

Brecon Beacons National Park Authority

Local Development Plan Policy CYD LPI

Countryside: Enabling Appropriate Development

CONSULTATION DRAFT

Supplementary Planning Guidance

Version 2

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I.0 Introduction

- I.1 The Brecon Beacons National Park Authority (the Authority) is a special purpose Local Planning Authority and therefore holds the responsibility of carrying out the statutory planning function for the National Park Area.
- I.3 The Local Development Plan was adopted by the Authority on 17th December 2013 and on that date became the development plan for the Brecon Beacons National Park. It sets out key policies and land use allocations that will shape the future of the National Park area and guide development up to 2022.
- I.3 The purpose of this supplementary planning guidance is to clarify the application of Local Development Plan Policy CYD LPI: Enabling Appropriate Development in relation to the following types of development:
- Conversion of farm and other buildings to dwellings
 - Replacement dwellings
 - Extensions to dwellings
 - Reinstatement of former dwellings

2.0 Spatial Strategy

- 2.1 The Local Development Plan's Spatial Strategy is the spatial expression of the Environmental Capacity Approach to development - this underpins the Local Development Plan. The Environmental Capacity Approach seeks to ensure that future development enabled through the Local Development Plan complies with the National Park Statutory Purposes and Duty. As such the Environmental Capacity Approach seeks to enable development where it will not have an adverse impact on the natural beauty, wildlife, cultural heritage, natural resources, or community infrastructure of the National Park, taking into consideration the need to mitigate for the future likely and predicted effects of climate change. The Spatial Strategy has been developed through application of the Environmental Capacity Approach to the consideration of the scale and distribution of future development.
- 2.2 In setting out the Spatial Strategy the Local Development Plan has taken direction from the Vision for Central Wales as set out by the Wales Spatial Plan. In achieving this vision the Wales Spatial Plan sets out a Hub and Cluster approach to spatial development, identifying Key Settlements which act as service centres to the region.

The “Brecon Beacons Cluster” Settlement Hierarchy

Level 1	Primary Key Settlement (Brecon)
Level 2	Key Settlements (Hay-On-Wye, Crickhowell, Sennybridge and Defynnog and Talgarth)
Level 3	Settlements
Level 4	Limited Growth Settlements

Level 5	Countryside
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- 2.1 This Supplementary Planning Guidance relates to development in the (Level 5) Countryside which is identified in the Settlement Hierarchy as “Places with no potential to accommodate any level of growth. Development here will be limited to that which is proven essential in accordance with National Planning Policy”.
- 2.2 Moreover, Policy CYD LPI: *Enabling Appropriate Development* states that proposals for development within countryside locations will be required to contribute positively to their countryside setting and enhance the quality of the landscape without adverse impact on the wildlife, natural beauty, cultural heritage, environmental assets or biodiversity of the area. All proposals for development within countryside locations must demonstrate how they respond to the identified issues set out at paragraph 4.9 of the LDP and how the scheme will contribute to achieving the Countryside 15 year Future Vision.

3.0 The Conversion of Farm and Other Buildings to Dwellings

3.1 The Local Development Plan Policy

3.1.1 Policy CYD LPI enables proposals to re-instate redundant buildings to the following beneficial uses:

- Commercial, Sport, Tourism or Recreation use OR
- Affordable Housing to serve an identified need OR
- The proposal will provide a Rural Enterprise Dwelling to serve an evidenced essential need

3.1.2 Only in cases where evidence can be provided to the Authority that the need for conversion to the above uses does not exist within the locality will the Authority consider proposals to reinstate redundant buildings for use as open market housing.

3.1.3 Policy CYD LPI reflects the Authority's intention to restrict the change of use of redundant buildings in the Countryside to open market residential use when they may be suitable for beneficial uses that respond to the identified issues set out in paragraph 4.9 of the LDP.

3.2 Application Requirements

3.2.1 In order to comply with Policy CYD LPI, all applications relating to the conversion of farm and other buildings where the proposal will result in a net gain of 1 or more dwellings must be accompanied by the following evidence and detail:

1. Marketing

3.2.2 Applicants will be expected to market the application building for sale for **Commercial, Sport, Tourism, Recreation and Rural Enterprise Dwelling use** for a continuous period of at least **6 months** prior to submitting a planning application. In addition, applicants may also consider marketing the application building for lease.

3.2.3 The NPA will expect a marketing exercise to comprise the following:

- Active marketing through a recognised and independent commercial property agent covering South and Mid-Wales (to include Monmouthshire, Powys, Carmarthenshire, Torfaen, Merthyr Tydfil, Caerphilly, Blaenau Gwent, Rhondda Cynon Taf and Herefordshire);
- Notify other organisations that may have an interest in promoting the site (for example, Economic Development departments of Unitary Authorities).

