

## **PLANNING & DEVELOPMENT COMMITTEE**

**24 FEBRUARY 2022**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1475/10 (EL)  
**APPLICANT:** Utopia Design  
**DEVELOPMENT:** Change of use of approved garage/office to 2 bedroom holiday let with alterations.  
**LOCATION:** GWRANGON ISAF FARM, CWM ISAAC, RHIGOS, ABERDARE, CF44 9AX  
**DATE REGISTERED:** 03/11/2021  
**ELECTORAL DIVISION:** Rhigos

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#### **RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

**REASONS:** The proposal complies with both local and national planning policy in that, the development of a bed and breakfast unit of accommodation at this location would positively support leisure and tourism uses in the area. The potential impacts upon residential amenity, character and appearance, and highway safety are also considered acceptable.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the conversion of an earlier approved two storey garage /office building (application ref. no. 06/0600/10), within the curtilage of Gwrangon Farm, Cwm Isaac, Rhigos from a garage/office to form 1 no., 2 bedroom Air Bed and Breakfast (B&B) unit of accommodation.

Whilst the application development has been described as the above, since the garage in question has not yet been constructed, the current application must be considered on the basis that it proposes the construction of a new purpose-built Air B&B unit; albeit that the structure would be broadly comparable in terms of its siting, scale and appearance, to that of the earlier approved garage/office building.

The proposed Air B&B unit would be positioned within the northern extent of the site on an area of land that is currently used as car parking. The building would measure 9.0 metres in width and 7.5 metres in depth. It would have a ridge roof construction measuring 6.3 metres to its ridge and 3.0 metres to its eaves. Internally the ground floor of the unit would provide an open plan living and kitchen space with separate

bathroom. At first floor level would be two bedrooms served by ridge roof dormers to the front roof plane and roof lights to the in the rear roof plane. The elevations of the building would be faced in stonework and it would have a tiled roof.

By means of background, planning permission was approved in March 2021 (20/1243/10) for the conversion of an attached barn at Gwrangon Farm to form 2 no Air B&B (Bed and Breakfast) units. This application was accompanied by the following statement, provided by the applicants, which provided information on the market which they intend the accommodation to appeal to:

*“We live a vegan, yoga and healthy lifestyle and love the Welsh outdoors and this is what we are trying to promote to others who want to escape from the 9-5. We want to appeal to people that would like to come away for the weekend, visit all the amazing sites that Wales has to offer, such as Brecon Beacons National Park, Bike Park Wales, the water falls, the new zip world and perhaps practise some yoga and meditation. We have so much beauty and so many fantastic places that attract people to this area and we hope to provide a tranquil retreat style accommodation in the form of the old barn conversion. Making a comfortable open plan living area where couples, families and friends can relax and enjoy the local area, facilities and beauty spots that this area has to offer.”*

Since the approval of the 2020 application (20/1243/10) the applicants needs have changed and they no longer wish to convert the existing barns (which are attached to the main house) as they wish to retain them for their current use, that being as a workshop and storage, used in connection with their carpentry business.

However, they still wish to develop a bed and breakfast business from the site. As such, they seek permission to develop a single B&B unit of accommodation (on the site of the approved garage/office). They are however aware that if the current application is approved, then this would effectively grant them planning permission to develop 3 no. B&B units at the site, which they recognise would potentially result in increased impacts to existing neighbouring residents, in terms of traffic movements and general amenity. As such, in support of their current submission, the applicants have indicated a willingness to enter into a S106 legal agreement which would mean that, if Members are minded to approve this application, the applicant would be prevented from implementing both consents at the site.

## **SITE APPRAISAL**

The application site is known as Gwrangon Farm, Cwm Isaac, Rhigos. The existing dwelling and attached barns are located within a curtilage of approximately 2500 square metres, with a parking area located to the north west of the buildings and large garden areas to the south and west. The site is served by an access lane (Cwm Isaac) which connects with Heol-y-Graig to the east. The site occupies an edge of settlement position, opening onto open countryside to the west, however the property also forms part of the village of Rhigos. The site is separated from the nearest property (to the east) by the Nant Gwrangon watercourse. Neighbouring properties in the vicinity of the site (along Cwm Isaac) vary in their style and construction but are largely detached dwellings. As set out in the preceding section of the report, planning permission has

previously been approved for the construction of a two storey garage/office to the north of the house and barn, on an area currently used for parking.

