



BRECON BEACONS NATIONAL PARK AUTHORITY

DELEGATED DECISION REPORT

Application No: 14/10695/FUL **Case Officer:** Mr Jonathan James
Site Notice Posted: 2nd May 2014 **Consultation Date:** 28th Apr 2014
Date Valid: 22nd Apr 2014 **8 Week Target:** 17th Jun 2014
Decision Type: Delegated Decision
Proposal: Change of use from B1 photographers studio to C3 residential extension of existing dwelling
Address: Woodvale, Common Road, Gilwern

CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Llanelly Community Council	13th May 2014	No Objection
NP Head Of Strategy Policy And Heritage	14th May 2014	The development plan for the area is the Brecon Beacons National Park Local Development Plan 2007-2022 (hereafter LDP) which was adopted by resolution of the National Park Authority on the 17th December 2013.

My observations relate to the proposals compliance with the strategy and policy of the LDP.

Proposal

The proposal seeks the change of use of an existing employment use to residential use.

LDP Policy Context

The LDP sets out an employment strategy which aims to improve the economic social well-being of the national park communities, hence the inappropriate loss of either existing or allocated employment land or buildings to other uses will not be permitted, unless there are overriding benefits that can be attributed to the new development, or there is adequate alternative availability elsewhere in the community (LDP 7.3.1). The LDP goes onto state that land in smaller settlements within employment use is limited, and can be under pressure to convert to more profitable residential uses. Employment land in these settlements makes a vital contribution to local sustainability and increase opportunities to live and work within the same settlement which was a key issue identified for this LDP. Paragraph 7.3.2 of the LDP sets

out that it is particularly important to protect existing employment sites in Level 3 and 4 settlements for reuse for employment and prevent redevelopment for other purposes which would remove opportunities for income generation from the local community.

As such the LDP sets out Policy 37 Protection of employment Sites and Buildings which requires applicants seeking change of use from B use classes to other uses to demonstrate that an employment use is no longer viable or appropriate at the proposed development site. Criteria C of this policy sets out that this shall be tested through the appropriate and continued marketing of the site at reasonable market levels for a continuous period of at least 12 months prior to the submission of this application.

I am unable to find any details of this marketing in the application submission. It is requested that the applicant provides details of any marketing of the studio that has taken place prior to this application being submitted in order for due consideration of the proposal to be made. Detail of the marketing should include any interest made in continued use of the BI element in conjunction with the dwelling and/or interest in the use of the BI element as a standalone unit.

Without this information being submitted the strategy and policy team will be objecting to this proposal as contrary to the development plan.

Recommendation:

Strategy and policy object to this proposal as contrary to Policy 37

Further detail is required to consider the appropriateness of the loss of the employment element of the scheme.

12-06-14

I note that the property has been marketed to include the BI use and the period of marketing began on October 23rd 2013. There has been some interest in the property but no interest has been shown for the continued use of the BI element. I cannot agree with Mr Todd's statement regarding the feasibility of reuse of the BI element. The space is clearly suitable for future reuse and this use is not limited to a sole occupant. I therefore have some concerns as to the extent the BI element has been marketed and represented.

Notwithstanding the above, I requested this additional information in order to determine compliance with Policy 37 of the LDP 'Protection of Employment Sites and Buildings'. Criteria (c) of this policy clearly states that change of use can only be considered where "the potential for continued use of the site or premises

for employment use has been fully considered through the continued marketing of the site at a reasonable market levels for a continuous period of at least 12 months immediately prior to the submission of the application"

The information supplied by Mr Todd has demonstrated that insufficient marketing has taken place in order for the Authority to test the application against the requirements of Policy 37. As such I cannot be certain that there is not a market demand for the reuse of the B1 element. Therefore the objection issued by the strategy and policy team on the 14th of May stands.

Recommendation:

Strategy and policy object to this proposal as contrary to Policy 37

Further period of marketing will be required. It is suggested the application is withdrawn to enable the 12 month marketing to be completed.

CONTRIBUTORS

NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY

The site was advertised by site notice and to a neighbouring property; no third party comments have been received at the time of writing this report.

