

A full description of the current development on site is given in the planning history below. The description of the current development on site comes from the 1991 planning permission reference B/6022, which is given below:

- Main building – Subdivided into 3 units of accommodation and potential for further extension.
- Motel Unit 1 – Completed with variations in design to the 1991 permission and used.
- Motel Unit 2 – Not commenced, with potential for development.
- Motel Unit 3 – Recently completed.
- Motel Unit 4 – Commenced development.
- Motel Unit 5 – Not commenced, with potential for development.
- Motel Unit 6 – Not commenced, with potential for development.

The development proposal

Beacons Edge has a material planning history and this is fully detailed below. This proposed development is to “rationalise” the development on site. The proposal is submitted as a hybrid planning application with part of the application being submitted in outline and part in full.

The application seeks outline consent for a single dwelling with all matters apart from access reserved for future consideration. The outline element of the applications seeks consent for an open market dwelling that will measure 6 – 15 metres in width, 7 – 14 metres in depth, the height to the eaves will measure 5 – 9 metres, and the height to the ridge will measure 7 – 13.5 metres with a 30 – 50 degree roof pitch.

The application seeks full planning permission for the for the change of the existing ‘motel’ building, which currently benefits from three separate residential units, into one dwelling; the change of use of plots 1 and 4 from motel rooms with 4 rooms to individual self-contained holiday lets; the construction of plots 2 and 5 to be individual self-contained holiday lets; the erection of a garage and access, parking and associated works.

Consultee Response

Bronllys CC

P2016/0803 – Hybrid planning application comprising 2 no. Holiday let units and a detached garage, access, parking and associated works (applied for in full) and 1 no dwelling (applied for in outline), Beacons Edge, Pontithel – Planning Application Approved.

Powys Highways

1st Response

The County Council as Highway Authority for the County Class I Highway, A438

Wish the following recommendations / Observations be applied
Recommendations / Observations

It has been noted that the agent acting for the applicant has stated that both P/2016/0803 and P/2016/0804 are to be considered together since the applications are fundamentally interrelated. As such the comments below should be applied to both applications.

The overall proposal, as detailed in the supporting documentation would imply that there could be reduction in the likely traffic generation from the various consents that have been issued and implemented within the site. If this is a correct summation of the planning history and current development proposals then the Highway Authority is likely to be supportive of the two applications.

In the Design and Access statement for both applications it is stated “the existing western access is considered to be inadequate in highway safety terms, and it is proposed to undertake improvements to this access to ensure that the relevant standards in terms of vision splays and radii are met.”

Furthermore, the intention to split the site is noted and that a separate dwelling has been proposed in outline, however, the indicative drawingg, dwg. Nuber 16/4183/3 identifies the site for the dwelling but also includes a note for a new access to serve the eastern side with existing access being stopped up.

Unfortunately, whilst we are supportive of the statement for the improvement of the western access and note the relocation of the eastern access, absolutely no details have been submitted to confirm whether the access proposals would comply with their statement about the improvements being constructed “to ensure that the relevant standards in terms of vision splays and radii are met.” The notes on the indicative drawing are insufficient and we will require that full details are submitted for both access proposals in order to ensure that they meet current standards, as they have stated.

Therefore, until such time that detailed access proposals are submitted for consideration I would respectfully request that these two applications are deferred.

2nd Response

The County Council as Highway Authority for the County Class I Highway, A438

Wish the following recommendations / Observations be applied
Recommendations / Observations

Although both P/2016/0803 and P/2016/0804 are separate planning applications the applicants’ agent has stated within the Design and Access Statement that “Given the ingerently interrelated nature of the applications, the applications should be considered and assessed as whole.” Therefore, we have considered the two proposals in light of the extensive planning history for this site and, in particular, the potential traffic generation that could be generated from the severely substandard western and eastern accesses.

The current proposal, if consented, would see a significant reduction in traffic movements over that which could be implemented from the existing consents. The proposed alteration to the western access, though not fully compliant with current standards, does represent an improvement to that currently in place. Furthermore, the relocated eastern access incorporates changes which will improve highway safety conditions. Therefore, we recommend that the following conditions be attached to any consent that may be issued.

1. Within 5 days from the commencement of the development the accesses and visibility splays as detailed on drawings 0999 001 Rev. B and 0999 002 Rev. B shall be fully completed in accordance with the following specification: a minimum of 250mm of sub-base material 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material, to the written satisfaction of the Local Planning Authority.
2. The gradient of the accesses shall be constructed so as not to exceed 1 in 25 for the first 5.5 metres measured from the edge of the adjoining carriageway along the centreline of the access and shall be retained at this gradient for as long as the development remains in existence.
3. Prior to the occupation of any of the units the area of the accesses to be used by vehicles is to be finished in a 40mm bituminous macadam surface course for a distance of 5.5 metres from the edge of the adjoining carriageway to the written satisfaction of the Local Planning Authority. This area will be maintained to this standard for as long as the development remains in existence.
4. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 400mm in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Local Authority Building control Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence

Powys Ecologist

Planning Application Reference	P/2016/0803
Project Name / Description	Hybrid planning application comprising 2 no holiday let units and a detached garage, access, parking and associated works (applied for in full) and 1 no dwelling (applied for in outline) at , Beacons Edge , <u>Pontithel</u> , Brecon, Powys.
Consultation Deadline	23/08/2016

Ecological Topic		Observations
EIA Screening Requirement	No	
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	<p><u>Bats</u> There is a line of trees adjacent to the existing access at the western end of the development site, including two mature trees that may provide potential habitat for roosting bats. As there are no details of the proposed improvement to the access at this end, it is unclear as to whether any of these trees would need to be removed. If there is a need to remove any of the mature broad-leaved trees at this location, it will be necessary to provide an ecological assessment including an assessment of the suitability of these trees for use by roosting bats. If sufficient suitability is recorded, further surveys and/or mitigation are likely to be required, that could lead to the requirement for a European Protected Species (EPS) license from NRW.</p> <p><u>Dormice</u></p>

		Due to the presence of dormouse records within 2km in the BIS data and some connectivity to mature broad-leaved woodland, it is considered that the hedgerow bordering the road could provide suitable habitat for dormice. Therefore if there needs to be any hedgerow removal, this should be undertaken during the dormouse active season (May to October inclusive) under an ecological watching brief by an ecologist licensed to handle dormice, including a hand search for dormice nests immediately prior to the removal works. Should any dormice or active nests be found, works would have to be postponed until a dormouse license had been obtained from NRW and associated mitigation undertaken.
	UK Species <input checked="" type="checkbox"/>	See European protected species comments above. <u>Nesting birds</u> Trees and hedgerows provide nesting habitat for bird species, and as noted above it is apparent that trees may have to be felled to accommodate the development. Therefore any tree felling should be undertaken outside of the bird nesting season (March to August inclusive). If tree felling is required within the nesting season, a check for nesting birds should be made by a suitably experienced ecologist immediately prior to felling and if nests are found, the felling has to be postponed until that nest becomes inactive.
	Section 7 Species & Habitat <input type="checkbox"/>	See protected species above. It is recommended that bat and bird boxes are erected on proposed and/or existing buildings within the development site in order to represent an enhancement for biodiversity as specified under the Environment (Wales) Act 2016. Also any tree or hedgerow loss should be compensated by planting of suitable native broad-leaved species of local provenance to ensure no net loss of biodiversity.
	LBAP Species & Habitat <input type="checkbox"/>	See comments above.

