

Application Ref: NP/19/0678/S73

Case Officer Caroline Bowen
Applicant Mr K Launder
Agent Mr A Vaughan-Harries, Hayston Development & Planning
Proposal Section 73A application for the sub-division of host dwelling to include a linked holiday let unit
Site Location Ty Gwyn, Marloes, Haverfordwest, Pembrokeshire, SA62 3BE
Grid Ref SM79010858
Date Valid 13-Dec-2019 **Target Date** 06-Feb-2020

The application is referred to the Development Management Committee for consideration considering the recent decision made by the Committee on application NP/18/0666/FUL

Consultee Response

Marloes & St Brides Community Council: Objecting

Public Response

Three letters of objection have been received, which object on the grounds of impact on neighbouring amenity, noise and disturbance, and that the use of the caravan is not ancillary to Ty Gwyn. The letters are available to view in their entirety on the application file.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeshire Coast National Park website - <http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty
LDP Policy 06 - Rural Centres
LDP Policy 08 - Special Qualities
LDP Policy 10 - Local Sites of Nature Conservation or Geological Interest
LDP Policy 11 - Protection of Biodiversity
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
LDP Policy 31 - Minimising Waste
LDP Policy 32 - Surface Water Drainage
LDP Policy 35 - Visitor Economy
LDP Policy 37 - Self-Catering Development
LDP Policy 45 – Affordable housing

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LDP Policy 53 - Impacts on traffic
PPW10
SPG05 - Sustainable Design
SPG06 - Landscape
SPG08 - Affordable Housing
SPG12 - Parking
SPG22 - Seascape Character
SPG23 - Enabling Sustainable Development in Welsh NPAs
TAN 02 - Planning and Affordable Housing
TAN 05 - Nature Conservation and Planning
TAN 06 - Planning for Sustainable Rural Communities
TAN 11 - Noise
TAN 12 - Design
TAN 13 - Tourism
TAN 18 - Transport
TAN 23 - Economic Development

Constraints

Special Area of Conservation - within 500m
Potential for surface water flooding
LDP Centre:50pc aff housing;30 units/ha
Recreation Character Areas
Landscape Character Assessment
Seascape Character Assessment
Affordable Housing Submarkets
Seascape Character Areas

Officer's Appraisal

Background and History

The application site is located on the north-west outskirts of Marloes, on the southern flank of the minor C road which leads through Marloes to Martin's Haven. Retrospective planning permission was granted in 2019 for the subdivision of Ty Gwyn into two, to provide a holiday let unit within the eastern end of the dwelling and four parking spaces within the front garden area.

To the rear, there is an existing garden with a timber outbuilding; and in an area beyond this defined garden, a static caravan and a small Polytunnel are located.

Current Proposal

The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended for Wales), to remove condition 6 of NP/18/0666/FUL in order to retain the static caravan. Condition 6 was added to the permission at the request of members at the meeting of 19th June 2019.

Condition 6 of NP/18/0666/FUL states:-

'The static caravan identified on drawing reference: 01/D (Received 20.06.2019) shall be permanently removed from the site within 6 months from the date of this consent and not replaced at any time.

Reason: To preserve the character of the area and in order to ensure that the structure is not used for any residential or commercial use. Policy: Local Development Plan, Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).'

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The caravan will be amended in design to change its external appearance, and the proposed use will be for storage purposes in association with Ty Gwyn and not to be accommodation for holiday letting or residential purposes.

Key Issues

- *Consideration of the proposal*
- *Other matters*

Consideration of the proposal.

In general terms, Section 73 of the Town and Country Planning Act 1990 allows an applicant the opportunity to amend or remove specific conditions on a planning permission without altering the description or any other part of that permission except the condition(s) in question. An approval under Section 73 will result in a new, amended planning permission being granted.

This particular planning application proposes to remove condition 6 of NP/18/0666/FUL, which required the removal of the static caravan from the site. The applicant proposes an alternative condition for the caravan whereby it will be retained for storage use in associated with, Ty Gwyn and not let for holiday or residential purposes. In addition, the applicant proposes to clad the caravan in horizontal timber paneling to soften its impact in the landscape.

In support of the proposal, the applicant has put forward the following;

- It is considered that Condition 6 is unnecessary, unreasonable and unrelated to the separate matter of the planning permission for the subdivision of Ty Gwyn to form a holiday let unit.
- The applicant is in possession of a letter dated 12th June 2006 from the Authority, in which it states that '*specific planning permission is not*

generally required for caravans which are within the curtilage of the dwelling house and which are used for purposes ancillary to the dwelling house?

- The planning permission granted on the 25th June 2019 for the holiday let includes a condition requiring the removal of the static caravan from the garden of the property within 6 months (by the 25th December 2019). However, since the caravan that is subject of condition 6 of NP/18/0666/FUL does not need planning permission, it follows that it cannot be reasonable to require its removal as a condition of achieving planning approval for the separate matter of the sub-division to form a holiday let in the main dwelling.
- It must be noted that in the original committee report, officers recommended the retention of the caravan for ancillary purposes, which could be controlled by condition.