## **PLANNING HISTORY**

21/0600	Gwrrangon Farm, Cwm Isaac, Rhigos	Detached two storey garage.	Granted with conditions  17/06/21
20/1243	Gwrrangon Farm, Cwm Isaac, Rhigos	Proposed conversion of attached barn to form 2 no. Air B&B (Bed and Breakfast) units of accommodation and associated alterations (Amended description 07/12/20).	Granted with conditions  23/03/21

## **PUBLICITY**

The application was advertised by direct neighbour notification and site notices. Four letters of representation have been received, which are summarised as follows;

Two letters express concerns to the proposals as follows;

- There has been an increase in traffic along the lane resulting from the applicant running their business from the site.
- The approved B&B will increase traffic along the narrow lane which leads to the site. The proposed B&B would increase this further.
- Privacy of residents living on the lane has already been damaged since the applicants have been resident.

Two letters (from neighbouring residents) comment that;

- the applicant has approached them to advise them that they no longer wish to implement the earlier approved planning permission and that the current submission is an alternative to that.
- Whilst they would have concerns about three B&B units operating from the site, they comment that if the earlier permission is revoked or that the applicant enters into an agreement to prevent them from implementing both of the permissions, then they would have no objections to the current scheme.

## **CONSULTATION**

Transportation Section – no objections raised, condition limiting use and occupancy suggested.

Land Reclamation & Drainage - no objections raised, condition suggested.

Dwr Cymru - no objections raised.

Public Health & Protection – no objections raised, informative notes recommended.

Glamorgan Gwent Archaeological Trust – no objections raised.

The Coal Authority – no objections raised, informative note recommended.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Indicates that the site lies but directly adjacent to the defined settlement boundary, west of Cwm Isaac in Rhigos. The application is further situated within a coal mineral safeguarding area (AW 14.4), with no other designations affecting the site.

AW2 promotes development in sustainable locations.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

AW 8 provides a criteria for the protection and enhancement of the natural environment.

AW9 provides a criteria for the alteration, renovation or conversion of existing buildings outside the defined settlement boundaries

NSA 12 sets out the criteria for development within and adjacent to settlement boundaries.

### National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local

Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 4 – Rural Communities – LDP
- Policy 5 – Supporting the Rural Economy – LDP

SE Wales Policies

- Policy 35 – Valley Regional Park – SDP/LDP/Economy/Environment/Tourism

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues**

Full planning permission is sought for the construction of a two-storey structure within the curtilage of Gwarrgon Farm, Cwm Isaac, Rhigos. It is proposed that the resulting building would be occupied as a 2 bedroom Air B & B unit, being managed by the residents of Gwarrgon Farm.

The key considerations in determining this application are the compatibility of the proposed use, in relation to existing land uses, the potential impact of the structure upon the character and appearance of site and its setting; and the potential impact upon the amenity and privacy of the occupiers of adjacent properties. The impact of the proposal upon highway safety is a further consideration.

### Principle of development

It is noted that the application site is located outside but immediately adjoining the defined settlement boundary of Cwm Isaac, Rhigos. In addition to this fact, as outlined in the planning history of the site, planning permission has been approved, by a separate planning application (20/1243/10), for the conversion of an existing barn to form 2 no. Air B&B units at the site.

In terms of the proposed use, whilst it is accepted that in general planning policy aims primarily to restrict development in countryside locations it is important to note that national planning policy supports tourism development that is well-located and well-designed, in particular, it supports proposals that utilise previously developed or disused land. There is no requirement in PPW 10 for tourism proposals to be located within the defined settlement boundary however there is a need to demonstrate compliance with the national place-making agenda. In this case, despite being outside of settlement limits, the site is considered to be in a reasonably sustainable location, being read as part of the settlement of Cwm Isaac and being located relatively close to key local services and facilities. In addition to this, there are a number of public rights of way and active travel routes in the vicinity of the site, which helps to reduce car dependence by providing safe environments for walking and cycling. In support of their submission the applicants have provided a short statement outlining their proposals. They have indicated they intend to market the accommodation to those looking to enjoy an outdoors, healthy lifestyle, appealing to those looking to visit local sites such as Brecon Beacons, Bike Park Wales, the new zip world and other outdoor pursuits, thereby taking advantage of their edge of settlement position. Overall, having regard to the requirements of national planning policy, it is considered that the principle of the B&B as a tourism/leisure use is acceptable, subject to the scheme's compliance with the relevant Local Development Plan policies in relation to potential amenity and highway safety impacts. These matters will be considered in the following sections of the report.

### Character and Appearance

The application proposes the construction of a two-storey detached structure within the curtilage of Gwrrangon Farm, being located to the north of the site and the main dwelling, on an area that is currently used as car parking.

