological Compliance Audit and that all trees and hedges are protected as part of the development.*

## RESPONSE TO PUBLICITY:

Hugh Stiles and Tess Stiles, Bryn Bach, Llandrillo, LL21 0TE  
Eleri Messham and Josephine Holman, Maes, Llandrillo, LL21 0TE

Mike James and Lesley James, Bryn Penllyn, Llandrillo, LL21 0TE  
Andrew Greenough and Dilys Greenough, Pant Y Llyn, Llandrillo, LL21 0TE

Summary of planning-based representations in objection:

### - Residential Amenity:

- The holiday let is separate from the main dwelling - so there would be no control for them. Concerns over possible behaviour of guests.
- Loss of privacy.
- Amenity area faces the adjacent dwelling.
- Concerns about holiday makers wandering into the adjacent garden.
- Noise could be generated from the site.
- Closest property is 60m. The distance of 21m which is quoted for the usual separation of properties is for domestic properties. This will be a business property, with entirely different issues.

### - Visual Amenity:

- The site has AOB status under the Council's LDP, but could become a National Park if reviewed. Cwm Pennant will suffer noise pollution, visual degradation, and the change of use will inevitably give rise to litter issues.
- The proposed parking area will be highly visible from the local landscape - negative visual impact.

### - Access:

- The local roads are unsuitable for any increase in the volume of traffic; for construction or additional traffic associated with the use of the proposed holiday let.
- The roads are narrow with many blind bends.
- There are no turning spaces beyond the property.
- There are parts of the road where water crosses the roads and get flooded - and in winter causes ice. There is cracking where the existing road is struggling to cope with the existing traffic.
- It is dangerous for people who are not used to country roads; livestock, speeds, narrowness etc. There is no possibility of improving the track up to the property.
- At the moment, there is no agreement in place for the Applicant to contribute to the upkeep of the first section of the unmetalled track - this should be required.
- Track is only suitable for 4x4 cars.
- Concerns that the ambulance, fire service and air ambulance may not be able to reach the site due to hairpin bend bend/ topography.
- Planning application 07/2015/0608/PF was refused which was proposed off the same track - this was for the construction of a cromlech (resting place for cremation ashes) with associated access paths and parking areas. Consider reasons for refusal 1 (sustainability 750 urns proposed to be sited on site), 3 (additional access track required), 4 (high number of visitors would cause traffic, noise and disturbance), 5 (highway unsuitable for significant increase in traffic - 750 urns) and 6 (no ecology report) relevant to this application also.
- Query if there is a legal right of access.
- Access to the property is an unadopted, unmade farm track, it is not a single carriageway road. The unmade track is used by farm vehicles (tractors, trailers etc) and by the residents and visitors of Bryn Penllyn and Pant y Llyn. We reiterate that it is an unmade, rutted muddy track and has been for many decades, the permanent residents



are responsible for its maintenance.

- People who are unfamiliar with driving in the country, drive up the lane far too fast, make no allowance for the fact that the lane is narrow, that the verge comes right up to the tarmac, and fail to read the road ahead (leaf litter, branches, blind bends, sheep, loose surface).
- The lane is completely unsuitable for many visitors, and the unmetalled track even more so.
- Cars and vans regularly come off the tarmac and have to be pulled out and in winter the road is often blocked with snow and ice. Neighbours leave vehicles in the valley when it snows as the road becomes impassable.
- Busy farm access track, consisting of an adopted un-tarmacked lane becoming an unmetalled track beyond Bryn Bach, therefore highly unsuitable for further traffic.

- Economic:

- The economic benefits to Cwm Pennant, to Denbighshire, and even to Wales, are marginal.
- There will be a small role for a part-time cleaner - but all income would go to the applicants.
- Oversupply of holiday accommodation locally. There is already an expansive static caravan park in the village, and Rhyd Gethin offers holiday accommodation which was sold a couple of years ago because bookings were too low to keep the business profitable.
- May be intentionally seeking residential dwelling as holiday let will fail.
- Does approving holiday lets not undermine the discouragement of second homes initiative? Welsh Government's policy for second holiday homeowners, and the need to fulfil the 182 days of commercial letting.

