

# NOTICE OF MEETING



*Snowdonia National Park Authority*

*Emyr Williams  
Chief Executive*

*Snowdonia National Park Authority*

*Penrhyndeudraeth*

*Gwynedd LL48 6LF*

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**Meeting:** Planning & Access Committee

**Date:** Wednesday 6<sup>th</sup> March 2024

**Time:** 10.00 a.m.

**Location:** The Oakeley Room, Plas Tan  
y Bwlch, Maentwrog and Via  
Zoom

***Members are asked to join the meeting 15 minutes before the designated start time***

***Members appointed by Gwynedd Council***

*Councillor: Elwyn Edwards, Annwen Hughes, Louise Hughes  
June Jones, Edgar Wyn Owen, Elfed Powell Roberts,  
John Pughe Roberts, Meryl Roberts, Einir Williams;*

***Members appointed by Conwy County Borough Council***

*Councillor: Ifor Glyn Lloyd, Jo Nuttall, Dilwyn Owain Roberts;*

***Members appointed by The Welsh Government***

*Mr. Brian Angell, Ms. Tracey Evans, Mrs. Sarah Hattle,  
Mr. Tim Jones, Ms. Naomi Luhde – Thompson, Ms. Delyth Lloyd.*

***\*This Agenda is also available in Welsh***

# AGENDA

Page No's

1. **Apologies for absence and Chairman's Announcements**  
To receive any apologies for absence and Chairman's announcements.
2. **Declaration of Interest**  
To receive any declaration of interest by any members or officers in respect of any item of business.
3. **Minutes**  
The Chairman shall propose that the minutes of the meeting of this Committee held on the 24 January 2024 be signed as a true record (copy herewith) and to receive matters arising, for information. 3 - 6
4. **Reports by the Director of Planning and Land Management**  
To submit the reports by the Director of Planning and Land Management on applications received. (Copy herewith) 7 - 38
5. **Report by Head of Planning Policy.**  
Introduction of an Article 4 Direction to enable the management of the change of use from residential housing to holiday use (second homes and holiday accommodation) within the Eryri National Park. 39 - 138
6. **Update Reports**  
To submit update reports, for information. (Copies herewith) 139 - 145
7. **Delegated Decisions**  
To submit the list of applications which have been determined in accordance with delegated authority, for information. (Copy herewith) 146 - 158
8. **Appeal Decision**  
To submit an oral report by the Director of Planning and Land Management on the Inspector's decision to refuse appeals (a) NP5/52/LB145A Listed Building Consent to retain work for replacement roof, Bronant, 5 Arthog Terrace, Arthog. Appeal by Mrs Pamela Putt against the decision of the Snowdonia National Park Authority to refuse the application  
(A copy of the Inspector's decision is enclosed – Copy herewith) 159 - 162

**SNOWDONIA NATIONAL PARK PLANNING AND ACCESS COMMITTEE  
WEDNESDAY 24<sup>th</sup> JANUARY 2024**

Councillor Elwyn Edwards (Gwynedd) (Chair)

**PRESENT:**

**Members appointed by Gwynedd Council**

Councillors Annwen Hughes, June Jones, Louise Hughes, Edgar Wyn Owen, Elfed Powell Roberts, John Pughe Roberts, Meryl Roberts;

**Members appointed by Conwy County Borough Council**

Councillors Ifor Glyn Lloyd, Jo Nuttall, Dilwyn Owain Roberts;

**Members appointed by the Welsh Government**

Brian Angell, Tracey Evans, Sarah Hattle, Tim Jones, Delyth Lloyd, Naomi Luhde-Thompson.

**Officers**

G. Iwan Jones, Jonathan Cawley, Iona Roberts, David Jones, Anwen Gaffey.

The Director of Corporate Services stated that the meeting was being web-broadcast and would also be made available online at a later date.

1. **Apologies**  
No apologies were tendered.
2. **Declaration of Interest**  
No declarations of Personal Interests were made in respect of any item.
3. **Minutes**  
The minutes of the Planning and Access Committee meeting held on 6<sup>th</sup> December 2023 were accepted and the Chair signed them as a true record.

Arising from the minutes,

Item 4 – Report by the Director of Planning and Land Management

Para. (3) NP5/54/585 – Land at Tŷ Newydd-y-Mynydd

The Director of Planning and Land Management advised that the application had been withdrawn by the applicant.

4. **Reports by the Director of Planning and Land Management Submitted** – Reports by the Director of Planning and Land Management on planning applications.

Please see the Schedule of Planning Decisions attached.

5. **Update Reports Submitted** – Update reports by the Director of Planning and Land Management on planning applications and Section 106 Agreements.

Please see the Schedule of Planning Decisions attached.

6. **Delegated Decisions**  
**Submitted and Received** – List of applications determined in accordance with delegated authority.

Arising thereon, following a request for an update on Nannau Hall, the Director of Planning and Land Management advised that a Compliance Update Report will be presented to the Planning and Access Committee meeting in April 2024. The Director of Planning and Land Management also advised that Members were welcome to contact the planning officers at any time to discuss individual concerns and agreed that Case Officer initials will be provided next to each application in future.

**RESOLVED to note the report.**

**The meeting ended at 10.55**

## SCHEDULE OF PLANNING DECISIONS – 24<sup>th</sup> JANUARY 2024

### Item No.

#### 4. Report by the Director of Planning and Land Management

- (1) NP4/11/393B – Conversion and extension of outbuilding to form short term self-catering holiday unit, creation of parking bay, alterations to vehicular access and associated works (re-submission), Outbuildings at Craig Glanconwy, Betws y Coed. **Reported** – The Director of Planning and Land Management asked members to defer consideration of the application until the next meeting of the Planning and Access Committee on the grounds that it would allow the applicant the opportunity to respond to a report on the structural condition of the building, which he had only just received. **RESOLVED** to **defer** consideration at the applicant's request until the next Planning and Access Committee on the 6<sup>th</sup> March 2024.
- (2) NP5/50/532F – Change external doors and glazing to shop fronts for new automatic opening doors, install notice boards on the front of the building, refurbish external ramps and installation of solar PV panels, Tourist Information Centre, The Wharf, Aberdyfi. LL35 0EE  
**Reported** – The Director of Planning and Land Management introduced Mr. David Jones, the Authority's newly appointed Principal Planning Officer to the meeting. As the Case Officer, he presented the report and background in detail and advised that Condition 2 will be amended following receipt of amended plans confirming colour. **RESOLVED** subject to amending Condition 2, to **grant** permission in accordance with the recommendation.
- (3) NP5/57/LB587H – Removal of the existing timber boundary fence and erection of new 1-metre-high stone boundary wall between Plas Isa Guesthouse and the Golden Lion Hotel, together with the installation of a new wooden gate between the existing stone pillars at the rear entrance to Plas Isa Guesthouse from the Marian Mawr car park, Plas Isaf, Lion Street, Dolgellau. LL40 1DG
- (4) NP5/57/LB587J – Listed Building Consent for the removal of the existing timber boundary fence and erection of new 1-metre-high stone boundary wall between Plas Isa Guesthouse and the Golden Lion Hotel, together with the installation of a new wooden gate between the existing stone pillars at the rear entrance to Plas Isa Guesthouse from the Marian Mawr car park, Plas Isaf, Lion Street, Dolgellau. LL40 1DG  
**Reported** – The Director of Planning and Land Management asked members to defer consideration of the application to ascertain the listed status of the buildings. **RESOLVED** to **defer** consideration to await further information.
- (5) NP5/73/LB425D – Listed Building Consent for repairs to the existing buttress and parapet structures on the side elevation of the main property and carrying out repairs to the rainwater outlets, Plas Tan y Bwlch, Maentwrog. LL41 3YU  
**Reported** – Case Officer presented the report and background. **RESOLVED** to refer the application to CADW with a recommendation to **approve** with the relevant conditions.
- #### 5. Update Reports
- (1) Section 106 Agreements – **For Information**  
**RESOLVED** to **note the report**.

(2) Outstanding Applications where more than 13 weeks have elapsed – **For Information**

NP5/69/56M – Sunbeach Holiday Park, Llwyngwrl.

In response to a question, officers confirmed that this was a major planning application which will be presented to the Planning and Access Committee in due course.

NP5/73/424A – Cilderi, Tan y Bwlch, Maentwrog.

The Planning Manager will arrange for the case officer to present an update at the next meeting of the Planning and Access Committee.

NP5/58/629 – Land between Plas Meini and Swyn y Mor, Dyffryn Ardudwy.

The Planning Manager will arrange for the case officer to present an update at the next meeting of the Planning and Access Committee.

NP5/61/T558D – Former Tabernacl Chapel, High Street Harlech.

In response to a question, officers confirmed that a Section 106 Agreement was in progress.

NP5/78/578 – Land near B4391, Trawsfynydd

The Planning Manager will arrange for the case officer to present an update at the next meeting of the Planning and Access Committee.

**RESOLVED to note the report.**

<b><u>Rhif Eitem / Item No.</u></b>	<b><u>Cyfeirnod / Reference No.</u></b>	<b><u>Disgrifiad / Description.</u></b>	<b><u>Swyddog Achos / Case Officer</u></b>
1	NP5/50/165C	Cais ôl-weithredol am estyniadau ochr unllawr/rhan ddeulawr gan gynnwys balconi/ardaloedd teras, estyniad cefn deulawr, porth blaen, newidiadau i do'r tŷ presennol gan gynnwys gosod 3 ffenestr to, a gwaith cysylltiedig, Glygyrog Ddu, Aberdyfi. / Retrospective application for part single/part two storey side extensions including balcony/terraced areas, two storey rear extension, front porch, alterations to roof of existing dwelling including installation of 3 rooflights, and associated work, Glygyrog Ddu, Aberdyfi.	Alys Tatum
2	NP5/57/LB587H	Tynnu'r ffens derfyn bren bresennol a chodi wal derfyn garreg newydd 1 metr o uchder rhwgen Gwesty Plas Isa a Gwesty'r Golden Lion, ynghyd â gosod giât bren newydd rhwng y pileri carreg presennol yn fynedfa gefn i Gwesty Plas Isa o maes parcio Marian Mawr, Plas Isaf, Lion Street, Dolgellau. / Removal of the existing timber boundary fence and erection of new 1 metre high stone boundary wall between Plas Isa Guesthouse and the Golden Lion Hotel, together with the installation of a new wooden gate between the existing stone pillars at the rear entrance to Plas Isa Guesthouse from the Marian Mawr car park, Plas Isaf, Lion Street, Dolgellau.	David Pryce Jones

3	NP5/57/LB587J	<p>Caniatâd Adeilad Rhestredig i dynnu'r ffens derfyn bren bresennol a chodi wal derfyn garreg newydd 1 medr o uchder rhwgen Gwesty Plas Isa a Gwesty'r Golden Lion, ynghyd â gosod giât bren newydd rhwng y pileri carreg presennol yn fynedfa gefn i Gwesty Plas Isa o maes parcio Marian Mawr, Plas Isaf, Lion Street, Dolgellau. / Listed Building Consent for the removal of the existing timber boundary fence and erection of new 1 metre high stone boundary wall between Plas Isa Guesthouse and the Golden Lion Hotel, together with the installation of a new wooden gate between the existing stone pillars at the rear entrance to Plas Isa Guesthouse from the Marian Mawr car park, Plas Isaf, Lion Street, Dolgellau.</p>	David Pryce Jones
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**Snowdonia National Park Authority      Date: 06-03-2024**  
**– Planning & Access Committee**

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**Application Number:** NP5/50/165C

**Date Application Registered:** 22/11/23

**Community:** Aberdyfi, Aberdovey

**Grid Reference:** 266051 297988

**Case Officer:** Mrs. Alys Tatum

**Location:**  
Glygyrog Ddu, Aberdyfi. LL35 0RL

**Applicant:**

Ian & Nia Baylis  
Glygyrog Ddu  
Aberdyfi  
Gwynedd  
LL35 0RL

**Description:**

Retrospective application for part single/part two storey side extensions including balcony/terraced areas, two storey rear extension, front porch, alterations to roof of existing dwelling including installation of 3 rooflights, and associated work

**Summary of the Recommendation:**

To REFUSE for the following reasons:

1. The development is considered incongruous, prominent and overly dominant additions to the original dwelling.
2. Overdevelopment contrary to Development Policy 15.
3. Insufficient information submitted to address ecological issues and biodiversity enhancement.

**Reason(s) Application Reported to Committee:  
Scheme of Delegation**

A Member of the Authority made a written request for the matter to be considered by the Planning and Access Committee, which were accompanied by sound planning reasons.

**Land Designations / Constraints:**

Open countryside

**Site Description:**

The dwelling is situated outside of the settlement boundary of Aberdyfi, within the open countryside. It is accessed via an unadopted single track road leading off the A493. The track also provides access to another property situated beyond the application site and to farm/forestry land.

### Proposed Development:

Permission is sought retrospectively for part single/part two storey side extensions including balcony/terraced areas, two storey rear extension, front porch, alterations to roof of existing dwelling including installation of 3 rooflights, and associated work.

The planning statement mentions that the property will operate 'off-grid' for large parts of the year and mentions the installation of an air source heat pump and solar panels however these have not been incorporated in the submitted plans and were not either observed during the site visit and therefore have not been included in the assessment of this application.

The roofs of the extensions have been described in the Planning Statement to consist of mono-pitched roofs. However, the roofs only have a 5-degree pitch, and therefore it would not be possible to install any pitched roof covering on these roofs such as slate. The Authority therefore considers it reasonable on this basis to refer and assess these roof elements as flat roofs and not pitched roofs.

### Relevant Planning Policies:

#### Eryri Local Development Plan 2016 – 2031

<b>Policy No.</b>	<b>Policy</b>
<i>SP D</i>	<i>Natural Environment</i>
<i>DP 1</i>	<i>General Development Principles</i>
<i>DP 6</i>	<i>Sustainable Design and Materials</i>
<i>DP 15</i>	<i>Extensions</i>

### Supplementary Planning Guidance:

SPG 2	General Development Considerations
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### National Policy:

Planning Policy Wales, Edition 12
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### Consultations:

Community Council:	No objections
SNPA Ecology	Insufficient information to address ecological issues and biodiversity enhancements.

## **Response to Publicity:**

The application has been publicised by way of a site notice.

At the time of writing this report 2 letters of support were received; their comments are summarised as follows:

- Support turning the cottage into a family home for a Welsh family,
- Welcome having neighbours to their land,
- Property was previously falling into disrepair with previous extensions in need of replacement,
- Owners are active within the community.

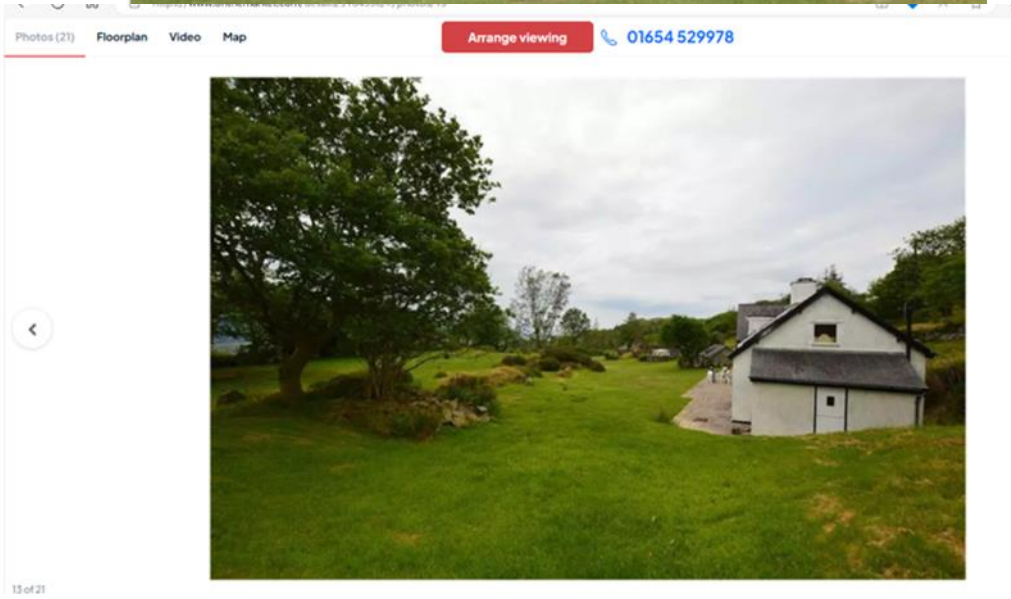
The application was called into committee by a Member of the Authority based on the following reason:

- The local community council support the application as that there is no SPG on extensions so the suitability and design of the extension is always the subjective view of the officer.

## **Assessment:**

### **1. Background**

- 1.1 This application has been submitted following an Enforcement case, reference NP5/50/ENF165C, where concerns were received in relation to extensive works being carried out to the property without planning permission. Following an investigation and a site visit carried out on the 11th of October 2023, the owners were informed that planning permission was required for the works that have been carried out and the owners were strongly advised to stop works on site until this matter had been resolved.
- 1.2 As this is a retrospective application, the Authority did not visit the property prior to the works being carried out as would have been the case normally if the application was submitted prior to the works commencing. For this reason, the Authority does not hold any photos of the site as it previously existed. However, during the Enforcement Investigation, recent sales particulars of the property when it went up for sale in 2021 were found online which contained images of the site. The owners have recently purchased the property and so it is understood that the details on the sales particulars show the dwelling as it existed when the property was bought by the current owners in 2021. A copy of these photos are provided below:





1.3 As can be seen from the images, the site consisted of a modest dwelling which had been previously extended. The middle part of the dwelling forms the original cottage which has had the addition of dormer windows and a two storey/single storey side additions. It is understood that the single storey side extension on the eastern elevation was initially approved as garage, however it was most recently being used as an annexe.

1.4 Elevation drawings and floor plans of the dwelling as it previously existed have been submitted with this application. From comparing the images provided above along with what was observed on site during the recent site visit, the Authority considers the elevation drawings provided of the dwelling as it previously existed to be inaccurate and misleading. The height and massing of the roof of the two storey side extension on the western elevation, as shown on the side elevations drawings, is greater than what existed on site. This is evident by comparing the above image of the side profile of the dwelling with that of the submitted side elevation. These submitted plans also show the height of the roof of the main cottage to be higher than what existed on site. It was evident during the site visit that alterations had been carried out to the height of the eaves and subsequently the ridge line of the roof of the original cottage. This was evident from the changes to the height of the chimney, the head height within the property and the brickwork visible internally and externally. The Authority therefore considers that the outline of the previous dwelling, shown in purple and annotated as original profile on the proposed plans, are incorrect and misleading as they suggest that the height of the dwelling has not been increased and suggest a greater massing on the previous property. Due to these inaccuracies the Authority is of the opinion that the plans submitted of the dwelling as it previously existed and the purple outline on the proposed plan, annotated original profile, should not be used to compare the scale and massing of the previous and current dwelling. The photos above should rather be referred to. This has been the case in the Authority's assessment of the application.

## 1.5 Relevant Planning History

NP5/50/17 5B – Retention of chalet for agricultural worker. Approved 10/06/1999

NP5/50/165A – Retention of chalet for agricultural worker. Approved 09/06/1995

NP5/60/165 – Erection of agricultural dwellinghouse and installation of septic tank. Refused 31/03/1995

NP5/42/164A – Extension to dwellinghouse (garage and store). Approved 16/05/1984

NP5/42/455 - Extension to dwellinghouse (kitchen and bedroom). Approved 22/08/1979

## 2. Principle of Development

- 2.1 The site is located within the Open Countryside. It is appropriate to consider the application against Development Policy 1: General Development, Development Policy 6: Sustainable Design and Materials, and Development Policy 15: Extensions, Strategic Policy D: Natural Environment.
- 2.2 Extensions to dwellings within the Open Countryside are acceptable in principle provided that they comply with the above policies. A full assessment of the development against these policies is provided below.

## 3. Planning Assessment

- 3.1 Development Policy 1 (DP1): General Development Principles of the Eryri Local Development Plan sets out the main development principles which should be adhered to. DP1 requires under i) that the nature, location and siting, height, form and scale of the development is compatible with the capacity and character of the site and locality within which it is located. It also requires under iii) that the development is not unduly prominent in the landscape and will not significantly harm the amenity of neighbouring property. Under iv) it requires that the development reflects a good sustainable design standard, uses materials that are sympathetic to or enhance their surroundings and conforms with Development Policy 6 (DP6): Sustainable Design and Materials.
- 3.2 Development Policy 15 (DP15): Extensions states that an extension to an existing dwelling will be permitted providing that:
  - i. The footprint is smaller and the height is lower than the original dwelling.
  - ii. It confirms to the Authority's design guidance on extensions.

- iii. It does not detract from the dwelling or the character of the surroundings in which it is located.
- 3.3 It is considered that the extensions, by virtue of their design, scale, form and use of materials, are incongruous and overly dominant features on this modest dwelling which detract from the character and form of the existing dwelling and its setting. The two-storey flat roofed glazed elements are prominent additions to the dwelling which do not blend in with the existing character of the original property which has a pitched roof with accommodation largely provided within the roof space. These additions, which introduce a full second storey to the property on both sides and to the rear, significantly increases the massing of the dwelling, dominating its character and appearance and fully engulfing the property on three elevations. The enclosed 1st floor decking area on the eastern elevation of the property also adds further bulk and massing.
- 3.4 The Authority concurs with the Planning Statement in that the removal of the flat roofed dormer windows and their replacement with conservation style rooflights of the property provides a visual improvement. However, the Planning Statement fails to mention that in order to achieve the equivalent headroom in the first floor section of the original cottage which the previous dormers provided, the eaves and ridge height of the roof have been raised increasing overall massing. In any case, it is considered therefore that the visual improvements resulting from the removal of the dormer windows and their replacement with conservation style rooflights, have been outweighed by the incongruous additions of the two storey side extensions.
- 3.5 The Authority's Design Guide on extensions under R3 provides an outline of what types of extensions to a 2 storey low cottage, which is considered to be the closest match to this property, are acceptable. It clearly indicates that flat roofs should be avoided, that the ridge and eaves height of the original cottage should not be excessively exceeded and that the extensions should not dominate the original dwelling. It is considered that the extensions fail to comply with these requirements. It is acknowledged that the eaves height of the previous extension did exceed that of the original dwelling however the design and roof profile of the previous extension was compatible with that of the original whereas the current proposal is not.
- 3.6 The term 'original dwellinghouse' is understood to refer to a dwellinghouse as it was built or as it was on 1 July 1948 if it was built before then. As outlined in the planning history section above, the previous additions to the original dwelling were approved and constructed after 1948 and therefore in this case, the original dwelling is considered to consist of the single storey cottage. The footprint of this cottage has been calculated, from the plans provided, to be 71.4 sqm. The footprint of the extensions, as applied for under this application, have been calculated to be 146.4sqm. This figure includes the enclosed area on the eastern side of the dwelling underneath the 1st floor decking leading off the kitchen as it contributes to the massing of the dwelling.

This could be the reason why these figures are greater than those provided in the Planning Statement. The footprint of the extensions are therefore approximately double that of the original dwelling. For reference, the footprint of the previous extensions to the dwelling have been calculated to be 64.5qm which were smaller than the footprint of the original dwelling. Even if it was argued that the previous extensions formed part of the original dwelling, which the Authority does not consider to be the case, then the current extensions still exceed the footprint of that original dwelling. Based on the above, the proposal is considered to represent an overdevelopment of the original dwelling, contrary to DP15.

- 3.7 DP1 requires that the scale and design of a building should be appropriate to its setting. It is acknowledged that the dwelling is set within a rural setting, outside of the settlement boundary. Whilst it is not readily visible within its immediate setting and is not read in conjunction with other neighbouring properties, it is situated at a higher vantage point and the increased massing of the dwelling combined with the degree of glazing results in the property being more visible overall within its setting when viewed from surrounding landscape and also from further afield due to the potential reflections and glaring resulting from the glazing. The Authority does not consider that the rural, partly remote location of the property alone renders the incongruous extensions acceptable.
- 3.8 DP6 requires the use of mineral slate roofing or an approved equivalent material with the same colour. It goes on to state that as an exception to the use of mineral slate roofing, alternative appropriately coloured and textured natural materials and appropriately designed and located renewable energy proposals will be considered. In this case, it has been outlined in the Planning Statement that the sedum roof provides benefits including reducing heating and cooling costs, providing habitat, and reducing water runoff. It is therefore, in this instance, accepted that the materials of the flat roof are a sustainable alternative, and further details of these could be conditioned in the event of the application being approved. However, it should be noted that the fact that the materials of the flat roof elements of the extensions are considered acceptable does not override the fact that the design of the flat roofs are unacceptable particular when considering the significant area of flat roof introduced to the property as a result of the extensions. A roof plan has not been submitted with the application and this would have been useful in terms of highlighting the significant amount of flat roof introduced to the property.
- 3.9 The materials proposed to be used on the elevations of the extensions have been outlined in the Planning Statement to consists mainly of aluminium glazing in black, recycled millboard burnt cedar effect cladding, and black zinc facias. Rather than blend in or match the original cottage, the use of these materials, in particular the large amount of glazing and the dark colour of the materials, rather exacerbate the incongruous appearance of the extensions. These elements of the materials are not therefore considered to comply with policy DP6.



