

Date/Dyddiad: 13 January 2017

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The Planning Inspectorate,
Crown Buildings,
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Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 78 APPEAL

APPLICATION NO.: 2014/01033/FUL
SITE: LETTONS HOUSE, LETTONS WAY, DINAS POWYS
PROPOSAL: RE-SUBMISSION OF APPLICATION FOR REMOVAL OF MODIFIED AGRICULTURAL/RURAL ENTERPRISE OCCUPANCY CONDITION IMPOSED ON APPLICATION 2011/0503/FUL IN RESPECT OF THE ERECTION OF EXISTING 2 STOREY HOUSE
APPEAL BY: MR PETER HAYMAN

I write in response to the Appeal Statement and third party representations relating to the above appeal.

It is considered that the arguments detailed within the appellant's six week statement have largely been addressed previously within the LPA's six week statement and associated comments, including an assessment against national policy and guidance. It is considered that these additional comments provide further support for the stance taken by the LPA with regard to the determination of the application.

The need for a rural enterprise dwelling

It is clear from the appellant's statement that the original need for the dwelling has ceased, which is evidenced by the new business owner's ongoing ability to manage the site remotely. It is the LPA's case, however, that the dwelling should be retained to meet demand for occupation by others compliant with the condition, thus preventing a new proliferation of dwellings in the countryside.

Although not stated within the Appellant's grounds of appeal, reference is made within the Appeal Statement and at Appendix 17 of the close proximity to Dinas Powys. The site is not remote or isolated, but the LPA is

nevertheless of the opinion that the appeal site is not a sustainable location with an ease of access, on foot, to local services that would today be suitable for new and unencumbered residential development (notwithstanding other material considerations, such as flood risk). The site lies outside of the settlement boundaries of both the UDP and the draft LDP.

In order to supplement the LPA's case that a need exists for rural enterprise housing in the locality, figures relating to the number of new applications for rural enterprise dwellings are included at Appendix 1. The LPA's records suggest there are in excess of 100 such dwellings in the authority's area, albeit these records are incomplete.

Moreover, the LPA is only aware of one other agriculturally tied dwelling that is currently unoccupied and/or being offered for sale or rent in the authority's area, Meadow View, Crossways. It appears that property is offered with the holding intact, at a guide price of £835,000. The steady number of new applications and lack of unoccupied and affordable stock suggests a continued need for rural enterprise dwellings in the locality.

The marketing price

The Vale of Glamorgan is a predominantly rural area where the housing stock is also subject to significant open market pressures, particularly within rural areas of the Vale. The Local Housing Market Assessment (2015), previously sent to PINS on 23 November 2016, supports this point. The open market value, estimated to be c. £600,000, is considered reasonable on the basis of the independent valuation undertaken by the Appellant.

The Appellant's statement (at paragraph 5.3 of the statement by Mr L. Forse) makes reference to a traditional 33% 'rule of thumb' reduction. It is a value that is neither recognised by the LPA as having been applicable prior to 2010 nor referred to in national or local planning policy. In any case, offers compatible with this 'rule of thumb' have been made to the Appellant and have been rejected.

It is clear from the Appellant's statement that the rationale for the level of reduction, to c. £450,000, was, at least in part, based on their opinion the increased pool of potential occupiers resulting from the updated condition justified a higher asking price. The LPA contends that there is no evidence to support this assertion. The revised condition does not justify a higher value and with reference to those eligible for affordable housing, they are, by definition, unable to purchase or rent suitable accommodation without subsidy.

In Appendix 10 of the Appellant's statement, a letter authored on behalf of the Welsh Government refers to the price of a rural enterprise dwelling would '*generally be 75-80% of the market value*'. At no point does the letter refer to Lettons House. The LPA contends that applying such a broad approach is neither correct nor is it supported by national planning policy. It does not take into account the property and its condition, local demand, supply or the local housing market.

The LPA does not consider that the price should be reduced '*ad infinitum*', as alleged by the Appellant. The land and buildings clearly have a value, the dwelling was built at cost and it is reasonable to expect that investment in the site to be recouped. The Appellant does not contend that any true monetary losses would occur from a sale below £450,000. Instead, the statement focuses on what they deem to be opportunistic interest, going so far as to compare it to 'stealing' (paragraph. 6.3). It is considered that the condition should not be lifted simply to secure an acceptable level of profit.