- Biodiversity:

- Increase in traffic would have detrimental impacts on local wildlife.
- Concerns about impacts upon trees. Oak Tree is too close to the proposed site, NHBC Building near trees 4.2.3, and would recommend an independent survey. Excavation of the slope would damage the roots and make the tree unstable and dangerous.
- throughout the course of the development by a fence one metre from the outermost limit of the root protection area. This is, according to BS 5837 2012, 12 x the diameter of the tree. The ground must not be lowered or raised in this area. The mature Oak tree has a diameter of one metre, This means no work can take place in the ground up to 13m away. From the detailed plan drawing by Ty Architecture, TY/1286/PL04A, the new extension comes out to within less than 10m from the tree, and this is without taking into account any decking area. The ground will also have to be dug out as it is going uphill by at least a metre.

- Drainage:

- The application suggests that the property has a septic tank with drainage field – but neighbours believe it is a cess pit with an overflow pipe. If the caravan is used simultaneously, will it still be effective?
- Water Supply – The spring has previously not been able to provide enough water to service the existing properties and farmers' drinking troughs. Additional demand would not be sustainable for the supply. There is no obligation for the spring to provide water to the barns. A bore hole on site would prove difficult. It would be during peak usage times and driest times when the demand was most. Could also cause the water quality to be harmed due to depletion which would effect the wider community and ecosystem. Protecting the existing residents is essential.
- Neighbours do not consider that the right to extract spring water was lawful for this application site.
- Only 6ft fall in pipe to septic tank.
- Water harvesting system would cause issues if fed off existing spring as it would store and pull water into the system, making the supply less and not acceptable for the other users.
- Queries over soakaways being able to run into pasture land.
- Do they have access rights to have the drainage in the field? Ownership no longer the same.
- Need new permit as not complying with 2010 regulations. Permit no. NRW-WQE090570 it is understood to relate to a different and unconnected agricultural building, albeit in the same land ownership, where a single WC was available during the lambing season. This system was served minimally by a 1.5 m3 septic tank and drainage comprising a perforated pipe or pipework which was not amenable to detailed inspection.
- The proposed holiday let would be plus the former lambing shed, plus the caravan. Waterco has amended their findings to agree with Clarke contractors, two person loading only. Although not part of the Planning Application, there is still the problem of the existing bathroom/WC in the Lambing Shed. The septic tank cannot support two bathrooms, and the removal of the existing bathroom/WC will have to be included in the Planning Application - combined waste streams of the holiday let, the (former) lambing hut, and the undeclared caravan – anything up to eight people in total.
- Flooding runs down the lanes, claim that applicants kerbs have increased the issues.
- Concerns that rock breaking will be required to facilitate the drainage

Other:

- No phone signal if there are accidents.
- Issues with phone/ internet. Additional use of line could cause impacts on neighbours' speeds.
- How will rubbish be disposed of? The collection point is ¾ mile away from the site – with changeover site on a Saturday, it would be there until Monday and bins could remain there until the following week? Could attract vermin etc.
- Livestock – any permission must ensure that dogs can't escape to chase sheep etc.
- Bryn Pellyn not a farm and not been used for 40 + years - site used as holiday use for 30 years.

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

- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:** Conversion and extension of existing outbuilding to form one holiday let unit (Use Class C6) including, installation of ground source heat pump, solar panels to roof, erection of lean-to bat roost to adjacent barn, formation of parking, landscaping and associated works.

1.1 Summary of proposals

1.1.1 The proposed development is for the conversion and extension of an existing outbuilding to form a holiday let (Use Class C6). The proposed extension is sought on the western end of this barn. This is proposed to be finished in timber cladding with box profile/ corrugated cladding on the roof. This building would be 5.2m x 4m and is proposed to provide 12sqm as a living area for the holiday let. The rear elevation would have patio doors and a large roof light and would open up to the rear onto a decking area.

1.1.2 The proposals include the erection of a lean to bat mitigation shed. This is to be located adjoining the central barn (Barn 2). The other sheds would not be made available to the holiday let and these would be closed off from guests. The applicant advised that guests would however, have the whole site to themselves. A new parking and turning area is proposed to accommodate two cars.

1.2 Other relevant information/supporting documents in the application

1.2.1 The Application is supported by a Bat and Protected Species survey, a Water Supply report, Business plan, Foul drainage note, Structural Survey and a Planning Statement.

1.3 Description of site and surroundings

1.3.1 The application site consists of three stone barns with a more modern 'agricultural shed' (not in use or having been in agricultural use for circa 30 years) and a small cabin (notes as the lambing shed throughout the application). The site is 0.15ha and includes an area of grassed lawn.