As outlined in the preceding sections of the report, the site already benefits from planning permission for the construction of a two-storey garage and office building (approved in March 2021). The general scale and proportions of the structure currently proposed are comparable to those of the approved garage /office, albeit that the current application proposes a minor increase in the height of the eave and ridge line (0.3 metres and 0.5 metres respectively) of the building. Similarly, the external appearance of the structure would differ in so much as, additional fenestration would be introduced to serve the living space proposed at ground floor level. At first floor, the two ridge roof dormers would be retained to serve the bedrooms. Overall, it is considered that the scale and appearance of the proposed building would be in keeping the character of the site and its setting, being subservient to the main house and barn, yet still being large enough to provide a reasonable level of accommodation for guests. It is also noted that the plans illustrate the use of a stonework finish to the elevations and slate tiled roof, which would be in keeping with the character of the existing buildings on site.

Overall, it is considered that in visual terms, the proposed structure would be acceptable and would not result in harm to either the appearance of the original building or its wider semi-rural setting.

### Amenity Impacts

As outlined above, the applicant already benefits from a planning permission to convert an existing barn at the site to form 2 no. Air B&B units. Matters relating to the amenity impacts arising from the operation of this use were considered in detail during the course of the 2020 application.

In general planning policy seeks to support tourism uses, and in their accompanying statement, the applicant has indicated that their aim is to attract guests looking to visit and explore local outdoor attractions, based primarily around, cycling and walking. In this regard, it is considered that the scheme is compliant with planning policy requirements.

It is noted that the most notable change in the self-catering tourist sector in recent years has been the rise of online market places acting as brokers for 'hosts', largely comprising private property owners, enabling them to advertise spare rooms, outbuildings or entire properties as available for short term or occasional lets. The most well know name to date in this evolving market is Airbnb. The opening up of this accommodation resource offers travellers an alternative to established hotel, bed and breakfast and holiday let businesses, which can be fully booked and expensive in popular visitor destinations.

It is noted that in this case the applicant has applied for the business to be able to operate as an Air B and B (sui generis) rather than a purely conventional B and B (C1). In planning terms, it is considered that the main difference between the two types of accommodation, appears to be the potential transient nature of the occupation, where Air B and B accommodation may be let for shorter periods. It is acknowledged that frequent changes in occupation may in turn have the potential to impact upon the amenity of permanent neighbouring occupiers. However, it is considered that such impacts are likely to be greater in more densely populated urban areas. In the case of the current scheme, the site occupies an edge of settlement position, which is more sparsely populated, with the proposed accommodation unit being separated from the closest neighbouring dwelling by an overall distance of approximately 25.0 metres and partially screened by the applicant's existing dwelling and barn. It is also worthwhile noting that the applicants would be permanently resident on the site; as such, they would be on hand to manage the use and control any impacts resulting from resident guests and operation of the business.

Overall, the 2020 application concluded that the operation of an Air B&B use from the site would be compliant with both local and national planning policy and the use could operate without unduly compromising either the levels of privacy or amenity enjoyed by neighbouring residents.

Whilst the current application proposes the same Air B&B use, it is acknowledged that if approved the current application were approved, and both consents were

subsequently implemented then this would result in the operation of three separate Air B&B units at the site. In turn this would inevitably increase activity at the site, most notably in terms of 'comings and goings' and traffic movements, which could have the potential to result in a greater impact upon the levels of amenity which neighbouring residents currently enjoy. The applicant has demonstrated an awareness of this matter and in turn has indicated that it is not their intention to develop all three units on site. The applicant has commented that since the approval of the 2020 application (20/1243/10) their needs have changed. As a consequence, they no longer wish to convert the existing barns (which are attached to the main house) as they wish to retain them for their current use, that being as a workshop and storage for the applicant's carpentry business. However, they still wish to develop a bed and breakfast business from the site, hence the submission of the current scheme.

In discussion, the applicants have offered to effectively 'surrender' the 2020 permission, however the Council is unable to revoke a planning permission once it has been approved. However, as an alternative to this, should Members be minded to approve planning permission, it would be possible for the applicant to enter into a legal agreement, which would effectively prevent them from implementing both consents at the site. This would allow the applicants the opportunity to decide which of the two permissions that they wish to implement, whilst ensuring that the potential amenity impacts which would result upon neighbouring residents would be no greater than those resulting from the 2020 scheme.

On this basis, it is considered that the development is acceptable in terms of its potential impacts upon the amenity and privacy of neighbouring residents and therefore is in accordance with the requirements of both local and national planning policy.

### Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response identifies that the site is served off Cwm Isaac, which has a carriageway width of 5.2m – narrowing to 3.0m. There is no official turning area at present along Cwm Isaac which means that service and delivery vehicles have to cross a private access bridge, with no confirmed vehicle loading, to access the site of the proposal and the existing dwelling. There is some concern with regard to the use of the sub-standard access bridge, which is in private ownership.