3.2.4 The results of the marketing exercise must be detailed in a supporting statement that includes evidence of the following:

- The extent of marketing, including copies of all adverts (with dates), when and for how long the advert was in the agent's window, websites etc.;
- The price at which the property has been marketed (which should reasonably reflect its value as a premises for each of the beneficial uses referred to);
- Written details of enquiries received, including any firm offers (conditional or unconditional); and
- A written statement of the commercial property agent's view as to the viability of the property for the beneficial uses referred to.

3.2.5 Prior to issuing any consent for the conversion of a farm (or other) building to an open market dwelling, the Authority will need to be satisfied that genuine attempts have been made to market the property. The evidence submitted may be scrutinised by an independent body, such as the District Valuer, to ensure that the property has been marketed at an appropriate price.

2. Identified Need for Affordable Housing

3.2.6 The remaining beneficial use identified in CYD LPI is Affordable Housing to serve an identified need.

3.2.7 It is set out in the Local Development Plan that **there is a presumption of need in all areas of the National Park**. Where an applicant challenges the Authority's evidence of need the onus is on the applicant to prove to the satisfaction of the Authority, by way of an evidenced written statement, that there is not a need for Affordable Housing in the area.

3.2.8 The key evidence sources of need include (but are not limited to):

- The appropriate Local Housing Market Assessment;
- Affordable Housing Needs Register;
- Registered Social Landlord and constituent Unitary Authority Waiting Lists; and
- Local Housing Needs Surveys conducted by the relevant Rural Housing Enabler.

3.2.9 Applicants will also be expected to demonstrate that they have engaged with the constituent Unitary Authority's Affordable Housing Officer to establish the current levels of need.

3.2.10 Where it is determined that there is a level of need in the area, applicants will be expected to engage with the Registered Social Landlords to determine whether they would be interested in utilising the property for Affordable Housing.

3.2.11 In cases where a need has been identified but the relevant Registered Social Landlords are not prepared to utilise the property, a commuted sum of 58% of the Acceptable Cost Guidance would be payable (Acceptable Cost Guidance is derived by the Welsh Government and are provided as guidance on the likely acceptability of scheme costs for grant purposes). Any commuted sum payable shall be held in an earmarked reserve by the Authority to facilitate the provision of Affordable Housing in the National Park.

3.2.12 The Authority's intention under Policy CYD LPI is to restrict changes of use to open market dwellings when there may be more appropriate beneficial uses. Indeed, the aim of requiring a 58% commuted sum contribution is to secure **equivalent benefit** in the form of an Affordable Home. Clearly, any reduction in the commuted sum would not achieve this and would be contrary to Policy CYD LPI and, accordingly, would result in the refusal of the application.

3.3 Curtilage Area

3.3.1 A key characteristic of farmsteads is the way the landscape around it often flows up to the immediate edge of the buildings without any form of curtilage definition. This characteristic needs to be respected whilst meeting the needs of any new use.

3.3.2 Ideally the curtilage needs to be kept as minimal as possible. Any enclosed private areas need to be carefully sited and contained, particularly in relation to public views and the surrounding landscape. Extending gardens into what has been farming land requires planning permission and should be avoided if possible. New walls or planting, which can be used to screen parking and garden areas, must follow the local vernacular. In particularly sensitive landscape settings a ha-ha may be the most discreet form of definition.

3.3.3 With any conversion and in particular domestic conversions, care needs to be given to the siting of paraphernalia such as refuse bins, oil tanks and sheds.

3.4 Pre-application Discussions

3.4.1 Applicants and/or agents are advised to discuss with Authority's Planning Officers the likelihood of the building being suitable for the beneficial uses listed above and the content of any necessary statement. It is advised that this is achieved through the Authority's formal pre-application advice procedure.

3.4.2 Where it is proposed to convert a Listed Building, applicants and/or agents should also consider the relevant guidance produced by Cadw (available at cadw.wales.gov.uk).

4.0 Replacement Dwellings

4.1 The LDP Policy

4.1.1 Policy CYD LPI makes provision for the appropriate demolition and replacement of buildings in the countryside where this action would result in the net increase of no more than 30% of the original dwelling size. Policy 26 deals specifically with the demolition and replacement of habitable dwellings and states that this will only be permitted where:

- The existing dwelling is of no particular architectural and/or historic and/or visual merit, for which it should be conserved; and
- The design, size, and siting of the replacement dwelling is sympathetic to the setting.

4.1.2 The Authority wishes to conserve dwellings that are of particular architectural, historic and/or visual merit. Proposals for replacement of such buildings will be resisted. However, for all other dwellings, a proposal for replacement presents an opportunity to make an improvement to the visual appearance of a building and its relationship to its setting in the National Park landscape. The Authority therefore requires that the design, size, siting and curtilage of all proposed replacement dwellings are sympathetic to the setting of the National Park.