1.3.2 The site is 1.9miles to the south of Llandrillo. The site is accessed via the Pennant Road, where it then turns off onto the track. The first section is metalled and then beyond this, it is just a made track. The track is circa half a mile long. The track serves two residential dwellings and accommodates farm traffic.

1.4 Relevant planning constraints/considerations

1.4.1 The application site forms some vacant former farm outbuildings in the open countryside, away from any defined settlement. The area is designated within the Local Development Plan as an Area of Outstanding Beauty. It is also designated as a Mineral Safeguarded Area (Sand and Gravel). The area forms part of the Phosphate Sensitive Special Area of Conservation Catchment Area (Bala Lake and River Dee).

1.5 Relevant planning history

1.5.1 None.

1.6 Developments/changes since the original submission

1.6.1 There were some initial drafting issues with the plans which were amended. These included the proximity of Barn 2, extent of extension, the size of the existing buildings, the capacity of the Foul Waste system and the consistency/demand on the existing fresh water supply.

1.7 Other relevant background information

1.7.1 None.

**2. DETAILS OF PLANNING HISTORY:**

2.1 16/1238 Continued siting of caravan (temporary). REFUSED 11/09/1976.

2.2 16/1831 Continued siting of caravan. GRANTED 08/02/1977.

2.3 16/3967 Continued siting of caravan. GRANTED 11/12/1979.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

## **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4th June 2013)

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

Policy PSE5 – Rural economy

Policy VOE1 - Key Areas of importance

Policy VOE2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

## **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Archaeology

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings

Supplementary Planning Guidance Note: Trees & Landscaping

## **Government Policy / Guidance**

Planning Policy Wales (Edition 12, 2024)

Development Control Manual November 2016

Future Wales – The National Plan 2040

## **Technical Advice Notes**

TAN 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 18 Transport (2007)

TAN 23 Economic Development (2014)

TAN 24 The Historic Environment (2017)

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

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales (Edition 12, 2024) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Ecology

##### 4.1.5 Drainage (including flooding)

##### 4.1.6 Highways (including access and parking)

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in Planning Policy Wales (Edition 12, 2024). The countryside should be protected for its intrinsic sake and the need to promote a resource-efficient and climate change resilient settlement pattern that minimises land-take is one of the Well-being of Future Generations (Wales) Act 2015 goals.

PPW 12 Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

LDP Policy PSE 4 relates to the "Re-use and adaptation of rural buildings in open countryside". Policy PSE 4 supports the conversions of rural buildings, outside of development boundaries, for employment use. The 'Re-use and adaptation of rural buildings' SPG expands with further guidance about LDP Policy PSE4 and at 6.1 it states that *'The Council would consider conversion to holiday accommodation or tourist facilities as an economic use.'* It is therefore considered that a proposal for C6 holiday accommodation use would therefore be acceptable in principle subject to assessment of its other impacts and compliance with the other criteria of Policy PSE 4. The other requirements of PSE 4 are that the scheme makes a positive contribution to the landscape and any architectural features of merit are retained.

In addition, Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, including new build development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape.

The Structural Survey submitted with the application confirms that *'Barn 1 is structurally sound and does not require any remedial works. The building would suit a change of use with little to no structural alterations being required. The roof is acceptable to retain as are the walls and floor. The lean-to annex would require upgrading but this structure has little merit'*. The building is also made from traditional materials and is generally in a good condition. It is therefore considered that the building is suitable for conversion in line with the guidance.

Some concerns were raised by neighbours regarding the demand for holiday accommodation and also regarding the second home legislation/ tax and whether the provision of holiday lets undermines this. The application is supported by a Business Case that sets out market research, discussions with Skyes Cottages and projections of costings/finances. They have considered the nearby mobile homes sites and that there are 8 other holiday lets in proximity to the site. The Business Case sets out the unique selling points of this site and that this is aimed at couples such as walkers, people wanting this quiet or for things like bird watching. The unit would be different to the offer in the other sites.

The second home legislation and tax is aimed at discouraging second homes by increasing the taxation rates on second homes; which could otherwise be returned to normal residential homes. Holiday lets are taxed differently under business rates and are still encouraged as they are recognised to support the economy etc. To classify as a holiday let, the holiday let must be made available for at least 252 days and actually let out for 182 days in any 12-month period.