The Transportation Section consider that the proposed increase in traffic along the access lane (Cwm Isaac) resulting from the proposal is not likely to be significant, with the accommodation most likely being seasonal, attracting most guest stays during 'holiday periods'. Furthermore, it is not envisaged that the operation of the B & B would, in itself, generate traffic such as large delivery vehicles. It is also noted that there is sufficient space within the large 'yard' that serves the site, for vehicles to turn, thereby allowing vehicles to enter and leave the site in forward gear.

In terms of access on foot, it is acknowledged that there is footway provision for only part of the length of Cwm Isaac. This would mean that occupants of the units would, in part, be forced to walk in the carriageway. Whilst this would be to the detriment of



safety of all highway users, taking into account the limited traffic generated off Cwm Isaac, with the application site being the last dwelling served off the lane, on-balance this arrangement is considered acceptable in this instance.

In terms of parking, the proposed 2-bedroom B & B unit would require up-to a maximum of 2 off-street car parking spaces to be provided, in accordance with the Council's Supplementary Planning Guidance: Access, Circulation & Parking 2011. Whilst the application is not accompanied by a formal car parking layout plan, it is clear there is space within the yard to accommodate the required off-street car parking for the existing dwelling and proposed B & B unit.

The Council's Transportation Section acknowledge that the introduction of a further B&B unit, in addition to the two already consented would inevitably increase traffic movements to and from the site. However, in their observations they acknowledge the applicant's willingness to enter into a legally binding agreement which would effectively prevent them from implementing both permissions. In light of this fact, and consideration of the other matters outlined above, the Council's Transportation Section conclude by raising no objections to the application, subject to a condition which would limit the occupancy of the unit to that of a B&B holiday let only.

It is noted that in response to the application Councillor Thomas has commented that it would be beneficial if a turning head, which was approved as part of a separate planning application on a nearby site, off Cwm Isaac, could be constructed. The Council's Transportation Section have confirmed that the turning head in question was required in connection with a scheme for residential development, approved on a parcel of land located approximately 50 metres east of the current application site. The applicant has no involvement with this site and does not own or control any of the land to which the residential development relates. As such, it would not be possible to impose a condition upon the current application, which would require them to complete works associated with this development. The Council's Transportation Section also comment that such a condition would not be necessary in this case, as sufficient space exists within the curtilage of Gwrrangon farm to provide the required turning facilities for the proposed B&B use.

Overall, it is acknowledged that there is some concern with regard to the sub-standard nature of Cwm Isaac, which lacks segregated footway facilities and width for safe two-way vehicular movement for part of its length, and is also served by a private bridge with no official weight restriction imposed. However, taking into account the limited additional traffic that is likely to be generated by the proposal and the fact that there is sufficient space within the site to provide car parking and turning in connection with the development, and the applicant's willingness to enter into a Section 106 agreement, on-balance the proposal is considered acceptable in highway safety terms and therefore in compliance with policy AW5 of the Local Development Plan.

#### Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

### Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

### **THE SECTION 106 REQUIREMENTS IN THIS CASE**

In this case it is noted that the applicant already benefits from a planning permission to convert an attached barn to a 2 no. B&B units of accommodation. The current planning application seeks permission to develop a further Air B&B unit of accommodation. Whilst in isolation, both schemes are considered acceptable in planning terms, it is considered that if both permissions were to be implemented and 3 no. separate units of B&B accommodation were to be developed, then this could give rise to an unacceptable increase in terms of traffic movements and an adverse impact upon the levels of amenity currently enjoyed by neighbouring occupiers. As such, the applicant has indicated a willingness to enter into a legal agreement which would enable them to only implement one of the two permissions, either 20/1243/10 (Conversion of attached barn to form 2 no. Air B&B units) or 21/14751/0 (the current application for 1 no. 2 bedroom Air B&B holiday let).

### Conclusion

Having taken account of all the issues outlined above, the application proposal is considered acceptable.

The proposed tourism use as Air Bed and Breakfast accommodation is considered appropriate and in compliance with the aims of local and national planning policy. It is also noted that the scale, proportions and appearance of the building itself are considered acceptable and in keeping with the character and setting of the site. The potential impacts upon both the amenity and privacy of neighbouring residents and highway safety are also considered acceptable, subject to the applicant entering into a legal agreement which would prevent them from implementing both the current and the earlier approved planning permission reference 20/1243/10. Therefore, the proposal is recommended for approval, subject to the legal agreement and conditions specified.

**RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Drawing no. Location Plan 1:1250
- Drawing no. Gwrangon CONV 01 Proposed Plans, Elevations and Sections
- Drawing no. Gwrangon CONV 02 Proposed Plan and documents received by the Local Planning Authority on 03/11/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The development shall be occupied as holiday accommodation only and the unit shall not be occupied by an individual, family or group as their sole or main place of residence, or for a period exceeding two months in any calendar year.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the Air Bed and Breakfast use hereby permitted) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The unit of accommodation shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.