

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0219/RET 17.10.2012	Mr C Williams Bryntirion Llanfabon Nelson Treharris CF46 6PG	Retain renovation of old barn for use as leisure facility/games room Bryntirion Llanfabon Nelson Treharris CF46 6PG

**APPLICATION TYPE:** Retain Development Already Carried Out

### SITE AND DEVELOPMENT

Location: The application property is situated on the western side of Llanfabon Road and to the north and west of the Llanfabon Inn.

Site description: The application property was a redundant barn within the grounds of the domestic dwelling known as Bryntirion. The building was a Dutch barn structure with a profile sheeting roof and a mixture of stone and concrete block walls and was situated at the south west corner of the rear garden of the dwelling on the boundary with the graveyard to the west and the public house to the south. The southern boundary wall of the garden connected with the corner of the barn and ran to the north at a slight angle to the rear wall of the building. The host dwelling is finished in render with a slate roof.

Development: The application seeks full planning consent for the retention of the conversion of the barn to provide a leisure facility/games room. The building actually incorporates a dance studio for the use of the applicant's daughter on the ground floor with a games room/storage area on the first floor. The redundant barn has been extended to the north to accommodate the conversion and a new roof has been constructed with roof lights on the southern elevation and pitched roof dormers on the northern elevation. Due to a difference in levels between the graveyard and the garden of the dwelling the building is at ground level in the former and set down from ground level in the latter.

Dimensions: The former barn measured 4.5m wide by 10m long whilst the new building is 8.4m wide by 11.5m long. The building is 4.6m high from garden level and 6.2m high from graveyard level.

Materials: The building has been finished in render with a slate roof.

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Ancillary development, e.g. parking: None.

## PLANNING HISTORY

P/06/0337 - Erect two-storey extension and associated works - Granted 31.05.06.

06/0390/FULL - Convert roof space into study and playroom accommodation - Granted 08.11.06.

## POLICY

### Site Allocation

Local Development Plan: Outside settlement limits in a Special Landscape Area.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), CW2 (Amenity), CW3 (Design Considerations: Highways) CW15 (General Locational Constraints), CW20 (Conversion, Extension and Replacement of Buildings in the Countryside) and NH1 (Special Landscape Areas).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 3 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on garages and outbuildings.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states:-

"The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

## CONSULTATION

Senior Engineer (Land Drainage) - No objection subject to conditions.

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Principal Valuer - No objection. The Council accepts that the current building encroaches onto the adjoining cemetery but this encroachment is so minimal that no action is proposed.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Countryside And Landscape Services - No objection subject to the provision of biodiversity enhancement.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: One letter of objection was received from the owner of the occupying property.

### Summary of observations:

- When he first complained about these works he was advised that the building could not be more than 4m high and more than 50% of the garden area. When he complained again the Council acknowledged that the building was more than 4m high and that the developer may not get planning consent and was carrying out the works at his own risk.
- Part of the building encroaches on the cemetery. At first he was told that the matter would be dealt with by the Parks Department, then he was told that it was being dealt with by the Planning Department. Nothing seems to be being done about this matter.
- Whilst the plans are drawn to scale there are no measurements on them.
- The building appears more like a house than an outbuilding. There are seven windows at first floor level.
- Why does the building need patio doors at ground floor level in addition to a main entrance door?
- Why does the building require drainage facilities and a toilet and wash hand basin?
- How can a rainwater butt have sufficient capacity to deal with all of the water from the roof of the building?
- Is the existing septic tank at the property able to take the additional flow from the new building?
- Has a bat survey been undertaken on the barn?
- Has Building Regulations approval been obtained?

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? None.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are whether the design and use of the building are acceptable in this location. In that regard the application falls to be considered against Policy CW20 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and Supplementary Planning Guidance LDP10 - Buildings in the Countryside. In particular Criteria A and B of Policy CW20 state:-

- A The proposed use, scale, form, siting, design and materials are suitable within its context.
- B A conversion is justified by demonstrating that:
  - i The building is not makeshift in nature and is of permanent, substantial construction, and
  - ii The building is structurally sound and capable of conversion or rehabilitation without major alteration or reconstruction,
  - iii The building is capable of accommodating the proposed use without materially changing its existing character,
  - iv The development does not result in the domestication or urbanisation of an otherwise rural setting or the unacceptable loss of undeveloped countryside.

Section 7 of SPG LDP10 also gives detailed guidance on the key principles to be considered in the conversion and extension of buildings outside the defined settlement limits such as setting, location, scale, materials and design.

The application also falls to be considered against SPG LDP7 in that it involves development within the curtilage of a dwelling.

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The first point to consider is that the application building is located outside of the defined settlement limits but within the established curtilage of a domestic dwelling. The site is located within a small hamlet that includes a small number of detached dwellings located in pockets adjacent to the highway with a public house adjacent and to the south of the site, a cemetery to the west and north and a church to the east. Therefore, whilst the site is outside of the settlement limits the surroundings of the dwelling are already relatively urbanised with the presence of the adjacent buildings, the host dwelling and the original barn itself. In that regard it is considered that the conversion and extension of the barn to provide ancillary accommodation to the host dwelling is acceptable in principle in this setting. The as-built building is largely within the curtilage of the host dwelling and the boundary wall with the cemetery has been reinstated in the original materials and as such the proposal has had regard for its setting. It should also be noted that the applicant could, if he so wished, erect a number of buildings within the curtilage of his dwelling without planning consent provided that they did not exceed 4m in height or occupy more than 50% of the curtilage of the dwelling. In this instance planning consent is required as the building exceeds 4m in height from the ground immediately adjacent to the building.