To ensure that the use would be as a holiday let, a condition is proposed to be imposed to restrict the use of the accommodation to holiday let only (C6 use class), which is considered necessary in order to prevent the units being used as residential accommodation or a second home. The formation of a new dwelling in open countryside would need to comply with much stricter criteria.

#### 4.2.2 Visual amenity and Area of Outstanding Beauty

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates

that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (Edition 12, 2024) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

The proposed development involves the conversion of the existing stone building (Barn 1) to create a holiday let. The proposals make use of existing openings to create window and door openings. There is an existing lean-to on the eastern side of the building. This is currently constructed of block walls and has a mono-pitched roof. It is proposed to alter the roof to be a pitched roof to match the pitch of the main barn and to clad the roof and building in box profile/ corrugated cladding on the walls and roof. There is a large shed adjacent to the site and it is considered that it would complement the wider site in this material. It should be finished in a recessive material. The final palette of materials is something that could be controlled through conditions.

An extension is proposed on the western end of this barn. This is proposed to be finished in timber cladding with box profile/ corrugated cladding on the roof. This building would be 5.2m x 4m and is proposed to provide 12sqm as a living area for the holiday let. The rear elevation would have patio doors and a large roof light and would open up to the rear onto a decking area. The decking area is to the south of Barn 2.

The topography of the site rises steeply from the side elevation of barn 1, so this area will have to be partially cut into in order to build the extension and have the decked area to the front of it. There aren't full details of the decking. It is considered that this should be controlled through a condition to ensure that it is only a minor area and that the design is acceptable.

The barns are traditional stone outbuildings with a lot of character. It is considered that the proposed conversion is sympathetic to the existing building and would provide a viable use for the building to safeguard it and prevent it from falling into a state of disrepair. Given the location of the proposed extensions and the proposed use of natural and recessive materials that would blend into the site as a whole, there would be very minimal visual change. It is considered that the visual amenity impacts would be acceptable in line with the criteria of PSE 4 and VOE 2.

#### 4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

A number of concerns have been raised regarding the potential for residential amenity impacts upon the neighbouring properties. The nearest property is Bryn Penllyn, to the west. This property is in separate ownership from the application site. The closest part of the proposed development is the proposed extension to the western end of Barn 1 (proposed for conversion). This is circa 45m from the front/side elevation of the dwelling Bryn Penllyn. Bryn Penllyn faces north, therefore its side elevation faces the site, however, the front elevation and main windows are slightly visible from the site at an angle.

The proposed windows on this extension would all face south. Therefore, there would not be any overlooking from the windows towards the dwelling, so residential separation standards would be adhered to. There is also an area of decking proposed to be located directly adjoining the extension. Officers are recommending a condition to control the details of this, but the decking would be equal to or lower than the floor level of the holiday let, therefore, this would also be lower than the slope. The decking area is likely to be somewhere to sit and spend time, therefore there may be an impact on the neighbours from this as it is currently an area not used. However, the land is at the bottom of the slope and therefore direct views into the dwelling or areas or the immediate garden associated with the dwelling from this area would be limited, particularly when sitting down, and over 40m away.

Concerns have also been raised regarding potential for increased noise. Whilst there is obviously some possibility for increased noise and activity coming from the site, it is noted that the proposed unit is a one- bedroom dwelling, so is aimed at single persons or couples. Some comments note that the living room could be used as a second bedroom, however, it would not be in the applicant's interest to allow groups as the cost would be the same and therefore, this can be discouraged and managed by their letting agents.

Based on the foregoing, it is not considered that there would be an unacceptable impact upon residential amenity as a result of the proposed development.

#### 4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (Edition 12, 2024) within Chapter 6 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development

which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (Edition 12, 2024) sets out that “*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems*” (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- *Green Infrastructure*

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- *Net Benefit for Biodiversity and the Step-wise Approach*

Clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- *Protection for Sites of Special Scientific Interest (SSSI)*

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a ‘living landscape’.

- *Trees and Woodlands*

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) Policy 9 advises that ‘In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment’. It is therefore recommended that these are included and form part of any planning application.

The proposal is supported by a Bat and Protected Species Survey that the building is being used as a bat roost for Common Pipistrelle bats and a night roost for Lesser Horseshoe Bats. Reasonable Avoidance Measures (RAMs) are recommended within the report as well as mitigation measures and compensatory roosts. The survey concludes that provided the recommended mitigation and enhancement measures are undertaken, there should be a net gain in biodiversity, no net loss of roosting or nesting sites nor any danger of harm to any species.