- 3.10 The extensions are not positioned in close proximity to any neighbouring property and therefore there are no concerns in regard to overlooking, loss of light or outlook. The extensions do not result in the need for any additional parking to be incorporated on site as there is no increase in the total number of bedrooms. The existing provision to the front of the dwelling is therefore acceptable.
- 3.11 Strategic Policy D: Natural Environment outlines that proposals should not adversely affect the National Park's biodiversity resources including wider biodiversity resources such as habitats and species outside designated sites. No ecological surveys have been submitted to support this application and therefore it appears that no ecological surveys were carried out at the site prior to the works commencing. The Authority's Ecologist has been consulted on the application and has advised that, as a substantial amount of work has already been carried out on site, it is not possible to know what bat roosting and bird nesting potential may have been lost. From reviewing images of the site which predate the works, the surrounding habitat appears optimal for both. Therefore, the precautionary approach would need to be adopted, where compensation is required for the potential roosting/nesting opportunities that may have been lost as a result of the works already undertaken on site.
- 3.12 The Authority's ecologist has outlined a number of measures required to be implemented in order to adopt the precautionary approach. The Authority does not consider it reasonable to deal with these details by conditions as we would need to ensure that these details are acceptable prior to the determination of the application to ensure that the development does not result in an adverse impact on protect species, in line with SP D.
- 3.13 Furthermore, there is an obligation to incorporate biodiversity enhancement with any application as required by paragraph 6.4.5 of Planning Policy Wales (Edition 11, February 2021). A Biodiversity Enhancement Plan has been submitted which has been reviewed by the Authority's Ecologist who is of the opinion that the plan is too vague and appears as suggestions only. We would require the submission of a plan which clearly indicates location, specification and quantity of provisions. In-built nest/bat boxes are also preferred where viable.
- 3.14 Based on the above information, it is considered that insufficient information has therefore been submitted to ensure that the development does not have a detrimental impact on biodiversity, protected species and their habitats and the development is therefore considered contrary to SP D and Supplementary Planning Guidance for Nature Conservation and Biodiversity (February 2020).

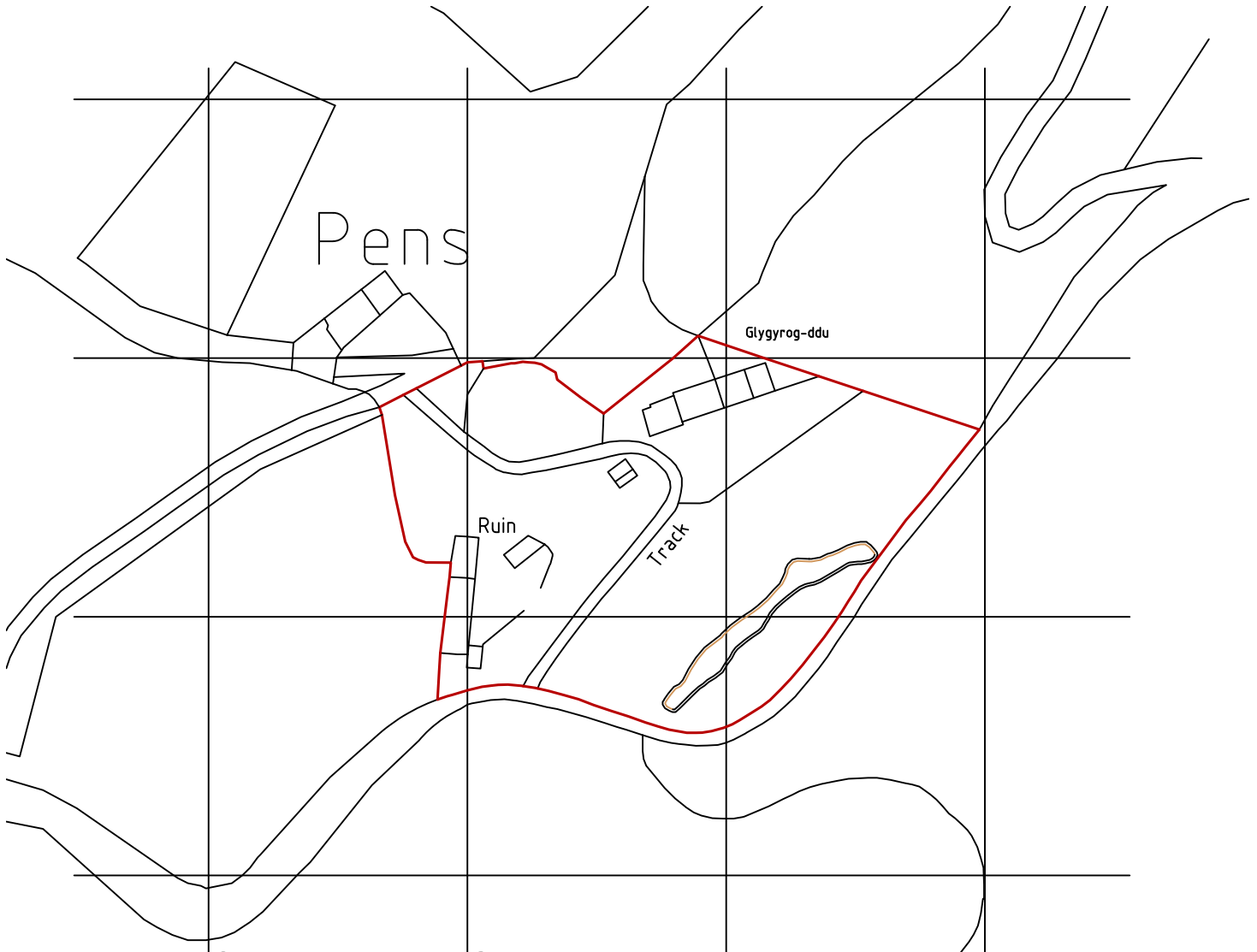
#### **4. Conclusion**

- 4.1 The extensions are, by virtue of their design, scale, form, massing, and materials, considered to be incongruous and prominent additions to the dwelling that conflict with the requirements of Development Policy 1, Development Policy 6 and Development Policy 15.
- 4.2 Insufficient information has been submitted to identify/address all ecological issues within the development site to demonstrate that the development does not have a detrimental impact on biodiversity, protected species and their habitats and the development is therefore contrary to Strategic Policy D and Supplementary Planning Guidance for Nature Conservation and Biodiversity (February 2020).
- 4.3 As this is a retrospective application, if the recommendation is supported and the application subsequently refused, the Authority will be drafting and issuing an Enforcement Notice.

#### **Background Papers in Document Bundle No.1: No**

**RECOMMENDATION: To REFUSE permission for the following reasons:**

- 1. The development, by reason of its design, scale, form and massing, as well as the use of inappropriate materials, represents an incongruous, prominent and overly dominant additions which harm and detract from the character and appearance of the original dwelling and its setting. The proposal is therefore in conflict with Development Policies 1, 6 and 15 of the Eryri Local Development Plan 2016 – 2031, as well as the Authority’s Design Guide, which seek to ensure that the nature, location and siting, height, form and scale of the development is compatible with the capacity and character of the site and locality within which it is located.**
- 2. The extensions are considered an overdevelopment of the original dwelling, contrary to Development Policy 15 of the Eryri Local Development Plan which states that extension to a dwelling will only be permitted providing that the floor area is less than the original dwelling.**
- 3. Insufficient information has been submitted to identify/address all ecological issues within the proposed development site, including compensatory and biodiversity enhancement measures, in order to demonstrate that the development does not have a detrimental impact on biodiversity, protected species and their habitats. The development is therefore contrary to Strategic Policy D: Natural Environment, adopted Supplementary Planning Guidance for Nature Conservation and Biodiversity (February 2020) which seeks to protect the National Park’s wider biodiversity resources including habitats and species outside designated sites as well as Planning Policy Wales (Edition 12, February 2024).**

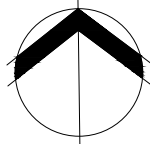


**CYNLLUN LLEOLIAD**  
**LOCATION PLAN**



**SCALE (1 to 1250 @ A1)**

**GOGLEDD /**  
**NORTH**



**GEORGE + TOMOS**  
**PENSEIRI : ARCHITECTS Cyf.**

12 Heol Penrallt, Machynlleth, Powys, SY20 8AL ☎ 01654 700337  
www.georgetomos.co.uk - georgetomos@yahoo.co.uk 📠 0845 280 3040

Revisions

Client

Mr & Mrs Baylis

LLEOLIAD/LOCATION

Project

ALTERATIONS GLYGYROG-DDU  
Aberdyfi

Job Nr.

21 / 40

Drawing Nr.

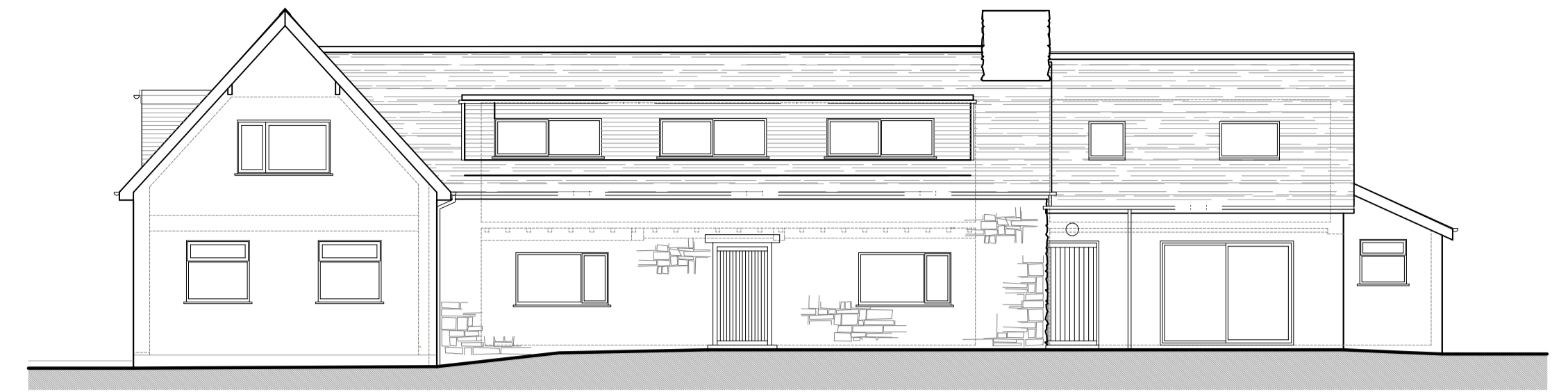
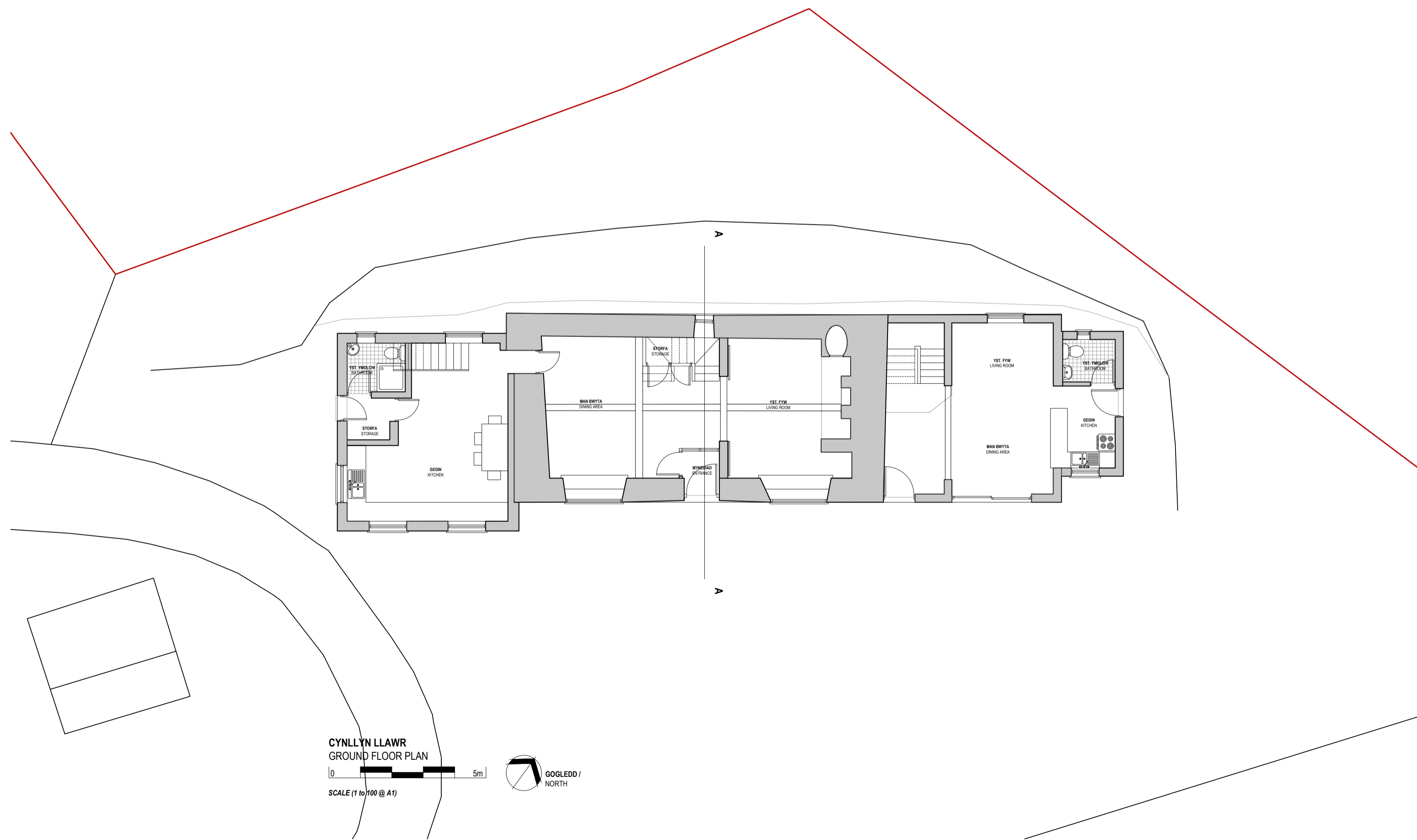
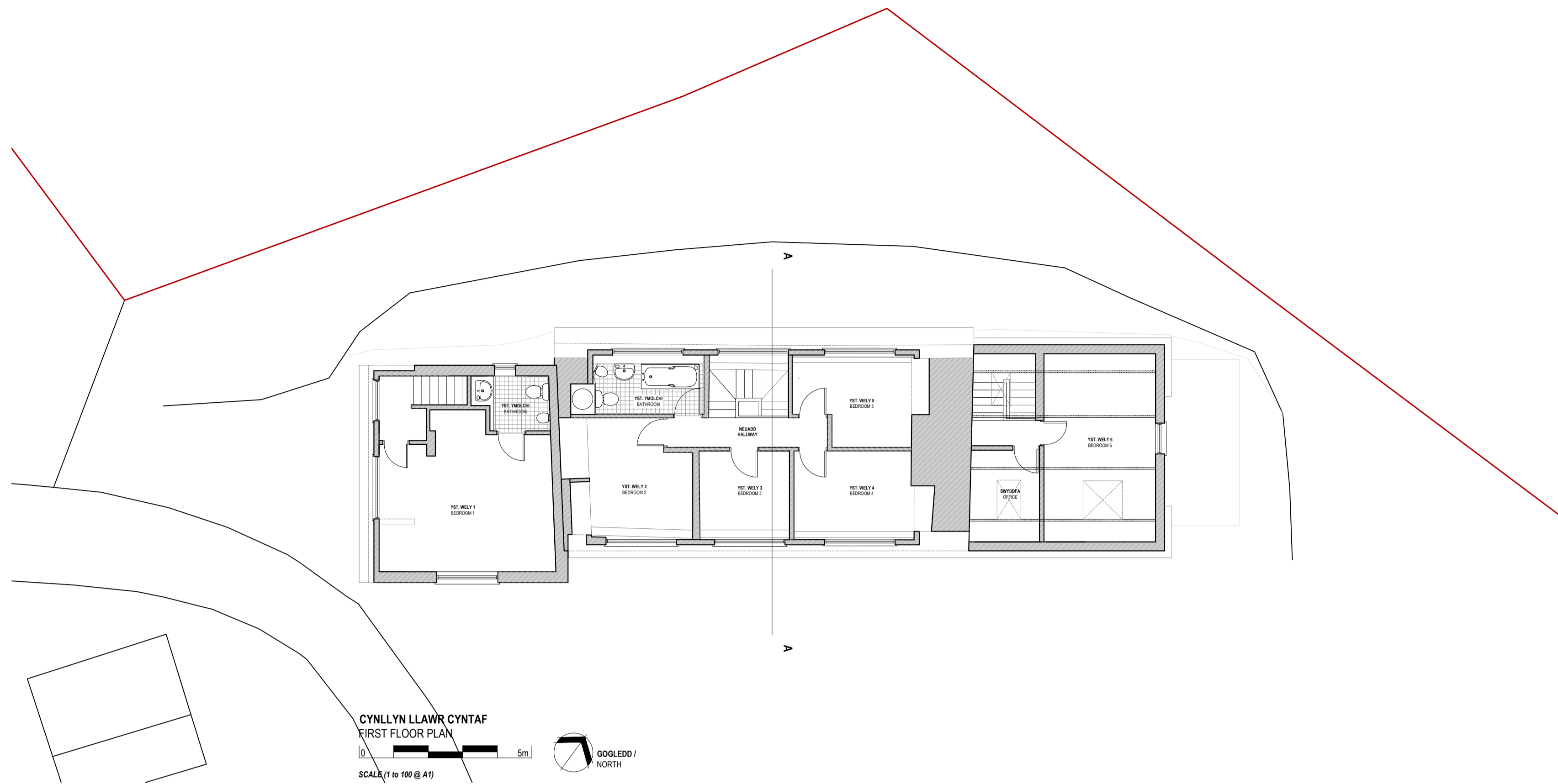
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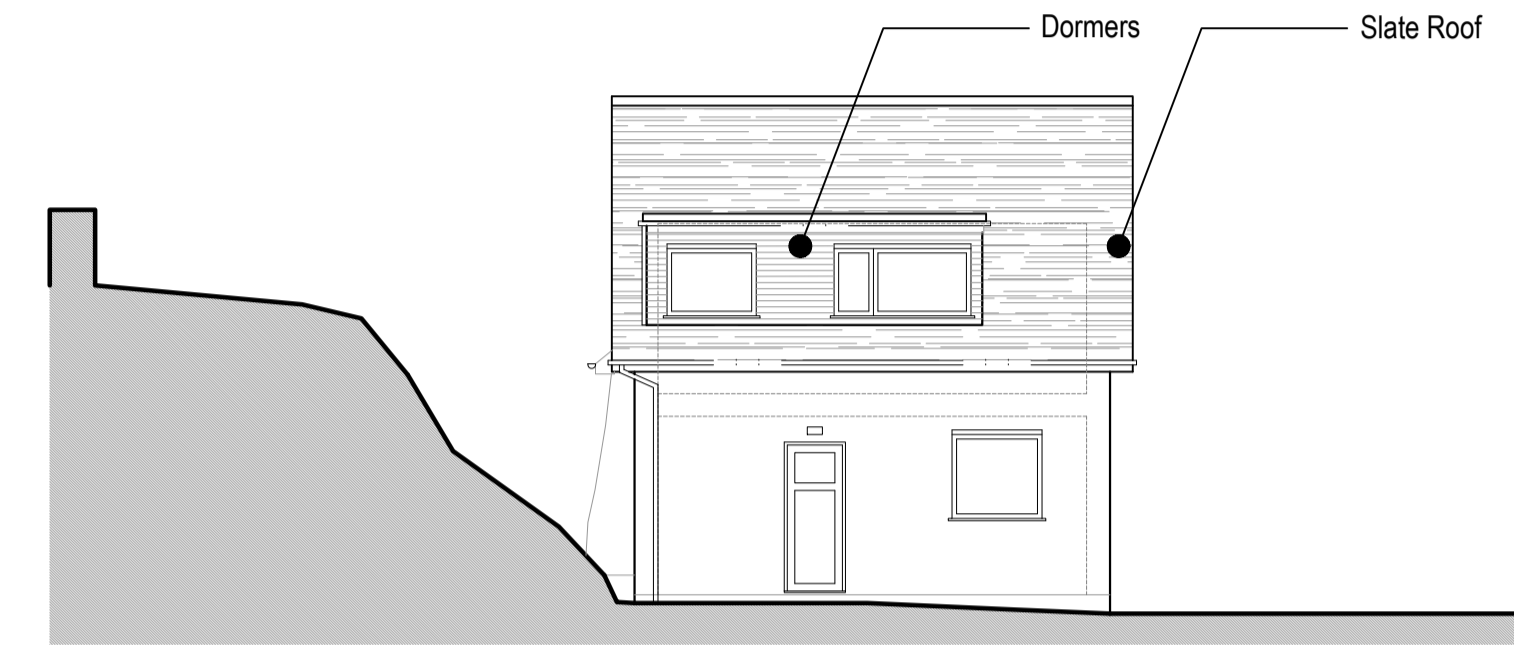
Dyddiad / Date

08/21 MH

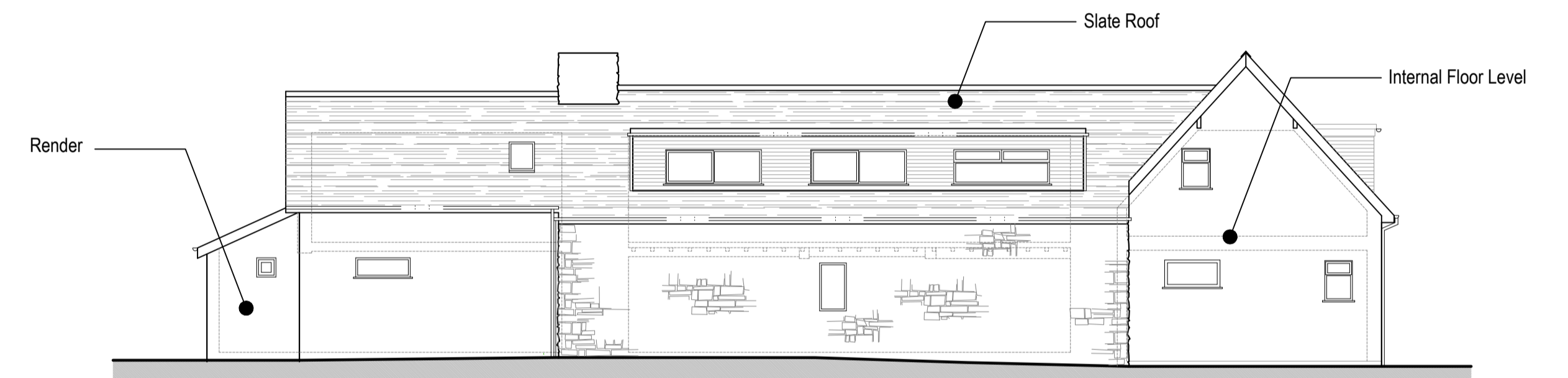
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EDRYCHIAD BLAEN  
FRONT ELEVATION