4.1.3 Policy SPI aims to incorporate the National Park purposes and duty, as set out in the Environment Act 1995, into the policy framework of the LDP. Whereas Policy I sets out the necessary detailed criteria by which the BBNPA will ensure that development does not impact on the National Park's ability to deliver its statutory purposes and duty.

4.1.4 In addition to consideration given to the physical impacts of replacement dwellings on the natural beauty of the National Park, the Authority will also give due consideration to the impact such proposals can have on the housing market, specifically, the range of dwelling sizes that are available on the open market in countryside locations. This issue is extremely important in relation to proposals which seek to replace an existing building with a significantly larger dwelling (for example the replacement of a 2 bedroom property with a 4 bedroom property). The Authority aims to ensure that the existing housing stock within countryside locations provides a range of options to meet all incomes and support a sustainable community (a living and working countryside as envisioned by the LDP), this is especially true at the lower end of the housing market, where house prices and rural wages are more likely to be commensurate. As such, in determining applications for replacement dwellings in the open countryside, the Authority will consider how the planned changes will impact on the existing housing market. In instances where the replacement dwelling is over the established threshold of 30% and has a significant impact on the housing range within the area the application will be refused.

4.2 Permitted Development Rights

- 4.2.1 Proposals for a replacement dwelling in excess of an increase of 30% of the cubic content of the original dwelling **over and above that allowed under permitted development rights** (for extensions to dwellings) would be considered contrary to CYD LP I, SPI, SP3, Policy I and 26.
- 4.2.2 It should also be acknowledged that the householder permitted development rights were changed on 30th September 2013. In certain circumstances this allows for much larger extensions than the 50 cubic metres allowed under the 1995 Order.

4.3 Application Requirements

- 4.3.1 Firstly, householders should seek to ensure that their proposed replacement dwelling is within the CYD LPI requirement of being an increase of no more than 30% of the original dwelling size (over and above that allowed under permitted development).
- 4.3.2 Secondly (and more importantly), applicants will be expected to demonstrate as part of their Design and Access Statement how their proposal will maintain or enhance the quality and character of the Park's Natural Beauty, wildlife, cultural heritage and built environment. Applicants may also need to submit one or more of the following documents (this is not an exhaustive list):
- Planning Statement
 - Sustainability Statement
 - Code for Sustainable Homes Pre-Assessment
 - Landscaping Details
 - Heritage Statement
 - Lighting Assessment
 - Tree Survey
 - Biodiversity Survey Report
- 4.3.3 For the avoidance of doubt, in instances where it is considered that the proposed replacement dwelling would be inappropriate in terms of its scale, form, design and appearance, yet it would be within the 30% allowance prescribed by CYD LPI, an application will be refused against the requirements of SPI, SP3, Policy I and 26.
- 4.3.4 The Authority will expect any replacement dwelling to be located on the site of the existing dwelling. A re-siting would only be considered acceptable by the Authority where there would be resulting environmental or road safety benefits. In such cases the applicant would be required to demonstrate that there would be no increase in overall visual impact of the building in the landscape.
- 4.3.5 The Authority would expect that the curtilage of a replacement dwelling is no larger than that of the existing dwelling.

- 4.3.6 Proposals for replacement dwellings will be required to be of a high quality of design. Proposals should take account of local and traditional elements of design and materials and, where appropriate, be in keeping with any surrounding buildings of merit.

5.0 Extensions to Dwellings

5.1 The LDP Policy

- 5.1.1 CYD LPI requires proposals for the extension of residential dwellings, appropriate in scale and design to the countryside location, to be no more than a net increase of 30% of the original dwelling size.

- 5.1.2 The primary consideration in assessing proposals to extend a traditional dwelling in the countryside is that its inherent character is retained, so that the appearance of the National Park's rural landscape is not harmed by the loss of its vernacular buildings. To this end, Policy 27 states that house extensions (and ancillary buildings) will be permitted where:

- the proposal is appropriate to the scale and design and setting of the original dwelling;
- no loss of on-site parking space will result, and adequate on-site parking provision can be provided for the extended dwelling;
- an area of private amenity space is retained that is reasonably proportionate to the proposed size of the dwelling; and
- there is no significant loss of privacy to an adjoining property.

- 5.1.3 In practice, this means that to conform to the respective planning policies in the Local Development Plan, all proposals to extend dwellings in the countryside must therefore:

- Be considerably smaller than the existing dwelling;
- Be lower than the existing dwelling in relation to ridge height; and
- Be subordinate to the existing dwelling with the original form of the dwelling being clearly recognizable when the new works are completed.