The above issues have been carefully considered by officers. In doing so, it would be pertinent to consider the overall characteristics and use of Ty Gwyn in its entirety. Members will be familiar with the concept of the planning unit – this is defined by officers in order to be able to identify the area of land and/or building(s) that benefit from a planning permission. The application site is defined by a red line on a plan, which will subsequently become an approved drawing on the grant of permission and will be easily recognised as the site for which the planning permission is granted. From this, officers are able to identify the primary use and any ancillary/incidental uses which would be part of that whole unit and use.

The 2019 permission refers to a red line which encompasses the area occupied by the static caravan. As a result, the Authority is able to consider the use of the caravan as it falls within the planning unit identified for that application. Where it is considered necessary to define the primary and ancillary uses within the unit, the use of a condition would be appropriate and reasonable for the avoidance of doubt as to the status of other structures on the site. Condition 6 was such a condition.

With reference to the Authority's letter in June 2006, this sought to determine the use of the caravan. Council Tax records indicate that council tax was being paid on the caravan at that time, although the caravan was subsequently deleted from the list by September 2006.

Finally, the use of Ty Gwyn is primarily as two holiday let cottages,. The details show that only part of the land to the rear of the cottages is used as garden, with the land on which the caravan is sited physically separated by fencing. This visually separates the caravan from the cottages, which weakens the assertion that that caravan would be ancillary to the residential use. The physical layout of the site infers that the caravan is, and will remain, a separate entity from Ty Gwyn.

It is also worth noting that two other separate ancillary structures in addition to the static caravan are also located within the site, one being the timber garden

shed located at the end of the garden and one being the Polytunnel located adjacent to the static caravan.

A planning condition imposed on any consent should meet general criteria for the validity of the condition. Therefore, planning conditions should only be imposed where they satisfy all of the following tests:

- i. Necessary;
- ii. Relevant to planning;
- iii. Relevant to the development to be permitted;
- iv. Enforceable;
- v. Precise; and
- vi. Reasonable in all other respects.

Condition 6 attached to NP/18/0666/FUL was considered necessary to ensure that the existing static caravan which was being used for storage, but had previously been used for a separate residential use at times, was removed to reduce the intensity of use at the site and its detrimental impact on visual amenity, and the amenity and privacy of neighbouring properties. The removal of the caravan was to be undertaken within six months from the date of the planning permission. The consideration was relevant to planning matters and also relevant to the development being considered in that this was imposed to reduce the overall impact from the development site and in that it was considered to be precise. The condition was deemed to be reasonable in that it allowed an appropriate time period for the removal of the caravan structure and this would also ensure that it could be enforced if the condition was not adhered to.

Based on these considerations the imposed condition 6 was considered to meet the tests and officers do not accept the argument put forward by the applicant that the condition was unnecessary, unreasonable and unrelated.

In conclusion, therefore, the inclusion of the caravan in the original red line of the 2019 permission means that the Authority was able to reasonably consider the use of that structure in the overall consideration of the planning application; and could reasonably attach planning conditions to the grant of permission. There remains sufficient doubt as to the exact use of the caravan – it has been used residentially in the past, and, as Ty Gwyn has subsequently become two holiday lets as opposed to a residential dwelling and holiday let, it is unclear why an ancillary caravan is required and justified. It is physically separated from the garden associated with the holiday lets and is not listed as being for overspill accommodation in association with that holiday let use. There is no current full time residential use which would justify its retention for ancillary/incidental use to that primary use either; and whilst the applicant indicates that there would be no residential or holiday let of the caravan, the Authority would also seek to prevent all residential or holiday occupation, whether through letting or by the applicant. It is, therefore, considered that Condition 6 of NP/18/0666/FUL should stand, and that this application for the removal of that condition and imposition of an alternative condition be refused.

Recommendation

The application should be refused for the following reason

1. Insufficient justification has been submitted in respect of the retention of the caravan. The application cannot therefore be supported and fails to comply with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity) of the adopted Local Development Plan.

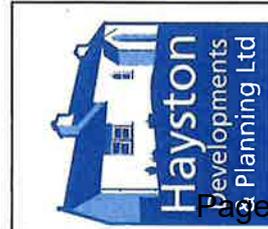


Existing Caravan



Proposed Caravan when Re-clad

NP 19 6 7 8



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**Section 73 Application to Delete Condition 6 of
 Planning Approval NP/18/0666/FUL
 Ty Gwyn & Holiday Let, Marloes, Haverfordwest,
 Pembrokeshire**

Designed by	Checked by	File name	Date	Scale	Client
		AVH_597	07.12.2019	A3 - n/s	Mr K Launderis
Drawing Title					
Photo Montage Sheet					

Dwg No. **02**