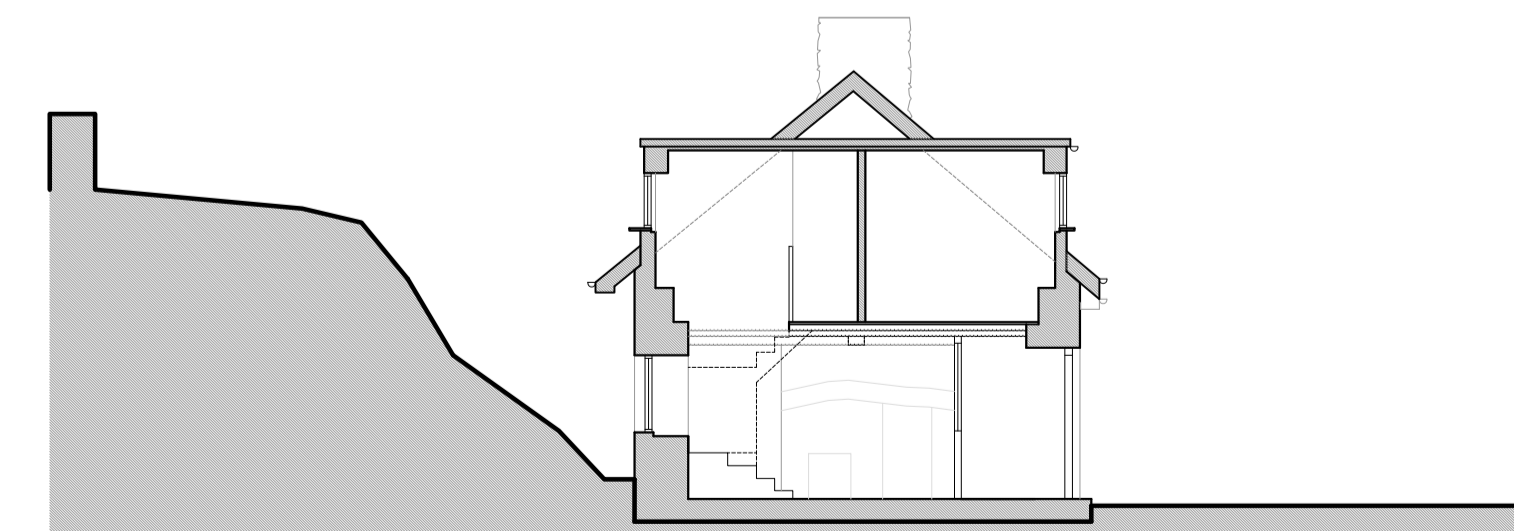
EDRYCHIAD OCHR  
SIDE ELEVATION



EDRYCHIAD CEFN  
REAR ELEVATION



EDRYCHIAD OCHR  
SIDE ELEVATION

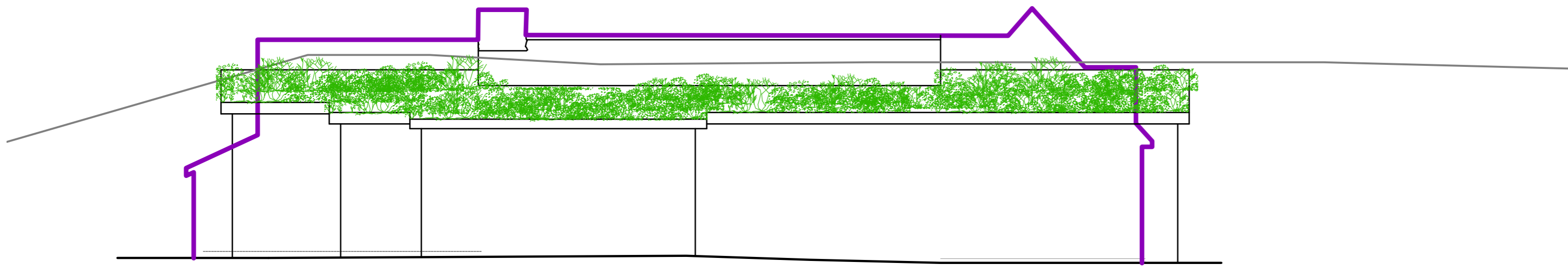


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SECTION AA

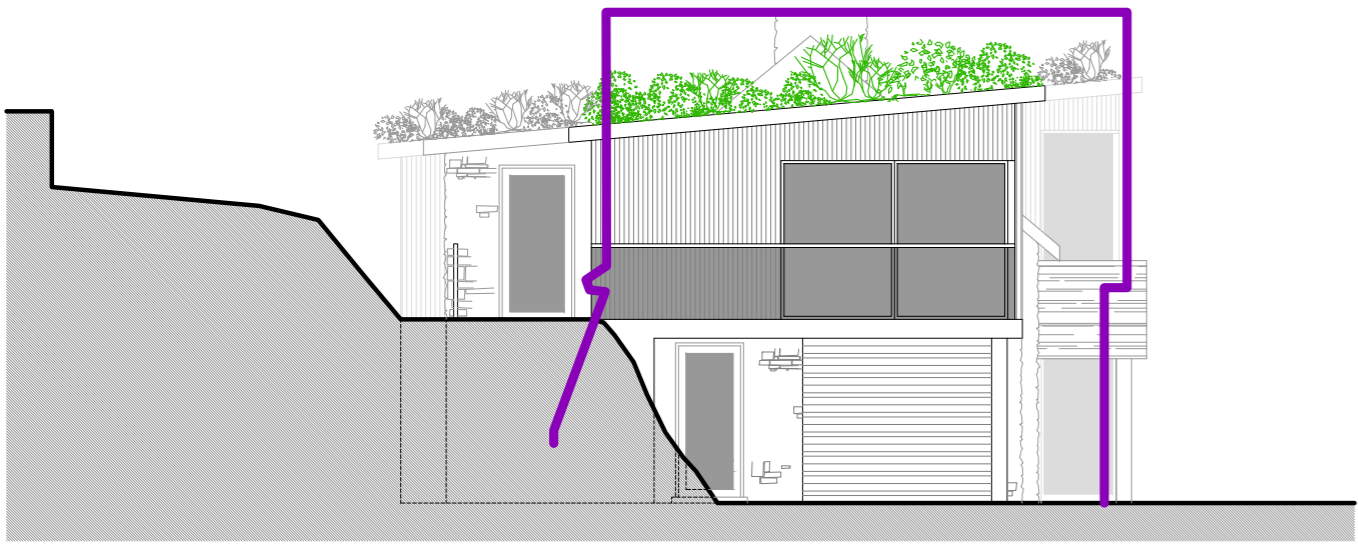
**GEORGE + TOMOS**  
PENSEIRI : ARCHITECTS Cyf.  
12 Heol Penrallt, Machynlleth, Powys, SY20 8AL ☎ 01654 700337  
www.georgetomos.co.uk - georgetomos@yahoo.co.uk 📠 0845 280 3040

Project  
Glygyrrog Ddu  
Alterations and Improvements

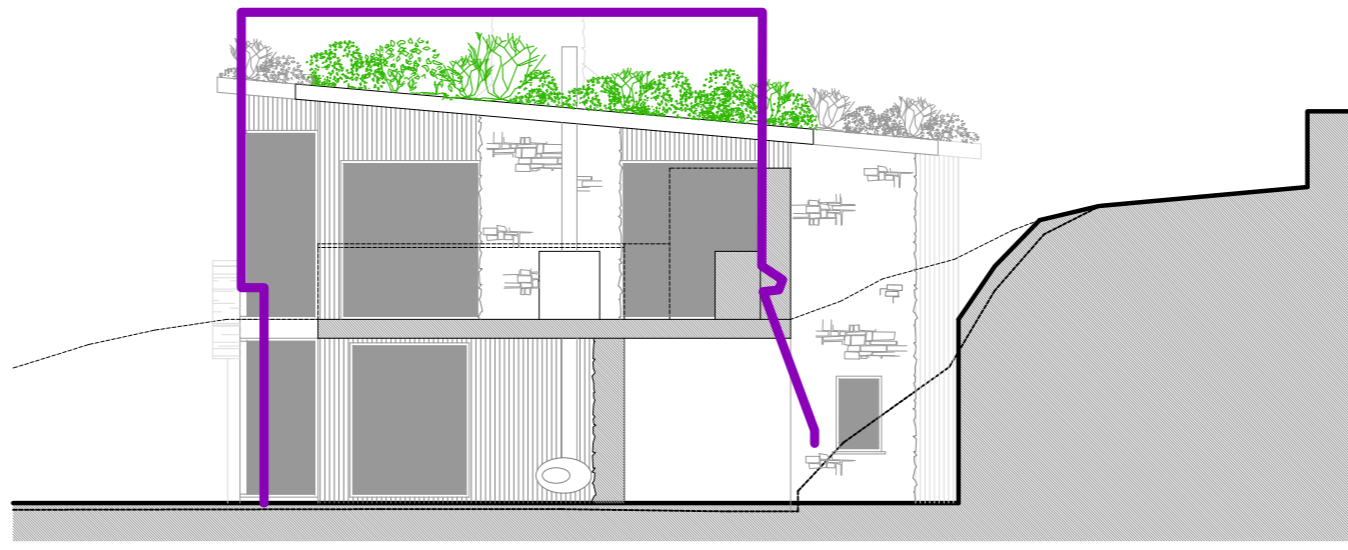
Client Nia & Ian Baylis	Job Nr. 21 / 40	Drawing Nr. S 01
EXISTING / PRESENOL	Graddfa / Scale 1:100 @A1 1:200 @A3	Dyddiad / Date 07/21 MH



EDRYCHIAD CEFN REAR ELEVATION



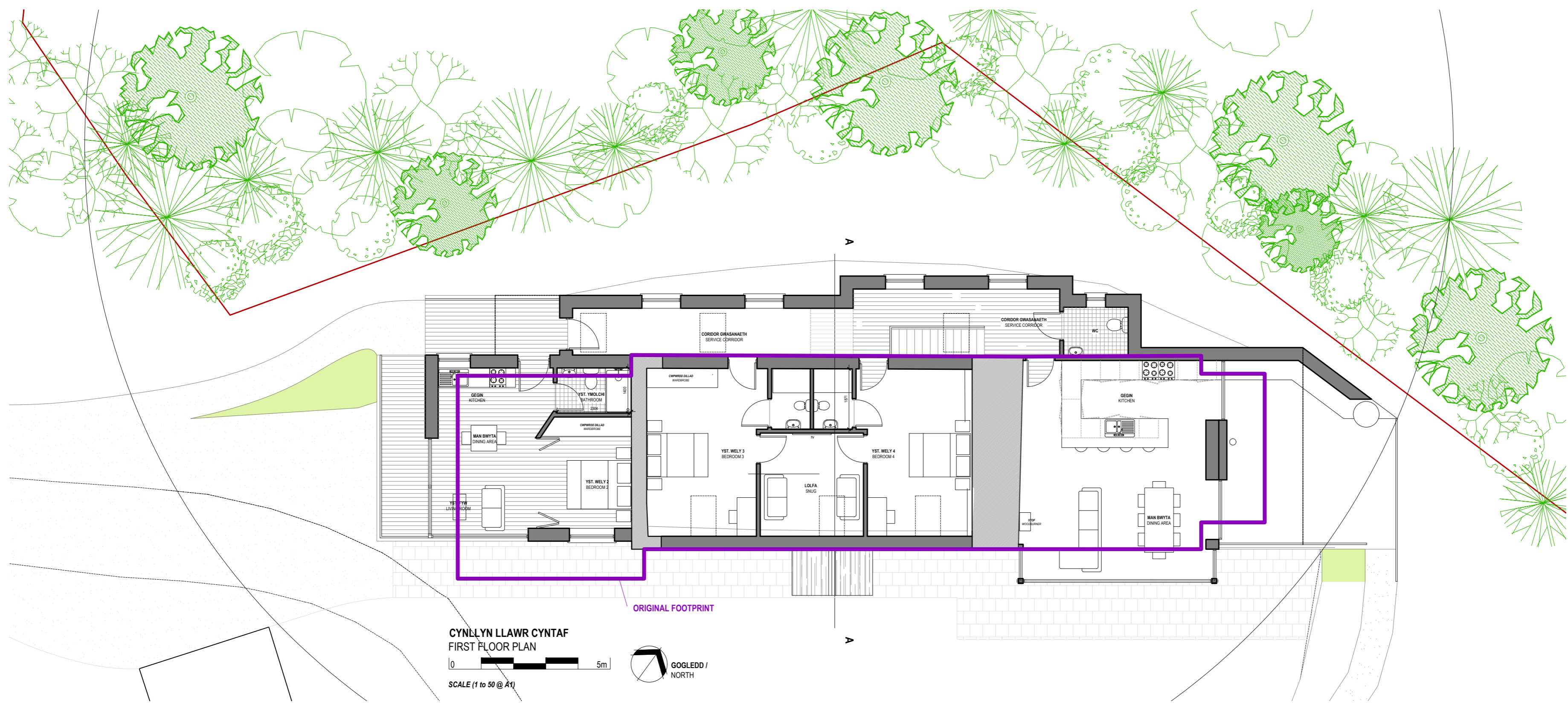
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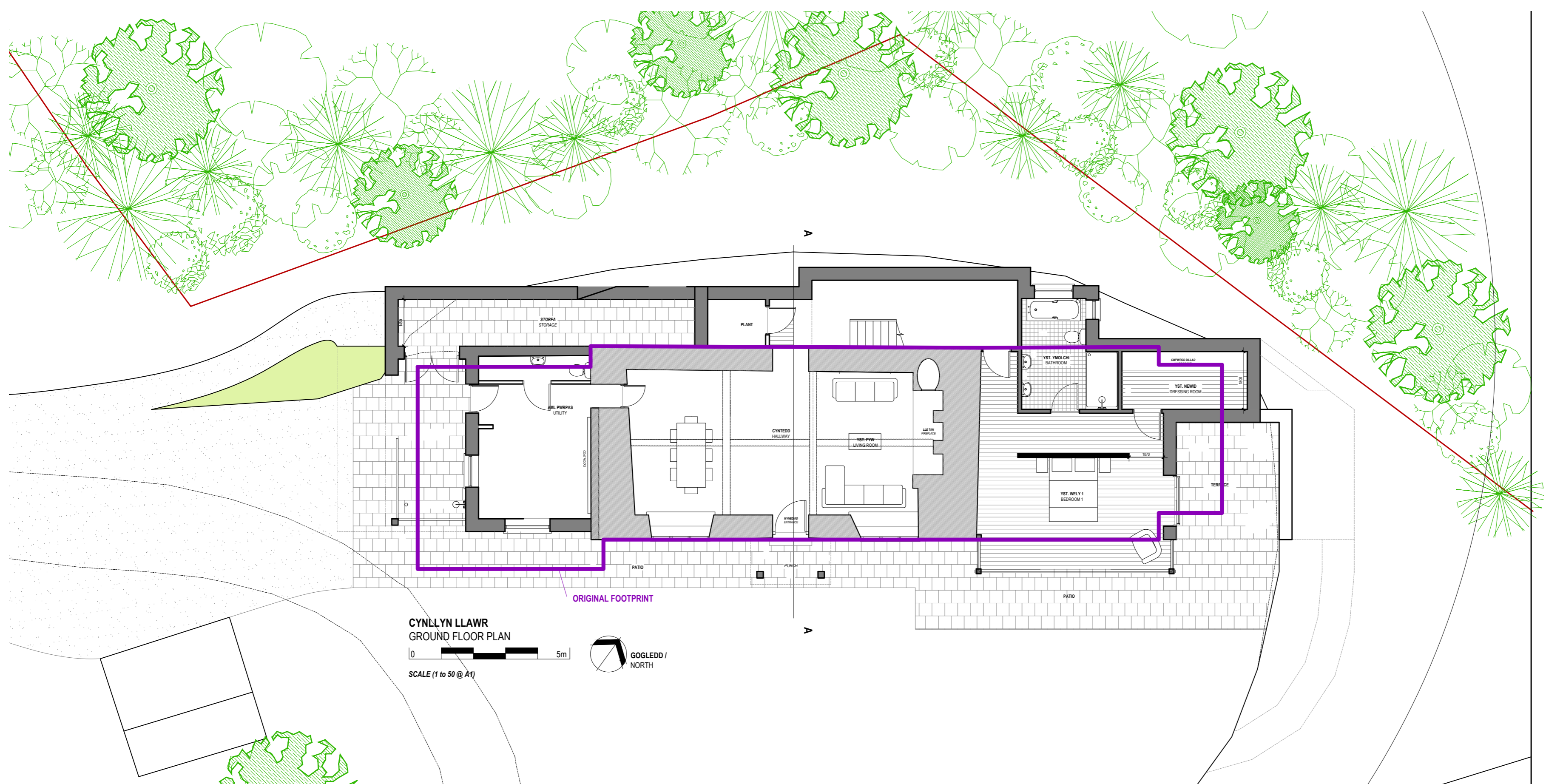
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EDRYCHIAD BLAEN FRONT ELEVATION



CYNLLYN LLAWR CYNTAF  
FIRST FLOOR PLAN  
SCALE (1 to 50 @ A1)



CYNLLYN LLAWR  
GROUND FLOOR PLAN  
SCALE (1 to 50 @ A1)

<p><b>GEORGE + TOMOS</b> PENSEIRI : ARCHITECTS Cyf. 12 Heol Penrallt, Machynlleth, Powys, SY20 8AL ☎ 01654 703337 www.georgetomos.co.uk - georgetomos@yahoo.co.uk ☎ 0845 280 3040</p>		Client	Mr & Mrs Baylis
		Project	ALTERATIONS GLYGYROG-DDU Aberdyfi
Job Nr.	21 / 40	Drawing Nr.	P1
Graddfa / Scale	1:100 @A1 1:200 @A3	Dyddiad / Date	08/21   MH

**Snowdonia National Park Authority      Date: 06-03-2024**  
**– Planning & Access Committee**

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**Application Number:** NP5/57/LB587H

**Date Application Registered:** 24/03/23

**Community:** Dolgellau

**Grid Reference:** 272785 317908

**Case Officer:** Mr David Jones

**Location:**

Plas Isaf, Lion Street, Dolgellau. LL40 1DG

**Applicant:**

Ian Strain & Hanneke Heeres  
 Plas Isaf  
 Lion Street  
 Dolgellau  
 Gwynedd  
 LL40 1DG

**Description:**

Removal of the existing timber boundary fence and erection of new 1 metre high stone boundary wall between Plas Isa Guesthouse and the Golden Lion Hotel, together with the installation of a new wooden gate between the existing stone pillars at the rear entrance to Plas Isa Guesthouse from the Marian Mawr car park

**Summary of the Recommendation:**

To GRANT permission subject to conditions relating to:

- Start work within 5 years.
- Accordance with approved plans.
- Gate to be metal and the design/colour to be approved.

**Reason(s) Application Reported to Committee:**

The planning application was included on the agenda of the January Planning Committee because Dolgellau Town Council supported the proposal, and the proposal was being recommended for refusal. The planning application was not discussed at the committee because queries were raised in relation to whether the building was listed.

The council's Heritage Consultants have subsequently reviewed the proposal, and the application can now be recommended for approval subject to amendments which can be secured by condition. In these circumstances the scheme of delegation would not require that the application is reported to the planning committee. The authority's monitoring officer has, however, advised that since the application was previously included on the January Planning Committee that it still needs to be considered by the committee.

## **Land Designations / Constraints:**

Within development boundary of Dolgellau  
Listed Building  
Setting Listed Buildings  
Conservation Area  
Zone C1 Development Advice Map

## **Site Description:**

This planning application relates to the rear of the Plas Isa Guest House which faces the public car park to the north. The property is a mid C18 House which is grade II listed as it is included under the grade II listing of the Golden Lion Royal Hotel. The planning history also indicates that Plas Isaf was historically part of the Golden Lion Hotel. The property is also located within a conservation area.

There is a Gwynedd Council car park to the north and there are a number of car parking spaces demarcated along the rear boundary of the site.

## **Proposed Development:**

The proposed development entails two elements as follows:

- Removal of an existing ranch style fence along the boundary with the Golden Lion Royal Hotel and its replacement with 1-metre-high stone wall.
- Installation of a gate on an access from Plas Isaf onto the car park to the rear. It appears that the proposal also includes the retention of a stone wall pillar on the eastern side of the gate.

## **Development Plan Policies:**

### *Future Wales 2040*

It appears there are no relevant policies in relation to this application.

### *Eryri Local Development Plan 2016-2031*

- SP A National Park Purpose and Sustainable Development
- DP 1 General Development Principles
- SP Ff Historic Environment
- DP 6 Sustainable Design and Materials
- DP 7 Listed and Traditional Buildings

### *Supplementary Planning Guidance*

- Supplementary-Planning-Guidance-1---Sustainable-Design-in-the-National-Parks-of-Wales

- Supplementary-Planning-Guidance-2---General-Development-Considerations

**National Policy/Guidance:**

- Planning Policy Wales (PPW), Edition 10 December 2018
- Technical Advice Note (TAN) 24: The Historic Environment

**Consultations:**

Consultees	Responses:
Dolgellau Town Council	Support the application on condition that the wooden gate opens inwards.
Senior Conservation Officer & Heritage Consultants	<p>The Senior Conservation Officer did not support the construction of a new stone wall to replace the timber fencing. In the view of the Senior Conservation Officer the ensemble of properties associated with the adjacent Golden Lion Royal Hotel should remain unified, without any barriers in heavy masonry.</p> <p>It was suggested to the applicant that they replace the existing timber post and rail fence with new timber of the same height, in a more durable hardwood as well as planting a trellis/hedge. It was also suggested that the gate should be constructed of metal as opposed wood, to match that present on the adjacent property.</p> <p>The role of the Senior Conservation Officer was taken over by Heritage Consultants in January 2024. Having initially queried the listing status of the building the Heritage Consultants confirmed that Plas Isaf is included in the Golden Lion Royal Hotel listing as a grade II listed building.</p> <p>The comments of the Heritage Advisers explain that Plas Isa and the Golden Lion Royal Hotel are in different ownership and that the style and scale of the two adjoining buildings convey different architectural construction periods. They go on to explain that whatever the possible linked previous history of the Golden Lion Royal Hotel and Plas Isaf, the present functions and appearance of the two buildings when viewed from the car park to the north is that of two separate structures.</p>



	<p>The previous Senior Conservation Officer sought to safeguard the historic open space to the rear of Plas Isaf and the former hotel. The Heritage Consultants, however, consider that the late 20th century development history of these properties has resulted in the rear areas having a markedly different character to the appearance of the site up to demise of the Golden Lion Royal Hotel. In their view the aspiration to maintain the look of the rear space as a conjoined area is no longer important. A low random rubble stone wall with stones on-end capping of the height proposed would not, in our opinion, adversely affect the setting of the former Golden Lion Hotel listed building and neither would it harm the special character of this part of the Conservation Area or significant views within the designated area. The new wall would relate well with the existing north boundary wall in their opinion. The proposal would then be likely to be an enhancement in comparison with the present 'ranch style' fence running along this boundary.</p>
Gwynedd Archaeological Planning Service (GAPS)	No comments.
Gwynedd Council Highways	No objection to this proposal; however, the applicant is advised that if they intend to provide vehicular access to the site, they need to come to an agreement with the parking manager regarding the matter.

**Response to Publicity:**

The application has been publicised by way of a neighbour notification letters and a site notice. No observations have been received.

**Assessment:**

1. *Background*

- 1.1. There is a separate report on this committee agenda in respect of a listed building consent for the same proposal.
- 1.2. This planning application was previously included on the agenda of the January Planning Committee with a recommendation of refusal as it was considered that the proposal would harm the special architectural and historic interest of the listed building.

The planning application and the associated listed building consent were not discussed at the committee because queries were raised in relation to whether the building was listed. On review of the proposals by the council's Heritage Consultants the merits of the proposal were reevaluated, and an amendment was also made to the proposal as explained in the main body of the report below.

- 1.3. Planning permission would usually not be required for the erection of a 1 meter high wall as this would be permitted development. However, this does not apply where it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

## 2. Principle of Development

- 2.1. Strategic policy I supports the accommodation industry by encouraging the improvement, sustainability, and quality of visitor accommodation. In principle the development proposed is acceptable under the provisions of this policy.
- 2.2. Strategic policies A, Ff and policy DP 7 are also material and seek to ensure that development respects and enhances the historic environment including Listed Buildings which form an integral part of the character and the Special Qualities of the national park. A detailed assessment of this aspect is undertaken in the next section of this report.

## 3. Planning Assessment

### 3.1. Heritage Asset

- 3.2. There is a general presumption in favour of the preservation of a listed building and its setting, further for development proposals affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building and its setting.
- 3.3. It has now been confirmed that the Plas Isaf building is a grade II listed building which was historically part of the Golden Lion Royal Hotel. This is reflected and explained in the listed building schedule which encompasses a group of buildings including Plas Isaf which are centred on the Golden Lion Royal Hotel.
- 3.4. The proposal is also within the Dolgellau Conservation area which encompasses the central part of the town. In determining planning applications there is a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation or its setting in statutory and policy terms.

3.5. As explained in the introduction of this report the proposal was included on the agenda of the January Planning Committee with a recommendation of refusal, which was based on the following being deemed unacceptable by the authority's Senior Conservation Officer:

- the replacement of the fence (along the boundary with the Golden Lion Royal Hotel) with a stone wall, as it was considered that the properties should remain unified in accord with the listing which states that the Plas Isaf building was historically part of the Golden Lion Hotel.
- the design and the materials of the braced timber gate was not considered appropriate.

3.6. On review, the Authority's Heritage Consultants (who replaced the Senior Conservation Adviser in January 2024) considered that the maintenance of an open aspect at the rear between the listed buildings is no longer considered important. This view is based on the Plas Isaf and the Royal Golden Lion Hotel being in different ownership, that they are used for different purposes and because the buildings are of different styles and scale due to having different architectural construction periods. In addition, the Heritage Consultants consider the replacement of the existing ranch style fence with stone wall of 1 metre in height would result in an enhancement in heritage terms because it is more appropriate in terms of materials and form.