RELEVANT POLICIES

Policy 1	Appropriate Development in the National Park
Policy 27	House Extensions and Ancillary Buildings
Policy 37	Protection of Employment Sites and Buildings
Policy 59	Impacts of Traffic

PLANNING HISTORY

App Ref	Description	Decision	Date
07/00881/FUL	Demolition of garage to provide a photography studio	Application Permitted	17th May 2007
07/01368/FUL	Demolition of garage to provide a photographic studio - parking area increased.	Application Permitted	18th Dec 2007

OFFICER'S REPORT

Site description and proposal

The site lies in the settlement development boundary of the village of Gilwern as designated by the National Park Local Development Plan (2013). The existing building is a dormer bungalow with side

extension that houses an associated business use. The site sits within a predominantly residential area, with the village community centre opposite. Parking for the whole unit is located in front of the photographer's studio associated with the dwelling.

The application before the Authority is for the change of use of the photographer's studio to allow for the building to be used as part of the residential accommodation again.

Site history

Two previous approvals were granted in 2007 to replace the existing garage with a new extension with pitched roof and use as an office/photographers studio (both B1 use). Conditions were imposed on these previous consents restricting the use of the premises for a photography studio and that it should remain ancillary and subservient to the primary use of the premises namely a residential dwelling and shall not become the primary or a separate use at any time.

As was identified in the historic applications, the running of a small business from home can be considered acceptable, provided there is no loss of amenity to neighbouring properties and local facilities. One of the principle concerns had been the lack of parking facilities associated at this site and the poor access.

Appraisal

This application was considered against the adopted policies of the Brecon Beacons National Park Authority Local Development Plan (2013). In making a recommendation on this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the following national guidance:

- o Planning Policy Wales (PPW, 2014)
- o Technical Advice Note 6 Planning for Sustainable Rural Communities (2010)
- o Technical Advice Note 12 Design (2009)

The dual purposes of National Park designation are, as first set out in the National Parks and Access to Countryside Act 1949 and updated by the Environment Act 1995:

- o conservation and enhancement of natural beauty, wildlife and cultural heritage; and
- o promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

Following a review in 1974 of the operation of the 1949 Act, led by Lord Sandford, an important recommendation emerged that became known as the Sandford Principle. This principle was enshrined in the 1995 Act, to the effect that where irreconcilable conflict arises between the two main National Park purposes, then the conservation of natural beauty should prevail over promotion of public enjoyment and understanding.

There are no proposed external physical changes to the dwelling/structures and through the change of use there would not be any impact on the neighbour amenities for the area.

Principle of development

Comments received from the NPA Strategy Officer object in principle, as the unit has not undergone the appropriate marketing period, in accordance with policy 37 of the BBNPA Local Development Plan (2013). They have recommended that the application is withdrawn in order for the appropriate marketing to take place.

Supporting detail received from the applicant and their estate agent has clarified that the site has been on the market since October 2013 for a detached house with large studio annex for business use. The detail supplied also identifies that whilst some interest has been shown the restriction of the photographer's studio has put buyers off due to mortgage difficulties.

The site history clarifies that the use was restricted to a photographer's studio and that this use shall remain ancillary and subservient to the main residential use of property. Given this restriction in this instance it is argued whether the requirements of Policy 37 apply. By the very nature of the interdependence of the studio on the house the unit could not be sold off or used separately from the dwelling. Parking for the dwelling is located to the front of the studio and is limited for the site as a whole.

Conclusion

Bearing in mind that the marketing that has been carried out to-date, and still continues, falls short of the required marketing of 12 months by 4 months and that this minor deviation from policy 37 is the only issue identified it is considered not to be so significant an issue in this instance to reach a negative recommendation on this application. The application is therefore recommended for approval.

RECOMMENDATION: Permit

Conditions and/or Reasons:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. *Add standard plans condition.*

Reasons:

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

Informative Notes:

Signed (Case Officer):
Mr Jonathan James
Senior Planning Officer (DC)

JJ

Date: *16/6/2014*

Checked (Principal Planner):

A Rice

Date: *16/6/2014*

**Signed (National Park
Authorised Officer):**

Cymorgan

Date: *16th June '14*

