

STATEMENT FROM HARMERS

DECEMBER 2016



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

BY

PETER HAYMAN

LETTONS HOUSE, LETTONS WAY, DINAS POWYS

PLANNING APPLICATION

FOR REMOVAL OF MODIFIED AGRICULTURAL / RURAL ENTERPRISE OCCUPANCY CONDITION
IMPOSED ON APPLICATION 2011/0503/FUL

PINS REF: APP/Z6950/A/16/3161658

LPA REF: 2014/01033/FUL

HEARING STATEMENT

LAURENCE FORSE

DECEMBER 2016

16.8516

Report Control

<p>Project: Appeal against the refusal of Vale of Glamorgan Council to grant planning permission for removal of modified agricultural / rural enterprise occupancy condition imposed on application 2011/0503/FUL IN RESPECT OF Lettons House Dinas Powys, Vale of Glamorgan</p>			
<p>Statement of Laurence Forse</p>	<p>Informal Hearing Boyer Planning Cardiff</p>		
<p>File ref 16.8516</p>			

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1. THE APPEAL SITE

- 1.1 The Appeal property is a large detached dwelling built in the 1980's as an agriculturally tied dwelling which was constructed in connection with the operation of a nursery. The property is exceptionally large, including as it does a full size snooker room and a double garage, and is located in an attractive large landscaped plot, Estate agent's particulars have previously been provided as part of the appeal documentation.
- 1.2 The property lies on the northern edge of Dinas Powys, close to the settlement boundary, and divorced from it a short distance, together with the intervening glasshouse associated with the nursery.
- 1.3 The settlement of Dinas Powys is located approximately 4 miles south west of the centre of Cardiff, and 3 miles north east of Barry. The village of Dinas Powys has expanded substantially over the years and primarily acts as a residential base for persons working in Cardiff, Penarth, Barry and the eastern parts of the Vale of Glamorgan.

2. PLANNING HISTORY / PLANNING BACKGROUND

- 2.1 Outline planning permission was originally granted on appeal on 7th October 1980 (Inspectorate ref P72/569, Vale of Glamorgan ref 79/0067 see Appendix 1) to the current appellant, who at that time owned and ran the adjacent nursery. The reserved matters submission (1982/0172/RES) was approved on 11th November 1982.
- 2.2 A dining room extension and canopy (1989 / 01170 / FUL) was granted on 27th October 1989.
- 2.3 Mr Hayman operated the nursery, and occupied the dwelling until 1994. At that time the dwelling was offered to the purchasers of the nursery, but declined due to intended production changes which did not require a 24 hour presence on the site and the additional cost of purchasing the property. Mr Hayman continued as a consultant to the nursery company until 2000 when he finally retired, and he and his wife continued to occupy the dwelling in his retirement.
- 2.4 When the initial operator went in to liquidation, the nursery business was sold, and when the business was acquired by a new operator, Mr Hayman offered to sell the house to them, but again the offer was declined.
- 2.5 Mr Hayman and his wife continued to occupy the dwelling until such time as they, with the onset of infirmity and the need to downsize, and plan their old age, became a more pressing issue.
- 2.6 It was at that stage – April 2011 – that I was approached to provide planning advice, at which time it was agreed to make an application to vary the original agricultural occupying condition to in addition permit persons employed in rural enterprises or alternatively persons being eligible for affordable housing. The intention being to then strenuously market the property for an extended period with a view to either selling the property or alternatively applying to remove the revised occupancy condition. A copy of the covering letter with the application (2011 / 00503 / FUL) and the consent notice are attached as Appendix 2.
- 2.7 Following the granting of permission, with the revised condition, the availability of the property was advertised for an extensive period without a sale being affected. An application to remove the condition No. 1 was submitted in November 2012 (2012 / 01193 FUL) and a copy of the covering letter, Committee Report and Refusal Notice dated 12th April 2013 are included in Appendix 3.

- 2.8 After further marketing and discussions with United Welsh Housing Association, a further application to remove the occupancy condition was made in November 2013. (Application 2013 / 01207 / FUL) it should be noted that to ratify / give further guidance on the valuation aspect, a further valuation jointly funded by Mr Hayman and United Welsh Housing Association was undertaken (see copy in Appendix 4). This application was refused and a copy of the covering letter which accompanied the planning application, together with a copy of the Committee Report are included as Appendix 5.

3. THE APPLICATION

3.1 Following further marketing, a further application to remove the condition was submitted at the end of August 2014, and was attributed the reference 2014 / 01033 / FUL.

3.2 The application was refused on 13th May 2016 for the following reason:

1. Having regard to Policies HOUS5 – Agricultural or Forestry Dwellings; and HOUS6 – Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained in Technical Advice Note (Wales) 6 'Planning for Sustainable Rural Communities', in Planning Policy Wales (Edition 8 – 2016) and Welsh Office Circular 016/2014 'The Use of Planning Conditions for Development Management', the applicant has failed to demonstrate that there is no longer any need for the dwelling to accommodate an agricultural or forestry worker, nor that there is not a realistic potential that the dwelling could be used to accommodate those eligible for affordable housing. As such Condition No.1 of planning permissions 2011/0503/FUL, which limits occupation of the dwelling to that of a person employed or last employed in a rural enterprise or for the provision of accommodation for those eligible for affordable housing remains justified and has not outlived its usefulness. Accordingly, the proposal to remove this condition would be contrary to the above defined national and local policies including ENV1 – Development in the Countryside and HOUS3 – Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which seek to prevent the erection of dwellings in the countryside without an agricultural or forestry justification.

4. NATIONAL AND LOCAL PLANNING POLICIES

a) National Policies

- 4.1 Planning Policy Wales (8th Edition) provides a backcloth of general planning advice relating to land in Wales.
- 4.2 Paragraphs 9.3.6 and 9.3.9 deal with rural enterprise dwellings, and stress the need for new dwellings in the open countryside to be strictly controlled, and goes on to indicate the applications for rural enterprises dwellings should only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling, and an occupancy condition is applied. An extract of paragraphs 9.3.6 and 9.3.10 are included in Appendix 6.
- 4.3 In Circular 016/2014 the Use of Planning Condition for Development Management reference was made to Residential Occupancy Conditions and Rural Enterprise Dwellings and an extract of the relevant section paragraphs 5.85 to 5.91 are attached as Appendix 7. At paragraph 5.86 it indicates “--- it may be difficult for local planning authorities to prevent the removal of a residential occupancy condition if the alternative is that the property remains empty....”

And at paragraph 5.87 it indicates:

“The imposition of a residential occupancy condition can draw an artificial and unwarranted distinction between new houses or new conversions and existing houses that are not subject to such restrictions on occupancy or sale. It may deter house builders from providing homes for which there is a local demand and mortgage providers from providing finance. It may also impose hardship on owners who subsequently need to sell. Extreme care should therefore be taken when applying such conditions to a grant of planning permission to ensure that an individual’s human rights are not harmed”.

- 4.4 In Technical Advice Note 6: Planning for Sustainable Rural Communities the guidance recognises that proposals should be carefully assessed in the first instance to ensure a consent is justified, and that such dwellings are kept available in the first instance to satisfy local needs,. An extract of TAN6 Planning for Sustainable Rural Communities is attached as Appendix 8.

b) Local Policies

- 4.5 Policies quoted from the Vale of Glamorgan UDP largely endorse the general approach of restricting development in the countryside, with it being indicated that appropriate conditions will be attached where consent is granted for new dwellings in the countryside.
- 4.6 With specific regard to occupancy conditions, Policy HOUS6 – Agricultural Occupancy Conditions - indicates that “Applications for the removal of agricultural occupancy conditions will be considered on the basis of realistic assessments of the continuing need for their retention”.

An extract of the policy and supporting text is included in Appendix 9.