3.7. In relation to the proposed braced timber gate the Senior Conservation Officer advised that a metal type gate to match the railings on the adjacent property (Royal golden Lion Hotel) would be more appropriate for a mid-18 century listed building in this location. This can be secured by planning condition to require full details the design and colour of a metal gate to be submitted to an approved in writing by the Local Planning Authority instead of a braced timber gate.

### **3.8. Other Matters**

3.9. There is a Gwynedd Council car park to the north and there are a number of car parking spaces demarcated along the rear boundary of the site. Any vehicles accessing the rear of the Plas Isaf Guest House would need to enter/exit through these designated car parking spaces.

3.10. Gwynedd Council Highways have stated that the agreement of the Gwynedd Council Parking Manger will be required for any vehicular access onto the public car park to the rear of the Plas Isa Guest House. Dolgellau Town Council have expressed their support for the proposal but have requested that the gate with the public car park opens inwards only. These are civil matters between the respective parties. An informative has been recommended which advises the applicant to liaise with Gwynedd Council.

#### **4. Conclusion**

- 4.1 The statutory and policy requirements require that special regard is given to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest. Given the advice of the Heritage Consultants, and subject to an amendment to the proposal to be secured through condition, it is now considered that the proposals would not harm the special architectural and historic interest of the listed buildings. On the same basis it is also considered that the proposal would conserve and enhance the designated conservation area.

#### **Background Papers in Document Bundle No.1: No**

#### **RECOMMENDATION: To GRANT permission subject to the following conditions:**

- 1) The development hereby permitted shall be commenced before the expiration of FIVE years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Plans & Photos REC01

Proposed Plan & Details PL01 C

Heritage Impact Assessment / Statement (March 2023) Catalina

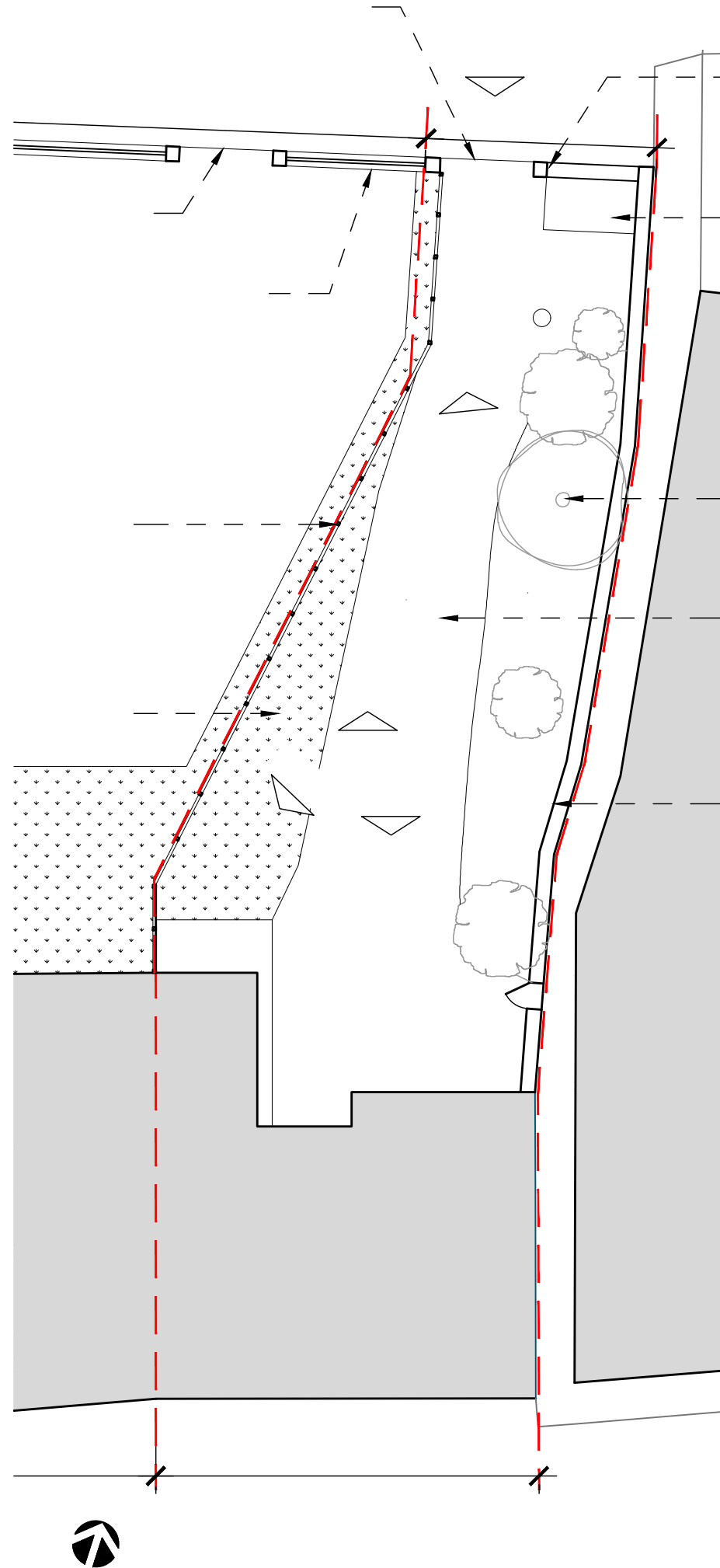
- 3) Notwithstanding the plans hereby approved the gate shall be constructed of metal and full details of its design and colour shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the details approved under the provisions of this condition.

#### **Reasons:**

- 1) To Comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
- 2) To define the permission and for the avoidance of doubt.
- 3) To safeguard the architectural and historic interest and character of the Listed Building.

#### **Informative**

Gwynedd Council Highways have stated that the agreement of the Gwynedd Council Parking Manager will be required for any vehicular access onto the public car park to the rear of the Plas Isa Guest House. You are advised to contact the Gwynedd Council Parking Manger in relation to this matter.



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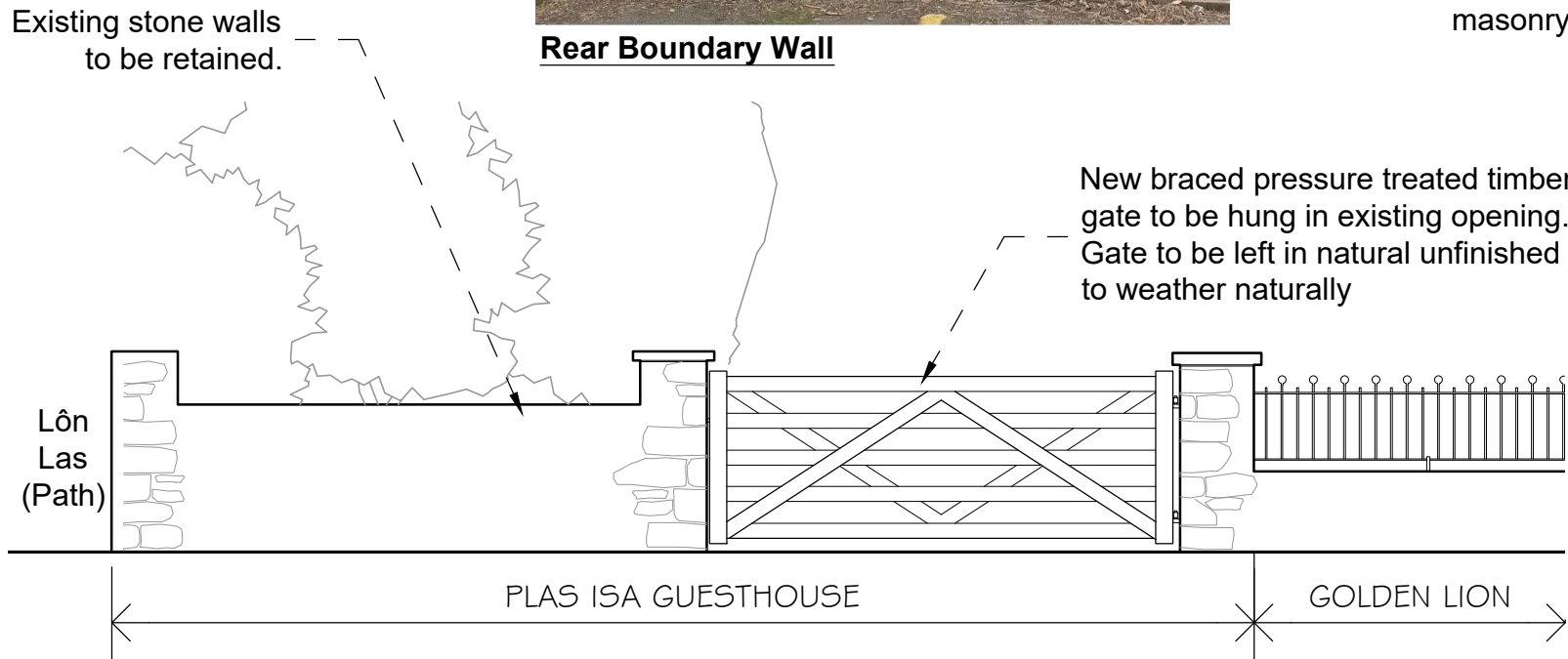


lan pensaerniaetharchitecture  
CATALINA



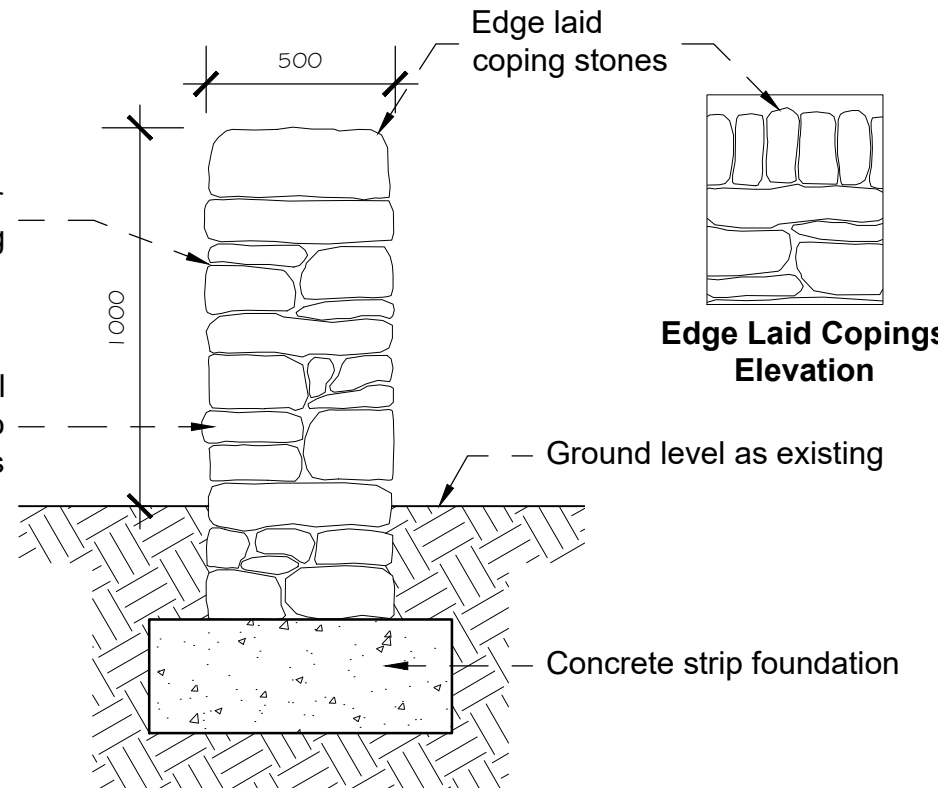


**Rear Boundary Wall**



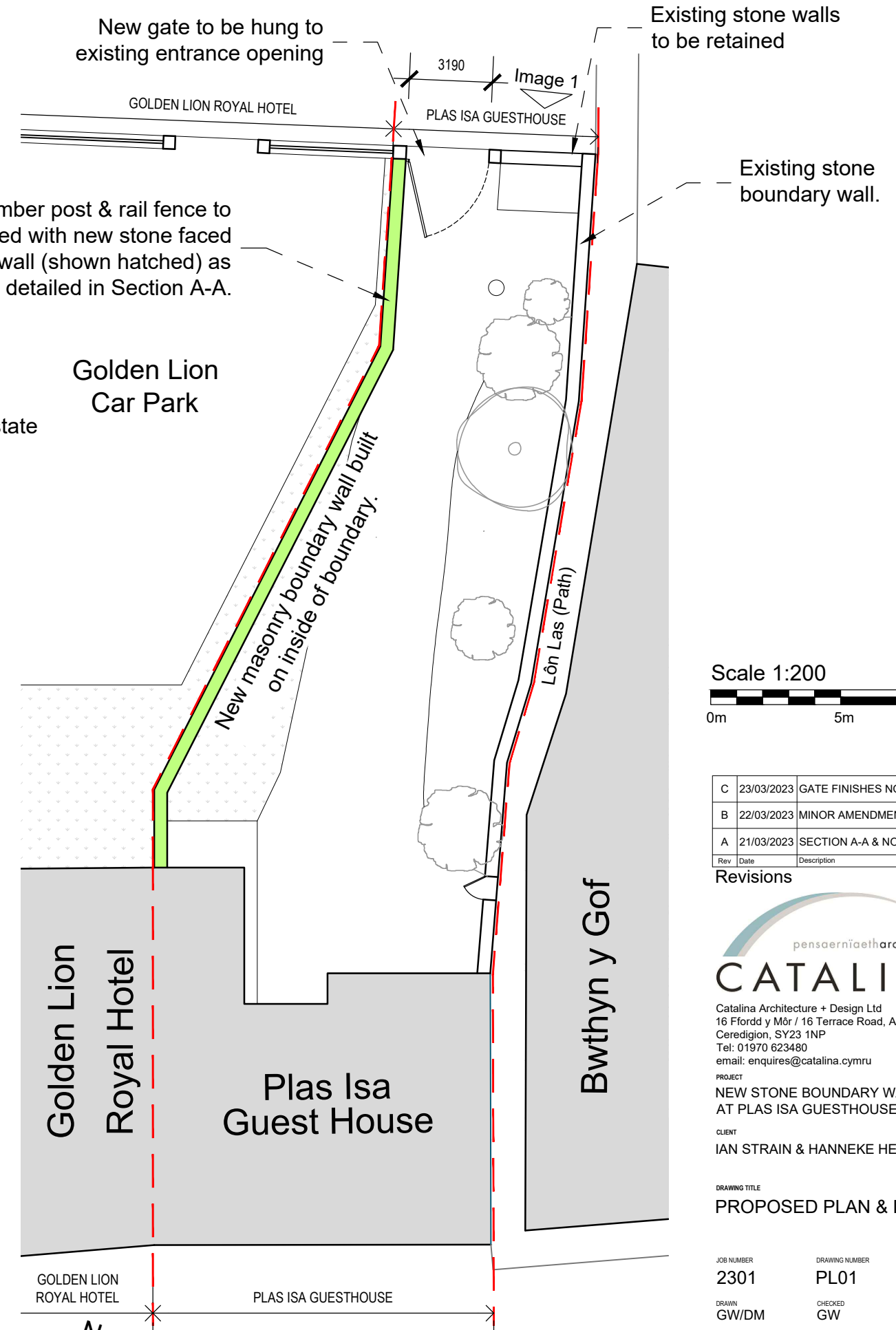
**North Elevation - Plas Isa Rear Entrance**

1:50



**Section A-A - New masonry wall**

1:20



**Proposed Site Plan**

1:200

Rev	Date	Description
C	23/03/2023	GATE FINISHES NOTE ADDED
B	22/03/2023	MINOR AMENDMENTS
A	21/03/2023	SECTION A-A & NOTES ALTERED.

**Revisions**

  
**CATALINA**  
 Catalina Architecture + Design Ltd  
 16 Ffordd y Môr / 16 Terrace Road, Aberystwyth,  
 Ceredigion, SY23 1NP  
 Tel: 01970 623480  
 email: enquires@catalina.cymru

PROJECT  
**NEW STONE BOUNDARY WALL AT PLAS ISA GUESTHOUSE**  
 CLIENT  
**IAN STRAIN & HANNEKE HEERES**

**PROPOSED PLAN & DETAILS**

JOB NUMBER	DRAWING NUMBER	REVISION
2301	PL01	C
DRAWN GW/DM	CHECKED GW	
SCALE As shown @ A3	DATE FEB 2023	

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**Snowdonia National Park Authority      Date: 06-03-2024**  
**– Planning & Access Committee**

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**Application Number:** NP5/57/LB587J

**Date Application Registered:** 24/03/23

**Community:** Dolgellau

**Grid Reference:** 272785 317908

**Case Officer:** Mr David Jones

**Location:**

Plas Isaf, Lion Street, Dolgellau. LL40 1DG

**Applicant:**

Ian Strain & Hanneke Heeres  
 Plas Isaf  
 Lion Street  
 Dolgellau  
 Gwynedd  
 LL40 1DG

**Description:**

Listed Building Consent for the removal of the existing timber boundary fence and erection of new 1 metre high stone boundary wall between Plas Isa Guesthouse and the Golden Lion Hotel, together with the installation of a new wooden gate between the existing stone pillars at the rear entrance to Plas Isa Guesthouse from the Marian Mawr car park

**Summary of the Recommendation:**

To GRANT permission subject to conditions relating to:

- Start work within 5 years.
- Accordance with approved plans.
- Gate to be metal and the design/colour to be approved.

**Reason(s) Application Reported to Committee:**

The listed building consent was included on the agenda of the January Planning Committee because Dolgellau Town Council supported the proposal, and the proposal was being recommended for refusal. The listed building consent was not discussed at the committee because queries were raised in relation to whether the building was listed.

The council's Heritage Consultants have subsequently reviewed the proposal, and the application can now be recommended for approval subject to amendments which can be secured by condition. In these circumstances the scheme of delegation would not require that the application is reported to the planning committee. The authority's monitoring officer has, however, advised that since the application was previously included on the January Planning Committee that it still needs to be considered by the committee.

**Land Designations / Constraints:**

Within development boundary of Dolgellau

Listed Building  
Setting Listed Buildings  
Conservation Area  
Zone C1 Development Advice Map

### **Site Description:**

This application for Listed Building Consent relates to the rear of the Plas Isa Guest House which faces the public car park to the north. The property is a mid C18 House which is grade II listed as it is included under the grade II listing of the Golden Lion Royal Hotel. The planning history also indicates that Plas Isaf was historically part of the Golden Lion Hotel.

### **Proposed Development:**

The works entail two elements as follows:

- Removal of an existing ranch style fence along the boundary with the Golden Lion Royal Hotel and its replacement with 1-metre-high stone wall.
- Installation of a gate on an access from Plas Isaf onto the car park to the rear. It appears that the proposal also includes the retention of a stone wall pillar on the eastern side of the gate.

### **Development Plan Policies:**

#### *Future Wales 2040*

It appears there are no relevant policies in relation to this application.

#### *Eryri Local Development Plan 2016-2031*

- SP A National Park Purpose and Sustainable Development
- DP 1 General Development Principles
- SP Ff Historic Environment
- DP6 Sustainable Design and Materials
- DP 7 Listed and Traditional Buildings

#### *Supplementary Planning Guidance*

- Supplementary-Planning-Guidance-1---Sustainable-Design-in-the-National-Parks-of-Wales
- Supplementary-Planning-Guidance-2---General-Development-Considerations

### **National Policy/Guidance:**

- Planning Policy Wales (PPW), Edition 10 December 2018
- Technical Advice Note (TAN) 24: The Historic Environment



## Consultations:

Consultees	Responses:
Dolgellau Town Council	Support the application on condition that the wooden gate opens inwards.
Senior Conservation Officer & Heritage Consultants	<p>The Senior Conservation Officer did not support the construction of a new stone wall to replace the timber fencing. In the view of the Senior Conservation Officer the ensemble of properties associated with the adjacent Golden Lion Royal Hotel should remain unified, without any barriers in heavy masonry.</p> <p>It was suggested to the applicant that they replace the existing timber post and rail fence with new timber of the same height, in a more durable hardwood as well as planting a trellis/hedge. It was also suggested that the gate should be constructed of metal as opposed wood, to match that present on the adjacent property.</p> <p>The role of the Senior Conservation Officer was taken over by Heritage Consultants in January 2024. Having initially queried the listing status of the building the Heritage Consultants confirmed that Plas Isaf is included in the Golden Lion Royal Hotel listing as a grade II listed building.</p> <p>The comments of the Heritage Advisers explain that Plas Isa and the Golden Lion Royal Hotel are in different ownership and that the style and scale of the two adjoining buildings convey different architectural construction periods. They go on to explain that whatever the possible linked previous history of the Golden Lion Royal Hotel and Plas Isaf, the present functions and appearance of the two buildings when viewed from the car park to the north is that of two separate structures.</p> <p>The previous Senior Conservation Officer sought to safeguard the historic open space to the rear of Plas Isaf and the former hotel. The Heritage Consultants, however, consider that the late 20th century development history of these properties has resulted in the rear areas having a markedly different character to the appearance of the site up to demise of the Golden Lion Royal Hotel. In their view the aspiration to maintain the look of the rear space as a conjoined area is no longer important.</p>

	A low random rubble stone wall with stones on-end capping of the height proposed would not, in our opinion, adversely affect the setting of the former Golden Lion Hotel listed building and neither would it harm the special character of this part of the Conservation Area or significant views within the designated area. The new wall would relate well with the existing north boundary wall in their opinion. The proposal would then be likely to be an enhancement in comparison with the present 'ranch style' fence running along this boundary.
Gwynedd Archaeological Planning Service (GAPS)	No comments.

### **Response to Publicity:**

The application has been publicised by way of a site notice. No observations have been received.

### **Assessment:**

#### *1. Background*

1.1. There is a separate report on this committee agenda in respect of the planning application for the same proposal.

1.2. This listed building consent was previously included on the agenda of the January Planning Committee with a recommendation of refusal as it was considered that the proposal would harm the special architectural and historic interest of the listed building. The listed building consent and the associated planning application were not discussed at the committee because queries were raised in relation to whether the building was listed. On review of the proposals by the council's Heritage Consultants the merits of the proposal were reevaluated, and an amendment was also made to the proposal as explained in the main body of the report below.

#### **2. Principle of Development**

2.1. Strategic policies A, Ff and policy DP 7 are material and seek to ensure that works respects and enhances the historic environment including Listed Buildings which form an integral part of the character and the Special Qualities of the national park. Development. A detailed assessment of this aspect is undertaken in the next section of this report.

#### **3. Planning Assessment**

##### **3.1. Heritage Asset**

- 3.2. There is a general presumption in favour of the preservation of a listed building and its setting, further for development proposals affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building and its setting.
- 3.3. It has now been confirmed that the Plas Isaf building is a grade II listed building which was historically part of the Golden Lion Royal Hotel. This is reflected and explained in the listed building schedule which encompasses a group of buildings including Plas Isaf which are centred on the Golden Lion Royal Hotel.
- 3.4. As explained in the introduction of this report the proposal was included on the agenda of the January Planning Committee with a recommendation of refusal, which was based on the following being deemed unacceptable by the authority's Senior Conservation Officer:
- the replacement of the fence (along the boundary with the Golden Lion Royal Hotel) with a stone wall, as it was considered that the properties should remain unified in accord with the listing which states that the Plas Isaf building was historically part of the Golden Lion Hotel.
  - the design and the materials of the braced timber gate was not considered appropriate.
- 3.5. On review, the Authority's Heritage Consultants (who replaced the Senior Conservation Adviser in January 2024) considered that the maintenance of an open aspect at the rear between the listed buildings is no longer considered important. This view is based on the Plas Isaf and the Royal Golden Lion Hotel being in different ownership, that they are used for different purposes and because the buildings are of different styles and scale due to having different architectural construction periods. In addition, the Heritage Consultants consider the replacement of the existing ranch style fence with stone wall of 1 metre in height would result in an enhancement in heritage terms because it is more appropriate in terms of materials and form.
- 3.6. In relation to the proposed braced timber gate the Senior Conservation Officer advised that a metal type gate to match the railings on the adjacent property (Royal golden Lion Hotel) would be more appropriate for a mid-18 century listed building in this location. This can be secured by planning condition to require full details the design and colour of a metal gate to be submitted to an approved in writing by the Local Planning Authority instead of a braced timber gate.

#### **4. Conclusion**

- 4.1 The statutory and policy requirements require that special regard is given to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest. Given the advice of the Heritage Consultants, and subject to an amendment to the proposal to be secured through condition, it is now considered that the proposals

would not harm the special architectural and historic interest of the listed buildings.

**Background Papers in Document Bundle No.1: No**

**RECOMMENDATION: That the application for listed building consent is referred to CADW with a recommendation that this authority is minded to grant listed building consent subject to the following conditions:**

1) The works hereby permitted shall be commenced before the expiration of FIVE years from the date of this decision.