Subject to the imposition of an appropriately worded condition or conditions, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

Given the presence of protected species, the works can only be carried out under a European Protected Species (EPS) License from NRW.

In considering the grant of planning permission, the LPA must consider whether the disturbance of the protected species is required for the purpose of “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment.*”

This proposal is to convert an existing building outbuilding into a holiday let. It is considered to accord with social and economic justifications and LDP Policy PSE 4 by providing an economic use that will provide some employment in a rural area, and would also provide work for local tradespeople during construction. Furthermore, if carried out correctly the works could secure the longer term future of the habitat.

Having regard to the nature of the proposal, it is not considered that there is a satisfactory alternative to the works proposed, as any scheme would require the same extent of works to the internal area and roof as the proposed scheme. However, by carrying out the works, the additional mitigation and enhancement measures can be secured. It is noted that adequate mitigation methods have been proposed and no objections to these have been raised by the County

Ecologist or Natural Resources Wales. It is therefore considered that if the development was permitted, it would not be detrimental to the maintenance of the population species concerned.

Given the advice from the County Biodiversity Officer and Natural Resources Wales, it is considered the proposal meets the '3 tests'. A note to the applicant stressing the requirement to obtain an EPS Licence is proposed (BAT L'CE).

Some concerns have been raised with the proximity of the site to the adjacent trees. The trees are considered to be well separated from the application site, and the Oak Tree referenced in objections is on much higher ground than the application site. Based on the topography and distance, Officers do not consider that there would be an impact from the excavations. A condition is proposed to require protection measures to be employed as well as a proposed landscaping scheme for the wider site.

#### 4.2.5 Drainage (including flooding)

Planning Policy Wales 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 drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (Edition 12, 2024) at para 6.6.9 states '*The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity*'.

The site is located within the Phosphate Sensitive SAC Catchment Area. The proposed development is for a one bedroom holiday let. The application is supported by a Drainage Survey and Statement that advised that;

*'As per the NRW guidance on Phosphates, discharges to ground up to 2m<sup>3</sup>/day via a suitable drainage field are considered unlikely to have a pathway for phosphorus to enter the river environment and unlikely to have a significant effect on an SAC.*

*The site is currently served by a septic tank and drainage field (discharge to ground) and has a permit exemption in place for discharge of foul effluent of up to 2m<sup>3</sup> per day to ground (exemption reference: NRW-WQE090570). An inspection of the septic tank (1.5m<sup>3</sup> capacity) and associated drainage field has been undertaken by Clarke Contractors. Both the septic tank and drainage field were found to be in suitable condition and of sufficient capacity to accommodate the proposed flows. Flows from the proposed 1-bed holiday home would be a maximum of 0.3m<sup>3</sup> based on 2 occupants (based on 150 litres per person per day taken from British Water Flows and Loads 4). It is therefore considered that foul flows from the proposed development can continue to drain to the existing septic tank and drainage field, and would be compliant with the conditions of the existing Environmental Permit exemption'.*

Natural Resources Wales reviewed the application and advised that recognising the specific nature of the application connecting to a private sewage treatment system that meets the screening criteria that they are satisfied that the proposed development is unlikely to be a source of additional nutrients/ pathway for impacts, and that they consider that it is reasonable for the proposed development to be screened out on this basis that this proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs. The LPA have also formed this same view.

The existing tank does only have capacity for two residents, and there is evidently an existing use of the site by the applicants. Due to this, the only concern by Officers is that there could be a use in excess of this if the existing use continued (the applicants have previously used the shed to house their caravan and potentially stayed in Barn 1 - unfurnished. There is also a 'lambing shed' which is now a kitchen/ WC etc that are separate from the holiday let). This use appears to have been corroborated by the neighbours to have been ongoing for 30 years.

The issue in determining this application is the potential for more than two persons to be using the septic tank. The applicant advised that they would be minded to introduce a new system to overcome this issue. On this basis, a pre-commencement condition for the full details of a drainage scheme is proposed to be attached to any consent. This would mean that they could either implement the connection to the existing system which is agreed as acceptable with Natural Resources Wales, or they can have a new scheme reviewed with additional capacity. If they did not increase the capacity, then this could be refused.

This is considered acceptable to be conditioned as there is the fallback position of the existing septic tank that has been agreed as a suitable solution, but up to 2 persons.