The interest from the Housing Associations

The general need for affordable housing in the locality has been previously evidenced by the LPA. It is recognised that, as a five-bedroom dwelling located outside of a settlement, that it less suitable than some others in the existing housing stock for social rented purposes. There has nevertheless, as documented, been some interest. The interest from United Welsh Housing Association has been documented in the Appellant's submissions.

Correspondence from United Welsh Housing Association is included at Appendices 12 and 13 of the Appellant's statement. It does not include full details of negotiations, but it is clear from this documentation that a sale price remained a topic of discussion between the Appellant and United Welsh, for a significant time.

The interest from Mr & Mrs Davies

It is noted that a further offer of £390,000 has been made on 9th December and it is not known to the LPA whether a response has been made. It displays a continued interest from the Davies' in purchasing the property. Mr Davies has asserted that he, working in agriculture, would be compliant with the condition. It is not considered necessary to evidence this claim for the purposes of this appeal. Their interest has been described by the applicant as opportunistic, but it is not of relevance to the determination of the appeal which party stands to 'gain or lose' from the transaction. In the scenario that the property was purchased by the Davies', with the condition in place, they would be subject to the same market restrictions if they subsequently chose to sell.

A sale to an eligible occupier would keep the dwelling within the available rural enterprise housing stock, or the rural affordable housing stock, for which the LPA considers, as outlined above, there is a continuing need.

The prospective affordable housing contribution

In relation to the potential mechanism for an affordable housing contribution it was clear that there was no realistic prospect of reaching agreement on this matter. It is contested, in principle, within the grounds of appeal.

An email from Mr Forse dated 29 November 2016 is included at Appendix 19 of the Appellant's statement. It is regrettable that no response was issued to Mr Forse, due to oversight. No further communication was received. The applicant had demonstrated no intention to enter into any negotiation prior to the determination of the application, therefore the LPA

had considered that their position would be to remain in disagreement with the principle of this approach. The sum of the contribution is included within the Officer's report, sent to PINS on 23 November 2016.

The email from Mr Forse, the figure suggested is £57,211.20. It is calculated on the basis of a 40% contribution, in line with the figure sought for new residential development in the rural vale. The figure subject to this application was on the basis of the provision of a new affordable unit, i.e. 100%, compensating the equivalent loss.

£246,600 (Acceptable Cost Guidance) x 0.58 (Social Housing Grant Rate)

In addition, 10% was sought to cover the cost associated with land acquisition, planning and other costs. The total amount, as referred in the officer's report, was £157,330.80.

In addition, as noted in the LPA's previous statement, negotiation was intended as a pragmatic solution that might have overcome the fundamental policy objections of the LPA, proposed before the interest from Mr & Mrs Davies had materialised.

Other matters

The LPA recognises that in the reasons for refusal, reference is made to a failure to demonstrate there is no longer a need for the dwelling to accommodate an agricultural or forestry worker rather than the broader definition of a rural enterprise worker. It is stated in paragraph 9.1 of Appendix 20 (Thrings Statement) that the applicant is under '*no obligation to demonstrate no need for the property to accommodate an agricultural or forestry worker*'. This is not correct as agricultural and forestry workers are included within the broader definition of rural enterprise workers. For the avoidance of doubt, the LPA considers that the Appellant has also failed to demonstrate that there is no longer a need for the dwelling to accommodate a rural enterprise worker, as is recognised within the reason for refusal, as read in full.

The Appellant has consistently insinuated in their statement that the LPA has manipulated interest in the property, somehow '*interfering with the market place*' (paragraph 5.11), by attempting to '*generate a demand for the property*'. The LPA has, openly, together with the Council's Housing Department sought to find an eligible buyer compliant with the condition by contacting Registered Social Landlords (RSL). The RSL's are independent organisations and subsequently expressed genuine interest in Letton's House. The Council did not thereafter interfere with any subsequent negotiations between the Appellant and the RSL's. It is a tone that suggests these efforts in attempting to find an eligible buyer were not welcome.

Personal circumstances have been cited but it is considered that these are not directly relevant to the determination of this appeal.

Yours faithfully,

Ceiri Rowlands
Senior Planner (Appeals and Enforcement)