2) The works hereby permitted shall be carried out in accordance with the following approved plans:

Existing Plans & Photos REC01

Proposed Plan & Details PL01 C

Heritage Impact Assessment / Statement (March 2023) Catalina

3) Notwithstanding the plans hereby approved the gate shall be constructed of metal and full details of its design and colour shall be submitted to an approved in writing by the Local Planning Authority. The works shall be carried out in complete accordance with the details approved under the provisions of this condition.

Reasons:

1) To Comply with the Planning (Listed Buildings and Conservation Areas) Act 1990

2) To define the permission and for the avoidance of doubt.

3) To safeguard the architectural and historic interest and character of the Listed Building.



Image 1



Image 2



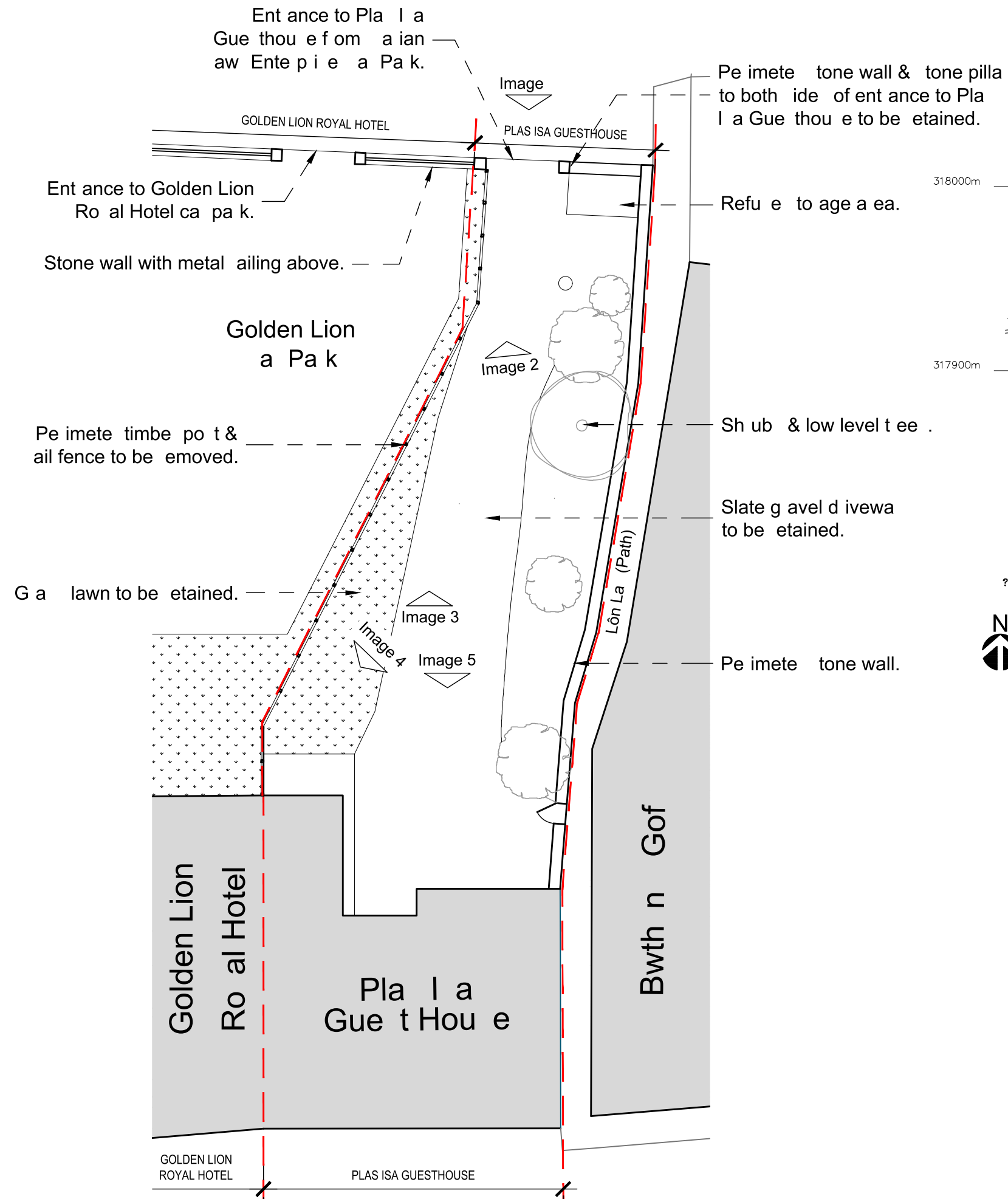
Image 3



Image 4



Image 5



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**Location Plan** pensaerniaetharchitecture  
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Revi ion

Rev	Date	De c iption



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PROJECT  
NEW STONE BOUNDARY WALL  
AT PLAS ISA GUESTHOUSE  
CLIENT  
IAN STRAIN & HANNEKE HEERES

DRAWING TITLE  
EXISTING PLANS & PHOTOS

JOB NUMBER	DRAWING NUMBER	REVISION
230	RE 0	
DRAWN D	CHECKED GW	
SCALE A hown @ A3	DATE FEB 2023	

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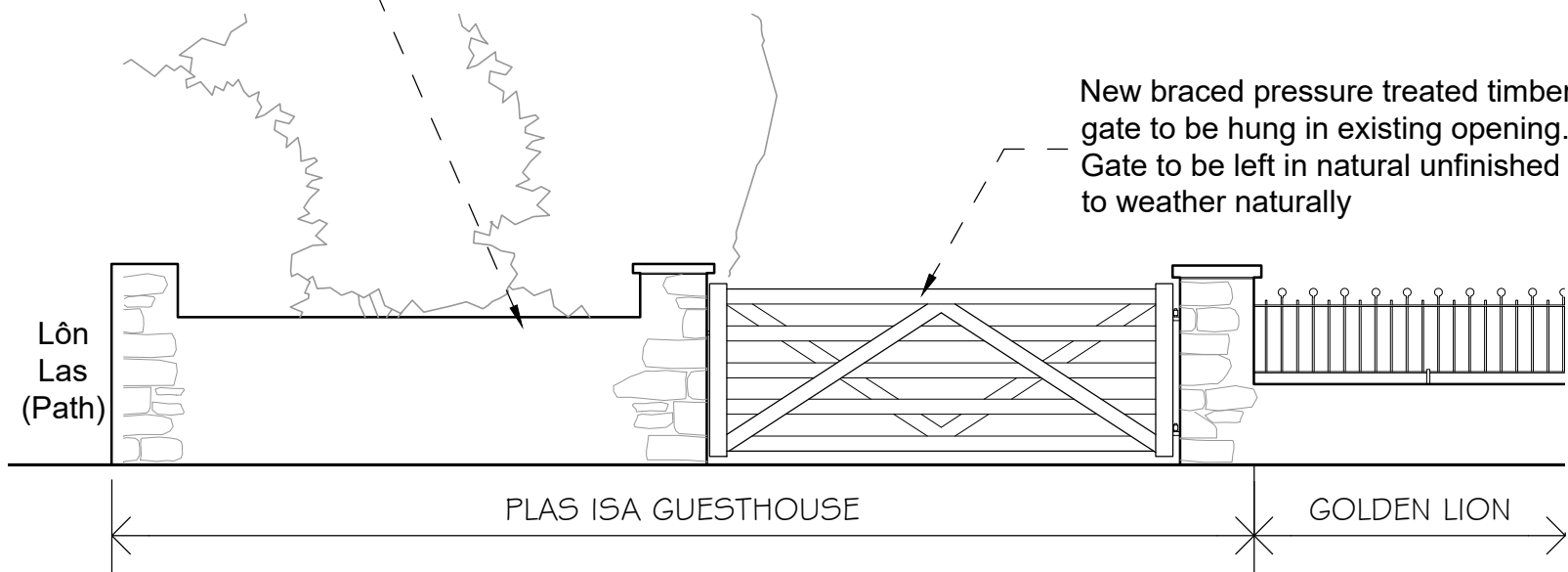
**Existing Site Plan**

:200



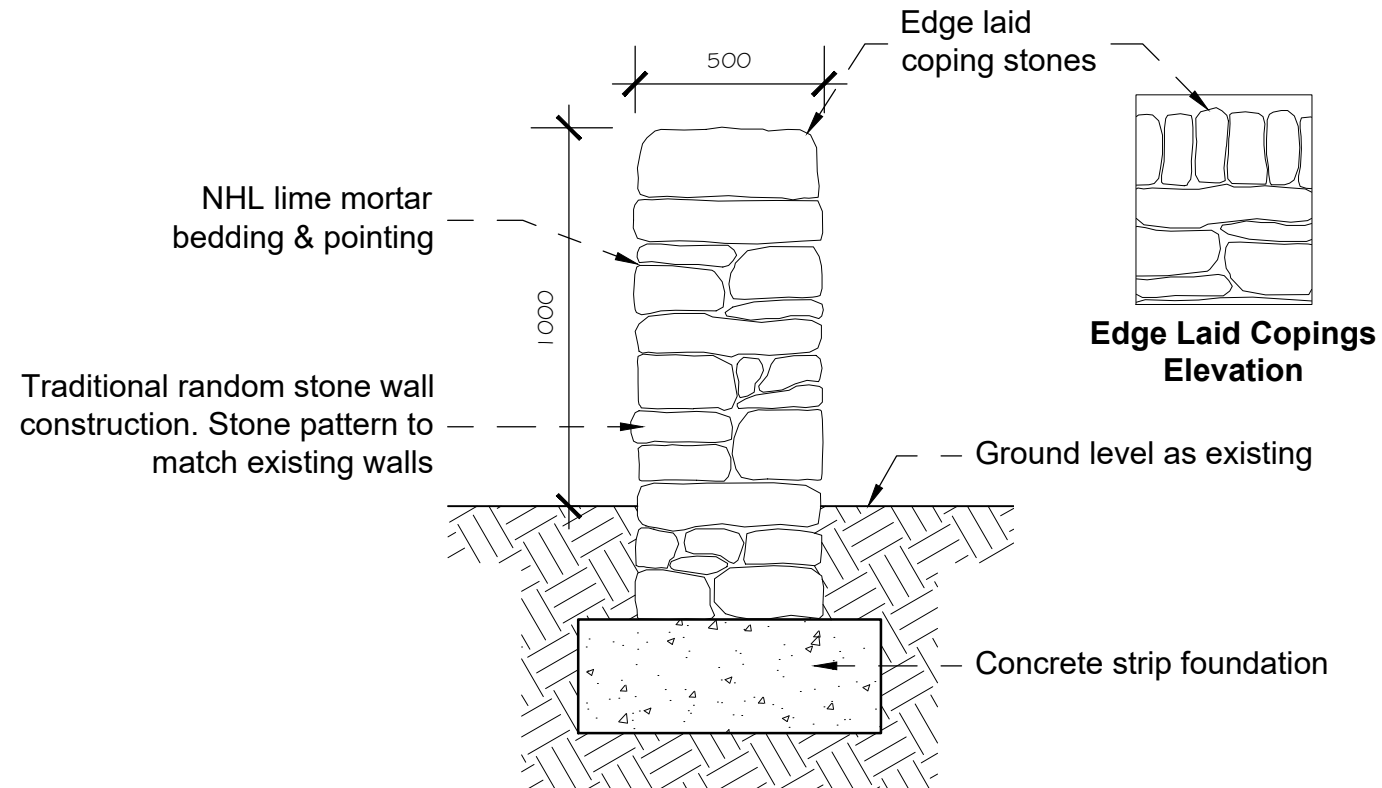
**Rear Boundary Wall**

Existing stone walls to be retained.



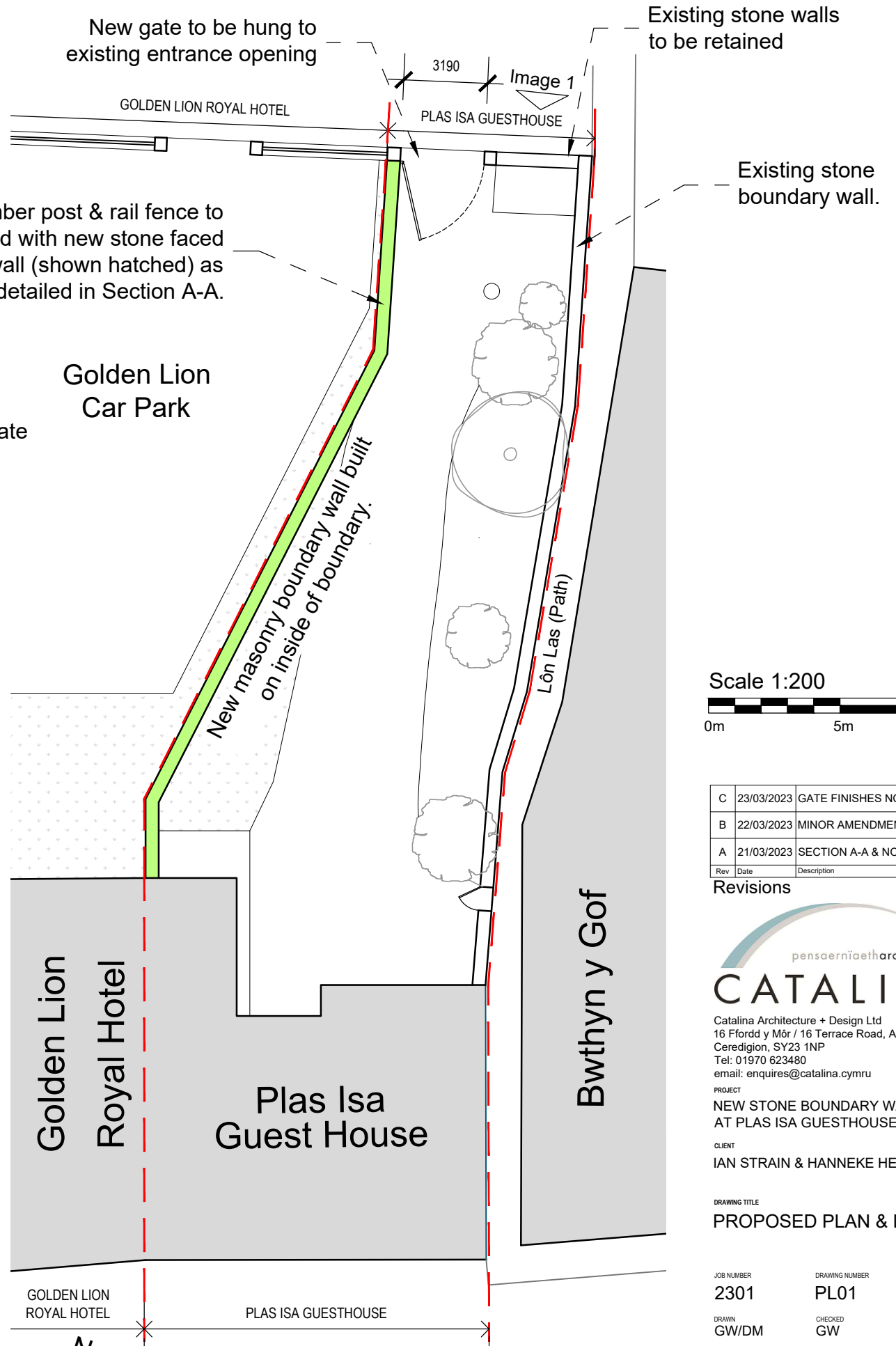
**North Elevation - Plas Isa Rear Entrance**

1:50



**Section A-A - New masonry wall**

1:20



**Proposed Site Plan**

1:200

Existing stone walls to be retained

Existing stone boundary wall.

Scale 1:200



Rev	Date	Description
C	23/03/2023	GATE FINISHES NOTE ADDED
B	22/03/2023	MINOR AMENDMENTS
A	21/03/2023	SECTION A-A & NOTES ALTERED.

Revisions



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PROJECT  
**NEW STONE BOUNDARY WALL AT PLAS ISA GUESTHOUSE**

CLIENT  
**IAN STRAIN & HANNEKE HEERES**

DRAWING TITLE  
**PROPOSED PLAN & DETAILS**

JOB NUMBER	DRAWING NUMBER	REVISION
2301	PL01	C
DRAWN GW/DM	CHECKED GW	
SCALE As shown @ A3	DATE FEB 2023	

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**ITEM NO. 5**

<b>MEETING</b>	Planning and Access Committee
<b>DATE</b>	March 6th 2024
<b>TITLE</b>	<b>Introduction of an Article 4 Direction to enable the management of the change of use from residential housing to holiday use (second homes and holiday accommodation) within the Eryri National Park area</b>
<b>REPORT BY</b>	Head of Planning Policy
<b>PURPOSE</b>	<p>Approve engagement on the proposed introduction of an Article 4 Direction (which only comes into force directly after 12 months) for the Eryri National Park Authority Area to revoke the permitted development rights for the following uses:</p> <p>(a) Change of use from C3 (main home) to C5 (second home) or C6 (short-term holiday accommodation) and specific mixed uses;</p> <p>(b) Change of use from C5 (second home) to C6 (short-term holiday accommodation) and specific mixed uses;</p> <p>(c) Change of use from C6 (short-term holiday accommodation) to C5 (second home) and specific mixed uses.</p>

**Introduction**

1. Following the publication of planning secondary legislation in the Autumn 2022, 3 new planning Use Classes have now been introduced namely:
  - C3 (Dwelling House, - used as a dwelling house as a sole or principal residence);
  - C5 (Dwelling House, Used as a dwelling house, except as a sole or principal residence)
  - C6 (Short-Term Let Accommodation).

2. Prior to these regulatory changes, the above uses would normally have been considered under a single Use Class (C3), so planning permission would not be required for a change from one to the other as it did not constitute 'development' as defined in planning legislation.
3. With the changes imposed by the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) and the Town and Country Planning (Use Classes 1987) Order in October 2022, changes between the different Use Classes now constitute 'development' ('development' usually means planning permission is required). However, at the same time, the General Permitted Development Order was amended to allow permissible changes between the new use classes, C3, C5 and C6. This basically means that the current position in Wales is that changes between any of the 3 new Use Classes would be 'permitted development' and planning permission would not be required.
4. These permitted development rights may be withdrawn within a particular area by an Article 4 Direction made by a local planning authority on the basis of sound local evidence. The removal of the development rights granted by Article 4 Direction would then make it necessary to submit a planning application for changes between the 3 new Use Classes.
5. It is emphasized that the introduction of an Article 4 Direction does not prevent development, rather than this, it means that planning permission must be obtained from the Local Planning Authority for the proposal. By requiring the need to receive planning permission it means that the impact of the development needs to be considered in line with the context of local and national planning policy.
6. Following the publication of the planning secondary legislation in Autumn 2022, officers have carefully assessed the evidence along with other practical issues to establish whether an Article 4 Direction should and could be introduced in Eryri. Members had an extensive discussion at the Members Working Group on October 18th 2023 where these issues were discussed in considerable detail. Furthermore, the Authority has had legal opinion regarding the relationship between Introducing an Article 4 Direction and existing policy in the adopted Local Development Plan. The legal opinion confirmed that Strategic Policy G provides an adequate policy 'hook' for the Local Planning Authority to decide planning applications for second and holiday homes and also confirmed that the policy hook is sufficient to proceed with the preparation and adoption of a Supplementary Planning Guide to provide further guidance. The legal opinion overcomes the policy risks highlighted in the October 2023 Members' Working Group (see Appendix 1).
7. It was reported to Members in the Authority's Planning committee on December 6th 2023 about the resource implications of actively introducing Article 4 Direction in Eryri and the impact of this on the Eryri Local Development Plan revision timetable. It was unanimously decided to go ahead and focus on the preparatory work for the Introduction of the Article 4 Direction in Eryri and delay the revision



of the Eryri Local Development Plan for the time being.

8. Gwynedd Council has already served an Article 4 Direction 'Notice' for the Gwynedd Planning Authority Area (i.e. the area of Gwynedd beyond Eryri National Park) in Summer 2023 and are now considering the comments received during the engagement period. If the Article 4 Direction is confirmed, it will come into force in September 2024. Authority officers are also in discussions with Conwy Council and are aware that discussions considering the introduction of an Article 4 Direction are ongoing, but to date they have not been through the political process.

### **Justification of Article 4 Direction in Eryri**

9. Over the past few months officers have been preparing a **Justification Report for the introduction of an Article 4 Direction for the Eryri National Park Planning Authority Area (Appendix 2)**. The report aims to consider, justify and reach a conclusion about the possibility of introducing an Article 4 Direction to control the use of houses within the communities of Eryri National Park, in accordance with the new power introduced by the Welsh Government through a recent amendment to planning legislation. A thorough assessment of all possible options has been undertaken to try to identify the preferred option and reach a final conclusion as to the need to introduce an Article 4 Direction and the area where it should be implemented. Below is a brief overview of the Justification Report:

#### Part 1: Introduction

10. In the first part of the justification report the Legislative and Planning context is provided. In addition, reference is made to relevant national and local acts, strategies and policies which set out the context and guidance as to the appropriateness of the introduction of an Article 4 Direction.

#### Part 2: Provision and location of holiday accommodation and second homes

11. In an effort to gain a better understanding of the seriousness of the problem it is essential to gather information relating to the baseline data on the number of holiday homes that exist across Eryri. The Authority has received Council Tax data relating to units paying a second home premium as well as non-domestic business tax data such as holiday accommodation from Gwynedd and Conwy County Councils. Council tax data enables the Authority to produce a figure relating to the total number of second homes and holiday accommodation within the boundaries of the National Park. The combined percentage of second homes and holiday accommodation for the National Park for 2023 is 17.4%, significantly higher than the figure for areas in the counties of Gwynedd and Conwy. There is no data available at National Park area level to enable us to go back in time but

looking at the data for Gwynedd and Conwy for the past few years, there is a pattern of increase in the combined percentage of second homes and holiday accommodation across both Counties. The justification report further explains the pattern of increases in second homes and holiday home numbers in both Counties.

### Part 3: Impact assessment – qualitative information

12. Part 3 of the justification report presents and analyses other relevant research in the field of second homes and holiday accommodation as well as referring to the evidence used in the related work undertaken to assess the impact.
13. In general, when considering and assessing the impact of holiday accommodation and second homes, themes become apparent that permeates throughout the relevant research, namely:-
  - Impact on the housing market
  - Impact on community facilities
  - Impact on the Welsh language
14. The analysis of this work highlights that the provision of holiday accommodation and second homes within communities affects the factors referred to above, however it is noted that it is not possible to state without doubt that the negative side effects are limited to being related to the provision of holiday homes only, with other influencing factors as well.

### Part 4: Impact assessment – Primary/quantitative information

15. Part 4 of the justification report shows the distribution of holiday homes across Eryri. The areas with rates over 10% represent the majority of Eryri's territory. There are 35 community councils out of 55 with a rate above 10% within, or partially within, Eryri National Park. Pockets of high rates can be seen, with 12 community councils above 20% distributed across Eryri. These are mainly located along the coast of Arduwy, Aberdyfi and South West Meirionydd, the area around Yr Wyddfa and Ogwen, along with Bro Machno. A map in the justification report shows the distribution of holiday homes across Eryri.
16. Part 4 also highlights that a significant proportion of prospective first-time buyers are priced out of the local housing market. Maps in the justification report show the percentage of households that have been priced out of the housing market per ward. Over 50% of households have been priced out of the housing market in all areas of Eryri. There are extensive areas where over 60%, 70% and 80% of households have been priced out of the market, particularly in the Northern and Southern areas. The figure for Eryri as a whole, based on minimum quarterly income, is 65.6% households priced out of the market. Along with affecting housing prices and affordability, the report discusses the impact on the provision of community facilities that meet the needs of the local population together with the impact on the Welsh language.

## Part 5: Intervention options

17. Previously, (before the Planning legislation was changed), the ability of local authorities to control the housing market, i.e. who occupies and uses houses was limited to new housing. The new measures that have been introduced through the changes to planning legislation and intervention options enable Local Authorities and Local Planning Authorities to respond flexibly to the challenge facing communities with a high rate of holiday homes in line with the requirements and circumstances in specific areas.
18. It is essential that due consideration is given to all the control measures that can be implemented to gain better control of the use of houses as holiday accommodation and second homes.
19. Part 5 details the interventions available to Authorities to try to control the use of holiday accommodation and second homes. Other control measures that may be implemented at this time or under consideration include:-
  - Intervention via local planning policy; for example limiting new housing use so that they are primary residential;
  - Financial intervention: increase the second home premium and amend the criteria for eligibility to pay the non-domestic business tax;
  - Licencing; On the 9th of January 2024, the Welsh Government announced their intention to introduce a statutory registration and licensing scheme for all visitor accommodation in Wales. Having a complete data source will enable better management and clarity in relation to the number and concentration of holiday accommodation in specific areas.
20. It is noted that action on a package of control measures is necessary to ensure the success of the wider objective sought to be achieved. Eryri National Park Authority is just a Local Planning Authority, and therefore can only intervene via the use of planning legislation. The importance of close collaboration between the County Councils and Eryri National Park Authority on these interventions is highlighted in the report.