4.7 Further comment will be made on the above in the subsequent assessment section.

5. ASSESSMENT

- 5.1 As a starting point, it is accepted that careful consideration is given to agricultural dwellings before consent is granted, and that proposal to remove an occupancy condition must be carefully and fully considered to establish whether or not the removal of a condition is justified. This requires a realistic assessment of the marketing campaign to establish the degree of interest shown.
- 5.2 In this instance, it is necessary to go right back to the beginning to spell out the overall chain of events which preceded the current appeal. Clarification was sought from Welsh Government as to what level of discount should be applied in pricing the property. In a letter dated 25th January 2013 from Welsh Government it was indicated that a discount of 20-25% on the open market value was anticipated with a marketing period of 12 months. A copy of the letter is included in Appendix 10.
- 5.3 The above indication was considered reasonable, given that the revised rural enterprise tie potentially increased the number of potential occupiers, and accounted for a lesser discount than the 33% rule of thumb which had traditionally applied to dwellings subject to an agricultural occupancy condition.
- 5.4 With the open market value of the property historically established at around £600,000, the property has been marketed for an extended period at an asking price of £450,000 in accordance with the indication provided by Welsh Government.
- 5.5 One would have thought that the evidence of a lengthy extended period of advertising would be the key factor, as would a lack of prospective purchasers, in deciding as to whether or not the current occupancy tie should be removed. However, the Vale of Glamorgan attitude has not been consistent nor realistic throughout and their position has changed over a period, albeit it has not been firmly based on existing policies.
- 5.6 In the first instance the indication was given that informal discussions with the Welsh Government had indicated that apparently it was to be virtually impossible to remove an agricultural occupancy condition, and that in effect the price should be reduced 'ad infinitum' until the property became affordable.
- 5.7 Subsequent indications have been given that the Council demanded that the amount of any uplift above the discounted price should be paid entirely to the Authority. This subsequently modified to the applicant being expected to pay what the appropriate Acceptable Cost Guidance for the construction of dwelling would be to the Council. With this moveable feast of demands it would now seem that apparently a contribution may now to be based on relatively recently published Draft Supplementary Guidance: Affordable Housing November 2015.

- 5.8 All of the above demands have been raised over a period, despite there being obviously no firm policy guidance linking these to applications for a removal of an occupying condition. Indeed, it was as a result of the Council's demands that the applicant sought clarification of such matters by engaging Thrings Solicitors who in turn sought Counsel's opinion on the basis for the demands.
- 5.9 An opinion was provided indicating that there was no established legal policy basis for the demands that the Council were making. See Appendix 11.
- 5.10 One would have thought that with an extensive period of marketing to establish qualifying interest the overall situation would in fact be determined by the market, with the results of the marketing exercise clearly informing the decision makers.
- 5.11 However, the Vale of Glamorgan Council have, behind the scenes, interfered with the market place to try and generate a demand for the property. Despite letters and particulars having been sent to the four main Housing Associates active in the area and no positive interest having been shown, just before the 2011 application was determined interest was allegedly shown by United Welsh Housing Association, and the Vale relied upon this to refuse the application.
- 5.12 It subsequently transpired from discussions with the Housing Association that in fact their "client" as they put it, was the Vale of Glamorgan Council. Further, the scheme they considered was a shared house arrangement for persons with learning difficulties. A use which is not strictly speaking a rural enterprise or an "affordable" house, perhaps being more akin to a special needs housing scheme.
- 5.13 An offer of sorts £420,000 was eventually made by the Housing Association with an email 20th May 2013 indicating that "the offer made was not a formal offer but intended to form a discussion around client expectation". See Appendix 12.
- 5.14 The Housing Association subsequently confirmed (email 7th October Appendix 13) that the increased offer of £420,000 had no relation to any previously cited by the Local Authority and is based on our viability.
- 5.15 On 4th November 2013 the offer was withdrawn see Appendix 14.
- 5.16 The simple facts of the matter are that despite, the property being unsuitable as an affordable property, as confirmed by the Council's Affordable Housing Enabler at the outset (see email in Appendix 15), it should also be noted that in that email he also raised the possibility of an off-site contribution. Despite this indication, the Planning Department have consistently failed to make a realistic assessment of the proposals.
- 5.17 The Council has behind the scenes attempted to generate interest in the property via their Housing Department, which accounts for why and how the Planning Department were always referring to interest being expressed in the property when neither the owner, nor his estate agent were aware of such matters.

- 5.18 With the withdrawal of interest by United Welsh Housing Association, the Council attempted to get Newydd Housing Association involved, but they declined to pursue the matter.
- 5.19 The Council Planning Department have continued to put a gloss on alleged interest in the property, when in fact the Housing Associations involved were acting apparently on behalf of and at the behest of the Council, with the Planning Department not making any reference to the marketplace.
- 5.20 The current situation as evidenced in their Committee Report appears to be that they now accept that there is no interest from a Housing Association. However, at the eleventh hour there is apparently an interested party employed in agriculture who could potentially satisfy the condition which is in place.
- 5.21 Unfortunately, the party involved appears not to want to pay a realistic price for the property. It appears from the correspondence that the prospective purchaser is aware of the discounted price required, but seems to be unaware that due to the wider pool of potential occupiers, that the discount factor is less than the 33% rule of thumb for agriculturally tied properties. The prospective purchaser appears to have based his calculations on a 33% discount and not the lesser 20-25% discount currently appropriate.
- 5.22 In any event, the discounted price also ignores any inflationary uplift to the price since the marketing undertaken on the basis of a discounted price of £450,000. As such the offers he has made are markedly light in relation to the discounted marketing price. The highest offer of £390,000 was £60,000 light of asking price. (Without allowed for any price inflation which has occurred)
- 5.23 The interested party indicates that he works on two farms one at St Athan and one at Coedrhdydaglyn St Nicholas, neither of which are especially close to Lettons House. As such it would appear that the party is simply interested in purchasing a cheap house, and on the basis of his calculation and offers, this appears to be his main aim.
- 5.24 Yet again, the Vale Planning Department appear to know more about the purchaser's interest in the property than do either the vendor and his agent. In discussions with the Case Officer it was indicated that the prospective purchaser was a cash buyer, but in correspondence with the vendors agent the prospective purchaser has indicated that he may need a mortgage and has an arrangement with Principality Building Society see letter in Appendix 16.
- 5.25 However, it would appear that Principality, along with most other building societies will not lend on agriculturally tied properties as advised by an email from them to the vendor's son. See Appendix 17.
- 5.26 It has also been indicated that the prospective purchaser has not even put his own house on the market, and as the Planning Case Officer has explained is only interested in Lettons House.

5.27 Whilst the proposed purchaser has been disparaging and critical about the actions of the vendor, his agent, and the price of the property, he is a little unforthcoming in terms of whether or not he currently has a mortgage, and what his house would be likely sell for, and if he were able to make a reasonable offer for the property, how the funds would be provided. For the moment, he has not committed to paying a fair price for the property, and with his house not even on the market or a mortgage offer obtained, there must be serious doubt as to his ability to purchase at a realistic price. This is especially the case given that there appears to be something of an embargo on mortgages on agriculturally tied dwellings. In the vendors eyes, he has yet to prove and demonstrate himself a seriously interested party, rather than an opportunist hoping to pick the property up at a very substantially discounted price. This view is also supported by the appellants estate agent- see Appendix 18 – which also includes the most up to date marketing information.