Protected Sites	International Sites (within 2km) ² <input checked="" type="checkbox"/>	The River Wye SAC is located approximately 170m to the southeast of the proposed works but is unlikely to be affected due to the distance and a lack of pollution pathways leading to the site.
	National Sites (within 500m) ³ <input type="checkbox"/>	The Afon Llynfi SSSI is located approximately 170m to the southeast of the proposed works but is unlikely to be affected due to the distance and a lack of pollution pathways leading to the site.
	Local Sites (within 500m) <input type="checkbox"/>	There are no local sites likely to be affected by the proposal.
Invasive Non-Native Species	Unknown	Non-native invasive plant species should be included in further survey for bat potential if required.
Cumulative Effect	Unknown / Unconfirmed	Unlikely.
Summary of recommendations / further assessment or work		<p>It is advised that if any loss of mature broad-leaved trees is required, an ecological <u>survey to</u> include bat potential of these trees must be undertaken following standard CIEEM guidelines regarding methodology in order to assess the need for further survey, mitigation or EPS license. The survey should also note the presence of any invasive species.</p> <p>Nesting bird checks for tree/hedgerow removal within the bird nesting season and also a check for dormouse nests and ecological watching brief will also be required.</p> <p>Bat and bird boxes should be erected on existing/proposed buildings in order to represent an enhancement for biodiversity at the site.</p>
Recommended Conditions		<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p>1) <i>No removal of mature broad-leaved trees shall be undertaken without prior assessment by a suitably qualified ecologist for bat roosting potential and subject to any further survey/mitigation/license as advised by them.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>1) <i>Any hedgerow removal shall be undertaken during the dormouse active season (May – October inclusive) under the supervision of an ecologist licensed to handle dormice, following a hand search by the ecologist for dormouse nests.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><u>Informatives</u></p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built • intentionally take or destroy the egg of any wild bird • <u>intentionally</u> (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the

	<p>dependent young of such a bird.</p> <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any bats. • Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not. <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p>
	<p>Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any dormice. • Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection. • Under the Habitats Regulations it is an offence to: <p>Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>Click here to enter text.</p>

NRW

Thank you for referring the above application, which we received on 01/08/2016.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of requirements:

Requirement 1 – Condition – The implementation of the site layout in accordance with the submitted proposed block plan.

Flood Risk

The north-eastern area of the application site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms this area to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Llynfi, a designated Main River.

The submitted site plan indicates all built development is located outside DAM zone C2. We therefore have no objection to this development on matters of flood risk subject to the following the implementation of the following condition:

Requirement 1 – Condition – The implementation of the site layout in accordance with the submitted proposed block plan.

Condition: The site layout is to be in accordance with the submitted Proposed Block Plan (ref: 16/4183/3).

Reason: To ensure the built development is outside DAM Zone C2/the 0.1% fluvial flood extents in accordance with the requirements of TAN15.

Recommendations

Surface Water

We recommend that a condition is imposed to ensure that a scheme to dispose of surface water is submitted to and approved in writing by your Authority, to ensure effective management of surface water run-off resulting from the proposed development. As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Drainage Department for further advice in relation to this. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site.

The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step bilingual guide to registering, is available on our website at the following link <https://naturalresources.wales/apply-for-a-permit/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>.

Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site. Any waste excavation material or building waste generated in the course of the development must be disposed of in accordance with the relevant legislation.

Protected Sites

The proposal is in the vicinity of the following protected sites:

- River Wye/Afon Gwy Special Area of Conservation (SAC)
- Afon Llynfi Site of Special Scientific Interest (SSSI).

The proposal is not likely to affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.

Landscape

The proposal site is near and therefore may affect the Mid Wye Valley Historic Landscape Area of Outstanding Historic Interest. While this is not a statutory designation, chapter 6 of Planning Policy Wales (PPW) states that it is a material consideration in the planning process and must be given due regard when reaching a determination. We recommend that the local planning authority may wish to consider any local/regional landscape interests.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

The application has been advertised through the erection of a site notice and press advertisement. Objections have been received by one objector and is summarised below;

- Concerns of highway safety in relation to the substandard access and its impact upon accesses opposite the site.
- Lack of clarity within the submission.
- Site is located within open countryside and is contrary to the objectives of preventing unjustified development in the open countryside.
- The application fails to explain the current lawful status of the site.
- Areas of the site lie outside the applicants ownership.
- Proposed access points are entirely substandard

Planning History

Date	Reference	Applicant	Description	Status
1980	B/2142		Siting of residential caravan	Approved 07/03/1980 <i>Personal permission limited for a single year.</i>
1985	Unknown	Unknown	Proposed builders store	Refused 11/03/1985
	B/3853	Landowner 1	Proposed extension and change of use of dwelling to a restaurant / guest house. This proposal involved the creation of a reception area, dining room and a lounge / bar together with an associated kitchen and toilets at the ground floor level with 5 en suite bedrooms at the lower ground floor level.	Approved 07/05/1985 <i>Conditions limited use and access.</i>
<i>Comments: B/3853 considered implemented correspondence on later files and supporting information indicates initial dwelling house use and subsequent conversion to guest House.</i>				
1987	B/4368	Landowner 1	Proposed access and porch	Approved 09/03/1987
	B/4473	Landowner 1	Application to display 3 illuminated signs	Approved 08/06/1987 <i>No consent granted for third sign or for the proposed use of illumination.</i>
1988	B/4961	Landowner 1	Conversion of guest house to hotel / motel and chalets with double garage. This proposal involved the further extension of the building to provide: a. enlarged reception, dining and kitchen areas; b. a function room;	Approved 10/04/1989 <i>Conditions regarding window and door frames, stonework, landscaping, motel units not to be used for permanent residential use, access at western end of site to be closed off before development commences, access to be</i>

Date	Reference	Applicant	Description	Status
			<p>c. associated toilet facilities; d. 12 en suite bedrooms made up of 9 en suite bedrooms, 1 of which is disabled person unit at lower ground floor level and a further 3 en suite bedrooms and lounge at first floor level. e. 7x2 bed chalet type units in two slightly different formats with their own lounge and separate bathroom facilities.</p> <p>Overall this proposal provided for 19 holiday units (i.e. 12 letting bedrooms within the hotel plus 7 chalets each with two bedrooms).</p>	<p><i>constructed as set out in condition 10.</i></p> <p><i>Section 52 agreement limiting the use of chalets to paying guests. No permanent residential use. Dated 13/04/1989.</i></p>
<p><i>Comment: B/4961 considered implemented by the conversion of the main building to a motel / hotel. No conditions precedent preventing conversion. B/98/0231 Committee report for this application indicates use of the property as a motel at the time of this application.</i></p>				
1989	B/5561	Landowner 1	Approval of details for motel units	<p>Approved 15/01/1990</p> <p><i>Conditions regarding use of motel units to guests only, protection of existing trees and hedgerows, access at western end of site in materials to be agreed, access to be as per plan 06.10.88.</i></p>
	B/5584	Landowner 1	Temporary part extension of phase 2 (this appears to be an extension to the "main building").	<p>Approved 12/02/1990</p> <p><i>Conditions regarding doors and window frames, materials to match existing, access at western end of the site in</i></p>

Date	Reference	Applicant	Description	Status
				<i>materials to be agreed, access to be as per plan 06/10/88.</i>
1990	B/5777	Landowner 1	Kitchen extension	Approved 11/06/1990 <i>Conditions regarding window and door frames, stonework, landscaping scheme, retention of existing trees and hedgerows, dark stained woodwork, access at western end of site to be closed off before development commences, access to be constructed as set out in condition 10 of B/88/4961</i>
1991	B/6022	Landowner 1	<p>New design of motel units, extension to function room and provision of private staff accommodation. This proposal involves extending the function room at ground floor level which will be constructed over a “drive through” at lower ground level to provide access from the east to the chalet development. The opportunity is also taken to increase the accommodation at first floor level to provide a 2 bedroom staff flat. While this proposal reduces the number of chalets to 6, each is split into four units thereby creating a total of 24 motel bedrooms.</p> <p>Overall this consent increased the number of letting bedrooms from 19 allowed under</p>	Approved 11/03/1991 <i>Conditions regarding existing trees and hedgerows to be retained, motel units not to be used for permanent residential use, access at western end of site to be closed off before development commences, access to be constructed as set out in condition 10 of B/88/4961.</i>