5.2 The Size of Extensions

- 5.2.1 The provision and retention of a mix of dwelling sizes is an important part of this Local Development Plan's strategy. Extensions to dwellings have the potential to affect the balance of dwelling sizes available. The policy position seeks to ensure that a range of dwellings sizes are available to support a living working landscape. This issue is extremely important in relation to proposals which seek to significantly extend a smaller dwelling (such as a two bedroom property). The disparity between rural wages and rural house prices is well documented (Wales Rural Observatory, November 2005[1]; Wales Rural Observatory, June 2006[2]; Joseph Rowntree Foundation, June 2008[3]). The Authority aims to ensure that the existing housing stock within countryside locations provides a range of options to meet all incomes and support a sustainable community (a living and working countryside as envisioned by the Local Development Plan), this is especially true at the lower end of the

housing market, where house prices and rural wages are more likely to be commensurate. As such in determining applications for extensions to houses in the open countryside, the Authority will consider how the planned changes will impact on the existing housing market. In instances where the extension is over the established threshold of 30% and has a significant impact on the housing range within the area the application will be refused.

- 5.2.2 Dwelling extensions also have the potential to reduce parking and amenity areas. Inappropriate extensions may also have a detrimental visual impact on the National Park's landscape. The Authority will therefore seek to ensure that extensions are the subordinate part of the overall finished structure and are not dominant or intrusive. The provision of a private amenity area must be appropriate to the scale of the dwelling as existing and/or proposed.

- 5.2.3 The Authority consider that a 30% increase over the size of the original dwelling would ensure that the extension be subordinate and of appropriate scale. To clarify, this 30% will be an increase in the overall volume of the original dwelling. A larger volume will not be permitted in the National Park area unless it can be clearly demonstrated that no harm will be caused to the character and appearance of the original dwelling

- 5.2.4 An exception to the size limits set out above may be considered appropriate where the existing dwelling is relatively small (ie. usually less than 250 cubic metres). In such circumstances a larger percentage increase may be negotiated.

6.0 Reinstatement of Former Dwellings

6.1 The LDP Policy

6.1.1 CYD LPI enables proposals that capitalises on improving the existing building stock and/or utilises previously developed land and/or re-uses redundant buildings. However, the main challenge within the countryside is to tightly control permissions to those which are deemed necessary and essential to a countryside location. Accordingly in certain circumstances, the Authority will support the renovation of former houses where the use as a dwelling has been abandoned.

6.1.2 Policy 25 states that the renovation of former dwellings in the Countryside will be permitted where:

- at the time of the application, the existing building is demonstrated to possess the fundamental characteristics of the former dwelling in that
 - the original wall structure is substantially intact and sound without the need for major or extensive demolition and/or rebuilding works and clearly shows the size, number and location of all original window and door openings; and
 - the building shows evidence of the original roof height, shape and features;
- any renovation required, where appropriate, retains or faithfully reproduces the size, number and location of original door and window openings and roof structure;
- the proposal, including any extension and the provision of services and changes within the curtilage, is appropriate to the scale and design of the original building and its setting;
- no new or enlarged curtilage is required; and
- any new or enlarged access and parking can be provided without significant damage to the setting of the proposal or surrounding landscape.

6.1.3 Maintaining the character of the dwelling and its setting are important elements of this policy and therefore permitted development will be removed if planning permission is to be granted.

6.2 Application Requirements

6.2.1 Firstly applicants will be required to demonstrate in their Design and Access Statements that their proposals are both necessary and essential to a countryside location in order to comply with policy CYD LPI.

6.2.2 Former dwellings often provide suitable habitats for bats. Survey work may therefore be required prior to submission of an application. All proposals must comply with Policy 7 Protected and Important Wild Species.

- 6.2.3 Where necessary a structural survey will be required and the Authority may consult with the building control service on any proposals submitted under this policy. All proposals must also comply with Policy 23 Sustainable Design in the adaption and re-use of buildings.
- 6.2.4 The Authority would expect that the curtilage of a reinstated dwelling is no larger than that of the original dwelling.
- 6.2.5 Applicants will also be expected to demonstrate as part of their Design and Access Statement how their proposal will maintain or enhance the quality and character of the National Park's Natural Beauty, wildlife, cultural heritage and built environment. In addition, the Design and Access Statement must detail how low and zero carbon technologies have been investigated. Where such technologies are found to be applicable they must be employed within the scheme in line with the requirements of Policy 23.
- 6.2.6 Applicants may also need to submit one or more of the following documents (this is not an exhaustive list):
- Planning Statement
 - Sustainability Statement
 - Landscaping Details
 - Heritage Statement
 - Lighting Assessment
 - Tree Survey