6. THE COUNCIL'S CASE

- 6.1 The Council's case appears over the space of in excess of 5 years to ignore the results of the marketing exercise within which the dwelling has been marketed at an appropriate price, and to seek largely to rely on Housing Association interest, which they were involved in promoting. This manipulation of the market to generate supposed interest was both devious and improper, especially as they were in effect acting as judge and jury in determining the planning application.
- 6.2 In respect of the current prospective purchaser, the Council should have been pressing the purchaser for further information. However, unless the prospective purchasers are willing to pay an appropriate price, their interest cannot be regarded as serious. Further, one must question why the purchaser currently lives on a large suburban housing estate on the westside of Barry and farms near St Athan, west of Barry yet apparently is only interested in buying Lettons House approximately 3 miles north east of Barry. Their main interest in the property has to be the chance of in effect "stealing" the property at a bargain price.
- 6.3 In regard to the Council's demands for a financial contribution an attempt was made to clarify the Council's current position on the matter (see email – Appendix 19) but unsurprisingly no response has been received. The financial contributions demanded by the Council have all been unrelated to any specific planning policy and as indicated by the vendors' legal advisors, have no basis in adopted policy.
- 6.4 It should also be noted that despite the principle of discharging a modern agricultural / rural enterprise / affordable housing without the making of any payment having been clarified by the Appeal decision cited by Thrings in respect of Derwen Fach Trefnannay, Powys (APP/T6850/A/14/2229039), the Vale of Glamorgan fail to take any account of the decision and have simply dismissed it without good reason. A copy of the decision is attached in Appendix 20.

7. CONCLUSION

- 7.1 The Council's intransigence on this matter, and their interference with the market process has resulted in Mr Hayman in effect being trapped within the property. It should be noted that early in the overall marketing period his wife passed away, and since that time, Mr Hayman has continued to attempt to sell the property, but has in effect been trapped in the property with his health ailing. Throughout there appears to have been a reluctance by the Council to make a realistic assessment of the information supplied.
- 7.2 The interest shown by the Housing Associations over the last few years appears to have been exclusively prompted by the Council, and at the end of the day the Housing Associations have not surprisingly concluded that the property is not one suitable for affordable housing.
- 7.3 In respect of the recent interest by a potentially compliant purchaser, the interest appears somewhat opportunistic. The Vale Council Case Officer verbally indicated that the prospective purchaser has not put his property on the market, as he is only interested in Lettons House. This information is somewhat curious, and the hard facts of the matter is that the prospective purchaser must expect to pay a realistic discounted price for the property and also provide evidence that he and his partner as well as being compliant purchasers can actually finance the transaction.
- 7.4 The vendor has done his utmost to sell the property at a price which fairly reflects the appropriate discount rate. The property is not by any stretch of the imagination a property which could be considered as "affordable housing". All Housing Associations circulated have failed to come up with a realistic offer to implement an affordable housing scheme. As for agricultural and rurally employed persons no strong interest has been confirmed and the recent potentially compliant party has not made an offer anywhere close to a realistic asking price. In addition to which, it is not clear if the prospective purchaser is ready, willing, and capable of funding the purchase.
- 7.5 Overall, therefore, there has been no confirmed and acceptable offers placed on the table to date which confirm a continuing need for the property to remain tied by condition. Under the circumstances, and given the lengthy period in excess of five years for which the property has been marketed, the appeal should be allowed and the condition removed.

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

BY

PETER HAYMAN

LETTONS HOUSE, LETTONS WAY, DINAS POWYS

PLANNING APPLICATION

FOR REMOVAL OF MODIFIED AGRICULTURAL / RURAL ENTERPRISE OCCUPANCY CONDITION
IMPOSED ON APPLICATION 2011/0503/FUL

PINS REF: APP/Z6950/A/16/3161658

LPA REF: 2014/01033/FUL

APPENDICES

DECEMBER 2016

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APPENDIX ONE



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(Direct Line) 0222 82

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Messrs D J Harmer and Associates
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P72/569
Eich Cyl/Your Ref
1477/DJH/SAP
Dyddiad/Date
7 OCT 1980

8 FEB 2011

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR P HAYMAN
APPLICATION NO:- 79/0067

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Vale of Glamorgan Borough Council to refuse outline planning permission for the erection of a 2-storey house with built-in garage for Nursery Manager at Mill Farm Nurseries, Lettons Way, Dinas Powis, South Glamorgan. I have considered the written representations made by you, by the Council, The St Andrews Major (Dinas Powis) Community Council and also those made by other parties and interested persons. I inspected the site on 19 September 1980.
2. From my inspection of the appeal site and its surroundings and the written representations made, I am of the opinion that the decision in this case turns on whether or not the proposed siting of the dwellinghouse and garage would be so inappropriate in relation to their surroundings as to be unacceptable.
3. I have taken note of the planning policies which govern the appeal site and its surroundings and which are included in the approved Town Map for Penarth and in the approved South Glamorgan Structure Plan. In the former document, the site is included in an area of 'white' land and in the latter, Policies 53 (Area of Scientific Interest); 55 (Area of Landscape Value) and 76 (Rural Recreation Area) are considered by the Council to be relevant. I note, however, that you dispute the relevance of Policy 55 to the site as you consider that the nearest part of the area of landscape value is some distance away from it.
4. Your client's proposal is to erect the dwellinghouse and garage in a position to be determined later, to the north of the existing glass houses on land in his ownership, which is at present unused and also overgrown. The site and the nursery area occupy the flat floor of the valley and are surrounded by wooded hillsides to the north, east and west and by the wooded mound of Dinas Powis Castle to the south. These woodland areas form a background of great beauty to the site and the nursery. Although there are dwellinghouses in the vicinity of the site to the east, south and west, a dwelling on the site would be hardly visible from any of these and only partly visible from the private approach road to the site from Lettons Way to the south. From areas open to the public, (ie the 2 public footpaths to the north and east of the site) it is unlikely that the proposal, which would be near the glass houses, would have a significant visual impact from either of the 2 footpaths and in any case, the site is substantially screened from these by hedgerow trees and bushes. In my view, since the area around the site is dominated by woodland, the addition of a dwelling in a well-related position to the nursery area would not

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appear significant or obtrusive in the landscape nor would it contravene the aims of any of the approved planning policies governing the area.

5. In view of the objection of the Council and those of some local residents and bodies to the proposed siting of the dwelling and their preference for a site to the south of the nursery area, I have also considered the suitability of the appeal site in relation to the nursery from an amenity and operational aspect. In my opinion the site proposed has the advantage of adequate space to provide for a dwelling, an open utility area, amenity space and landscaping. Satisfactory privacy can also be achieved in this position since it lies at some distance from the servicing and car parking area of the nursery. Furthermore, since the site is to the north of the glass house area no shadows would be cast on this by a dwelling for much of the day and in this position also it would help to combat vandalism which has taken place in the past on the north side. These advantages do not in my view exist on the south side of the nursery and therefore, in the best interests of the unit and the future occupants of the dwelling, the proposed site is the most suitable.

6. On the grounds of agricultural need, I note that there is no dispute over the justification for a dwelling. During my inspection I noted the investment which has taken place both in new building and a new heating system. I am completely satisfied from the evidence that there is a need for the appellant to be readily available on the site for the supervision of the activity and in particular to deal with any emergencies which might arise from any problems relating to the heating system.

7. I conclude, therefore, that your client's proposal should be approved. In addition to the standard conditions relating to timing and reserved matters, a condition will be imposed relating to the occupancy of the dwelling. Since permission would not have been given but for special agricultural need (which includes horticulture and the use of land for nursery grounds) it is necessary to ensure that the proposed dwelling is erected and kept available for meeting this need.

8. In reaching my decision, I have taken into account all the other matters which have been raised in the written representations but in my opinion these do not override the essential issues noted above.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a 2-storey house with built-in garage for a Nursery Manager at Mill Farm Nurseries, Lettons Way, Dinas Powis, South Glamorgan in accordance with the terms of the application (No 79/0067) dated 15 January 1979 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.