Date	Reference	Applicant	Description	Status
			<p>planning consent B/4961 to 34 (i.e. 10 bedrooms in the hotel plus 24 bedrooms provided in the chalets).</p> <p>Minor amendment to B/91/6022 was agreed in 2004 see reference in chronology below.</p>	
<p><i>Comment:</i> Legal advice supports the view that this permission B/6022 is implemented through works involved in the erection of Unit 1. Conditions on the planning permission were not viewed to be conditions precedent; therefore any non compliance with the conditions would be a breach of condition and would not impact on the lawfulness of the implementation of development. Paragraph 18 of the 2008 legal advice states that “By way of summary, therefore, the 1991 permission was in my opinion lawfully implemented and is still alive. The owner has the option of completing the development in accordance with the approved plans”. While noting this view development has only been partially completed and some development on site is not in accord with the approved plans, which is discussed within the officer appraisal in detail.</p>				
1992	B/6589	Landowner 1	Raising roof level and extending property to south west. Appears similar to B/6022 with amendments to plans. The plans incorporate a private residential accommodation on the existing plans in the “upstairs” area.	Approved 07/12/1992
1998	B/0231	Landowner 2	Change of use of motel chalet unit 1 to a dwelling and use of main building as dwelling.	<p>Undetermined</p> <p>Draft decision notice on file, following Committee decision on the 14 October 1998, with associated draft section 106 agreement (purpose of section 106 is to prevent further implementation of previous applications).</p>

Date	Reference	Applicant	Description	Status
				No final decision on this application.
<p><i>Comment:</i> The Committee report for B/98/0231 gives a position of acceptance of implementation of previous planning permissions for motel units. Also appears that the main building was in use as a motel / hotel at this time with reference to its use in applicants supporting statements and the Committee report.</p> <p>On balance view taken by the Committee. They determined that the limited development proposed was preferable to the full implementation of the chalets. To achieve this aim the local planning authority required “revocation without compensation” of the remaining development through a section 106 agreement to prevent further development authorised under the original planning permissions (References: B.4961 and B.6022). The final correspondence on file dated 17/05/1999 is from Powys County Council legal services advising that the applicant was considering options prior to signing the section 106 revocation agreement.</p>				
1999	B/99/0026	Landowner 2	Alterations to dwelling	Undetermined
<p><i>Comments:</i> Application was validated but not determined, the proposal was considered premature prior to any grant of consent for B/0231 and its associated legal agreement. Letter on file 13/05/1999 advising that application to extend a dwelling could only be considered when there was a planning permission issued for a dwelling.</p>				
2002	Letter from planning consultant ¹ and officer response.	Copied to current land owner	Requested advice / view on lifting the holiday occupancy conditions. Advises that it is intended to implement the planning permissions at the site.	Advice given on the approach necessary to lifting the restrictive conditions, which is that there is a need to market and seek the use of the buildings for tourism holiday use and then consider sale.
<p><i>Comment:</i> This correspondence is contained in a letter from Planning Consultants to the then head of Brecknockshire Development</p>				

¹ On file B/99/0026

Date	Reference	Applicant	Description	Status
Control dated 23/09/2002 and a reply 22/10/2002. Powys County Council Planning Policy Section also provided advice in support of the need to justify any removal of occupancy conditions. Advice given that lifting holiday occupancy conditions would not be accepted by the Local Planning Authority without a thorough justification.				
2004	Letter Requesting Minor Amendment ²	Unknown (Planning agent of current land owner)	It appears that the letter was requesting minor amendments to the bungalow designs proposed to include the minor relocation of windows, porch and increase in the roof pitch.	"Amendment Accepted" 23/02/2004 in responding letter from Brecknockshire Development Control Manager agreeing minor amendments to the plans and seeking that the previous consents conditions continued to be adhered to.
<p><i>Comments:</i> The practice of accepting "minor amendments" through exchange of correspondence was widespread until case law changed Local Planning Authorities approach. The case law in <i>R v Sussex CC Ex p Reprotech (Pebsham) Ltd (2002) UKHL 8</i> and <i>Henry Boot Homes Ltd. v Bassetlaw District Council [2002] EWCA Civ 983</i> and <i>Sage (Respondent) v. Secretary of State for the Environment, Transport and the Regions and others (Appellants) [2003] UKHL 22</i> meant that the approach of agreement between applicant and local planning authority was not appropriate for amending planning applications. Case law highlighted the implications of this approach for planning conditions, which would potentially not be enforceable where a development was built in accordance with a minor amendment. It is noted that implicit in the issuing of this letter is an acceptance by the Local Planning Authority that there was a planning permission which has been implemented and is capable of further development and amendment.</p> <p>The 2008 Legal Advice (paragraphs 18 – 25) supports the view that a minor amendment letter could not authorise development.</p>				

² On file B/99/0026

Date	Reference	Applicant	Description	Status
2005	B/05/0041	Current Landowner	<p>Relocation of six holiday bungalows together with a new access road / drive and associated services.</p> <p>The proposal was to construct 5 x 3 and 4 bedroom self contained holiday units with a new access onto the A438 to the west of the existing access to Beacons Edge, together with additional landscaping.</p>	<p>Uncertain, database shows this application as withdrawn, but there is no correspondence on file to this effect.</p>
<p><i>Comments:</i> There is considerable correspondence on file in relation to the on going development at the site.</p> <ul style="list-style-type: none"> • Applicant’s initial position is that new access point is most preferable on site boundary and an improvement over the existing situation. • Notes from case officer that the bungalow on site was being used for holiday letting purposes. • Committee Report dated 10/02/2005 recommends Site Inspection Panel. • Status of “Unit 1” - Appears that the view is that there is “no planning permission” for Unit 1 in the sense that it does not conform to plans. As noted in the 2008 Legal Advice this is potentially not critical to the question of whether it lawfully implements B/6022. <p><i>Correspondence:</i></p> <ul style="list-style-type: none"> • 16/12/2005 Letter – Brecknockshire Development Control Manager to Planning Consultant (Acting on behalf of objector) - States that: “The bungalow/chalet erected on the site is similar to that granted planning permission under B/91/6022 and therefore I disagree that it is B/4961. However I consider that as internal walls have been removed to reduce the block from 4 to 2 chalets and that there is a window in each gable end that was not shown on the approved plans that there is no valid planning permission.” Concluded no planning permission for chalet on site. • 16/12/2005 Letter – Brecknockshire Development Control Manager to Current Landowner – States that no planning permission exists for chalet block, in that development is contrary to approved plans but also condition 4 is precedent and not 				

Date	Reference	Applicant	Description	Status
			<p>carried out. Suggests amendment to current application to include existing chalet or make separate application for existing chalet.</p> <ul style="list-style-type: none"> <p>• 24/02/2006 Letter – Solicitors for Current Landowner to Brecknockshire Development Control Manager – Gave the following views:</p> <ul style="list-style-type: none"> (1) B4961 and B006022 have both been lawfully implemented. <ul style="list-style-type: none"> (a) B4961 – implemented by conversion of main building into hotel/motel, consider that no condition attached to the permission was a condition precedent. (b) B006022 – Implemented by construction of chalet. (2) Chalet built in approved location, footprint and outward shape same, and introduction of two small windows is de minimis. (3) Internal layout should not be the concern of development control, in that the subsequent alteration is not development and resulted in no external changes. (4) Suggests that the wording of conditions are not prohibitory, any breach of the conditions on the planning permission are a breach of condition and do not affect the lawfulness of the implementation of the planning permission. Use precedent from <i>R (on the application of Hart Aggregates Ltd) v Hartlepool BC [2005] EWHC 840 (Admin)</i> to support this argument. (5) Western access stopped up, letter from the 12 August 1991 confirms the discharge of condition 7 of B4961. (6) Condition 5 is not considered a condition precedent. <p>• 04/04/2006 – Solicitor PCC legal services to Current Landowners solicitor. Agree that B4961 implemented if the conversion of the main building was undertaken in accordance with the approved plans. B006022 not implemented as not in accordance with approved plans, quote <i>Sage</i> caselaw. Suggests that it is academic to discuss conditions precedent. But suggest that it is whether the condition goes to the heart of the permission or not which is important rather than the wording itself.</p> <p>• 1204/2006 – Current Landowners solicitor to Brecknockshire Development Control Manager. Clients propose to continue to implement B006022. No reply is noted to previous correspondence and the solicitor note that they have concluded that PCC would not seek to resist the resumption of development under B006022. Note that the internal arrangement was in accordance with approved drawings, re-arrangement of accommodation by removal of partitions carried out as subsequent alteration. Client assumes there will be no legal objection to resumption of development.</p> <p>• 21/04/2006 – Memo from Brecknockshire Development Control Manager to Solicitor PCC legal services Requesting views on latest letter.</p> 	