#### Water Supply:

Concerns were initially raised by neighbours and by Public Protection regarding the use of the spring to supply the site.

The application is now based on a water harvesting scheme that would be totally self-sufficient from the water supply by harvesting water from the site and using a bowser for any shortfall. Public Protection are satisfied with this subject to a condition requiring a normal and emergency operating plan.

#### 4.2.6 Highways (including access and parking)

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. The Parking Standards in New

Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (Edition 12, 2024) and TAN 18 - Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

A number of concerns have been raised by neighbours regarding the access arrangements to the site. The track up to the property is a single lane track which is metalled only for a part of it and is then a none-made track with areas where there is a grassed centre. The neighbours are concerned about any additional use of the track by persons using the holiday let as they would not be familiar with the road, that it may be persons who are not used to this type of road or that struggle to reverse, that there are very limited passing places, that the neighbours all have 4x4 vehicles as the track becomes flooded during heavy rain and is inaccessible during any snow/ice.

The site visit was conducted on a sunny day, so the conditions on the track were likely particularly good, however, the Officer's car was fine on the track and didn't have any issues (not 4x4). There are very limited passing places, but it was generally akin to other rural sites in the area. The Local Highway Authority raised no objections to the proposed development. Given the existing use of the site has been of a similar nature, the level of traffic may not be significantly more. Advice could be provided directly to visitors and also any advert should provide guidance on this matter. However it is not considered that it would warrant refusal of the planning application.

Some concerns were raised regarding the ability for fire services and ambulances to access the site. Whilst it is narrow, the track has also served farming, associated machinery and vehicles serving the other properties / erecting the shed on site etc.

A previously refused planning application 07/2015/0608/PF was highlighted by neighbours as a similar case, and precedent for the refusal of this application. However, that application was for the construction of a cromlech (resting place for cremation ashes) with associated access paths and parking areas. Whilst the reasons for refusal related to sustainability, the additional access on the track, number of visitors, traffic impacts and that the highway is unsuitable for a significant increase in traffic, that scheme was for 750 urns, so could attract a very high number of visitors and likely ceremonies with hundreds of people. This case is therefore not really comparable and wouldn't generate any significant level of traffic.

The Local Highway Authority raise no objections to the proposed development. Based on the foregoing, it is considered that the proposed scheme does not warrant refusal based on highway matters.

### **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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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.

#### **Equality Act 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant.

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



1 The development shall begin not later than 5 years from the date of this decision.

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

Barn 1 - Existing Elevations (Drawing No. Ty/1286/SU02) Received 27-08-2024

Barn 2 - Existing Floor Plan & Section (Drawing No. Ty/1286/) Received 27-08-2024

Foul Drainage Note ( Ref: 15583, Waterco Dated Oct 2024) Received 27-08-2024

Planning Support Statement (Ref: DH299/01/23 Dated 23/8/24) Received 27-08-2024

Application Form Received 05-09-2024

Business Plan Received 05-09-2024

Barn 1 - Existing Floor Plan and Section (Drawing No. Ty/1286/SU01) Received 27-08-2024

Barn 2 - Existing Elevations (Drawing No. Ty/1286/) Received 27-08-2024

Location Plan (Drawing No. Ty/1286/SU06) Received 27-08-2024

Proposed Site Plan (Drawing No. Ty/1286/PL04A) Received 11-11-2024

Planning Statement (Ref: DH299/01/23 Dated 10/11/24) Received 11-11-2024

Barn 1 - Proposed Floor Plan (Drawing No. Ty/1286/PL01A) Received 11-11-2024

Barn 1 - Proposed Elevations (Drawing No. Ty/1286/PL02A) Received 11-11-2024

Barn 1 - Proposed Elevations (Drawing No. Ty/1286/PL03A) Received 11-11-2024

Barn 2 - Proposed Store/Bat Roost (Drawing No. Ty/1286/PL05B) Received 11-11-2024

Existing Site Plan (Drawing No. Ty/1286/SU05) Received 27-08-2024

Structural Report (Ref: 23338/E/01 Dated 29/11/23) Received 27-08-2024

Water Supply Report (Waterco, REF 15583/03, February 2025) Received 15-02-2025

Bat & Protected Species Survey Report (Cambrian Ecology Ltd, 26/02/25) Received 27-02-2025

3 The use of the building shall be restricted to short-term holiday accommodation only (C6 Use Class) and the building shall not be used as a dwellinghouse or occupied as a person's sole or main place of residence (C3 or C5 Use Classes). 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.