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2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:

a. 5 years from the date of this letter; or

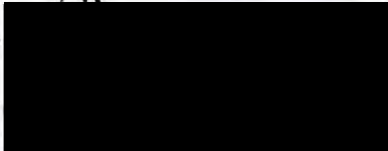
b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

3. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him) or a widow or a widower of such a person.

10. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant


T E V HUGHES BA MCD DipIPA FRPFI
Inspector

APPENDIX TWO

5272/LAF/caj

20th May, 2011

Mr D R Thomas
Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

FOR THE ATTENTION OF MRS. J. M. CROFTS

Dear Sir

**Town and Country Planning Act 1990
Proposed variation of Condition at Lettons House, Lettons Way, Dinas Powys**

With reference to the above, and as discussed with you in a telephone conversation prior to Easter, I enclose an application to vary the condition relating to the occupation of the dwelling.

I enclose for your information, a copy of the original appeal decision which granted planning permission to Mr. Hayman to build the house in association with the nursery. Mr. Hayman built the house, and continues to reside there, but the nursery has been sold to a London company. By way of clarification in respect of the access, I should add that whilst Mr. Hayman retains ownership of the access land to the southern boundary of the greenhouse, he then retains a right of access through the yard area to Lettons Way.

The property, as will be seen from the attached particulars is extremely spacious, approaching 3000 sq. ft. in size, and in his retirement Mr. Hayman now wishes to sell the property and downsize. To that end, we are requesting you to consider substituting the revised occupancy condition suggested by TAN6: Planning for Sustainable Rural Communities (July 2010), which sets out the revised terms of the condition at paragraph 4.13.1. The marketing agent considers that with the revised condition being substituted, it would increase the applicant's prospects of selling the property, and to that effect, we enclose the necessary application, the statutory fee, and a Design and Access statement to support the application.

We trust that you can now register the application, and we look forward to hearing from you further in due course, but if in the meantime you have any further queries on the application or wish to discuss matters in more detail, please do not hesitate to get in touch.

Yours faithfully



LAURENCE FORSE

APPENDIX THREE



HARMERS

TOWN PLANNING AND DEVELOPMENT
CONSULTANTS

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Our Ref: 5272/LAF/caj

Your Ref:

Date: 08th November, 2012

Mr D R Thomas
Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

COPY



by e mail

FOR THE ATTENTION OF MRS.S.RENNIE

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
REMOVAL OF CONDITION AT LETTONS HOUSE, LETTONS WAY, DINAS POWIS**

You may recall that in July 2011, you granted planning permission to vary the agricultural occupancy condition attaching to Lettons House (2011/00503/FUL) and substituted the revised condition providing for a wider scope of occupation than the agricultural occupancy condition originally imposed.

Following the grant of revised permission Watts & Morgan have continued to advertise the property for sale, but without success. I should add that sadly in November 2011, during the course of the marketing period, Mr. Hayman's wife died, leaving him to a large extent rattling around in the dwelling and extremely anxious to downsize to something smaller and more manageable.

You will see from Watts & Morgan's marketing reported that the site was initially marketed at a guide price of £495,000 taking account of the rural enterprise occupancy condition, with the price being further reduced to £465,000 in November 2011 following the death of Mrs. Hayman in an endeavour to obtain a quick sale. This reduction failed to attract a purchaser, and in February 2012 the asking price of the property was further reduced to £450,000. The property remains unsold, and on the market, but has failed to attract a suitable purchaser. Under the circumstances, and in an endeavour to realise his one remaining major capital asset, Mr. Hayman wishes to downsize by purchasing something smaller. Due to the lack of interest in the property as a result of the terms of the rural enterprise condition, he now applies for that condition to be removed.

We should add, that as Mr. Hayman needs to realise his major asset in order to be able to downsize, and given his age, he is not in a position to hold the property as an investment and offer it for rental. In the event of the property being potentially considered for rental, Watts & Morgan placed a monthly figure on the property of £1,050 to reflect the rural enterprise condition. Given the scale and quality of the house and garden, this rental level places the property well above that which could be contemplated by a person or persons eligible for consideration for affordable housing. In the light of Mr. Hayman's personal circumstances, and recognising of the high rental value that would be appropriate for the dwelling, even taking account of rural enterprise condition, the property was not offered for rental.

Cont./.

Further, it should be emphasised that when Mr. Hayman originally sold the nursery in 1994 he offered the house to the company which purchased the nursery enterprise, but they were not interested in purchasing the residential property. Similarly, when the purchasing company operating the nursery went bankrupt and the nursery was again sold in 2004, Mr. Hayman approached the new purchaser and offered them the house, but the new purchaser was not interested in the residential property. It should be noted that the production of plants at the greenhouse is now of a less sensitive nature, and the current site manager resides in Barry.

It has been noted that in November 2010 the Vale of Glamorgan Council published an Update Report to an earlier Local Housing Market Assessment (2008). The updated report indicated that the open market entry level rent for a 4 bedroomed house in the Vale was £183 per week (equivalent to £793 per month), whilst the social rent cost for a 4 bedroomed house in the Vale was £72 per week (equivalent to £312 per month). With the social rent being less than 1/3 of the market rental for a similar property it is hardly surprising that the update report indicated that for social rented accommodation:

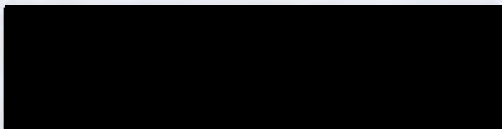
"4.18... costs remain significantly below those for private rented housing indicating a significant potential gap between the social rented and market sectors".

As indicated above, the scale and quality of this five bedroomed property places it well beyond the reach of an agricultural worker and/or any person eligible for affordable housing.

In addition, even at the reduced rental to reflect the condition (£1,050 per month), it should be emphasised that the property is not a remote an isolated rural property but to all intents and purposes is part and parcel of the settlement of Dinas Powis. Indeed, the centre of the village is readily walkable from the property, and as such there seems little point in keeping the property the subject of the rural enterprise condition, as a qualified individual, in this case, could probably just as easily live in any property in Dinas Powis and would probably have the option of purchasing/occupying, or renting a less expensive property than the property the subject of the application.

Under all the circumstances, it is requested that the agricultural/rural enterprise condition attaching to the property should be removed. We trust you can now register the application, and we look forward to hearing from you further in due course.

Yours faithfully

A large black rectangular redaction box covering the signature of Laurence Forse.

LAURENCE FORSE

Mr. Peter Hayman, Lettons House, Lettons Way, Dinas Powys, Vale of Glamorgan, CF64 4BY

Mr. Laurence Forse, Harmers Limited, 39, Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff, CF14 5GG

Lettons House, Lettons Way, Dinas Powys

Removal of Condition 1 of Approval reference 2011/0503/FUL relating to an occupancy condition for the dwelling

SITE AND CONTEXT

The site is Lettons House, which is a five bedroom house with attached double garage to the side. It was built in the early 1980's and is rendered with a concrete tiled roof. The dwelling is located within a spacious plot, immediately to the north of Mill Farm Nurseries and its associated large glasshouses. The dwelling is accessed via a lane that connects with the end of Lettons Way, which is a residential street within Dinas Powys. The site is within the Cwrt-yr-Ala Basin Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

The application for the dwelling (ref: 1979/00067/OUT) was approved in outline following an appeal, with reserved matters application following in 1982 (1982/01750/RES). The Appeal Inspector who allowed the appeal for the outline application attached a condition restricting occupancy to "a person solely or mainly employed, or last employed, in the locality in agriculture or in forestry (including any dependants of such a person residing with him) or a widow or a widower of such a person". The dwelling was proposed as accommodation for the nursery manager, with horticulture being considered as being within the definition of agriculture.