Date	Reference	Applicant	Description	Status
<p>Break in correspondence</p> <ul style="list-style-type: none"> • October 2007 – Site visit by planning officers Considered enforcement action and suggested that the applicant ceases works on site advising that units 3 and 4 were incorrectly sited and at variance to the consented design. (referenced on P/2008/1613) • 08/09/2008 - Letter from Specialist Services Manager to Current Landowner advising that this application should be withdrawn and a further application submitted by the 30 September 2008 otherwise enforcement action would be commenced. <p>No further correspondence on file.</p>				
2006	No planning reference.	Current Landowner	An amended section 106 agreement, the purpose of which was to clarify that the interpretation of the word chalet in the 1989 Agreement shall not apply to the use of the main hotel building.	Completed 21/08/2006
<p><i>Comments:</i> Correspondence is contained on planning application reference B/05/0041 which references this agreement.</p>				
2008	Counsels Opinion		Advice in the Matter of: Unauthorised development at Beacons Edge, Pontithel, Three Cocks, Powys	Received 29/05/2008.
<p><i>Comments:</i> This advice accompanies this report and provides an analysis of the history and development at the site and has been released into the public domain and is contained on the P/2008/1613 planning file.</p> <p>Counsel advises that “the Council invite the owner to submit a planning application to vary the design. He should be given reassurance that the Council will consider the issue of design only, given that the fall-back position is that he can build what has already been approved. The Council should openly state that the reason is so that the same conditions can be attached as were</p>				

Date	Reference	Applicant	Description	Status
attached to the 1991 permission. If he refuses to co-operate, the Council would in my opinion be justified in taking enforcement action in order to protect its position". (Paragraph 30)				
2008	P/2008/1613	Current Landowner	Seeking consent for: a. The amended siting of the two chalet units (units 3 and 4) currently under construction. b. Changes to the consented external design of the chalet units; and The applicants describe this proposal as being for "c. A holiday concept based on two and three bedded holiday bungalows, with integral lounge, bathrooms and kitchens which would reduce the number of holiday units on the site to 17 (i.e. 10 in the main motel building, two in unit 1 and one in each of units 2 – 6."	Pending.
<p><i>Comments:</i> This planning application appears to be a response to the legal advice above and the letter from the Specialist Service manager (08/09/2008) requiring the submission of a new planning application. But it went beyond regularising the development on site and allowing the completion of units. The initial submissions sought to introduce another new access, incorporate additional land and change the form of the development.</p> <p><i>Correspondence:</i></p> <ul style="list-style-type: none"> • 02/12/2008 – Letter from Specialist Service Manager (SSM) to planning agent – Note that notwithstanding the extant planning approval at Beacons Edge and discussions the proposal remains unacceptable in terms of layout, design and access. References to the layout which appears to indicate full time residency and the creation of a new substandard access to one unit. Advise that this will be recommended for refusal at the Planning Committee. • 09/01/2009 – Letter from SSM to planning agent– Reminder letter that the application will be reported to Planning 				

Date	Reference	Applicant	Description	Status
			<p>Committee and recommended for refusal.</p> <ul style="list-style-type: none"> • 19/01/2009 – Amended plans received. • 06/04/2010 – Letter from Town Planning Consultancy acting for current landowner to SSM Amends proposal removing from the application the currently undeveloped units (units 2, 5 and 6). Accept that an application is needed to amend the location of units 3 and 4. Proposes to access the site from the western access, which they consider in line with the extant planning consent and that the 1991 condition has been complied with by the stopping up and subsequent re-opening of the access. Advise that it is their client’s intention to fully implement the 1991 consent if this application is not successful. • 17/06/2010 – Letter from SSM to Town Planning Consultancy acting for current landowner Re-submission of plans is required as the current plans show the two units in the wrong place. Advised that the authority would not consider a proposal based on an access from the western entrance as its usage would be highly prejudicial to highway safety. Cannot accept a further amendment to this application as it would fundamentally change the character of the proposal. Advises that a further application is required and that the current application should be withdrawn. • 2/06/2011 – File Note by new case officer detailing visit to site Case officer met landowner on site. The landowner sought verbal confirmation that the 1991 permission for the holiday chalets and conversion were still valid. Advised that in accordance with Counsel’s opinion the application had been implemented. But the design and positions of the chalets were not in accordance with the permission and therefore unauthorised. Landowner advised that the main building had been extended in accordance with the 1991 permission, but had been converted afterwards with two residential units created. Case officer advised that there may be a case for a Certificate of Lawfulness for these units. On “unit 1” the landowner stated that it was taxed as a holiday let for Council Tax and used in this way at the time of the site visit, but previous to this it had been used as a residential property. Case officer advised that the continuity of full time residential use would have ceased and would not be able to apply successfully for a certificate. The second chalet was undergoing development and heading towards completion. The third chalet had been partly built with no front elevation and no roof. The western access was in place and the main access to the property appeared to have been widened by the removal of gate pillars. • 02/06/2011 – Letter from case officer to Landowners planning consultant (Copied to Landowners) 	

Date	Reference	Applicant	Description	Status
			<p>Suggests that the application is withdrawn. As the current application is unacceptable due to the following:</p> <ul style="list-style-type: none"> - Extends the boundaries of the 1991 consent into adjacent agricultural land; - Does not provide a sufficiently detailed design and layout of the chalets; - Needs to provide much more detailed improvements to the main access to the A438 road located on the north eastern part of the site adjacent to the main house and the permanent closure of the access on the south western corner of the site. - The application would also need to show in detail the layout of any internal access routes from the highway to the chalets as well as details of landscaping and boundary treatment. - The proposal should provide a justification for a tourism facility based on WG guidance and the Powys UDP. <p>28 days given to withdraw or it is indicated the application will be recommended to committee for refusal. .</p>	
			<ul style="list-style-type: none"> • 22/06/2011 –Letter from case officer to Landowners planning consultant (Copied to Landowners) <p>Suggest the withdrawal of P/2008/1613 and the submission of application(s) for the following:</p> <ol style="list-style-type: none"> a. Existing bungalow as a dwelling; b. Two other bungalows as holiday lets; c. Legal agreement to remove previous approvals for holiday bungalows at the site; d. Change of use of small strip of land to the south, now defined by the hedge line, from agricultural to residential / holiday residential land; e. Improvement to main access onto the main road and provision of vehicular through access within the site; f. Removal of any vehicular access, by a barrier, from the site through to the agricultural access to highway on the north western corner of the site. The barrier would need to be a wall with, for example a pedestrian gate; g. The red line area would need to include the field where the three bungalows are, defined by the proposed wall separating from the agricultural access to the west, the hedgeline to the south of the extended field, the route of the internal access road to the main improved highway exit onto the main road. h. The main house would need to be removed from the planning application. From information given by the applicant, the house has been converted into a number of self contained flats more than four years ago. If this is the case, this can be dealt with separately by a certificate of lawfulness. 	
			<p>Noted that this approach is contrary to policy and would need to be advertised and considered as a departure. But considered that it has the advantage of removing the previously extant planning permissions at the site, which have been implemented but not complied with. The resultant development would be of a much smaller scale, arguably have far less impact upon the</p>	

