



Appeal Decision

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/02/2023

Appeal reference: CAS-02013-N2S5M4

Site address: Ty Dderw, Llanallgo, Moelfre, LL72 8HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by S.R. Marfarni and G.D. Peacock against the decision of Isle of Anglesey County Council.
 - The application Ref FPL/2021/142, dated 15 June 2021, was refused by notice dated 23 March 2022.
 - The development proposed is change of use, conversion, and minor alterations to form six self-contained holiday apartments, together with associated parking, landscaping, and biodiversity enhancement.
 - A site visit was made on 20 December 2022.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use, conversion, and minor alterations to form six self-contained holiday apartments, together with associated parking, landscaping, and biodiversity enhancement at Ty Dderw, Llanallgo, Moelfre, LL72 8HB, in accordance with the terms of the application, Ref FPL/2021/142, dated 15 June 2021, subject to the conditions set out in the schedule to this decision letter.

Application for costs

2. An application for costs has been made by S.R. Marfarni and G.D. Peacock against Isle of Anglesey County Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development complies with local planning policy relating to the provision of holiday accommodation.

Reasons

4. The appeal site is in the open countryside outside of Moelfre. It comprises a large detached two-storey building with single-storey additions. The property was last used as a hotel. An existing holiday chalet and storage building is located to the west of the

appeal site, while a separate property in different ownership is to the east. Open fields surround these buildings. The appeal site is accessed along a driveway from the A5108 on the approach into Moelfre.

5. The proposal would convert the building into six self-contained holiday accommodation units. Policy TWR 2 of the Anglesey and Gwynedd Joint Local Development Plan (JLDP) seeks, amongst other things, to support the conversion of existing buildings into permanent serviced or self-serviced holiday accommodation, provided they are of a high quality in terms of design, layout, and appearance and that they satisfy relevant policy criteria. The Council consider that criteria 'i' – 'iv' of Policy TWR 2 have been satisfied, and that the proposal would be high quality in its design, layout, and appearance. Having considered the evidence and visited the appeal site, I see no reason to disagree with the Council on these issues.
6. The Policy TWR 2 criterion in dispute is 'v', which states that development does not lead to an overconcentration of such accommodation within the area. The supporting text to Policy TWR 2 acknowledges concerns about the oversupply of self-serviced accommodation in some parts of the Plan area, which could result in businesses failing. The supporting text requires submission of a Business Plan to demonstrate the robustness of the proposed scheme, to enable the Council to assess whether it has a realistic chance of being viable and is not speculative in nature. The text adds that a Business Plan would help to make sure there is no loophole to allow redevelopment of existing buildings in the countryside for holiday use, and then allow conversion to residential if shown to be unviable in holiday use.
7. While I note the aims of criterion 'v' in terms of managing the supply of holiday accommodation in the area, Policy TWR 2 makes little distinction between serviced and self-serviced accommodation. The conversion and change of use of the former hotel to self-serviced accommodation is within the extent of the policy, in effect moving from one type of holiday accommodation to another. This is different to the introduction of new holiday accommodation, whether through new build development or a change of use. In this regard, the thrust of the policy supports both permanent serviced and self-serviced holiday accommodation, subject to meeting the criteria.
8. The circumstances of the appeal proposal are clearly different to the explanation provided in the supporting text to policy TWR 2, given the intention of the proposed development to remain as holiday accommodation. In any case, the appellants have provided detailed evidence including a Business Plan and viability statement, amongst other documents. The evidence presents a convincing case on previous attempts to use the building as a hotel, along with professional advice on suggested occupancy and income forecasts having regard to the local market conditions. The Council have not challenged the appellants' Business Plan evidence.
9. I also note the Council's reference to Supplementary Planning Guidance (SPG) on Tourism Facilities and Accommodation, approved in March 2021, which provides guidance on the Policy TWR 2 criteria amongst others. The guidance in the document on over-provision refers to an excess of holiday accommodation in an area. While I recognise the issues highlighted by several representors and the Council regarding the levels of second homes and holiday accommodation in the area, the proposal would not impact on the existing housing supply given its most recent use as a hotel. Neither have I seen any evidence that a change of use from hotel to self-serviced accommodation would impact on local services, employment opportunities or local house prices. I understand the aims of both policy and guidance regarding the supply of holiday accommodation in an area. However, I consider those aims are geared towards the effect of new holiday accommodation on an area, rather than a change of use within the remit

of the policy. Consequently, it has not been necessary to explore the issue of over-concentration in detail.

10. In conclusion, the proposal's effect on the supply of holiday accommodation would be negligible given that it involves a change from one holiday accommodation type to another. The proposal would therefore comply with local planning policy on holiday accommodation, including Policy TWR 2 of the Anglesey and Gwynedd JLDP.