## Part 6: Article 4 Area Options

21. The evidence presented in the Justification Report highlights the need to act urgently, to try to reverse the repercussions of holiday homes on communities and ensure fairness and opportunities for Eryri residents.
22. Part 6 of the justification Report considers 3 possible options in relation to areas where consideration of the implementation of Article 4 Direction is justified, namely:-
  - Option 1: Areas where current provision of holiday homes exceeds a certain threshold of the housing stock
  - Option 2: Threshold areas and surrounding communities threatened

- by encroachment
- Option 3: Eryri as a whole (Eryri National Park Local Planning Authority Area)

23. In considering these options a detailed assessment of the relevant pros and cons has been undertaken.

#### Part 7: Conclusions

24. Because the implementation of an Article 4 Direction in this way is unprecedented, it is not possible to predict or quantify the implications that might result from its implementation. Inevitably, intervention by introducing an Article 4 Direction and thereby controlling the use of residential units would have a (possibly minimal) impact on the value of the property on the open market. As such it is inevitable that the Article 4 Direction would have a similar effect on house prices.
25. Another impact is the threat of a potential increase in holiday home ownership in those areas not restricted by the Direction, resulting in the problem moving from one area to another. This can be a real threat to the affected communities.
26. As previously mentioned, the Authority is aware that Gwynedd Council has imposed an Article 4 Guidance 'Notice' for the Gwynedd Planning Authority Area (the area of Gwynedd which is beyond Eryri National Park); if ratified, it will come into force in September 2024. Authority officers are in regular discussions with Conwy County Council officers on matters relating to the introduction of an Article 4 Direction. The introduction of an Article 4 Direction would ensure consistency with Gwynedd Local Planning Authority and avoid encroachment into border communities. By introducing an Article 4 Direction for the whole area and working closely with the Councils, it ensures that residents' amenities are protected and ensures that the vision and objectives of a range of relevant strategies and policies are taken into account when assessing the appropriateness of the prospective development (in line with local planning policy guidance). Further it is stated that dealing with the introduction of an Article 4 Direction across Eryri in this way would ensure that there is no doubt about the geographical area in which the intervention is implemented and ensures that all residents are subject to the same intervention/protection.
27. Following the analysis of the options discussed in Part 6 of the justification report, it is therefore noted that the preferred option for the introduction of an Article 4 Direction is **Option 3: Eryri as a whole (Eryri National Park Local Planning Authority Area)**. It is hoped that by implementing it this way, the vulnerable communities of Eryri in terms of their social, economic and cultural sustainability will be protected.

## Contents of the Article 4 Direction

28. It is possible to tailor the content of the Article 4 Direction to achieve what is sought to be delivered. In order to protect the communities of Eryri and ensure that housing stock is not lost to uncontrolled holiday use, it is considered appropriate that the Article 4 Direction removes permitted development rights to a change of use from residential house use class (C3) to holiday use, whether C5 or C6 use. Similarly, in order to facilitate the ability for second homes and short-term holiday accommodation (not restricted by planning permissions) to transfer back into the housing stock, it is not considered appropriate to intervene on the ability to do so by introducing an Article 4 Direction, as such the unrestricted transfer from C5 or C6 use to C3 use will be able to continue. It is noted that the legislation allows for mixed uses of these use classes, for example changing use from purely C3 use to C3/C6 mixed use. Following the principle set out above in order to protect the residential housing stock, it is proposed to limit the mixed use which would result in the loss of purely residential uses. It is possible to examine the contents and trajectory of the permitted development rights, intended to be revoked by the introduction of the Article 4 Direction in the latter part of the Justification Report (Appendix 2) together with **the copy of the 'notice' and the Direction to be found in Appendix 3 and 4.**

## The Route of the Article 4 Direction

29. Procedures laid out in legislation must be followed during the introduction and implementation of an Article 4 Direction. The procedure is laid out in the Town and Country Planning (General Permitted Development) Act 1995 as amended. In accordance with the recent amendment to the relevant legislation it is possible to introduce two types of Article 4 Direction, namely:-

- A direction that comes into force directly which means that the Article 4 Direction comes into force before public consultation.
- A direction that does not come into force directly which means that there is a public consultation before the Article 4 Direction comes into force.

30. It is considered that there are pros and cons associated with both routes. It is emphasised that the right to compensation which would be payable in relation to the Article 4 Direction which comes into force directly is a significant risk to the Authority. In accordance with the need to avoid having to pay compensation, the option of implementing an Article 4 Direction which does not come into force directly which will include 12 months' notice before the Article 4 Direction comes into force (which removes the right to compensation) is considered to be the appropriate option to take in order to protect the interests of the Authority.

## **Serving the 'Notice'**

31. Subject to the decision of the Planning and Access Committee, it is proposed to serve the 'notice' of the Article 4 Direction as soon as practicable possible following the decision. Presenting the notice will include:-
- Local advertisement;
  - Site advertisement for a period of 6 weeks.
  - Submit the notice for the attention of all residential property owners of the Eryri National Park Authority area in the form of direct correspondence.
32. The 'Notice' along with all related documents (including the Justification Report and Article 4 Direction) will be available for inspection on the Authority's website, at the Authority's HQ and at certain Tourist Information Centres and libraries.
33. As part of the process of serving the notice details will be included regarding the opportunity to comment on the proposal. The statutory requirement is to maintain an engagement period of at least 21 days. To facilitate the submission of comments there is a planned engagement period of 6 weeks which is a period longer than the statutory requirement. Serving the notice and the engagement exercise will take place in Spring 2024.
34. To facilitate the submission of comments consultation software will be used and promoted on the Authority's website. Further correspondence in the form of emails or letter will also be welcome.

## **Raising Awareness**

35. Since the proposal of introducing an Article 4 Direction affects all residential properties across the Eryri National Park area, it is important to seek to raise awareness and raise publicity appropriately, thereby ensuring that opportunities exist for representations.
36. A dedicated webpage on the Authority's website will contain all relevant information to assist members of the public to understand the proposal and its implications. This page will contain a series of questions and answers which will be revised as needed.
37. The Authority's use of social media is also seen as an extremely useful and far-reaching method of raising awareness. Throughout the engagement period there will be constant updates posted on social media.
38. As already mentioned, in accordance with the regulations, it is requirement to notify the people affected by the proposal if it is considered reasonable to do so as set out below:

*by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates, but this is subject to sub-paragraph (2).*

*(2) The local planning authority need not serve notice on an owner or occupier in accordance with sub-paragraph (1)(c), if they consider that—*

*(a) individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person, or*

*(b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable, but this is subject to sub-paragraph (3).*

*3) Sub-paragraph (2) does not apply where the owner or occupier is a statutory undertaker or the Crown.*

39. As laid out above there is no requirement to inform every owner or occupier if it is impractical to do so due to the size of the area or if it is difficult to identify or locate that person. However, due to the nature of the proposal we want to raise extensive awareness among local residents within Eryri National Park and therefore want to make every effort to inform all residential houses in the Eryri National Park Authority area of the proposal via paper correspondence. A clarification letter will be sent out to residential properties within Snowdonia National Park.

40. Furthermore, we will be organising a Communities Forum with representatives from Eryri National Park Community and Town Councils in the Spring 2024.

## **Confirmation**

41. The Authority will be required to give due consideration to the comments received during the engagement period. The intention is to submit those comments to the Authority's Planning and Access Committee together with the Authority's response to the comments in the form of a Consultation Report. This information will be submitted as part of the information pack related to the Authority's decision to confirm the Article 4 Direction or not.

42. It is anticipated that the Report to confirm the proposal or not will be submitted to the Planning and Access Committee in the autumn/winter 2024 following the engagement period. If the proposal is confirmed by the Authority the Article 4 Direction will become effective in June 2025, at least 12 months from the date of serving the notice (exact date to be confirmed when serving the notice).

## **Impact Consideration**

43. The Authority is required (under the Equality Act 2010) to consider the effect that a change in any policy or procedure (or the creation of a new policy or procedure), will have on people with protected equality characteristics. The Authority also has additional general duties to ensure fairness and to build good relationships. A timely assessment must therefore be made before deciding on any relevant change (i.e. that have an impact on people with a protected characteristic). The Authority is also required, under the requirements of the Welsh Language Standards (Section 44 of the Welsh Language (Wales)

Measure 2011) to consider the impact that a change in any policy or procedure (or the creation of a new policy or procedure), will have on opportunities for people to use the Welsh language and to ensure that Welsh is not treated less favourably than English. In addition, from April 1st 2021 onwards the Authority has a duty to have due regard to address socio-economic disadvantage when making strategic decisions.

44. In order to assess how the proposal of introducing an Article 4 Direction would affect the requirements set out above an integrated Equality Impact Assessment (Assessing Impact on the Characteristics of Equality, the Welsh Language and Socio-Economic Disadvantage) has been undertaken. These Assessments can be explored in Appendix 5 of the papers.
45. It is believed that the introduction of the Article 4 Direction will have a positive impact on all individuals including individuals with protected equality characteristics. The social disparity that currently exists in some communities due to the lack of housing availability combined with out-of-reach house prices is creating an unsustainable divided society. In an attempt to try to reverse the status quo the introduction of the Article 4 Direction, is going to provide the opportunity to assess the appropriateness of any intention relating to changing the use of a residential house to holiday use, whether that is holiday accommodation use or use as a second home. It is hoped that this will create a fairer society and ensure opportunities for everyone to be able to live in their area of choice. Any potential negative effects identified so far, such as the possibility of negative equity, have been outlined in the assessment.
46. Although the Welsh language has been considered as part of the previous integrated equality impact assessment, following recent advice from the Language Commissioner to all public organisations in Wales, the Authority has decided to undertake a separate assessment specifically focusing on the Impact on the Welsh Language (see Appendix 6). This assessment also concludes that the introduction of the Article 4 Direction would have a positive impact on the Welsh language and the balance in communities, - the aim is that it will stabilise the housing market and provide opportunities for people to be able to live in their communities.
47. Following the engagement period, the Integrated Equality Impact Assessment and Welsh Language Impact Assessment will be amended as necessary and re-submitted to the Authority in making the final decision regarding the proposal.



## Well-being of Future Generations Act (Wales) 2015

48. Another important consideration is the Well-being of Future Generations Act (Wales) 2015. The Act seeks to improve the social, economic, environmental and cultural well-being of Wales. The act places a well-being duty upon public bodies and is aimed at achieving the 7 well-being goals by following the 5 ways of working. The justification report in Appendix 2 highlights these well-being goals and briefly explains how the proposal to introduce an Article 4 Direction can achieve the well-being goals.

### Action

49. In order to be able to assist with the implementation of the Article 4 Direction and the additional burden it would entail, the Authority will **continue discussions with the Welsh Government and Gwynedd Council to seek additional planning resources in the long term to effectively implement Article 4 in Eryri**. These additional resources are intended to fund an additional Planning Officer for the Planning Service to respond to the inevitable increases that would result in relation to related applications, enquiries and complaints. This resource could also contribute to the reform of the Eryri Local Development Plan, and in particular any new planning policies relating to second homes and short-term holiday accommodation.

### Next Steps in the introduction of the Article 4 Direction

Indicative timetable if the Authority decides to engage on the Submission of an Article 4 Direction:

Next Steps	Draft schedule
Public engagement	Spring 2024 for a period of 6 weeks
Preparation of a consultation report: A report to consider any responses received (following the engagement period) in order to make the decision to ratify the Article 4 Direction or not.	Report on responses received following the engagement.  Autumn / Winter 2024
Preparation of a Supplementary Planning Guide to provide further guidance when considering planning applications	Winter 2024 / Spring 2025
Implementation of Article 4 if the Authority decides to ratify it.	At least 12 months later (June 1st 2025)

## **Appendices**

Appendix 1: Members Working Group Report October 2023

Appendix 2: Report justifying the introduction of an Article 4 Direction

Appendix 3: Notice of proposal

Annex 4: Article 4 Direction

Appendix 5: Equality Impact Assessment

Appendix 6: Welsh Language Impact Assessment

## **Recommendation:**

1. To approve the Report justifying the Introduction of the Article 4 Direction (Appendix 2)
  
2. Approve engagement on the proposed introduction of an Article 4 Direction which would not come into force until 12 months later (Appendix 4) for the Eryri National Park Planning Authority Area to remove the permitted development rights for the following uses:
  - (a) Change of use from C3 (main home) to C5 (second home) or C6 (short-term holiday accommodation) and certain mixed uses;
  - (b) Change of use from C5 (second home) to C6 (short-term holiday accommodation) and certain mixed uses;
  - (c) Change of use from C6 (short-term holiday accommodation) to C5 (second home) and certain mixed uses.
  
3. That the notice regarding the Article 4 Direction in accordance with the format in Appendix 3 be published and delivered in accordance with the requirements, (accepting that it is not practicable to present these individually to each owner and occupier within the area because of its size) for a period of not less than six weeks to allow the public to submit responses to the proposal.
  
4. To receive an engagement report to consider any responses received (following the engagement period) to confirm the Article 4 Direction or not.
  
5. Delegate the right to the Director of Planning and Land Management in consultation with the Authority Solicitor to make editorial modifications to the justification Report, notice and background documents prior to publication.

<b>MEETING</b>	Members Working Group
<b>DATE</b>	18 October 2023
<b>TITLE</b>	<b>APPLICATION OF ARTICLE 4 DIRECTION RELATING TO C3 (DWELLINGHOUSES, USED AS SOLE OR MAIN RESIDENCES), C5 (DWELLINGHOUSES, USED OTHERWISE THAN AS SOLE OR MAIN RESIDENCES) AND C6 (SHORT-TERM LETS) IN ERYRI</b>
<b>REPORT BY</b>	Director of Planning & Land Management
<b>PURPOSE</b>	To consider whether to apply Article 4 Directions in Eryri

### 1. Introduction

2. Members will recall a paper which went to the December 2022 Working Group to highlight the emergence of 3 new planning Use Classes following the publication of secondary legislation in Autumn 2022. Members will recall the new Use Classes as follows:
  - C3 (Dwellinghouses, used as sole or main residences);
  - C5 (Dwellinghouses, used otherwise than as sole or main residences); and
  - C6 (Short-term Lets)
3. Prior to these regulatory changes, the above uses would have normally been considered under a single Use Class, therefore change from one to another would not have required planning permission as it did not constitute 'development' as defined in planning legislation.
4. With the changes imposed by the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) in Autumn 2022, changes between the different Use Classes now constitutes 'development' ('development' is normally what triggers the need for planning permission). However, at the same time the GPDO was amended to **allow** permitted changes between the new use classes, C3, C5 and C6. This basically means that the default position in Wales is that changes between any of the 3 new Use Classes would be 'permitted development' and would still not require planning permission.

5. As discussed at the December Working Group, these permitted development rights can be dis-applied within a specific area by an Article 4 Direction made by a local planning authority on the basis of robust local evidence. The dis-application of the permitted development rights through an Article 4 Direction would then make it necessary to seek planning consent for changes between the 3 Use Classes (the dis-application could apply in one direction if deemed necessary e.g. from C3 to C6 but not the other way around – and vice versa). On the recommendation of the December 2022 Working Group, officers have carefully assessed the evidence along with other practical issues to ascertain whether an Article 4 Direction should and could be applied in Eryri.

## **6. Housing Market Evidence**

7. Fundamentally, the need for the Article 4 Direction is driven by housing market failure. An evidence paper which was prepared by the Planning Policy team looks into these issues in more detail has been included in Appendix 1.
8. A very brief summary of the findings of this paper are highlighted in the bullet points below:
  - In the whole of Gwynedd (including areas outside the National Park) between July 2018 and July 2022, the percentage of second homes and holiday lets increased from 10.2% to 12.3% as a percentage of the entire housing market<sup>1</sup>. Further National Park specific data is being sought here, but it is considered that this figure serves as a useful proxy for the National Park.
  - The above percentage rise disguises the fact that second homes actually decreased slightly from 5,100 units to 4,840 units – with the increase primarily driven by holiday lets which have increased from 1,193 units to 2,719 units.
  - Care is needed in using this data, as it is likely that some of the second homes may be used as holiday lets, and therefore the overall figure for holiday lets is in fact higher.
  - Most of Eryri has over 10% of its housing stock taken up by holiday lets and second homes, with almost half above 15%, and 12 community councils above 20%. The areas above 20% are generally located along the coast of Ardudwy, Aberdyfi and South West Meirionnydd, the area around Yr Wyddfa and Ogwen, together with Bro Machno – therefore not concentrated in one particular area.
  - There has clearly been a rapid rise in holiday lets in the post-Covid period (which may even have started prior to the pandemic) – with the increase from 10.2% to 12.3% in only a 4 year period.
  - It is uncertain whether this growth in holiday lets will be sustained, or whether it will slow down, possibly driven by factors such as:
    - o Cost of living crisis, and economic slow down.

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<sup>1</sup> Source: Cyngor Gwynedd Finance Department

- Possibly slow down in the post-covid growth in staycation holidays.
- Effect of other financial and housing policies – particularly Council tax premium, but also Land Transaction Tax.
- Possibility that holiday let market is saturated in some locations?

## 9. Effect of Holiday Lets and Second Homes on the Housing Market

- Holiday lets provide an important part of the ‘holiday offer’ in Eryri, and have a potentially important economic impact on the area. However, there is a concern that the proportion of holiday lets is disproportionately high (and growing) in many parts of the National Park. If the proportion of holiday lets is too high or growth is too fast, there are concerns about how this impacts the Authority’s objectives of creating sustainable communities.
- It is not considered that second homes provide the same economic benefits, and will have an adverse effect on the objective of creating sustainable communities.
- There is general presumption that the demand for holiday homes may take housing stock away from local residents, and subsequently pushes house prices up. This, in turn, means houses are pushed beyond the reach of many local people as houses become increasingly unaffordable.
- There is also a presumption that holiday lets are financially more attractive than long term rental properties for property owners, which again feeds this demand.
- Holiday lets and second homes may also have a knock-on adverse effects on the Welsh language and issues relating to community cohesion, particularly if the proportion of holiday lets exceeds certain thresholds (although there is currently uncertainty regarding what a sustainable number of holiday lets should be).
- However, it is recognised that there is actually little evidence that second homes are the main cause for *“...high house prices as opposed to buyers moving to these areas to reside there.”* (Dr Simon Brooks (2021))<sup>2</sup>.
- Nevertheless, it is recognised that it is not possible to ignore the obvious relationship between second homes and higher house prices. Research by the Local Government and Housing Committee emphasised in its work ‘Second Homes, (2022)<sup>3</sup> that: *“...the private rental sector plays an important role in ensuring that a mix of housing accommodation is available to meet different needs and circumstances. We are very concerned by the anecdotal evidence that landlords are increasingly moving their properties from this sector to the short term lets market. We are aware that there are long waiting lists for people needing social housing, and a shortage of private rented sector accommodation in some areas is exacerbating the problem.”*
- A gradual increase was seen in the median value of house prices between 2014 and 2020, reaching £172,000 in 2020. There was a significant increase to a median of £210,000 during 2021, with a further increase to £215,000 in 2022 (up to October). The dramatic rise in house prices is affecting the ability of local people to buy property in their own community.

<sup>2</sup> [Ail gartrefi: Datblygu polisiau newydd yng Nghymru, Dr Simon Brooks \(2021\)](#)

<sup>3</sup> [Second Homes: The Local Government and Housing Committee \(2022\)](#)

The recent rise in house prices is affecting the ability of local people to buy property in their own community.

- Over 50% household are priced out of the housing market in Eryri. Wide areas can be seen where over 60%, 70% and 80% have priced out of the market, especially in the Northern and Southern areas. The figure for Eryri as a whole, based on the lowest quarterly income, is 69.5%. The data regarding the ratio of house prices to affordability clearly shows that there is a housing affordability problem across the Eryri National Park area, with over 50% of the local population being priced out of the housing market in the areas where the ratio is at its lowest.
- Overall, the housing market in Gwynedd is not affordable to a large proportion of local people. Whilst the reasons for this are numerous and complicated and not always well understood. It is therefore impossible for our limited research to reach any definitive conclusion, it is felt that the relatively high and increasing proportion of second homes and holiday lets will likely have an adverse impact on the overall health and affordability of the local housing market.

#### **10. Impact of Implementing an Article 4 Direction**

- The use of Article 4 Directions would undoubtedly provide some control over the housing market in some areas – as any further changes from a C3 to either a C5 or C6 use would require planning permission. However, I don't consider it would necessarily lead to a sudden reduction in the number of holiday lets / holiday homes, although I imagine it could control any further rapid rise in demand for holiday lets as has happened over recent years. Having said this, other mechanisms and tools may also help control any future 'boom', and Article 4 Directions are but one approach in an armoury of tools at the disposal of local authorities.
- It will be interesting to see whether factors other than the establishment of Article 4 Directions may lead to a slowdown in growth of holiday lets and second homes:
  - o general slowdown in the economy as a result of the cost-of-living crisis.
  - o rises in the council tax premium for second homes.
  - o a potential cooling of the holiday market, particularly in domestic holidays (staycations), following the upsurge in the 2 years post-Covid period.

#### **11. Initial Conclusion Regarding Use of Article 4 Directions**

12. Taken at face value, officers are in principle supportive of implementing an Article 4 Direction, as part of a suite of tools (most of which are financial tools used by Gwynedd Council) for the reasons set out above. Whilst Article 4 Directions would only be 1 tool in the armoury that local authorities have available to them, it is considered it would provide some additional control to the use of second homes and holiday lets that does not exist at present.

#### **13. Geographic Application of Article 4 Direction in Eryri**

14. If it was determined to pursue an Article 4 Direction with regard to second homes and holiday lets, it would be a decision for the Authority as to the

geographic extent of the policy. It could be applied across the entire National Park Authority, or it could be applied to a more distinct part of the National Park or even an individual settlement. Whichever geographic coverage was selected would have to be supported by robust evidence to support the decision.

15. The level of second and holiday lets is high throughout the National Park, with most areas having over 10% of the properties falling within this category, and around half of community councils having levels of 15% or above.
16. The above suggests that if it was agreed to proceed with an Article 4 Direction, then it would be difficult to progress with anything other than complete coverage for the National Park. Identifying a more targeted geographic approach would be difficult to justify, and may also lead to displacement effects thereby exacerbating the problem in areas not covered. Having a more fragmented approach may lead to confusion among residents and businesses whether or not areas are covered by the Article 4 or not.
17. **Other Effects - Unintended Consequences and Potential Negative Impacts**
18. Implementing an Article 4 Direction across the National Park Authority should of course not be considered in isolation and it is essential there is a holistic understanding of the implementation of the policy, including any potential negative impacts and risks – and any unintended consequences. An assessment of the Strengths, Weaknesses, Opportunities and Threats (SWOT analysis) of implementing an Article 4 Direction has been undertaken, and the results are set out in the table below. I will go into more detail on some of these below.