Date	Reference	Applicant	Description	Status
<p>surrounding open countryside than the previously approved.</p> <ul style="list-style-type: none"> <li data-bbox="235 343 2049 566"> <p>• 28/06/2011 – 06/07/2011 Emailed correspondence between Landowners planning consultant and case officer Indication given of likely holiday occupancy conditions, concerns raised about the re-submission of the application and likely fee. Case officer gives the view that the existing section 106 is in effect moribund as planning permission was not in accordance with the original approval. Advised that development is not in accordance with the approved plans and the building is used as flats and not a motel.</p> <li data-bbox="235 566 1534 646"> <p>• 27/07/2011 Email from case officer to Landowners planning consultant Reminder suggesting that the applicants pursue the route given in the 22/06/2011 email.</p> <li data-bbox="235 646 1355 726"> <p>• 31/08/2011 Email from case officer to Landowners planning consultant Further reminder email.</p> <li data-bbox="235 726 1657 805"> <p>• 31/08/2011 Email from case officer to SSM Advised that he was not progressing and expressing intention to report to September Committee.</p> <li data-bbox="235 805 1657 885"> <p>• 31/08/2011 Letter from case officer to Landowners planning consultant Advised that the application would be reported to for refusal to Planning Committee in September</p> <li data-bbox="235 885 1960 917"> <p>• 27/09/2011 Planning services undertake a Habitats Regulation Assessment due to proximity to River Wye SAC</p> <li data-bbox="235 917 2049 1061"> <p>• 02/02/2012 Correspondence with Bronllys CC regarding current situation at site Advises that matters are being investigated. Advises that the matter will be reported to Planning Committee (June) and notice given to the CC when the agenda is finalised. Advise of the certificate of lawfulness application has been submitted and is pending determination.</p> <li data-bbox="235 1061 1982 1173"> <p>• 24/10/2012 Email from planning agent (original agent) to case officer Email suggests that the Local Planning Authority consider a “minor amendment” which was previously discussed on the 18/10/2012.</p> <li data-bbox="235 1173 2004 1284"> <p>• 26/11/2012 Email to planning agent from case officer Advised that a minor amendment was not acceptable and re-iterating the previous comments on the unacceptability of the current planning application.</p> 				
2011	No planning reference (letters etc. on P/2008/1613)	Current Landowner	Letter Referencing new planning application for the following: Erection of 1 holiday chalet, retention of existing	Not validated and returned

Date	Reference	Applicant	Description	Status
			holiday chalet, erection of one bungalow dwelling, extension of boundary, improvements to vehicular access on eastern boundary, separation of site from land containing agricultural access on the Western boundary.	
<p><i>Correspondence:</i></p> <ul style="list-style-type: none"> • 01/11/2011 – Letter from case officer to Landowners planning consultant Application not validated: 1. Lack of fee of £660 2. The site does not have a red line boundary on a site location plan. The agricultural access should be included in the blue land to show that it is under the applicant's control. 3. Elevations are required of chalet 1 as it remains intrinsic to this application. 4. Chalet 3 being fully residential would need to be provided with a curtilage defined on the plan. More information is suggested to be submitted on the blocking up of the agricultural access to the site. Additional residential unit in chalet 3 is noted, suggestion is made that one of the flats if lawful is converted into a holiday letting unit. But this will require clear establishment of the lawfulness of the flats through the issuing of a certificate of lawfulness. • 16/12/2011 Letter from case officer to Landowner Email in response to Landowner who queried why the planning fee had not been cashed – advised that it was due to the application remaining invalid. 				
2012	P/2012/0314	Current Landowner	Certificate of lawfulness Application for CLEUD "For a continuous period of 10 years, the lower ground floor of the application site has been used as two self contained apartments. Therefore the use of the lower ground floor of the application site for such purpose is lawful.	Certificate issued 01/08/2012
<p><i>Comment:</i> This certificate of lawfulness is supported by background evidence which supports a view that three units were in existence in the main building and that the bungalow was in its current form e.g. a dwellinghouse. This is in the form of Council Tax demands from</p>				

Date	Reference	Applicant	Description	Status
2001 for the three units and sales particulars dating from around 2000-2001.				
2013	Counsel Opinion		Legal advice in the matter of development at Beacons Edge.	Written advice received May 2013 which followed a site visit and conference on the 12 April 2013.
<i>Comment:</i> This was further Counsel opinion on development of the advice which was informed by the 2008 Advice and a site visit. This advice is in the public domain and is provided as an annex.				
2014	P/2014/0103	Current Landowner	Full: Regularisation of the design of Unit 3	Refused 09/04/2014
2014	APP/T6850/A/14/2221363	Current Landowner	Appeal against refusal of planning application P/2014/0103	Appeal Allowed and planning permission granted 24/10/14
2016	P/2016/0804	Current Landowner	Section 73 application in relation to variation of condition 2 of planning approval B6022 (to enable the use of unit 3 as an owner/manager's dwelling)	Pending

Principal Planning Constraints

Pipeline buffer
Nat FloodZone 2
Historic Landscapes Register
Outstanding

Principal Planning Policies

National Planning Policy

- Planning Policy Wales (Edition 9, 2016)
- Technical Advice Note 1 - Joint Housing Land Availability Studies (2015)
- Technical Advice Note 2 - Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

Powys Unitary Development Plan (March 2010)

- SP1 – Social, Community and Cultural Sustainability
- SP3 – Natural, Historic and Built Heritage
- SP4 – Economic and Employment Developments
- SP6 – Development and Transport
- SP8 – Tourism Developments
- SP14 – Development in Flood Risk Areas
- HP3- Housing Land Availability
- HP4 – Settlement Development Boundaries and Capacities
- HP5 – Residential Developments
- HP6 - Dwellings in the Open Countryside
- HP14 – Sustainable Housing
- GP1 – Development Control
- GP3 – Design and Energy Conservation
- GP4 – Highway and Parking Requirements
- ENV1 – Agricultural Land
- ENV2 – Safeguarding the Landscape
- ENV3 – Safeguarding Biodiversity and Natural Habitats
- ENV7 – Protected Species
- TR4 - Self-Catering Visitor Accommodation
- TR1 – New Tourism Developments
- TR2 – Tourist Attractions
- TR8 – Holiday Chalet and Cabin Developments
- TR3 - Serviced Visitor Accommodation
- TR3A - Existing Hotels
- DC1 – Access by Disabled Persons
- DC11 – Non Mains Sewage Treatment
- DC13 – Surface Water Drainage
- DC14 – Flood Prevention Measures

- SP14 – Development in Flood Risk Areas

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Introduction

It is viewed that consideration of this application cannot be divorced from the planning history at the site. The acceptability and capability of the development to “rationalise” the development at the site is considered to be dependent on the view taken on the planning history and fall back position.

Baseline Fall Back Position

The following summarises the main planning matters at the site, for clarity they are separated into Material Change of Use / Breach of Condition and Operational Development.

1. Further development under the 1991 permission
2. Material Change of Use / Breach of condition 2 of 1991 planning permission (Main building)
3. Material Change of Use / Breach of condition 2 of planning permission (Unit 1)
4. Material Change of Use / Breach of condition 2 of planning permission (Unit 3)
5. Material Change of Use of adjoining field and removal of hedge
6. Operational Development (Main Building)
7. Operational Development (Unit 1)
8. Operational Development (Unit 3)
9. Operational Development (Unit 4)
10. Breach of condition stopping up of agricultural access
11. Breach of condition requiring improvements to access

The above issues relate to the baseline fall-back position and are considered further below. References to the 2008 legal advice and 2013 legal advice are to the Counsel’s opinions on the site.

Further development under the 1991 permission

The 1991 planning permission offers the opportunity for considerable development at the site and included the construction of six motel units. This current planning application proposes to rationalise the development at the site and provide highways improvements which is a betterment to the current highways situation at the site. It is therefore considered important to consider the application, in the context of the 1991 permission and establish a view on its

current status. The 1991 permission offers considerable potential for the further development of the site with additional motel bedrooms and a function room to be added to the existing main building.

The status of the 1991 permission and a judgement on whether it remain extant is a significant consideration in determining this application. To establish there are two issues that need to be considered; firstly was the 1991 permission lawfully implemented and secondly is it capable of completion.

It is viewed that the 1991 planning permission represents a lawfully implemented planning permission. The works to erect unit 1 are sufficient to implement the planning permission and this implementation appears to have been lawful, it does not appear that there is a sustainable case that conditions precedent were breached. The reasoning for this view is the same as put forward in the Counsel's advice of 2008, which is a position agreed with in the 2013 Advice.

All development authorised by the 1991 planning permission and future development will need to comply with the conditions imposed on the planning permission. This includes condition 2, which states that the motel units shall not be occupied as independent permanent residential units, they shall only be occupied by guests of the adjoining hotel.

It is therefore considered that the 1991 permission can continue be implemented providing that it offers accommodation in line with that approved and in conjunction with an overall hotel / motel use of the site or a use within class C1 in the Town and Country Planning (Use Classes) Order 1987. This issue is discussed in the 2013 legal advice which states that there is an arguable case that "the existing use of Beacons Edge remains a motel/hotel use with guests occupying the chalet buildings and flats". It is noted that this is expressed as being an arguable case, it is viewed that the advice is being predicated in terms of the arguable and the possible and it would lead to the view that future and existing units are capable of complying with the condition. No contrary case has been put forward by the land owner.