4 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 without approval in writing of the Local Planning Authority.

5 Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles as indicated on the approved plan, and shall be completed prior to the use commencing.

6 No hot tubs shall be permitted to be installed at the site without the prior written agreement of the Local Planning Authority as to the siting, specification and method of drainage, which shall include a soakaway/drainage area shown on appropriate plans. This shall include porosity tests results to assess the suitability of ground conditions to ensure the potential for groundwater pollution is minimised. The hot tubs shall only be installed and operated in accordance with the approved details and shall be installed maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations.

7 External lighting shall only be carried out strictly in accordance with the approved details. No additional external lighting shall be installed unless otherwise agreed in writing with the Local Planning Authority.

No new internal lighting shall be permitted to be installed or operated, until the written approval of the Local Planning Authority has been obtained to the details thereof to include light spillage details and any mitigation measures which should be designed to avoid negative impacts on bats and visual amenity. The scheme shall be carried out strictly in accordance with the approved details.

8 The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures and lighting scheme set out on the approved Proposed site plan (Drawing No TY/1286/PL04A) and shall include at least four Vivara Pro Seville woodstone 32mm nest boxes, two Vivara Pro Beaumaris woodstone bat boxes, and an open lean-to structure.

9 The development shall be carried out strictly in accordance with the Reasonable Avoidance Measures (RAMS) set out in Section 8 of the approved Preliminary Protected Species Assessment (Cambrian Ecology Ltd, 26/2/25).

10 Prior to the completion of the development, details of an Ecological Compliance Audit (ECA) for the scheme shall be submitted to and approved in writing by the Local Planning Authority. The Audit shall be completed in accordance with the submitted details.

11 Bitumen 1F underslaters felt must be used in any roof alteration/creation where bats are to be encouraged to roost under/within the roof. Breathable roofing membrane must not be used.

12 All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance and throughout the course of the development by a fence one metre from the outermost limit of the root protection area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations). No construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

13 No development shall take place until an Operating Plan (for normal and emergency periods) for the rainwater harvesting private water supply, has been submitted to and approved in writing by the Local Planning Authority. The Operating Plan shall be carried out strictly in accordance with the approved details.

14 Notwithstanding the submitted details, no development shall be permitted to commence until a fully detailed scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the first occupation of the holiday accommodation hereby approved.

15 Prior to the commencement of the hereby approved development, a detailed scheme of hard and soft landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

(a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.

(b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting and only feature species of known benefit to wildlife.

(c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas and timing of implementation.

(d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.

(e) proposed positions, design, materials and type of boundary treatment and timing of implementation.

16 All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

17 Prior to the application of any external materials full details of the wall, roof, window and door materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

18 The timber cladding shall be naturally weathered and not be painted or stained without prior written consent of the Local Planning Authority. The approved scheme shall be implemented strictly in accordance with the approved details.

19 The proposed roof lights shown on the approved drawings shall be conservation style and not project above the plane of the proposed roof.

20 Notwithstanding the hereby approved plans, no decking shall be permitted to be installed until the written approval of the Local Planning Authority has been obtained of the full details and extent of the proposed decking.

#### Reasons:

- 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 For the avoidance of doubt and in the interests of residential amenity.
- 4 In the interests of residential and visual amenity.
- 5 To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
- 6 To prevent groundwater pollution from hydraulic overloading of the independent domestic sewerage treatment facility.
- 7 To maintain the favourable conservation status of protected bat species and in the interest of the visual amenity of the Area of Outstanding Beauty.
- 8 In order to maintain and enhance biodiversity.
- 9 To maintain the favourable conservation status of protected species.
- 10 In the interest of preserving ecological interests.
- 11 To maintain the favourable conservation status of protected species and prevent the potential for harm.
- 12 In the interest of visual amenity and enhancing the biodiversity of the area.
- 13 To protect public health.
- 14 In the interest of the management of flood risk.
- 15 To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
- 16 In the interests of visual amenity.
- 17 In the interest of the visual amenity of the Area of Outstanding Beauty.
- 18 In the interest of the visual amenity of the Area of Outstanding Beauty.
- 19 In the interests of visual amenity of the Area of Outstanding Beauty and protecting the character of the buildings.
- 20 In the interest of the visual amenity of the Area of Outstanding Beauty.