<b>Strengths</b>	<b>Opportunities</b>
<ul style="list-style-type: none"> <li>• Provides planning control over changes of uses within the C3, C5 and C6 Use Classes, which at present does not exist.</li> <li>• ‘Evidence’ as set out in Section 6 suggests this to be an appropriate course of action.</li> <li>• The Authority would be able to determine a level at which it considers holiday lets and second homes could be allowed.</li> <li>• It should provide more homes for local people in the communities that need it most.</li> </ul>	<ul style="list-style-type: none"> <li>• May slow house price inflation, thereby contribute to bringing more homes within reach of many local residents currently priced out of the market.</li> <li>• Creates an opportunity for creating more sustainable communities, which may have a positive impact on local residents and the use of the Welsh language.</li> <li>• There is always the possibility the policy and its application could be adjusted and amended should monitoring uptake suggest this is needed.</li> <li>• An adopted LDP could be produced to support its implementation which would make its implementation significantly more robust – although this would not be in place until 2027.</li> <li>• Cyngor Gwynedd are also pursuing Article 4 Directions on this topic – and have commenced consultation with a view of potentially implementing next year</li> </ul>

<b>Weaknesses</b>	<b>Threats</b>
<ul style="list-style-type: none"> <li>• The fundamental weakness relates to insufficient resources (there is a separate section below to further explain this). Whilst there is much uncertainty regarding the impact of its implementation, it would undoubtedly have a significant impact on costs and staffing time, and would have an adverse effect on the ability of the service to perform other functions (refer to Section 19 for further information).</li> <li>• The policy would be implemented in a policy vacuum – with no adopted LDP policy on changes of use within C3, C5 or C6 Use Classes (refer to Section 28 for further information). Eryri’s policy framework differs slightly to Cyngor Gwynedd here, where they have an adopted that could be used (although was not the original intention of the policy).</li> <li>• Article 4 Directions may not be the ideal tool with regard ‘proving’ some cases which may be subject to enforcement action – and the burden of proof to demonstrate there has been unauthorised development may prove difficult / burdensome / costly.</li> <li>• No planning fee is allowed for applications relating to Article 4 – therefore applications will effectively have to be assessed free of charge – which exacerbates the resources problem referred to earlier.</li> <li>• A 12 month notice period is required before any Article 4 Direction becomes operational – which means this will not become operational in Eryri until late 2024 or 2025.</li> </ul>	<ul style="list-style-type: none"> <li>• The ‘policy vacuum’ referred to in the ‘weaknesses’ section may lead to the risk of more planning appeals against decisions or possibly even Judicial Reviews. It is hard to speculate on the potential for JR, although I would expect the potential for appeals until the understanding of the operation of the policy ‘settled down’.</li> <li>• Should any appeal decisions go against the Authority – this could undermine the whole policy approach, particularly in the absence of an adopted LDP. This could then lead to considerably uncertainty and a loss of direction.</li> <li>• The above threat may have a significant impact upon staff time and resources – thereby impacting upon other parts of the service;</li> <li>• Linked to the above, the unfunded implementation of the policy would lead to delays in the processing of planning application, a likely significant increase in enforcement cases and delays in the preparation of the LDP.</li> <li>• The delays to LDP preparation referred to in the above bullet point may inadvertently have a greater impact upon the objective of creating sustainable communities by delaying much needed new policies on affordable housing, local market housing, carbon reduction etc)</li> <li>• It would also require significant administrative support and support on publicity / communications – which may impact these services.</li> <li>• A lack of knowledge relating the implementation of the Article 4 Direction may lead to local residents inadvertently getting caught up in planning enforcement cases.</li> <li>• The potential for cases of negative equity on mortgages as house prices decrease.</li> <li>• Short term holiday let solutions (perhaps 6 months – 2 years) for people who may have to temporarily move away to work or study may no longer be a quick or practical option for local residents</li> </ul>



## 19. Resource Impact

20. The process of implementing an Article 4 Direction requires significant staffing and financial resource, including:
- research and preparation of a robust evidence base, prior to publication of a formal notice
  - a 12 month 'notice' period, during which extensive consultation (possibly requiring a letter to every household) is expected to take place. This exercise recently undertaken by Cyngor Gwynedd has yielded an overwhelming response to the public consultation.
  - In the absence of an LDP policy, it is considered that some sort of evidence paper would be required to provide support to officers in their decision making on planning applications.
  - There would need to be a significant communications and publicity campaign – both throughout the consultation exercise and during the early months of its implementation.
  - There would be likely be an increase in the number of planning applications per annum (it would be expected to be 10s rather than 100s of additional applications)
  - Given that officers would be operating within a policy vacuum (i.e. no LDP Policy) there would be an increased risk of applications resulting in Planning Appeals to Planning and Environment Decisions Wales (PEDW).
  - Linked to the above, there may also be an increased risk of Judicial Review (JR) – either to the Article 4 Direction process itself or to any subsequent planning consent granted.
  - There would almost certainly be an increase in applications for Certificate of Lawful Use as property owners would be making a case that their homes were already operating as a second home or holiday home.
  - There would also be an increase of Planning Enforcement cases, with a likely increase in residents, community councils and others reporting potential unauthorised use of properties without the requisite consents.
21. Whilst very hard to quantify the exact implications on staffing and other resources, it would almost certainly place a significant and relentless demand on the Authority's Planning Service and other services within the Authority, especially in the first 2-4 years. This issue would not of course be unique to Eryri, and it is likely that all Authorities would struggle to adequately resource this.
22. Cyngor Gwynedd who have recently gone through this process, predicted a need for a Project Manager and between 3 and 6 new planning officers to implement the scheme (depending on the geographic extent).
23. It is predicted that at least 1 planning officer and a dedicated administrative support officer will be required. There would also be a need for capital costs to fund the mailshot, consultation, and potential other costs including legal. In the short term (1-2 years) a communication and publicity officer would also be needed.
24. Welsh Government funding was secured by Cyngor Gwynedd through the Dwyfor Pilot Area – an area where different policies, programmes and Welsh Government funding is made available to tackle housing issues. This Welsh Government funding has financed the implementation of the Article 4 Direction in Gwynedd's Local Planning Authority area. Only a very small proportion of the Dwyfor Pilot Area falls within the National Park. Enquiries have been made to the Welsh Government regarding extending the funding to the National Park, but unfortunately it has been confirmed that no funds were available. The NPA have also approached Cyngor Gwynedd for funding – and it has been confirmed that no funding would be made available for the National Park area of Gwynedd at present.

25. Without this additional funding and support, it is considered that the additional pressure placed upon the planning service would be unsustainable, and very likely to have a knock-on effect on other parts of the service. Again, this situation would likely be felt by any Local Planning Authority, and is not just an Eryri issue.
- Enforcement / compliance: Members will already be aware of the stress on this service – this would undoubtedly increase as enforcement cases would increase (along with associated appeals). The nature of these enforcement cases could also prove difficult to resolve.
  - Planning Policy – Members have already agreed to formally commence the review of the LDP (partly due to the need to update housing policies to better reflect the needs of local communities), with the Delivery Agreement setting out the statutory timetable for its production agreed at today's Planning Committee. This would impact the ability to deliver against the agreed timetable – and therefore inadvertently have an impact upon our ability to produce much needed housing policies that will hopefully help local communities.
  - Development Management – the increase in applications, certificates of lawfulness, appeals and possibly even Judicial Reviews would impact the performance of the existing team in delivering this DM function.
26. I would consider it vitally important that the Authority secure the requisite resources before pursuing an Article 4 Direction, as the effects on overall service delivery would likely be negative and significant. It should perhaps be re-emphasised here that this is not an Eryri specific concern, and would very likely be shared by any Local Planning Authority which has not secured any additional resources to deal with this.
27. Whilst there is a general agreement that increasing planning control over changes in Use Classes C3, C5 and C6 will have a positive impact on local communities, it is considered that these positives are currently outweighed by concerns over delivery.
28. **Policy Vacuum**
29. Members will be aware that according to Section 38(6) of the Planning & Compulsory Purchase Act 2004 that planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise.
30. Should Members decide to pursue the Article 4 Direction, there will then follow an expectation that the Authority determines planning applications to change between use classes C3, C5 and C6, despite there not being an LDP policy on these Use Class changes.
31. This is problematic for several reasons, including:
- Ambiguity regarding Section 38(6) referred to above.
  - Potential for criticism for introducing a new policy outside the confines of the LDP, which some may perceive to be undemocratic (LDP goes through extensive consultation ultimately culminating in an independent examination policy by Planning & Environment Decisions Wales (PEDW)).
  - Difficulty in determining the thresholds at which the proportion of holiday lets / second homes are acceptable within communities (0%, 5%, 10%, 20% etc) or whether this should vary between communities. Again, the LDP preparation process would allow more time to research this, consult upon it, and come up with a robust policy.
  - This may lead to uncertainty for the Authority and local communities regarding implementation.

- The above may lead to an increase in both planning appeals and potentially even Judicial Reviews.
  - Should any of these appeals be upheld (especially if the process or evidence base is challenged), this could undermine the entire process – leading to increasing uncertainty on subsequent decisions.
32. The planning system should provide certainty in decision making – and there is a high risk for the reasons set out above that this certainty could be eroded.
  33. By way of comparison, it appears as though Gwynedd's LDP does make reference to controlling holiday let use (which has subsequently been backed up in an SPG), which may provide them with a slightly firmer foundation to pursue the Article 4 Direction.
  34. It may therefore be easier, to use the next couple of years to explore the possibility of strengthening the policy base in the LDP Review and implementing the Article 4 Direction further down the line once there is a firmer policy foundation. This may also allow the opportunity secure additional resources to implement this (although there are obviously no guarantees with regard to this).
  35. As with resources, whilst there are likely to be significant positives arising from implementing the Article 4 Direction, these may be outweighed by the negatives of trying to implement it in a policy vacuum.
  36. **Overall Conclusion**
  37. Officers are in principle supportive of the new Use Class Order, which potentially provides increased control over Use Classes C5 and C6, which previously has never existed.
  38. C6 Uses (holiday lets) have experienced a steady growth over the last few years – from about 10% to about 12% of all stock (it has been challenging to get an accurate figure for the National Park area alone, and some further work is being done on this). Some attribute this to the post Covid growth in 'staycations' / domestic holidays. There is anecdotal evidence that this has slowed down in some places due to foreign holidays once again becoming more popular, the cost of living crisis, and other financial factors such as the Council tax premium set by Cyngor Gwynedd.
  39. Most community councils within the National Park have over 10% holiday lets and second homes, with almost half having 15%. 12 communities have over 20%. No local research currently exists about the link between these percentages and the affordability / accessibility of homes to local residents, or other linked effects such as the Welsh language, viability of public transport, local businesses, pubs and shops.
  40. An Article 4 Direction would bring greater control over the use of C5 and C6 uses, which officers support – as this would potentially help contribute to our objectives of creating healthy and sustainable communities.
  41. Should an Article 4 Direction be implemented, officers are uncertain at the threshold of C5/C6 uses within any given community at which applications would be refused – and whether this should be a flat rate across the National Park or geographically varied. More work would be required here.

42. There are significant concerns about the level of resources required to implement the Article 4 Directions effectively. Without significant additional resources it is likely that it would impact on several parts of the Authority's Planning Service, as well as other parts of the Authority. It may impact the ability of the Authority to hit performance targets on planning applications, it may also increase an already large backlog of compliance cases and it would likely impact the statutory timetable that the Planning Policy team are working to on the LDP Review. Without securing significant additional funding, these resource pressures would probably outweigh the benefits of implementation.
43. There are also significant concerns about applying an Article 4 Direction in a policy vacuum. Making planning decisions without the foundation of an LDP policy would carry a higher risk in planning decision making. This may lead to uncertainty in decision making (among members of the public as well as officers / planning committee), a higher risk of appeals (and possibly a higher risk of upheld appeals) and even possibly the risk of Judicial Review (we are currently seeking legal advice and may have further information on this in due course). Again, as with resources, it is considered that the risks associated with implementing the Article 4 Direction in a policy vacuum outweigh the potential benefits of implementing immediately.
44. Overall, it is considered that whilst there is strong 'in principle' support for controlling the use of holiday lets and second homes in our communities through an Article 4 Direction, its immediate implementation carries significant risk to the Authority. To avoid the policy vacuum, we would advise allowing officers to undertake research and formulate (and consult) upon a policy or policies in the LDP Review that would support greater controls over the use of holiday lets and second homes. It is anticipated that a reviewed adopted LDP would be in place by 2027. Additional time would also allow the Authority to explore the potential for additional resources to effectively implement this.

## **Recommendation**

### **For Members to:**

- 1) Provide 'in principle' support to the implementation of an Article 4 Direction in the National Park, primarily due to the high and increasing level of second and holiday homes which are affecting the accessibility of homes for local people.**
- 2) Give due consideration to the 'policy vacuum' referred to in this report, which is only likely to be effectively addressed through the LDP Review, which is scheduled to be adopted in 2027.**
- 3) Give due consideration to the insufficient resources that currently exist to effectively implement the Article 4 Direction.**
- 4) Advise officers of a potentially appropriate timeframe for implementing the Article 4 in light of the context provided by recommendation (2) and (3).**

**Paper justifying the introduction of the Article 4 Direction  
Eryri National Park Local Planning Authority Area**

**March 2024**

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## Part 1: Introduction

### Background

- 1.1 With the long-term aim of creating sustainable communities, ensuring a sufficient supply and a suitable choice of housing that meets the needs of local communities is crucial. High numbers of holiday accommodation and second homes ("holiday homes") can be a real threat to the social, cultural and economic prosperity of communities across Eryri.
- 1.2 Communities throughout Eryri face significant pressure due to the use of dwelling houses as holiday homes. As a result of this increasing pressure, which has been further highlighted over the past few years, there has been increasing pressure to implement a mechanism to obtain better control of the existing housing stock. It is hoped that a range of effective management mechanisms will be a means of mitigating the side effects of holiday homes on communities, and contribute towards meeting the housing needs of Eryri's communities.
- 1.3 For the purposes of this paper, the term 'holiday homes' includes the following:-
  - Short term holiday accommodation: A dwelling house not permanently occupied and is let for holiday use on a commercial basis.
  - Second homes: A dwelling house used by the owner occasionally (but is not their main place of residence), together with other visitors for holiday purposes.
- 1.4 Within this research paper, reference is made to 'holiday homes' when referring to the combination of 'short term holiday accommodation' and 'second homes' provisions. Where an issue specifically relates to either second homes or short term holiday accommodation, this will be clearly stated.

### Purpose and Structure of Report

- 1.5 The aim of this report is to consider, justify and reach a conclusion regarding the possibility of introducing an Article 4 Direction in order to control the use of houses in Eryri National Park's communities, in accordance with the new power introduced by the Welsh Government through a recent amendment to planning legislation. A thorough assessment has been carried out of all possible options, in order to try to identify the preferred option and reach a final conclusion regarding the need to introduce an Article 4 Direction and (if relevant) the area where it should be implemented.
- 1.6 The Report is divided as follows:-
  - Part 2: Provision and location of holiday accommodation and second homes
  - Part 3: Assessment of impact – qualitative information
  - Part 4: Impact assessment - Primary/quantitative information
  - Part 5: Intervention options
  - Part 6: Article 4 Area Options
  - Part 7: Conclusions

## Legislative and Planning Context

- 1.7 Following the increasing pressure on the Government to respond to the challenges facing communities at the expense of holiday homes, on the 20th of October 2022, the Government introduced changes to planning legislation, which meant that Local Planning Authorities could respond to the concerns, by tailoring the control measures to local circumstances. It is noted that one of a series of control measures is the amendment to planning legislation, with other measures linked to the taxation procedure, the provision of affordable housing that meets the needs of communities and the compulsory licensing of holiday accommodation<sup>1</sup> being implemented, in progress or being considered now.
- 1.8 Due to the Government's response, the changes to planning legislation that have come into force include:-
- The amendment of the Town and Country Planning (Use Classes) Order 1987<sup>2</sup> to create new use classes for Main Homes, Secondary Homes and Short Term Holiday Accommodation.
  - The amendment of the Town and Country Planning (General Permitted Development) Order 1995<sup>3</sup> to allow permitted changes between the new use classes for Main Homes, Secondary Homes, and Short Term Holiday Accommodation.
  - The amendment of Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday accommodation in a local area must be taken into account when considering the housing requirements and policies in Local Development Plans (LDPs).
- 1.9 The amendment to the Town and Country Planning (Use Classes) Order 1987 and the definition of the new use classes are as follows:-

Use Class	Explanation
Class C3. Dwelling House; Main Homes	Use of a dwelling house as a sole residence or main residence, which is occupied for more than 183 days in a calendar year by - (a) a single person or by people who are considered to form one household; (b) no more than six residents who live together as one household, where care is provided for the residents; or (c) no more than six residents who live together as one household, where care is not provided for the residents (except for use which is in class C4).  Interpreting Class C3: <ul style="list-style-type: none"> <li>• When calculating the 183 days, any time spent by one household in accommodation provided for occupational purposes, such as oil rigs or barracks, contributes to the 183 days</li> </ul>
Class C5. Dwelling House; Secondary homes	Use as a dwelling house, other than as a sole or main residence, occupied for 183 days or less by –

<sup>1</sup> [Plans unveiled for statutory registration and licensing scheme for visitor accommodation in Wales](#)

<sup>2</sup> [Town and Country Planning \(Use Classes\) Order 1987 as amended](#)

<sup>3</sup> [Town and Country Planning \(General Permitted Development\) Order 1995 as amended](#)



	<p>(a) one person or by people who are considered to form one household;</p> <p>(b) no more than six residents who live together as one household, where care is provided for the residents; or</p> <p>(c) no more than six residents who live together as one household, where care is not provided for the residents (except for use within class C4).</p> <p>Interpreting Class C5:</p> <ul style="list-style-type: none"> <li>• For the purposes of Class C5(a), "one household" is interpreted in accordance with section 258 of the Housing Act 2004</li> </ul>
Class C6. Short term let accommodation	Use of a dwelling house as commercial short-term letting accommodation for a period not exceeding 31 days (for each occupation period).

Table 1: New Use Class Definitions

- 1.10 The associated amendment to the Town and Country Planning (General Permitted Development) Order 1995 meant that it was possible to change from the use classes referred to above without restriction, that is without having to receive planning permission. For example, it would not be necessary to receive planning permission to go from being a Dwelling House (Main Home) to being a Dwelling House (secondary home) and vice versa.
- 1.11 In accordance with the Government's guidance, as long as it were possible for Local Planning Authorities to testify appropriately, it would be possible to introduce an Article 4 Direction in order to revoke the development rights allowed for a defined area. The regulations in relation to Article 4 Direction, which come into effect directly, state that it is possible to introduce an Article 4 Direction when the Local Planning Authority:-
- “consider that the development to which the Direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area;”*
- 1.12 The introduction of an Article 4 Direction is one of the methods available to Local Planning Authorities in order to enable them to respond to the specific needs of their areas. They give Local Planning Authorities the ability, when considered appropriate, to restrict 'permitted development' rights which would otherwise apply by virtue of the General Permitted Development Order. It is emphasised that the introduction of Article 4 Direction does not prevent development but rather, it means that planning permission must be obtained from the Local Planning Authority for the proposal. By enforcing the need to receive planning permission it means that the effects of the development need to be considered, and that in accordance with the local and national planning policy context.
- 1.13 Although it appears that the same legislative requirements, in terms of the need to justify an Article 4 Direction which does not come into force directly, do not exist, it is considered appropriate to refer to the guidance contained in Appendix D of circular 29/95<sup>4</sup> which applies to the removal of development rights which are permitted in exceptional circumstances only. Therefore, this paper outlines the justification for introducing an Article 4 Direction in accordance with the guidance contained in Circular 29/95.

<sup>4</sup> [Consolidation of the General Development Order 1995 \(circular 29/95\)](#)

## Relevant Strategies and Legislation

- 1.14 When considering the implementation of an Article 4 Direction or any control measure, it is essential to have clarity about what is sought to be achieved through the intervention. Protecting and maintaining the Welsh language and Welsh-speaking communities, which offer opportunities for people to live and work in them, is a core objective of national and local strategies/legislation. The following strategies and acts are relevant and provide guidance to protect communities.

### The Well-being of Future Generations Act

- 1.15 An important consideration is the Well-being of Future Generations (Wales) Act 2015<sup>5</sup>. The Act seeks to improve Wales' social, economic, environmental and cultural well-being. The act places a well-being duty on public bodies which is aimed at delivering the seven well-being goals by following the five ways of working. The following table highlights these wellbeing aims and explains concisely how the proposal achieves the aims in question:

Aim	Explanation of how the proposal of introducing the Article 4 Direction delivers the aim
A prosperous Wales	It will offer opportunities for people to live and work in Gwynedd and will therefore mean there will be a stable, skilled and educated population to support the local economy.
A resilient Wales	It will lead to a fairer society and thus the county's social resilience will be maintained.
A healthier Wales	It will create a fairer society and thus would create circumstances for people to be able to live and work in Gwynedd, which in turn has a positive impact on health.
A more equal Wales	It will create a society that is more equal and will enable better opportunities for all.
A Wales of cohesive communities	It will be a means of creating attractive, viable and safe communities.
A Wales of Vibrant Culture and Thriving Welsh Language	It will offer better opportunities for people to be able to live in their communities and will be an indirect means of protecting culture, heritage and the Welsh language.
A Globally Responsible Wales	Although implementing the Article 4 Direction would be done on a local level in Gwynedd, the principle of creating a fairer society and offering better opportunities for people to live and work in their local communities thus creating viable and sustainable communities is an example of good practice.

Table 2: Explanation of how the proposal of introducing the Article 4 Direction delivers the aim

<sup>5</sup> [Well-being of Future Generations \(Wales\) Act 2015](#)

- 1.16 In addition, the Act begins by giving a definition of what we mean by the principle of 'sustainable development'<sup>6</sup>, which is the process of improving the environmental, economic, cultural and social well-being of Wales by taking steps, in accordance with the sustainable development principle, with the aim of achieving the well-being goals. Sustainable development is about improving the way we can achieve our economic, social, environmental and cultural well-being. For Wales to be sustainable, it is important that we improve all four aspects of our well-being. Each one is as important as the others. In order to achieve this therefore, it is necessary to think about the long-term effects of decisions, to work better with people, communities and each other, and to prevent ongoing problems. It is therefore key to consider the goals and the sustainable development principle and ensure that what is proposed is considered consistent with them.

### **Future Wales – the National Plan**

- 1.17 Future Wales – the National Plan 2040<sup>7</sup> is the national development framework that sets the direction of development in Wales up to 2040. Policy 4 - Supporting Rural Communities notes the need to create sustainable and vibrant rural communities. The need to consider how age balanced communities can be achieved is emphasized, where depopulation should be reversed and the role of new affordable and market housing and employment opportunities, local services and greater mobility should be considered in meeting these challenges.

### **Gwynedd Council Plan**

- 1.18 The Gwynedd Council Plan 2018 - 2023<sup>8</sup>, which is the Council's five-year Plan, identifies a range of 'Improvement Priorities'. The 'Improvement Priorities' are the areas upon which focus is believed to be needed, as there is a need to increase or improve the current situation.
- 1.19 'Improvement Priority 4: Access to suitable homes' identifies the need to develop diverse, innovative and green housing proposals that people can live in throughout their lives, as well as offering early support to those who need it. It is noted that the Council will intervene to encourage a range of support and accommodation options in order to respond to the needs of the population today, and for future generations. Hand in hand with this, it must be ensured that the steps taken respect the culture of the county's communities. Linked to achieving this objective is the need to have control of the use of houses as holiday accommodation and second homes.

### **Conwy's Corporate Plan**

- 1.20 Conwy's Corporate Plan 2022-27<sup>9</sup> identifies nine priorities. One of the priorities is "People in Conwy have access to affordable and suitable accommodation of a high standard which improves their quality of life". The aim is for residents to have a safe and appropriate place to call home that supports their positive health and well-being. Working to increase the supply of affordable and accessible accommodation is one way to work towards this goal.

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<sup>6</sup> <https://www.futuregenerations.wales/wp-content/uploads/2017/01/WFGAct-English.pdf>

<sup>7</sup> [Future Wales - the National Plan 2040](#)

<sup>8</sup> [Gwynedd Council Plan 2023-28](#)

<sup>9</sup> [Conwy Corporate Plan 2022-2027](#)

## Cynllun Eryri

- 1.21 Cynllun Eryri is the statutory Management Plan for Snowdonia National Park Authority, adopted in 2020. It adopts the seven aims of the Well-being of Future Generations (Wales) Act 2015. One of the key outcomes is Eryri's communities and economy; to ensure that Eryri is a great place to live, develop and work. The aims are:
- Ensure the language, culture and heritage of Eryri is celebrated, supported and strengthened.
  - Jobs and opportunities encourage people to remain in the area.
  - Innovative solutions relating to affordable housing to buy and rent in the area are being implemented.
  - Local communities are supported to thrive in all aspects of well-being.
- 1.22 One of the actions to implement is to work with partners to address underlying issues and develop innovative solutions to delivering affordable housing that meets local needs. This includes work to influence changes to legislation so that change of use of a dwelling into a holiday home requires planning permission.

## Gwynedd Council's Housing Strategy

- 1.23 Gwynedd Council's Housing Strategy<sup>10</sup> was adopted in July 2019. The vision of the Housing Strategy is:
- " Ensuring that the people of Gwynedd have access to a suitable, quality home that is affordable and improves their quality of life."*
- 1.24 In 2020, the Gwynedd Council Housing Action Plan 2020/21-2026/27<sup>11</sup> was prepared and approved. The purpose of this plan was to establish specific projects, giving the residents of Gwynedd a fair chance to secure suitable homes.
- 1.25 In order to achieve this goal, there are 5 objectives that have been included in the Plan, namely:-
- Objective 1 – To ensure that no one is homeless in Gwynedd
  - Objective 2 – To increase the opportunities for Gwynedd residents to obtain a tenancy in a social house
  - Objective 3 – To help Gwynedd residents to own a home in their community
  - Objective 4 – Gwynedd housing is environmentally friendly
  - Objective 5 - Gwynedd housing has a positive influence on the health and well-being of the county's residents

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<sup>10</sup> [Gwynedd Council's Housing Strategy 2019-2024](#)

<sup>11</sup> [Gwynedd Council's Housing Action Plan 2020/21 - 2026/27](#)

## Conwy Council's Housing Strategy

- 1.26 Conwy County Borough Council's Housing Strategy 2018-2023<sup>12</sup> sets out the vision and plans for housing in Conwy County for the next five years. The vision of the Housing Strategy is:

"for people in Conwy to have access to affordable, appropriate and good quality accommodation that improves their quality of life. We want to build more than just houses, we want to create sustainable communities where people are proud to call themselves" at home."