It is viewed that the on-going holiday rental accommodation offered in Unit 1, together with the owner / operator's accommodation in the main building and the overall character of the site which appears to form a single planning unit are sufficient for there to be an on-going C1 use at present. As a matter of planning judgement it is considered that in the current situation further development is capable of occurring under the 1991 permission while complying with condition 2 on the 1991 planning permission. Legal advice considers that the owner/operator accommodation is ancillary to and used in conjunction with the letting of chalet 1 (2013 advice), it is also arguable that there is currently a business of a motel or the letting of rooms / provision of accommodation within class C1 (2013 advice).

To conclude there is a clear view from both Counsels that the 1991 permission is implemented. Further development of this permission will need to comply with the conditions on this permission or it could be subject to enforcement action, but it appears possible that further development under this consent could comply with the occupancy conditions on this consent. Compliance with other conditions on the 1991 permission are considered further below.

Material Change of Use / Breach of condition 2 of 1991 planning permission Main Building

Within the “main building” are three units: two apartments on the lower ground floor and the landowner’s accommodation.

A certificate of lawfulness has granted immunity for the use of the lower ground floor as two self-contained apartments (P/2012/0314). As such the main building currently benefits from three separate residential units.

Material Change of Use / Breach of condition 2 of planning permission Unit 1

Legal advice (2013 advice) supported a position that there may have been no breach of the use of this building and that its use is lawful as guest accommodation in compliance with condition 2 of the 1991 permission. It is noted that the 2013 legal advice was informed by a site visit and discussion. Counsel states that “from the site visit it is clear that chalet 1 has not been used as separate living accommodation as a dwelling house falling within C3 of the Use Classes Order” (2013 advice).

It is not considered that there are outstanding planning matters in relation to the use of Unit 1.

Material Change of Use / Breach of condition 2 of planning permission Unit 3

This building has recently been substantially completed in line with planning application P/2014/0103.

Operational Development Main Building

It is noted in the 2013 legal advice that the main building is not in accordance with the approved plans, but that this is likely to be immune from enforcement action. The building appears to be largely unchanged from the particulars from the sale of the property which appear to date from around 2001 (the date of the photos are not clear). There do not appear to be any changes to the external appearance of the building which are capable of enforcement.

Operational Development Unit 1

The external changes to unit 1 are minor with changes to windows and doors. The agreed position is that these are outside the enforcement time periods for unauthorised operational development. There are not considered to be outstanding planning matters in relation to the construction of Unit 1.

Operational Development Unit 3

This unit has not been constructed in accordance with plans approved in 1991. It is viewed that the building has recently been substantially completed in line with planning application P/2014/0103 which was approved at appeal in October 2014.

Operational Development Unit 4

Unit 4 appeared largely in accordance with the approval in 1991. Development of this unit is at an early stage. Based on the approved plans and a site visit there is no clear reason that development could not continue in accordance with the elevational design approved under the 1991 planning permission. Little development has occurred recently in respect of Unit 4 and it is considered to be little progressed, it is noted that within the planning history concern has been expressed regarding its siting.

Breach of condition stopping up of agricultural access

Within the 1991 permission there was a requirement under condition 4 for an existing agricultural access to be stopped up. This access is currently open and appears to be used. There is strong evidence at some point that this condition was complied with, this takes the form of a letter in August 1991 from the Principal Planning Officer stating that the access had been closed off in permanent materials. This letter was written in the context of the 1989 permission condition 7, but it is accepted that it could equally apply to condition 4 of the 1991 permission. As the 2008 legal advice notes this is persuasive evidence that the condition was complied with. At some point it is apparent that the access was re-opened. This re-opening would not be a breach of condition of the planning permission, but would potentially form a separate breach, by the land owner at that time. It seems clear that any operational development involved in this breach is outside the 4 year time limit for enforcement and immune. The condition appears to have been complied with at some point and would not impact on the completion of development under the 1991 permission. While the view has been taken that this matter cannot be enforced the access appears substandard and dangerous, the lack of the ability to enforce should not be taken as any endorsement or approval of the continued use of this access.

Breach of condition requiring improvements to access

The 1991 planning permission condition 5 required the implementation of an access as approved on planning permission reference B.4961 condition 10; this in turn required an access to be constructed as shown on amended plans received by the Local Planning Authority on the 6 October 1988. The relevant plan contains the following statement: "The access shall be so constructed that there is clear visibility from a point 1.05m above ground level. Nothing shall obstruct the 30.0m visibility described below, additional clear visibility shall be provided such that there is clear visibility from a point 1.05m above and at the centre of the access along the County road measured from the centre of the access along the adjoining edge of the carriageway. Nothing shall be planted, erected or allowed to grow which would obstruct the visibility described above. The area of the access to be used by vehicles is to be metalled and surfaced in bituminous macadam, concrete or paving for a distance of 5.50m from the edge of the adjoining carriageway. Highway verge to be re-instated outside of access area to highway Authority satisfaction and to be at least 2.0m wide min." Further notes are contained on the relevant plan. The dwarf wall at the entrance to the site does not appear to be on the plan but would appear to represent permitted development and would only be a concern if it breached the requirements as detailed, the area around the access appears as open as possible with visibility across the band width of the access. Based on a site visit there is no clear evidence that this condition was not complied with prior to commencement or within the time available to implement planning permission and given the 23 years that have passed since consent was granted it is not clear that there is any breach of this condition.

Baseline position

The above has sought to cover most of the planning matters at the site. In terms of the fallback position, the main building currently has 3 residential units, owners accommodation and two residential units as confirmed by a certificate of lawfulness. As the 1991 consent has been implemented and remains extant the main building can also be substantially extended to provide a function room and ten further holiday letting rooms. With regards to the holiday letting units already constructed/under construction a further 24 holiday letting rooms could be provided once the development is completed. As the western access has been in use for in excess of 10 years this is immune from enforcement action and can continued to be used as access to the 24 holiday letting rooms.

Proposed Development

With the above viewed to be the situation at the site it is considered to be the case that development can continue under the implemented 1991 permission.

Due to the extensive planning history at the site this current application seeks to rationalise the development. Information contained within the application states that the site will effectively be split in two, with a residential area to the east of the site and the holiday let business to the west, each with their own access.

The main building which currently benefits from three open market dwellings will be converted to one single residential dwelling and outline consent has been applied for an additional open market dwelling. A previously approved garage will be moved to the west of the main building to be used in association with the dwelling. As the existing main building currently benefits from 3 residential units there will be no material increase in the numbers of dwellings on the site.

To the west of the site the application seeks planning permission for the change of use of four of the motel units to provide four self-contained holiday lets. Unit 3 which was granted an alternative design through appeal in 2014 will be utilised as a rural enterprise dwelling for the management of the holiday let business. The sixth unit granted consent in 1991 will not be constructed in order to allow for improvements to be made to the western access. This effectively reduces the number of consented motel units from 34 units to 4.

The applicant is also willing to enter in to a Section 106 Agreement confirming that further development of the site in line with previous applications, namely the extension of the motel building, will not occur.

Principle of Development

- Outline dwelling and conversion of motel to single dwelling

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies outside any defined development boundary and as such is considered to be within the open countryside. On this basis, as part of the application seeks outline consent for an open market dwelling the proposal could constitute a departure from the adopted Powys Unitary Development Plan. However consideration also needs to be given to the fact that there is no net gain of a dwelling at the site. Currently there are three residential dwellings within the main building and the proposed development does not seek to increase the number of residential dwellings at the site.

If Members consider the development as a departure they are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the

current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Whilst the application site is located within the open countryside the site is located approximately 1.3km to the south west of the key settlement of Three Cocks and approximately 1.6km to the north east of the key settlement of Bronllys, both of which have a range of services, including schools and access to public transport. A recent appeal decision has also stated that 2km is not an unreasonable distance to travel for services in a rural area such as Powys. Whilst there are limited opportunities to reduce the use of private vehicles, the site could be considered to be in a sustainable location due to its proximity to the services in Three Cocks and Bronllys.

The existing main building on site currently benefits from three residential units. The conversion of the building to single residential unit would not increase the numbers of residential dwellings in the open countryside and its conversion is considered to be acceptable.