With application ref: 2011/00503/FUL, the proposal was to vary this condition to the occupancy condition as advised in Technical Advice Note 6, which includes people that work on a rural enterprise, to broaden the range that would qualify as eligible to occupy the property. This was considered as increasing the potential for a sale of the dwelling with the revised condition added those that work within a rural enterprise or those who are eligible for affordable housing as eligible occupants.

This latest application is to remove this condition completely to allow the house to be sold on the open market with no restriction. The owner wishes to downsize, and from the information submitted there has been little interest due to the restrictive occupancy condition. The agent also has stated that there has been no interest from affordable housing bodies or Registered Social Landlords, such as the Housing Associations.

PLANNING HISTORY

2011/00503/FUL : Lettons House, Lettons Way, Dinas Powys. Variation of agricultural occupancy condition imposed on appl 79/0067 on appeal (ref: P72/569), in respect of the erection of a two storey house for a Nursery Manager. Approved 27 July 2011.

1989/01170/FUL : Letton House, Lettons Way, Dinas Powys. Single storey dining extension & canopy. Approved 27 October 1989.

1982/01750/RES : Letton House, Lettons Way, Dinas Powys. Manager's house. Approved 11 November 1982.

CONSULTATIONS

Dinas Powys Community Council – Objection: If the condition is removed the owner of the horticultural business behind Lettons House could justifiably submit a planning application for another agricultural property to be built.

REPRESENTATIONS

A site notice was also displayed on the 11 December 2013. There have been no comments received.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS5 - AGRICULTURAL AND FORESTRY DWELLINGS

HOUS6 - AGRICULTURAL OCCUPANCY CONDITIONS

Planning Policy Wales (Edition 5, 2012) advises that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.

In this case, the relevant material considerations are considered to be as follows:

National Planning Policy:

Planning Policy Wales (Edition 5, 2012)

Technical Advice Notes:

The relevant paragraphs from TAN 6 are as follows:

4.13.1 Where the need to provide accommodation to enable rural enterprise workers to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need. For this purpose planning permission should be made subject to an occupancy condition as set out below.

The occupancy of the dwelling shall be restricted to those:

- a. Solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those.
- b. Who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b).
- c. Widows, widowers or civil partners of the above and any resident dependants.

4.13.2 It should not be necessary to tie occupation of the dwelling to workers engaged in one specific rural enterprise even though the needs of that enterprise justified the provision of the dwelling. An occupancy condition will, however, ensure that the dwelling is kept available to meet the needs of other rural enterprises in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside.

4.13.3 When granting permission for new rural enterprise dwellings, planning authorities should be aware of the scope, where appropriate, for imposing an occupancy condition not only on the dwelling itself but also on any existing dwellings on the enterprise which are under the control of the applicant, that do not have occupancy conditions and need at the time of the application to be used in connection with the enterprise. This should help to protect the countryside against the risk of pressure for new houses. In appropriate circumstances, authorities may use planning obligations, for example, to tie a rural enterprise dwelling to adjacent buildings or land, to prevent them being sold separately without further application to the authority.

4.13.4 The broadening of the traditional agricultural occupancy condition to embrace a wider range of rural enterprises significantly increases the number of eligible occupiers for rural enterprise dwellings. Where an appropriate rural enterprise worker cannot be found to occupy the rural enterprise dwelling, eligibility should be extended to persons who would be eligible for consideration for affordable housing under the local authority's housing policies.

4.13.5 Where planning applications are received to lift existing agricultural occupancy conditions or where enforcement action is being taken for non compliance with the condition, the planning authority should consider replacing

the existing agricultural occupancy condition with the rural enterprise dwelling condition set out in paragraph 4.13.1. This will often be justified to ensure that the dwelling is kept available to meet the housing needs of rural workers and local people in need of affordable housing.

Supplementary Planning Guidance:

Supplementary Planning Guidance 'Affordable Housing':

4.3 'Since existing property is already outside the reach of those households in need, in order for new low cost market housing to be affordable, the Council considers that there should normally be a discount of at least 30% on the normal market value. This reflects the Council's experience with smaller discount rates that have been insufficient to enable properties to be afforded by persons nominated by the Council.'

Background Evidence:

Affordable Housing Delivery Statement (2009) – This document identified a need for affordable housing in the Vale of Glamorgan, both in terms of an existing need and as part of an ongoing requirement in the future.

Affordable Housing Background Paper (2011) – This document states that there is a "5 year requirement of 915 affordable units per year to reduce the affordable housing need in the Vale to zero." The document also identifies a need for affordable housing in the 'Penarth Submarket', which includes Dinas Powys.

Issues

The condition that was attached to permission 2011/00503/FUL was worded as follows:

The occupancy of the dwelling shall be restricted to:

- a A person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;*

or, if it can be demonstrated that there are no such eligible occupiers:

- b A person or persons who would be eligible for consideration for affordable housing under the Local Authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.*

Reason:

A dwelling in this rural location would not be permitted unless justified in terms of being necessary for the equestrian enterprise, and to ensure the development accords with Policies ENV1, HOUS3 and HOUS5 of the Unitary Development Plan.

Both nationally and within the Vale of Glamorgan there is an established need for affordable housing. This has been highlighted in the Technical Advice Note (which included the advice that the broader condition should be used to include those eligible for affordable housing) and also the adopted Supplementary Planning Guidance. Evidence points to a need for affordable housing throughout the Vale, which could be addressed in part by the use of this broader restrictive occupancy condition.

The condition imposed under application 2011/00503/FUL varied the original condition that refers solely to occupants being employed within agriculture or forestry. However, since this revised condition was attached the property has not been sold and the agent claims this is due to the restrictions of the occupancy condition. The application includes information submitted to show the lack of interest in the property with the restrictive occupancy condition in place. This includes a 'Marketing Report' prepared by local agents Watts & Morgan.

The Marketing Report stated that Watts & Morgan were instructed to put the dwelling for sale in March 2011 with a guide price of £495,000. Following the approval of application 2011/00503/FUL the sales particulars were amended to indicate the broader restrictive occupancy condition which now applied. In attempts to achieve a quicker sale the price of the dwelling was reduced to £450,000. The dwelling was advertised on websites and in the press. The Marketing Report lists all the general enquiries made to Watts and Morgan, from May 2011 until October 2012, plus the six viewings that were arranged. Some of the notes indicate that with several of the enquiries the restrictive occupancy condition resulted in no further interest. It is also noted that one person that viewed the house wrote to the Planning Office at the Council to enquire whether he was eligible under the occupancy condition. The response was that in the Officer's opinion, based on the information provided, the person did not qualify for occupation of this dwelling.

It is clear that most of the interest in the property has been from people who do not qualify for occupancy of the dwelling under the existing condition. However, there is the issue of whether the dwelling has been appropriately priced, considering its restrictive occupancy condition. The agent has stated that the pricing of the property was determined by effectively reducing the sale price 25% from what would be the sale price if it were sold on the open market. However, the premise behind the restrictive occupancy condition is to allow for the property to be available at an affordable price, for agricultural workers or persons eligible for affordable housing provision. It is acknowledged that the house is large, though even at 25% under the market price the figure of £450,000 would still not be considered 'affordable' by most who would be eligible under the condition. As such, there is a concern that the sale price as marketed is still too much to be considered affordable and therefore it was always unlikely that someone who did qualify under the restrictive occupancy condition could realistically afford this property. As such, it is considered that this is a flaw in the marketing of the property.

Notwithstanding the pricing of the dwelling Lettons House, there is clearly an issue that this is a large 5 bedroom house in extensive grounds which would not usually be considered as a typical 'affordable unit'. However, since the application has been received the Council's Affordable Housing Officers have been consulted. They have subsequently contacted the regional Housing Associations to see if there would be any potential interest from these affordable housing organisations. It was considered that these organisations could use this property as a form of affordable housing. Indeed, one of the Housing Associations has expressed a firm interest in purchasing the property for an affordable housing use. This has been an important factor in considering this application, as this indicates a clear interest in this property based on the restrictions of the current planning condition.