As the proposed building is a conversion of an existing building its location is considered to be acceptable.

With regard to the scale of the building it is noted that it exceeds 6m in height at its highest point and that the footprint of the building has been increased by approximately 50%. However, its scale is in keeping with the host dwelling and the other buildings in the area. It is not considered to be overly large in its setting and as a matter of fact the plans indicate that it is no higher than the original building from the garden level of the host building.

In terms of the materials and design of the building it is noted that the as-built building has been changed markedly from the original barn. However, it should also be noted that the original structure had no architectural merit and had largely been re-built over time in modern materials. The new building has been built having regard for the character of the main dwelling being finished in render with a slate roof and using dormers on the front elevation. In that respect it is considered that the materials and design of the building are acceptable.

In terms of criterion A of Policy CW20 the scale, form, siting, materials and design have been considered above and are felt to be acceptable. In terms of the use of the building it is considered that an ancillary curtilage building for the personal use of the applicant and his family would be acceptable in planning terms. The applicant has described the building as a leisure facility/games room and an inspection of the building indicates that the ground floor has been created as a dance studio with an open space above which the applicant has indicated will be used partly as a games room and partly for the storage of paperwork in association with his business. It is considered that these uses are ancillary to the domestic use of the main dwelling and are therefore acceptable in planning terms. However, in order to ensure that the building is not used for any purpose that is not ancillary to the domestic use of the host dwelling an appropriate condition should be attached to any consent granted.

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With regard to criterion B of Policy CW20 it is considered that the original building was not makeshift in nature and was of permanent, substantial construction. Whilst the extensions and alterations to the building have changed its character, as stated above these do not harm the character of the area and are in fact in keeping with the host dwelling and have regard for its design and use of materials. It is also not felt that the resultant building results in the urbanisation of the curtilage of the host dwelling having particular regard for the other buildings in the area and the fact that the applicant could erect further buildings within his curtilage without the benefit of planning consent.

The development therefore does not have an adverse impact on the Special Landscape Area.

Comments from consultees: No objections raised.

Comments from public:

1. The applicant initially contacted the Local Planning Authority to seek advice as to whether planning consent would be required for the conversion of a redundant barn within the curtilage of his property into a dance studio for his daughter. He was advised that planning consent would not be required provided that any extensions or alterations to the building did not exceed 4m in height or take up more than 50% of the curtilage of the dwelling. Upon receipt of the initial complaint from the objector he was advised of the same. It later transpired that the building did indeed exceed 4m in height and as such planning consent was required. Any works carried out by the developer without the benefit of planning consent are done so at the risk that enforcement action may be taken at a later date. This does not in any way prevent the applicant from submitting an application to retain the works.
2. It is acknowledged that the as-built building does encroach on a small part of the cemetery to the rear of the building. This has been caused as a result of the angle of the boundary wall of the property to the rear wall of the building and relates to a very small triangular area of land on the very edge of the cemetery. However, the Council also acknowledges that it has encroached onto a larger portion of the applicant's land adjacent to the rear wall of the building. In that respect, and having regard for the fact that the encroachment has no impact on the operational needs in relation to the cemetery, the Council raises no objection to the encroachment. The applicant has served the appropriate notice under the Planning Act on the Council and as such the encroachment is not a matter for consideration in the determination of this application.
3. Plans drawn to an accurate scale do not require dimensions and as such this is not relevant to the determination of the application.
4. The design of the building has been considered above and has been found to be acceptable in planning terms.
5. This is a matter for the applicant. As stated above the design of the building is considered to be acceptable in planning terms.
6. Again this is a matter of personal choice for the applicant. The services provided within the building are not considered to be unreasonable for the use proposed.

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7. The use of a rainwater butt is a matter for the Building Regulations and a rainwater butt as part of a sustainable drainage solution is acceptable in this instance.
8. The capacity of the septic tank is also a matter for the Building Regulations and the applicant will need to satisfy the Council that there is sufficient capacity to take the additional flows from the new building.
9. A bat survey was not undertaken prior to the commencement of works on site. In that regard mitigation measures will need to be provided as required by a suitably worded condition attached to any consent granted.
10. The applicant has applied for Building Regulations approval and the works have been inspected at various stages. A completion certificate has not yet been issued.

Other material considerations: None.

In conclusion it is considered that the application complies with national and local plan policy and design guidance, therefore it is acceptable in planning terms and none of the objections raised by the complainant would justify refusal of the application.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Notwithstanding the detail shown on the submitted plans, revised details of surface water and land drainage shall be submitted to and agreed in writing with the Local Planning Authority within one month of the date of this consent. The agreed scheme shall thereafter be carried out within 6 months of the date of the agreement.  
REASON: In the interests of highway safety.
- 02) Within one month of the date of this consent the applicant shall submit a plan showing the provision of a bat roost on the south west elevation of the building together with details of the bat roost for the approval of the Local Planning Authority. The approved details shall be implemented within two months of the approval of the details and shall be retained in place at all times.  
REASON: To provide roosting for bats as a biodiversity mitigation measure in accordance with paragraph 5.2.8 of Planning Policy Wales (2012), paragraph 1.4.3 of TAN 5 (2009) and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 03) The building hereby approved shall be used for purposes ancillary and incidental to the use of Bryntirion (Llanfabon, CF46 6PG) as a dwellinghouse, and for no other purpose.  
REASON: To retain effective control of the dwelling in the interests of visual and residential amenity.

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Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, NH1 and SP10.

Further information in relation to bat roosts can be obtained from the Council's Ecologist on 01495 235450.

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