- Holiday Lets

Policy TR4 states that self-catering visitor accommodation outside settlement development limits will only be permitted where they would utilise an existing building not suitable for permanent residential use, or the development would be provided in association with an existing tourist facility, or they would adjoin a farmhouse and be part of a diversification scheme aimed at enabling the operation of an existing farm to continue.

As stated previously in the report the site benefits from extant planning permission for six units each with four holiday letting rooms. In total the site has consent for 24 letting rooms in the six units. The proposed development seeks to convert units 1, 2, 4 and 5 into four self-contained holiday let units. It is considered that whilst not all of the consented units have been completed, given that some are under construction or could be completed due to the extant consent, that the proposed development is in accordance with policy TR4 in that they would utilise existing buildings not suitable for permanent residential use.

Landscape and Visual Impact

Policy GP1 and HP5 of the Powys UDP provides general development guidance and includes overarching principles which seek to safeguard the character and appearance of existing buildings and surrounding area whilst further ensuring that development proposals do not adversely affect the environment, highway safety or the amenities enjoyed by occupants of neighbouring residential properties. These requirements must be satisfied if a proposal is to be considered appropriate in general terms.

No alterations are proposed to the existing main building on site to accommodate its conversion to a single dwelling. As such it is considered that there will be no landscape or visual impact for this element of the proposal.

Holiday units 1, 2, 4 and 5 have previously been given consent and no further alterations are proposed to their external appearance. They remain single storey buildings that sit below the adjacent highway and are screened by an existing hedgerow. As such it is considered that the completion of these units along with their conversion to single holiday lets would not have a detrimental landscape or visual impact.

With regards to the outline application for a single dwelling, whilst Officers acknowledge the addition of a dwelling in to the countryside location, this does form part of a rationalisation of the whole site. The existing main building can currently be extended significantly to provide additional holiday letting rooms and a function room. This would extend the main building further to the south and at first floor level. As part of this consent the applicant is willing to enter into a legal agreement stating that this element will not be constructed.

Officers consider that the consented extension to the main building has a detrimental landscape and visual impact on the surrounding area. The consented extension would be seen as an incongruous feature in the landscape for those travelling along the adjacent road, detrimental to the character and appearance of the area. Officers consider that the legal agreement would provide assurances that the consented scheme will not be further implemented to the benefit of the landscape.

The addition of a single dwelling will be the only addition into the landscape of this scheme. Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

As the dwelling is located in a countryside location, in order to ensure that any future development is in keeping with the surroundings Officers consider that permitted development rights for extensions and outbuildings should be removed.

In determining the application, Members will need to balance the provision of a dwelling against the willingness of the applicant to not further implement the motel extension, which Officers consider to have a greater detrimental impact on the landscape than a single dwelling. Members are advised that on balance, Officer do not considered that the proposed development will have an unacceptable adverse impact on existing character and appearance and therefore is considered to be in accordance with policies HP5 and GP1 of the Powys UDP.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004). The proposed dwelling will be sited to the east of the main building on site which is to be converted to a single dwelling.

Officers consider that sufficient distance is maintained between the proposed dwelling and the existing building to be converted that it will not impact on their amenities or privacy. No other dwellings are located in close proximity to the site.

Having carefully considered the proposed development, it is considered that the scheme fundamentally complies with the above UDP policies and the Powys Residential Design Guide.

Highways

Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking.

Two points of access are gained directly from the A438 which is located to the north of the site. These accesses are established and have been discussed earlier in the report. Highway considerations have historically been a concern in the development of this site, in particular the western access which is currently substandard and is immune from enforcement action. Due to its immunity the western access can be used for the holiday let part of the site with no further alterations. As part of this application highways improvements are proposed to provide a betterment over the current access at the site.

In considering highways issues the use of the site and the amount of traffic generated must be considered. The consented scheme allows for 34 holiday letting rooms which could generate a large amount of traffic and vehicular movements. The proposed scheme would reduce the number of holiday let units on site to four with two dwellings. Considered under a separate application is the variation of occupancy condition of unit 3 to change the occupancy from holiday let to managers' accommodation, controlled by a rural enterprise condition.

Following consultation with the Highways Authority it is acknowledged that the proposed development offers a significant reduction in traffic movements over that which could be implemented from the existing consents. The Highways Authority acknowledges that the submitted scheme is not fully compliant with the required highways standards however does not object to the proposed development as it represents improvements over the accesses currently provided at the site to the overall benefit of highway safety.

As such, subject to the imposition of conditions requested by the Highway Authority, the proposed development is considered to comply with policy GP4.

Biodiversity

Policies ENV4, ENV5 and ENV6 indicates that development proposals should preserve and enhance biodiversity and features of ecological interest. Specific guidance within UDP policy ENV4 confirms that development proposals should not significantly affect the achievement of the conservation objectives for which a SAC is designated either individually or in combination with other proposals. In addition to the above, policy ENV5 confirms that there will be a presumption against proposals for development likely to damage either directly or indirectly, the nature conservation interest of national nature reserves or sites of special scientific interest.

The proposed site of development is located within approximately 170 metres of the River Wye SSSI and Special Area of Conservation (SAC). The Powys Ecologist was consulted on the application and stated that the SSSI and SAC would unlikely be affected due to the distance and a lack of pollution pathways leading to the site.

NRW have also commented that the proposal is not likely to affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.

Policy ENV7 of the Powys UDP, TAN5 and PPW seek to safeguard protected species and their habitats. The Powys Ecologist has raised concerns if any trees or hedgerows are to be removed then survey work would be required. However the application confirms that no trees or hedgerows within or adjoining the site will be affected or removed by the development. As this was the only concern raised it is considered that the proposed development would not have a detrimental impact on protected species.

In light of the above, it is considered that the proposed development is in accordance with policies SP3, ENV3, ENV4, ENV 5, ENV 6 and ENV 7 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Foul Water

Policy DC11 requires that where a connection to the public sewerage system is unavailable that sufficient information is submitted to ensure that any proposed private system would be capable of accommodating the development.

Confirmation was received from the agent that it is proposed to use the existing 3 septic tanks which discharge to reed beds located within the site. The agent has confirmed that adequate storage capacity for the proposed development in line with the capacity requirements outlined in Building Regulations Approved Document H.

As such, it is considered that the proposed development complies with policy DC11.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation:

Having carefully considered the proposed development and the extensive planning history, Officers consider that the proposal broadly complies with planning policy. The recommendation is therefore one of conditional approval subject to conditions and a legal agreement securing the non-further implementation of the extant consent.

It is recommended that a time limit of two months is given for the legal agreement to be completed and in the event that it is not concluded within such time period, delegation is given to the Professional Lead for Development Management, to refuse the application, unless satisfied that the delay is unavoidable and that there is sufficient evidence to conclude that the matter will be concluded within a further reasonable time period.

Conditions:

Condition in respect of outline element

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans and documents stamped as approved.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.
6. No other development shall commence until the eastern access and associated visibility splays as detailed on drawings 0999 001 Rev. B and 0999 002 Rev. B have been fully completed in accordance with the following specification: a minimum of 250mm of sub-base material 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material, to the written satisfaction of the Local Planning Authority.
7. The gradient of the accesses shall be constructed so as not to exceed 1 in 25 for the first 5.5 metres measured from the edge of the adjoining carriageway along the centreline of the access and shall be retained at this gradient for as long as the development remains in existence.
8. Prior to the occupation of any of the units the area of the accesses to be used by vehicles is to be finished in a 40mm bituminous macadam surface course for a distance of 5.5 metres from the edge of the adjoining carriageway to the written satisfaction of the Local Planning Authority. This area will be maintained to this standard for as long as the development remains in existence.
9. Before any other development is commenced provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 400mm in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

Reasons in respect of outline element

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.
6. To comply with Powys County Council's UDP Policy GP4 in relation to highway safety and to meet the requirements of TAN18: Transport and Planning Policy Wales (9th Edition 2016)
7. To comply with Powys County Council's UDP Policy GP4 in relation to highway safety and to meet the requirements of TAN18: Transport and Planning Policy Wales (9th Edition 2016)
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10. To comply with Powys County Council's UDP Policy GP4 in relation to highway safety and to meet the requirements of TAN18: Transport and Planning Policy Wales (9th Edition 2016)

Condition in respect of full element

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.
4. The holiday let units hereby permitted shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
5. No other development shall commence until the western access and associated visibility splays as detailed on drawings 0999 001 Rev. B and 0999 002 Rev. B have been fully completed in accordance with the following specification: a minimum of 250mm of sub-base material 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material, to the written satisfaction of the Local Planning Authority.