Being that the house is a large single unit, the Housing Association has developed a plan to split the house into several smaller properties for people with learning disabilities. This has initial support from the Housing Services and Social Services Departments and it is understood that revenue streams are available to provide for this scheme. There may need to be some negotiation on the sale price as the Housing Association considers a lower asking price for the dwelling to be more suitable in these circumstances. However, the difference between the current sale price and the Housing Association's valuation (£420,000) is not large enough to be considered insurmountable. However, this would depend on the negotiations between the Housing Association and the current owner and there has been no agreement on price at this time.

It is important to note that this plan to divide the existing house into smaller units would require planning permission. However the property could be used by 6 independents. If a planning application were to be received the planning merits of such a proposal would be considered. We have no details of the proposals, though in any case such proposals are not being considered with this application. For this application, the principal issue is whether there is a realistic interest in residents living as a single household without the need for planning permission and likelihood of Lettons House being sold and used in the future under the restrictions of the planning condition. The interest from the Housing Association shows that there is a current interest from a third party in purchasing the property as a form of much needed affordable housing, which would satisfy the existing restrictive occupancy condition.

As there is clear potential for the dwelling to be used as affordable housing, which would satisfy the condition, there is no justification to permit the removal of the condition that was only applied with the recent 2011 application. It is understood that the owner wishes to sell the property and realise the worth of his asset, though it should also be considered that this house was only built on the condition that it would have restrictive occupancy, which would always have had a significant impact on its value. Subject to negotiations on the sale price there is a realistic possibility that this property could be sold, whilst providing a form of affordable housing, subject to any required future planning permissions.

The applicant and agent are aware of the interest from the Housing Association, who have visited the property for viewings. It is understood that there is a concern from the applicant that the sale to the Housing Association may never materialise. It is acknowledged that this may be the case as this process is still in the early stages of procedures with no agreement as yet on the sale price, for example. However, what the interest from the Housing Association has shown is that there is a realistic potential for the sale of the house that would result in occupants that would satisfy the occupancy condition. If this particular interest from the Housing Association does not materialise fully then it is considered that there could be other similar forms of interests in the future if marketed at a realistic price that reflects the occupancy restricted. As there is potential for a sale for affordable housing use ongoing it would not be appropriate for the removal of the existing restrictive occupancy condition and therefore this application should be refused.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION

REFUSE (W.R.)

1. In light of the Policies HOUS5 - Agricultural or Forestry Dwellings; and HOUS6 - Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained in Technical Advice Note (Wales) 6 'Planning for Sustainable Rural Communities', in Planning Policy Wales (Edition 5 – 2012) and Welsh Office Circular 35/95 'Use of Conditions in Planning Permissions', the applicant has failed to demonstrate that there is no longer any need for the dwelling to accommodate an agricultural or forestry worker or that there is not a realistic potential that the dwelling could be used to accommodate those eligible for affordable housing. As such Condition No. 1 of planning permissions 2011/0503/FUL, which limits occupation of the dwelling to that of a person employed or last employed in a rural enterprise or for the provision of accommodation for those eligible for affordable housing remains justified and has not outlived its usefulness. Accordingly, the proposal to remove this condition would be contrary to the above defined national and local policies as well as Policies ENV1 - Development in the Countryside and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which seek to prevent the erection of dwellings in the countryside without an agricultural or forestry justification.

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
The Town and Country Planning (Development Management Procedure) (Wales)
Order 2012
Town and Country Planning (General Development Procedure) Order 1995

REFUSAL OF PLANNING PERMISSION

Agent:
Mr. Laurence Forse,
Harmers Limited,
39, Lambourne Crescent,
Cardiff Business Park,
Llanishen,
CF14 5GG

Applicant:
Mr. Peter Hayman,
Lettons House,
Lettons Way,
Dinas Powys,
Vale of Glamorgan,
CF64 4BY

Removal of Condition 1 of Approval reference 2011/0503/FUL relating to an occupancy condition for the dwelling at Lettons House, Lettons Way, Dinas Powys

In accordance with the application and plans registered on 9 November 2012 the Council in pursuance of its powers under the above mentioned Act and Order hereby **REFUSES TO PERMIT** the proposed development for the following reason(s):

1. In light of the Policies HOUS5 - Agricultural or Forestry Dwellings; and HOUS6 - Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained in Technical Advice Note (Wales) 6 'Planning for Sustainable Rural Communities', in Planning Policy Wales (Edition 5 – 2012) and Welsh Office Circular 35/95 'Use of Conditions in Planning Permissions', the applicant has failed to demonstrate that there is no longer any need for the dwelling to accommodate an agricultural or forestry worker or that there is not a realistic potential that the dwelling could be used to accommodate those eligible for affordable housing. As such Condition No. 1 of planning permissions 2011/0503/FUL, which limits occupation of the dwelling to that of a person employed or last employed in a rural enterprise or for the provision of accommodation for those eligible for affordable housing remains justified and has not outlived its usefulness. Accordingly, the proposal to remove this condition would be contrary to the above defined national and local policies as well as Policies ENV1 - Development in the Countryside and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which seek to prevent the erection of dwellings in the countryside without an agricultural or forestry justification.

Dated: 12 April 2013



Director of Development Services

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**

APPENDIX FOUR



THE PROPERTY PROFESSIONALS™

Aberaeron - 01545 571 600
Aberaeron@morgananddavies.co.uk

Lampeter - 01570 423 623
Lampeter@morgananddavies.co.uk

VALUATION REPORT

IN RESPECT OF

LETTONS HOUSE

LETTONS WAY

DINAS POWYS

CARDIFF

CF64 4BY

www.morgananddavies.co.uk

Partners: ANDREW J. MORGAN FRICS, FAAV
 T. DYLAN R. DAVIES FNAEA, ANAVA
 MORGAN AND DAVIES CTF
 DAVID E. DAVIES B.Sc. (HONS), MRICS, FAAV

Associate : Rhys ap Dylan BA (HONS) TCP, MTP



REPLY TO THE LAMPETER OFFICE

VALUATION REPORT IN RESPECT OF THE FREEHOLD PROPERTY KNOWN AS
Lettons House, Lettons Way, Dinas Powys, Cardiff, CF64 4BY

As inspected by Andrew J. Morgan, FRICS, FAAV

As inspected on Monday, 5th August 2013.

Date of Valuation: Thursday, 15th August 2013.

1) INSTRUCTIONS

We confirm we have been instructed as a joint independent expert to prepare a market valuation in accordance with the RICS Appraisal and Standards Valuation Manual (The Red Book) to exclude impact of rural enterprise conditions that appertain relating to the restricted use of the dwelling under current planning legislation. Our fee is to be paid 50% by Mr. Peter Hayman in residence and the United Welsh Housing Association, Y Borth, 13 Beddau Way, Caerphilly, CF83 3AX.

Our valuation is based on a present day open market value, as defined by the RICS Valuation Professional Standards (The Red Book), and has been carried out by Andrew J. Morgan, FRICS, FAAV being an Independent Valuer, and who is an RICS Registered Valuer under the RICS Valuers Registration Scheme, having no conflict of interest in the subject property or Applicant, and can also confirm has the necessary experience of valuing residential and agricultural property in the Mid and South Wales Region.

We have not carried out any structural appraisals of the property, nor have we liaised with any statutory, utility or Local Authority in respect of the valuation appraisal herewith provided.

No service provisions or test of any service connections have been carried out as part of this assessment.

We have not carried out a survey of the property, but merely a superficial inspection, for the purposes of this report to confirm our opinion of value.