#### Notes to Applicant

##### **Bat Licence Required**

**Warning: A European protected species (EPS) licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or



resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/?lang=en>

### **Biodiversity - Bat External Lighting**

In accordance with the recommendations of the Ecological Appraisal submitted with the application, should external lighting be required, details to be submitted in accordance with the condition above should include details of how the lighting has been designed to avoid/minimise light spill on the site boundaries, areas of soft landscaping and ecological features in proximity to the site which may provide habitat for commuting bats.

Guidance is set out in Guidance Note 08/23 Bats and Artificial Lighting at Night (2023) published by Bat Conservation Trust and the Institution of Lighting Professionals. The document can be found at <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

### **Biodiversity - General Note Destruction of Bird Nests**

Works which could result in the damage or destruction of active bird nests should take place outside the of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.

### **Biodiversity - Protected Species General Note inc. trees**

Many trees support wildlife, such as bats and nesting birds, that is protected by law. The consent given by this notice does not override the protection afforded to these species and their habitats through legislation including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

You must take steps to ensure that the work you are carrying out will not harm any protected species, which may include surveys for bats and nesting birds by a suitably qualified ecologist. Works potentially affecting protected species may require a licence from Natural Resources Wales. Advice can be obtained from Denbighshire County Council's Biodiversity Officer (01352 811029 / [biodiversity@denbighshire.gov.uk](mailto:biodiversity@denbighshire.gov.uk)).

### **Building Regulations - General**

In relation to the details shown in this application you are advised that the development proposed will also require approval and inspection under the Building Regulations and no work should commence until the necessary approvals have been obtained.

Further information is available on the Council's website at: <https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/building-regulations/building-regulations.aspx>

### **Compliance with Approved Plans and Conditions**

Please be reminded that any permission or consent must be carried out strictly in accordance with the approved plans and conditions imposed which are clearly listed on this certificate of decision. Pre-Commencement conditions should be given particular attention. Failure to do so could result in enforcement action being taken by the Local Planning Authority.

Further detailed information on how to comply along with other relevant information relating to your decision is contained in the detailed Notes to Applicant attached to this certificate which you are strongly advised to consider.

If you are in any doubt about your obligations, including any obligation you may have to pay commuted sums, please contact the Local Planning Authority at [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk) quoting the reference of your planning permission.

### **Drains - Private Treatment Plant**

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with Natural Resources Wales. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with the Natural Resources Wales Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and

the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

### **Local Employment Strategy**

Working Denbighshire is the Council's strategic approach to tackling poverty through education, employment and training.

The aim of Working Denbighshire is to act as the umbrella for employability support across Denbighshire to ensure collaboration, integration and sustainability in our approach to tackling poverty through employment.

We aim to do this by improving the quality and quantity of the local labour supply in Denbighshire by:

- a) Working with those furthest away from employment to improve their skills and motivation and enter the labour market
- b) Working with those active in the labour market to further improve their skills
- c) Aligning local labour demand so that local people get jobs locally

The objective for Working Denbighshire is that employed individuals spend their money locally, leading to increased local demand for goods and services and business growth and further demand for labour. Our outcome is to lift individuals out of poverty and promote local economic growth.

Working Denbighshire would welcome full engagement and inclusion within your Local Employment Strategy.

Please contact Working Denbighshire Employment Engagement Team to discuss further

<https://www.denbighshire.gov.uk/en/jobs-and-employees/working-denbighshire/working-denbighshire.aspx>

### **Noise Investigation**

The granting of planning permission does not preclude the Public Protection department from carrying out a formal investigation should a complaint of nuisance be received in the future. The land owner would be responsible for the commissioning and provision of a survey/report in the event of a verified statutory nuisance complaint.

### **SuDS Approval required**

Developments of more than a single dwelling, or those involving a construction area of more than 100sq.m may be subject to the Sustainable Urban Drainage approval process. Denbighshire County Council is the appointed SuDS Approval Body, contact 01824 706901 or email [landdrainage.consultations@denbighshire.gov.uk](mailto:landdrainage.consultations@denbighshire.gov.uk)

Detailed information and advice is available on the Council's website:

<https://www.denbighshire.gov.uk/en/planning-and-building-regulations/planning/sustainable-drainage-systems-suds.aspx>

### **Pollution Prevention**

All works at the site must be carried out in accordance with Pollution Prevention Guidelines 5: Works and maintenance near water and 6: Working at construction and demolition sites, which are available on the NetRegs website.

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.