6. The gradient of the accesses shall be constructed so as not to exceed 1 in 25 for the first 5.5 metres measured from the edge of the adjoining carriageway along the centreline of the access and shall be retained at this gradient for as long as the development remains in existence.

7. Prior to the occupation of any of the units the area of the accesses to be used by vehicles is to be finished in a 40mm bituminous macadam surface course for a distance of 5.5 metres from the edge of the adjoining carriageway to the written satisfaction of the Local Planning Authority. This area will be maintained to this standard for as long as the development remains in existence.

8. Before any other development is commenced provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 400mm in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

Reasons in respect of full element

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.
4. To comply with Powys County Council's Unitary Development Plan Policies TR4 and GP1.
5. To comply with Powys County Council's UDP Policy GP4 in relation to highway safety and to meet the requirements of TAN18: Transport and Planning Policy Wales (9th Edition 2016)
6. To comply with Powys County Council's UDP Policy GP4 in relation to highway safety and to meet the requirements of TAN18: Transport and Planning Policy Wales (9th Edition 2016)
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8. To comply with Powys County Council's UDP Policy GP4 in relation to highway safety and to meet the requirements of TAN18: Transport and Planning Policy Wales (9th Edition 2016)

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.

- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

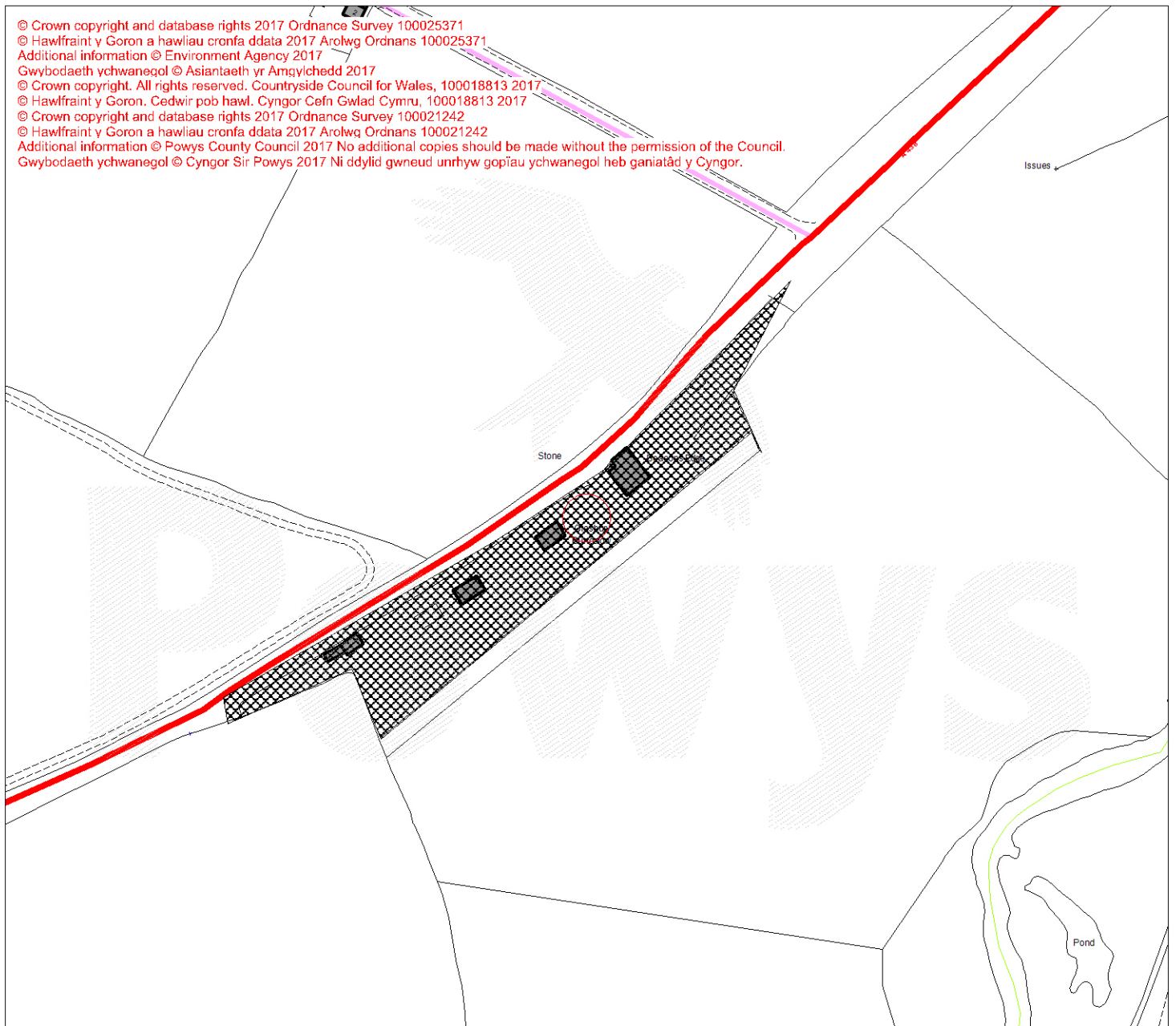
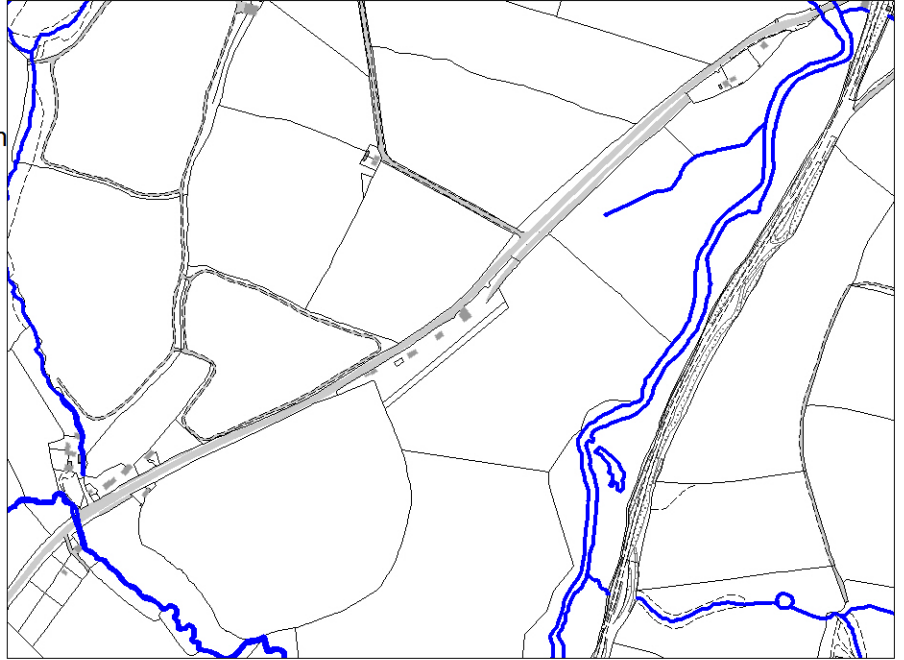
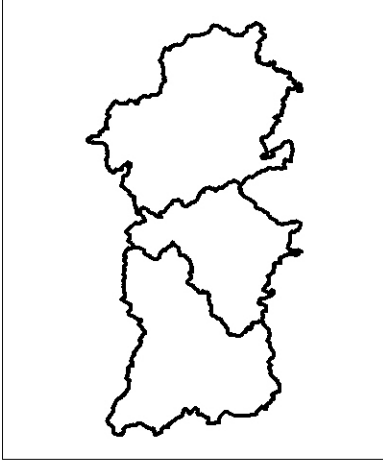
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning

Applicant: Mr & Mrs G Hopkins

Location: Beacons Edge, Pontithel, Brecon



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