2) SCHEDULE OF ASSUMPTIONS AND BASIS OF VALUATION

This report and valuation is prepared in accordance with the Schedule of Assumptions, Limitations, Caveats and Basis of Valuation, which is appended to the rear of the report, and in accordance with the Royal Institute of Chartered Surveyors Valuation Professional Standards (The Red Book).

3) **DATE OF INSPECTION**

The property was inspected on the Monday, 5th August 2013 by Andrew J. Morgan, FRICS, FAAV who is an RICS Registered Valuer under the RICS Valuers Registration Scheme, and who has the appropriate experience in valuing residential and agricultural properties in the Mid and South Wales Region.

The weather at the time of our inspection was showery.

4) **LOCATION**

The property is located within the popular commuter Village of Dinas Powys on the South Wales coast within the Vale of Glamorgan region, six miles west of the City and Capital of the Principality of Wales, namely Cardiff.

The property is located at the end of a shared lane which is made up and tarmacadamed shared with an adjacent horticultural business.

5) **GENERAL DESCRIPTION**

The property comprises a substantial detached dwelling house within its own extensive gardens which are landscaped together with double garage attached, comprising more specifically Hall, Cloakroom, Lounge, Dining Room, Kitchen, Breakfast Room, Sitting Room, Utility Room, Games/Billiard Room, Master Bedroom en-suite, Bathroom, further double Bedrooms and a Family Bathroom, tarmacadamed drive.

The property has a private location:

Room admeasurement : as Particulars attached herewith.

6) **CONDITION AND REPAIR**

The property was found to be well maintained and is of traditional cavity brick and block construction, roughcast rendered and interlocking concrete tiled areas.

The property has the benefit of oil fired central heating and aluminium type double glazing.

7) **TENURE**

Our valuation has been provided on a freehold vacant possession basis.

8) **SERVICES**

The property is serviced by a mains water supply which is independently metered, mains electricity, private drainage system assumed within the curtilage, (not tested) LPG gas fired central heating and BT telecom connection and Broadband.

9) **PLANNING**

Our valuation is based on the property having Planning Consent for its existing use, as a residential dwelling and for this purpose we have been requested to ignore the rural enterprise condition that affects and currently inhibits the property being sold to open market purchasers other than those qualifying under the condition that is administered by the Local Planning Authority, the Vale of Glamorgan Council. This is as defined under Town & Country Planning legislation Use Classes Order 1987 including amendments at 2005, 2006 & 2010.

The Use Classes order can be subject to interpretation and amendment and we would recommend professional advice is taken if in doubt and that a local search is lodged if the property is being purchased to clarify the current status.

10) **ENVIRONMENTAL ISSUES**

We have not been requested to prepare a Land Use Questionnaire/Site Guard Report in respect of the subject property.

Our inspection has not shown any evidence of land contamination. Furthermore, our enquiries have not revealed any contamination issues affecting the subject property, or neighbouring properties, which will affect our valuation.

However, should it be established subsequently that contamination exists at the property, or on any neighbouring land or property, that is so great as to affect the saleability of the property, this may reduce the value now reported, and we reserve the right to submit a further valuation on submission of a detailed report quantifying the costs of dealing with the contamination (to our satisfaction).

11) **RADON GAS**

The National Radiological Protection Board has identified the area in which the property is situated, as one in which in more than 1% of dwellings, the levels of Radon Gas entering the property area such that remedial action may be necessary.

We recommend that you contact the National Radiological Protection Board, Telephone Number 0800 614 529, who can give advice and recommendations in respect of carrying out further investigations and the costs of any remedial actions that may be necessary.

12) **FLOODING**

The Environment Agency Flood Risk Register has been perused which reveals that the property is not in an area prone to flooding and therefore we do not consider that flooding has a detrimental impact upon our valuation.

13) **HIGHWAYS**

The property does not have direct frontage to a Local Authority Maintained highway and is approached over a shared privately maintained lane. The liability is assumed to be shared as regards maintenance of the lane over the first part of the access with the remaining part from the end of the green housing to the subject to the property being exclusive to the dwelling itself as herewith assessed. The driveway was in good order at the time of our inspection.

14) **CONDITION AND VALUERS OBSERVATIONS**

We have not carried out a full structural survey, however, the property was found to be generally in an acceptable condition, however, the following matters were noted during our inspection :

- (a) The windows, which are double glazed, are of the old double glazed sealed unit aluminium style and are considered to be dated and some of the frames were showing early signs of wet rot.
- (b) The bathroom areas require updating as are aged.
- (c) There is a public footpath lying on the boundary of the property on the eastern side.
- (d) The property has a shared access.
- (e) There is a nearby commercial user.

The general state of the property was found to be acceptable for usual mortgage purposes. We confirm the property will retain a useful economic life of at least 25 years.

15) **VALUATION**

It is our considered opinion the property can be fairly reflected on the following basis:-

Market Value

It is our considered opinion that the property has a current market value of which is an opinion of the best price at which the sale of an interest in the property would have been completed for a cash consideration on the date of the valuation assuming:

- a) A willing seller.
- b) That prior to the date of the valuation there had been a reasonable period (having regard to the nature of the property and the state of the market) for the proper marketing of the interest, for the agreement of the price and terms and for the completion of the sale.
- c) That the state of the market, level of values and other circumstances were, on any earlier assumed date of exchange of contracts, the same as on the date of valuation.
- d) That no account is taken of any additional bid by prospective purchasers with a special interest and
- e) That both parties to the transaction had acted knowledgeably, prudently and without compulsion.

15) VALUATION (Cont'd)

The property has a current market value of **£595,000** (*Five hundred and ninety five thousand pounds*)

2) We do consider the property as suitable banking security and cannot foresee any difficulties likely to arise if realisation by the Bank is necessary.

3) The value of the property is lively to remain static in the short to medium term but post refurbishment will increase in value.

Please note that we have assessed the property unencumbered by any restrictive covenants as regards the planning limitations that may exist currently.

16) MARKET COMMENTARY

There is an active market with the subject property being within easy commuting distance of the City of Cardiff within 15 minutes of the City Centre. Whilst there has been widespread uncertainty in the market as a result of the credit crunch and banking crisis, this has had a significant impact on all sectors of the property market until recently.

More recently there has been a pick up in market conditions and now houses that are correctly priced are finding buyers without too much difficulty. The essence of successful sales is price sensitive and those houses that are correctly priced are finding purchasers but there are still many houses that are inappropriately priced given current market conditions that are remaining unsold.

Therefore, there is still a good choice of property in all sectors and whilst interest rates are historically low, there is remaining a fragile and cautious market overall.

17) VALUATION METHODOLOGY

We have taken into consideration the comparables as herewith assessed within the Best Price Guide as attached and upon which we have based our considered opinion. We do have regular contracts allowing us to be actively engaged in the market within the South and Mid Wales area and we have a daily understanding and dialogue with active agents throughout the region. Our own market assessment is based on a number of considerations in addition including marketing history of the subject property, current equivalent sale processes, publicised indices and residential sector analysis taking into consideration the local market within the area of the Cardiff suburbs and the condition of the property.

18) CPR - STATEMENT OF TRUTH

I confirm that insofar as the facts stated in my report are within my own knowledge I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

18) CPR - STATEMENT OF TRUTH (Cont'd)

I confirm that I have no conflicts of interest of any kind other than those already disclosed in my report.

I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in Surveyors acting as expert witnesses: RICS Practice Statement.

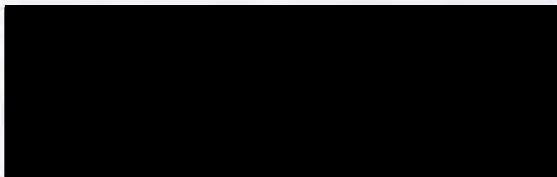
19) CONFIDENTIALITY

This report is for the use of the party to whom it is addressed and can only be used in the context of the instructions under which it is prepared. Morgan & Davies accept responsibility to the Clients alone and the report will be prepared with skill, care and diligence to be reasonably expected of a competent Chartered Surveyor, but Morgan & Davies accept no responsibility whatsoever to any person other than the Client itself/themselves or any such person or body relying upon the report to so at their own risk.