Other Matters

11. I note the representation which raises concern with the existing septic tank serving the appeal site and the potential additional drainage impacts arising from the proposal. The appellants have confirmed that a connection to the foul sewer is proposed, and a signed Section 104 agreement has been provided which demonstrates Dŵr Cymru Welsh Water agreement to the measures. The Council's Environmental Health officer also confirmed no objection to the proposal in its consultation response, provided the appellants adhere to the agreement. On the evidence before me, I am satisfied that the matter of foul drainage has been addressed.
12. The proposal does not meet the thresholds set out in Policy PS 1 of the JLDP, which require submission of a Welsh Language Statement or Welsh Language Impact Assessment Report in certain circumstances. However, the appellants have submitted a statement outlining their consideration of the Welsh language through the proposal. The Council has raised no concerns with the statement and on the evidence before me, there is no suggestion that the proposal would be contrary to LDP policy.

Conditions and Obligations

13. I have considered the conditions recommended by the Council in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). I have made minor amendments to the wording of several conditions, including the reasons and policy references, for clarity and conformity with the Circular.
14. I have not imposed the ecology condition because it duplicates the requirement to comply with documents listed in condition 2, which includes the bat scoping survey. The Council have proposed a condition restricting hedgerow removal unless a qualified ecologist has examined and confirmed the absence of nesting birds. However, I have seen no indication that existing hedgerows would be removed. Consequently, the condition is not necessary. The landscaping condition has been amended to reflect the wording of the Circular model condition, given the Council's suggested monitoring and remediation measures were onerous for the appellants to comply with.
15. The Council have proposed a condition removing permitted development rights for enlargements, improvements, and other alterations to and within the curtilage of the outbuildings. The Council's reasoning is that such a condition would be in the interests of residential and visual amenity. The appellants query the necessity of such a condition, and whether the proposal meets the definition of a dwellinghouse. Notwithstanding this, the Circular states that save for exceptional circumstances, conditions should not be imposed which restrict permitted development rights granted by development orders. While I acknowledge the appeal site is in the open countryside, I consider that no exceptional circumstances have been presented as to why permitted development rights should be removed in this instance.
16. It is also necessary to restrict occupancy to holiday accommodation use only, and I have used the Council's suggested wording, based on the Circular model condition. Finally, the submitted Section 104 agreement has been signed and as explained above, satisfies the

issue of foul drainage. I have also included the drainage condition as suggested by Welsh Water.

Conclusion

17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

I Stevens

INSPECTOR

SCHEDULE OF CONDITIONS

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- Location Plan – 0.001_Rev*
- General Arrangement Plan – Drawing Number SJ.MA.01
- Proposed Site Plan – 2.010_RevA
- Proposed Floor Plans – 01 – 2.100_Rev*
- Proposed Alterations – Floor Plans – 2.110_Rev*
- Proposed Elevations – 2.200_Rev*
- Proposed Alterations – Elevations – 2.210_Rev*
- Detailed Planting Bed Layouts – Drawing Number SJ.MA.02
- Boundary Locations and Types – Drawing Number SJ.MA.03
- Structural Engineer Letter - Edwards & Co dated 24 January 2022
- Bat Scoping Survey – Kingdom Ecology dated 29 July 2021
- Biodiversity Enhancement Measures – Kingdom Ecology dated 6 June 2021

Reason: To ensure that the development is implemented in accordance with the approved details.

- 3) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In the interest of highway safety in accordance with Policy TRA 2 of the Anglesey and Gwynedd Joint Local Development Plan (2017).

- 4) The site shall be landscaped, and trees and shrubs shall be planted in accordance with drawing number SJ.MA.01. This planting and landscaping work shall be carried out in full during the first planting season following the use of the new vehicular access or the completion of the development, whichever is the sooner. The said trees and shrubs shall be maintained for a period of 5 years from planting and any trees or plants that die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of biodiversity enhancement, in accordance with Future Wales, Planning Policy Wales and Policy AMG 5 of the Anglesey and Gwynedd Joint Local Development Plan (2017).

- 5) The holiday units shall be occupied for holiday purposes only; the holiday units shall not be occupied as a person's sole, or main place of residence; the owners/operators shall

maintain an up-to-date register of the names of all owners/occupiers of the holiday units, and their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To define the scope of this permission and ensure that inappropriate uses do not take place in the locality in accordance with Policy TWR 2 of the Anglesey and Gwynedd Joint Local Development Plan (2017).

- 6) Any construction works shall be carried out between the following times: 0800 – 1800 Monday to Friday; 0800 – 1300 on Saturdays and no working on Sundays or Bank Holidays.

Reason: In the interest of residential amenity in accordance with Policy PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan (2017).

- 7) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan (2017).