Neither the whole nor any part of this report or any reference thereto may be included in any published documents, circular or statement, nor published in anyway without the prior written approval of Morgan & Davies as to the form and context in which it may appear.

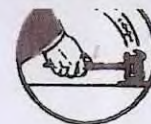
For the purpose of this valuation we state our opinion of the market value of the property with no allowance for any grants or tax allowances which may be appropriate under current legislation.

In addition the figure does not take account of any present or future taxation liability which could become payable on the disposal of an asset owing to a change of use or development situation.

Signed 

As inspected by **Andrew J. Morgan, FRICS, FAAV**

Dated this 15th day of August 2013



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Regulated by

Associates: Rhys ap Dylan BA (HONS) TCP, MTP



PLEASE REPLY TO THE LAMPETER OFFICE

**PHOTOGRAPHS APPERTAINING TO THE RE-INSPECTION
CARRIED OUT ON THE PROPERTY KNOWN AS**

LETTONS HOUSE, LETTONS WAY, DINAS POWYS, CARDIFF, CF64 4BY

FRONT ELEVATION



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Moving With The Times

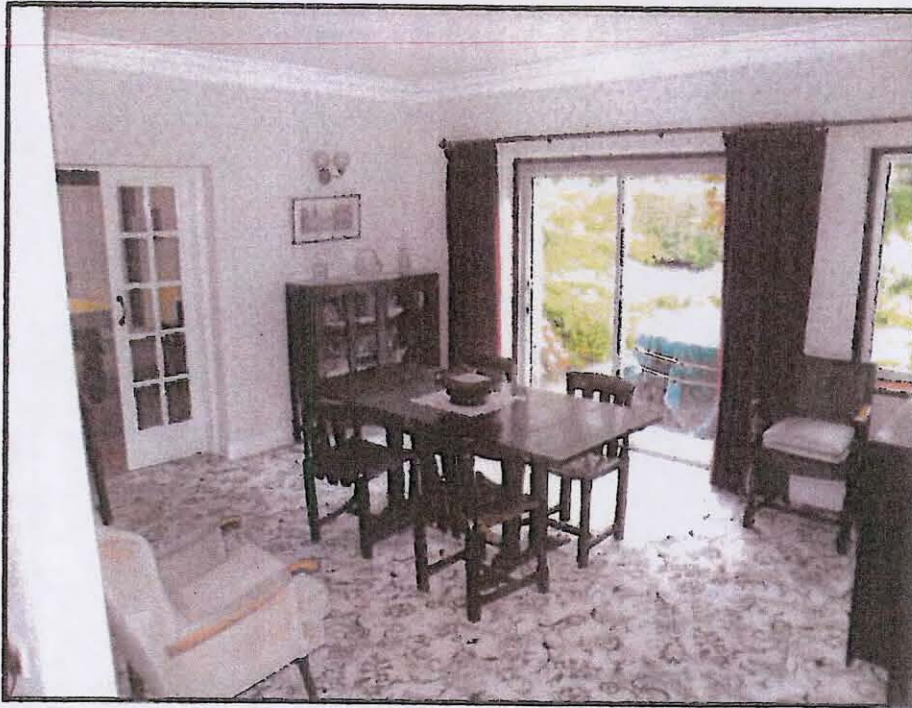
GARDEN



HALL



DINING ROOM



LIVING ROOM



MASTER BEDROOM



BATHROOM



BRIEF DESCRIPTION

A substantial detached property in beautifully landscaped grounds. Accommodation comprises a reception hall, cloakroom, lounge, dining room, kitchen/breakfast room, sitting room, utility, billiard room, master bedroom with en-suite bathroom, 4 further double bedrooms and a family bathroom. Attractive gardens. Off-road parking. Sold subject to agricultural/rural enterprise occupancy restriction.

SITUATION

The Village of Dinas Powys includes a selection of local shops and a railway station for ease of access to the City of Cardiff. The Town of Penarth in the Vale of Glamorgan has managed to preserve its special Victorian character and remains a seaside Town of considerable charm and elegance. There are walks along the cliff tops and leisurely walks in Windsor Gardens, the Seafront Park, with views across the Bristol Channel to the Somerset coast. A good road and rail links provides access to the City of Cardiff. The M4 Motorway skirts the northern part of the Vale of Glamorgan. "The Vale" as it is often known, offer attractive countryside, a mixture of sandy and stony beaches along the Heritage Coast Conservation area and a good range of leisure and country pursuits. Cardiff (Wales) Airport, which offers both International and National flights is also within easy travelling distance.

ACCOMODATION

Fitted carpets, as seen, are included in the guide price. The accommodation, with approximate room sizes, briefly comprises:-

ENTRANCE

Access to the property is gained via an aluminium framed door with obscured double glazed and coloured inserts and matching double glazed side screen, set under a canopied porch with external light. Door leads through into reception hall.

RECEPTION HALL

The spacious and light reception hall benefits from two windows, both aluminium framed double glazed, one to the front and one to the side aspect. There is a quarter turn flight of stairs with traditional spindled wooden balustrade with a door underneath to a useful walk-in space which is currently used as a bar and has a serving hatch through to the lounge. Smooth plastered ceiling with central ceiling light and ceiling

rose. Decorative cornice to ceiling. Doors off to the kitchen/breakfast room, lounge and the cloakroom.

CLOAKROOM 5' 10" x 4' 5" (1.78m x 1.35m)

The cloakroom is fitted with an olive suite comprising of low level wc and pedestal wash basin. Ceramic tiled walls and floor and a side facing aluminium framed double glazed window. Smooth plastered ceiling with decorative cornice. Oval shaped wall mounted mirror with electric lighting unit behind.

LOUNGE 12' 5" x 24' 3" (3.81m x 7.40m)

A large, bright principal reception room which benefits from a pair of sliding patio doors to the front of the property opening out onto the porch and a front facing aluminium framed double glazed window. Feature of the room is a hot coal effect gas fireplace set within a granite surround. This has a working flue and log burning stove could be instated if chosen. Smooth plastered ceiling with decorative cornice and side lights. The room is of an open plan nature with an archway through to the dining room. Serving hatch through to the under stairs bar and double doors through to the entrance hall.

KITCHEN/BREAKFAST ROOM 10' 0" x 22' 6" (3.07m x 6.87m)

The large kitchen/breakfast room is of an open plan nature with an archway through to the rear sitting room. The kitchen is fitted with a matching range of base cupboards and wall units finished in cream with roll edge food preparation surfaces over. Inset stainless steel 2½ bowl sink with chrome mixer tap over. Integral four ring electric hob with extractor canopy/fan and lighting unit over. Integral stainless steel grill and oven. Integral Hotpoint fridge. Tiled splashback around the food preparation surfaces. Good range of units including glazed fronted wall mounted display cabinet. Side facing aluminium framed double glazed window overlooking the landscaped gardens. The room is very spacious and comfortably accommodates breakfast arrangement of a table and chairs. Decorative cornice in part to ceiling. Smooth plastered ceiling with adjustable ceiling spotlights. Nylon wood effect floor. Archway through to:

SITTING ROOM 10' 2" x 13' 11" (3.10m x 4.26m)

A very pleasant and spacious room, added some years after the house was built, which provides a useful extra reception room. It has a rear facing aluminium framed double glazed window with seat and also sliding aluminium framed patio doors with double glazed inserts. Both windows provide a pleasant outlook over the gardens. Flooring continuous with