- 1.27 The Strategy outlines four objectives that would need to be addressed if the Council is to achieve this vision:

1. Increase the supply of affordable housing options for those on lower incomes.
2. Work towards meeting the various accommodation and support needs of everyone in our county now and in the future.
3. Improve the condition and energy efficiency standards of our houses.
4. Ensure that people understand their housing options to enable them to make an informed decision.

- 1.28 Conwy Council are working on a new Housing Strategy, to be published during 2024.

## Eryri Local Development Plan

- 1.29 The spatial vision contained in the Eryri Local Development Plan 2016-2031<sup>13</sup> notes:-:-

*"By 2035 Snowdonia will continue to be a protected and evolving landscape, safeguarded and enhanced to provide a rich and varied natural environment; providing social, economic and well-being benefits nationally and internationally.*

*National Park purposes will be delivered through a diverse and prospering economy adapted to the challenges of climate change and founded on natural resources – its landscape qualities, opportunities for learning and enjoyment, cultural and natural heritage. With thriving bilingual and inclusive communities partnership working will have demonstrated that more can be achieved through working together.*

*Communities will have adopted innovative solutions in a changing World – a low carbon economy will have strengthened residents' link with the environment, providing a better standard of living and ensuring Snowdonia's reputation as an internationally renowned National Park and one of the nation's breathing spaces."*

- 1.30 In order to address this vision, the Plan area will need to better meet the housing needs of communities in terms of supply, type, quality, energy efficiency, location and affordability as well as ensuring that the Welsh language is an integral part of the community.

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<sup>12</sup> [Conwy's Housing Strategy 2018-2023](#)

<sup>13</sup> [Eryri Local Development Plan 2016-2031](#)

- 1.31 The objectives of the Well-being Act have informed the objectives of the Development Plan, which include:

*Support appropriate developments that meet the housing needs of the local community, giving special consideration to affordable housing for local people.*

*Promote measures to encourage developments that support the vitality of the Welsh language and to protect communities from developments that ignore the impact on the Welsh language.*

- 1.32 Strategic Policy A: Purposes of the National Park and Sustainable Developments, from the Local Development Plan, seeks to ensure that new developments promote the principles of sustainable development in ways that promote the purposes and duties of the National Park, protecting and improving at the same time the 'Special Qualities' of the National Park. In order to achieve sustainable development in Eryri, development should protect and improve the health, safety and economic and social well-being of local communities.
- 1.33 The Development Plan's Strategic Policy G: Housing states that new housing in the National Park will need to meet the needs of local communities. Applications must take due account of local housing needs in terms of property size, type and tenure. The housing types should reflect the results of the Local Housing Market Assessment or any appropriate local needs surveys.
- 1.34 The current housing situation and the lack of provision of affordable housing that meets the needs of communities means that there is a need to act urgently in order to try to protect the vulnerable communities of Eryri and realise the vision of the national legislation, national and local policy guidance and the statutory strategies referred to above.

## Part 2: Provision and location of holiday accommodation and second homes

### Overview

- 2.1 In order to try to get a better understanding of the seriousness of the problem, it is essential to gather information relating to the baseline data regarding the number of holiday homes that exist across Eryri. Gathering accurate information in relation to the number and location of holiday homes can be difficult, as there are several sources of data available, of which no source gives a truly accurate picture. Private accommodation let on an *ad hoc* basis, usually through marketing platforms such as AirBNB, is much harder to calculate as they become available from time to time, and their use as holiday accommodation comes to an end without any formal notification. This report is based on council tax and non-domestic business rates data, as these are collected regularly through statutory processes, and therefore contains the most reliable and consistent information currently available.
- 2.2 Since the summer of 2018, Cyngor Gwynedd has been gathering council tax information regarding the numbers of second homes and holiday accommodation per community/town/city council across the county. The National Park Authority has had access to this data since 2020. Similar information has also been provided by Conwy Council since 2020. As well as providing information regarding the specific uses in question, information will also be received regarding the number of residential units for each area and the data is collected at Community Council area level. The nature of the National Park boundary creates difficulties in data collection, as it still does not follow boundaries such as wards and community councils. The boundary runs through the middle of several Community Councils, meaning that the data for these areas includes areas outside the Park. As it is not possible to analyse the data at a level that is lower than that of community council areas, the figure used in these cases is for the whole community council. Although the data do not reflect the Park boundary, it means that more natural community boundaries are used, and cross boundary effects are considered, giving a clear picture of the situation within communities.
- 2.3 The information presented below (Table 3), is based on council tax information, i.e. the units that have qualified for the payment of the following rates of taxation:

Description	Explanation
Domestic property	Domestic property paying council tax.
Second home	Class B property where no one lives permanently in the property and where the property is furnished.
Self catering holiday accommodation	Payment of Non-Domestic Business Tax for Self Catering Accommodation

Table 3: Definition of Uses

2.4 The chart below (Chart 1), together with the following table (Table 4), summarises the information regarding the number of second homes and holiday accommodation in the whole of Gwynedd since 2018:-

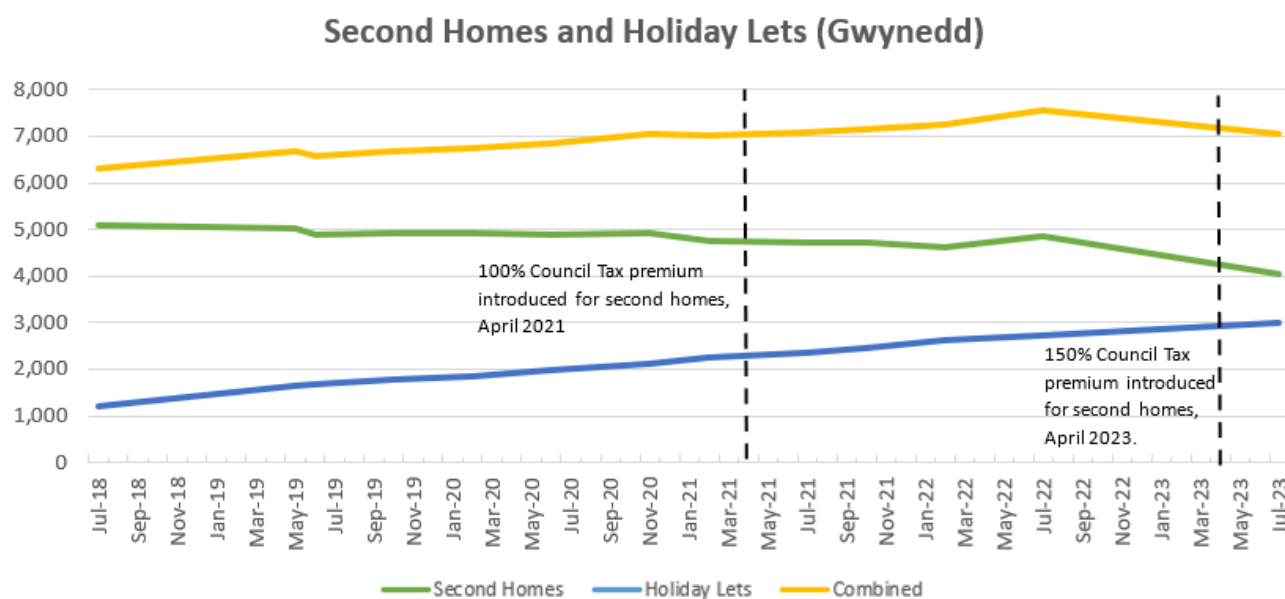


Chart 1: Pattern of holiday homes (source, Finance Department, Cyngor Gwynedd)

	Number of Domestic Properties	No. of second homes (excluding occupancy-restricted units)	Number of Holiday Accommodation	Combined number	Combined percentage of properties (domestic and non-domestic)
<b>Gorffennaf 2018</b>	61,679	5,100	1,193	6293	9%
<b>Mai 2019</b>	61,616	5,013	1,658	6671	9.7%
<b>Mehefin 2019</b>	61,591	4,891	1,681	6572	9.6%
<b>Hydref 2019</b>	61,562	4,920	1,764	6684	9.8%
<b>Chwefror 2020</b>	61,617	4,912	1,838	6752	9.9%
<b>Mehefin 2020</b>	61,645	4,873	1,976	6849	10%
<b>Tachwedd 2020</b>	61,946	4,933	2,119	7052	10.2%
<b>Chwefror 2021</b>	61,534	4,768	2,261	7029	10.3%
<b>Gorffennaf 2021</b>	61,463	4,729	2,369	7098	10.4%
<b>Hydref 2021</b>	61,312	4,713	2,448	7161	10.5%
<b>Chwefror 2022</b>	61,296	4,627	2,612	7239	10.6%
<b>Gorffennaf 2022</b>	61,335	4,840	2,719	7559	11%
<b>Gorffennaf 2023</b>	61,457	4058	2,984	7042	10.2%
	<b>-222</b>	<b>-1042</b>	<b>+1791</b>	<b>+749</b>	

Table 4: Change in numbers 2018 to 2023 (source, Finance Department, Cyngor Gwynedd)



2.5 The chart below (chart 2) and table below (Table 5), summarizes the information regarding the number of second homes and holiday accommodation in Conwy since 2021:

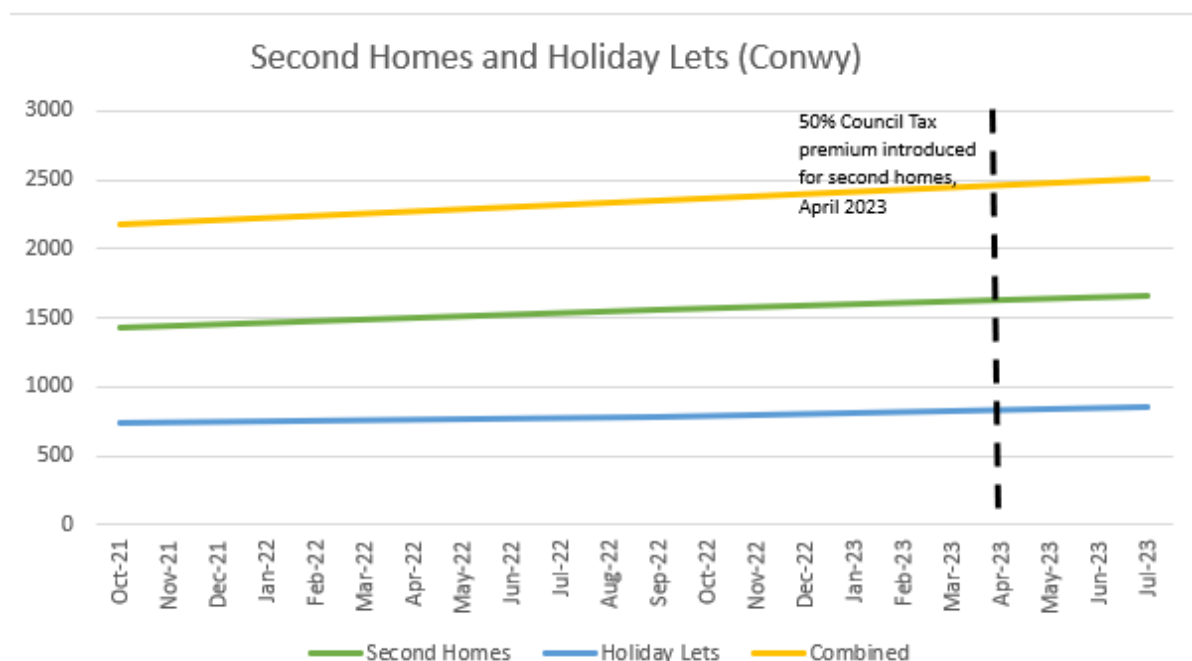


Chart 2: Pattern of holiday homes (source, Finance Department, Conwy Council)

	Number of Domestic Properties	No. of second homes (excluding occupancy-restricted units)	Number of Holiday Accommodation	Combined number	Combined percentage of properties (domestic and non-domestic)
<b>2021</b>	57,721	1435	743	2178	3.8%
<b>2022</b>	57,923	1559	786	2,345	4%
<b>2023</b>	58,508	1644	862	2506	4.3%
	<b>+787</b>	<b>+209</b>	<b>+119</b>	<b>+328</b>	

Table 5: Change in numbers 2021 to 2023 (source, Finance Department, Conwy Council)

2.6 We see that there is a pattern of increase in the combined percentages for Gwynedd and Conwy. In Gwynedd, we can see that the increase is more evident in terms of the number of self-catering holiday accommodation units that exist, and there was a decrease in the number of second homes in 2023. It is believed that this is partly a result of changes in the Gwynedd Council tax rate in recent years, as discussed below. Despite this, the combined numbers remain significantly higher than in 2018.

2.7 Recent data has been received from Gwynedd and Conwy Councils which enables the production of a figure for the total number of second homes and holiday accommodation units within the National Park boundary. The data is summarised in table 6 below. We cannot go back any further in time than this, as the data is unavailable. The combined percentage of 17.4% for the National Park is significantly higher than the combined percentages for the counties of Gwynedd and Conwy. The numbers for the community councils within or partly within the National Park show the same pattern as Gwynedd and Conwy, namely an increase in the combined total of second homes and holiday accommodation units since 2020.

	<b>Number of domestic properties</b>	<b>Number of second homes (excluding occupancy restricted units).</b>	<b>Number of holiday accommodation</b>	<b>Combined number</b>	<b>Combined percentage of properties (domestic and non-domestic)</b>
<b>Gwynedd (area inside the National Park)</b>	12,407	1364	944	2,308	17.3%
<b>Conwy (area inside the National Park)</b>	2412	208	265	479	17.7%
<b>Combined</b>	14,819	1527	1209	2781	17.4%

Table 6: Number of second homes and holiday accommodation units within the National Park boundary, 2023 (source: Finance Departments of Cyngor Gwynedd and Conwy Council).

2.8 Since April 2017, Local Authorities in Wales have the right to raise a second home premium of up to 100% of the standard rate of council tax on properties where it is nobody's sole or main dwelling, and the property has either been furnished (second home) or unfurnished for over 12 months (long-term empty). From April 2023, the premium that Local Authorities in Wales can charge has increased to 300%. The previous regulations (before 2017) gave the Council discretion to charge full Council Tax, or to allow a reduction of 25% or 50%, to classes of second homes, and to allow a reduction of 50% (or a reduction at a lower percentage), or no discount at all, on long-term empty properties that have been empty for six months or more.

- 2.9 On the 1st of April 2018, a premium rate of 50% was set on eligible second homes by Cyngor Gwynedd, with the rate rising to 100% on the 1st of April 2021, which was the highest possible rate that could be implemented at that time. From April 2023, Gwynedd Council has increased the rate to 150%.
- 2.10 Due to the taxation situation linked to second homes, it appears in Gwynedd that more residential units are now transferring over from paying the second home premium to paying non-domestic business tax on those units. Self-catering holiday accommodation is eligible to be listed for non-domestic business tax and, depending on its rateable value, we could be eligible for small business rate relief, meaning that the property makes no financial contribution towards the taxation procedure.
- 2.11 In Gwynedd, the transfer in the housing stock, with residential houses that used to pay the standard council tax or pay the council tax premium now paying the non-domestic business tax, means that housing stock is being eroded over a period of time and not increasing as would be expected of a growth pattern.
- 2.12 The pattern in Conwy is different. We can see an increase in numbers of second homes and short term holiday accommodation over the period 2021 to 23. Since 2019, Conwy Council set a premium rate of 25% on eligible second homes, and increased it to 50% on the 1st of April 2023. There will be a further increase to 100% in April 2024. It appears that the lower rate has not led to residential units transferring from paying the second home premium to paying non-domestic business tax to the extent seen in Gwynedd.
- 2.13 The number of new houses that have been completed within the National Park has been low, just 104 since 2018. The housing market in the National Park is local in nature, relying on small local builders and self-build projects on small sites. There are no regional house builders active in the market and therefore there is very little speculative construction of open market housing and affordable housing. The lending environment is difficult for developers, small builders, and self-build projects, as well as the recent increases in construction costs. The result is that new houses do not contribute significantly to the housing stock, which means that the stock is being eroded through residential houses transferring to use as second homes or holiday accommodation.
- 2.14 The ability to transfer easily between uses means that there is no efficient management of the existing housing stock. Furthermore it is not possible to foresee or predict to the best of our ability what the housing needs of the local population will be for the future, as the current housing stock is being eroded.

## **Other sources of data**

- 2.15 A 'Bed Stock Survey'<sup>14</sup> was carried out by Gwynedd Council in 2019. The purpose of the survey was to calculate the number of visitor accommodation available in Gwynedd. Between June 2018 and February 2019, Gwynedd Council's Tourism, Marketing and Events Service, in partnership with Visit Wales, carried out county research on the accommodation provision available for visitors. This was done using information from key partners, e.g. planning, licensing, grading, accommodation agencies, etc., along with internet research and telephone interviews.

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<sup>14</sup> [Gwynedd Bedstock Survey 2018-19](#)

- 2.16 The 'Bed Stock Survey' found that a total of 2,424 self-catering holiday accommodation units were available during the survey period, with an additional 745 units being advertised on Airbnb. The total number of holiday accommodation to be let for a short period in the survey was 3,169. It is not known how many of these units are residential dwellings used for holiday purposes. Some of the units may have received specific planning permission as holiday accommodation. The figure also includes all types of holiday accommodation units, e.g. chalets and caravans. Information from the Council Tax department relating to the number of properties paying Self-Catering Non-Domestic Business Taxes for the same period (July 2018) totalled 1,193. It is, therefore, noted that it is clear that the number of units available does not completely reflect the number of units that paid the non-domestic business taxes in Gwynedd. It can, therefore, be assumed that some of the short term holiday accommodation is either liable to pay the second home premium or to pay the standard Council Tax. It is possible that some second homes are also used as short term holiday accommodation during short periods when the owners are not staying in them.
- 2.17 Another useful source of information is 'Transparent Intelligence' data. 'Transparent Intelligence' is a 3rd party data supplier, appointed by Visit Wales on behalf of the Welsh Government. Data is provided in relation to short term letting accommodation marketed on the Airbnb, Vrbo, Tripadvisor and Booking.com platforms. Although this data is checked and processed by the Welsh Government, because it only includes properties that have been advertised on the aforementioned platforms (*Transparent Intelligence* does not count individual units that have been advertised privately or by numerous other companies), it should not be used as an accurate official calculation of the number of properties. -rather it should only be used to highlight the potential size of the sector and trends. During July 2022, the number of houses available on the marketing platforms referred to in Gwynedd was 4,499. It is noted that July appears to be the month where the most properties are available, with the monthly average over a period of the first 8 months of 2022 (January to August) being 3,921. As stated above in paragraph 2.4 (table 4), during the same period (July 2022), 2,619 properties paid the non-domestic business tax. During July 2022 the number of houses available on the marketing platforms referred to in Conwy was 910. In the same period, 786 properties paid the non-domestic business tax. Therefore, we see that the provision of holiday accommodation is actually higher than what is conveyed by Council Tax data.
- 2.18 The evidence above proves that gathering accurate and complete information in relation to the number of holiday homes is difficult as the holiday home market is not regulated. Although Council Tax figures are considered to be the most accurate source of information, it is not entirely reliable and is dependent on holiday home operators applying the correct council tax/non-domestic business tax category for their property. The inconsistencies between the Gwynedd Housing Stock Survey, 'Transparent Data' and the Council Tax figures highlight this problem.
- 2.19 It can therefore be concluded that the numbers shown by the council tax data and self-catering non-domestic business rates data are lower than what is likely to exist. The tax data is the most reliable and consistent source available, and therefore it is a suitable source to use to measure the numbers of second homes and short term holiday accommodation units within communities in Eryri.

## Part 3: Impact Assessment - Qualitative information

- 3.1 A number of recent researches have been carried out in relation to investigating the impact of holiday accommodation and second homes on communities. The main general aim of recent research is to try to suggest and find control measures that can be implemented in order to mitigate the effects of holiday accommodation and second homes.
- 3.2 Gwynedd Council's Planning Policy Service prepared research work 'Managing the Use of Dwelling as Holiday Homes'<sup>15</sup> in 2020. The report assessed data within Gwynedd and included examples from other regions in the UK and Europe that have been proactive in seeking a solution to the problem of the misuse of residential units as short-term holiday lets. The report recommended amending planning use classes by introducing a new use class for short term holiday lets. Also recommended was a review of the taxation system and the introduction of a mandatory licensing scheme for holiday homes. The report concluded that “ ... *the need for greater control relating to the misuse of residential dwellings as holiday homes is unquestionable. Local authorities need appropriate regulatory powers to balance the needs and concerns of local communities whilst balancing the wider economic benefit which the tourism economy provides*”. This research work is referred to and will be used as a basis for evidence in a number of the reports / research work referred to in the following paragraphs.
- 3.3 There are clear themes arising from the research work and the reports referred to below in terms of the impact of holiday accommodation and second homes on communities. The subsequent part (Part 4) of this paper will seek to gather information and quantitative/primary evidence to support these hypotheses in terms of their effects.

### The Housing Market

- 3.4 One of the main general assumptions is the impact on the housing market. There is general criticism that holiday homes push house prices higher due to demand which, in turn, means a lack of supply of affordable housing to meet local need.

#### Local Housing Market Assessments

- 3.5 The purpose of a Local Housing Market Assessment (LHMA) is to provide a solid evidence base to inform the Local Housing Strategy and the Local Development Plan. It also illuminates strategic housing priorities and planning processes for local services such as education and transport. The Local Housing Market Assessment can also be used as a tool to negotiate the provision of affordable housing when deciding on planning applications and the allocation of the Social Housing Grant to support the provision of affordable housing.
- 3.6 The Gwynedd Assessment is for the period 2018-2023<sup>16</sup>, (a new assessment is expected in 2024). The main finding of the assessment is that there is a need for an additional supply of affordable housing for the communities of Gwynedd than is currently available. Key findings show that there will be an increasing demand for affordable housing across

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<sup>15</sup> ['Managing the Use of Dwellings as Holiday Homes \(Gwynedd Council 2020\)](#)

<sup>16</sup> [Gwynedd Local Housing Market Assessment 2018-23](#)

Gwynedd in the private ownership, private rent and social rent sectors, which the current supply cannot satisfy. The assessment also found:

- Median value and lowest quartile housing is unaffordable for households with median income;
  - The private rental sector has grown significantly in Gwynedd over the last decade;
  - Private rent levels are unaffordable for many low income households.
- 3.7 It is noted that the special environmental assets of the area have been recognised and designated nationally and internationally. As a result, the area attracts a large number of visitors who make an important contribution to the local economy but who also affect the housing stock by having second homes and holiday homes across the county, and specifically in popular locations.
- 3.8 Conwy Council published an interim LHMA in 2022<sup>17</sup> (a new assessment is expected in 2024). The main findings of the assessment were that Conwy County needs more affordable housing and that the current supply is unable to meet the growing demand. Conwy County has a relatively low level of social housing stock in Wales, therefore many low income households have to rely on the private sector. The high proportion of private properties means that changes in house prices, purchase prices and rental prices, have a direct impact on a higher proportion of the population than in areas where there is more social housing.
- 3.9 The Conwy LHMA highlights that the supply of residential housing is affected by variation in private property use. The assessment highlights the increase in the number of holiday accommodation units, stating several reasons why the holiday accommodation market has gone from strength to strength:
- The income generated compared to residential accommodation; lower council tax rates and control.
  - Owners turning properties into holiday accommodation to avoid paying the premium.
  - New online marketing platforms facilitating booking and payment systems. Local property services businesses enable owners to manage properties remotely.
  - Increased demand for holiday accommodation following the holiday at home phenomenon in 2020-21.
- 3.10 The LHMA notes that there is evidence that residential dwellings have been converted into short-term letting units, and that this has increased in the last two years. The loss of dwellings to non-residential uses will have a negative impact on overall supply. Policies to manage this loss can reduce the overall level of unmet demand for housing. The assessment recommends that policies should be considered to protect residential accommodation and to avoid losses to holiday accommodation.
- 3.11 During 2021, research commissioned by the Welsh Government was published, 'Second homes: Developing new policies in Wales, by Dr Simon Brooks (2021)<sup>18</sup>. This work recognised that it is impossible to say whether second homes are mainly responsible for the inflation in house prices in areas under pressure. Reference was made to the fact that the areas under pressure were the same areas that are popular with permanent migration from other parts of the United Kingdom. Therefore, it is recognised that there

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<sup>17</sup> Interim Local Market Housing Assessment Report 2022 Conwy

<sup>18</sup> [Second Homes: Developing new policies in Wales, Dr Simon Brooks \(2021\)](#)

is actually little evidence that second homes are the main cause for "...high house prices as opposed to buyers moving to these areas to reside there." Nevertheless, it is recognised that it is not possible to ignore the obvious relationship between second homes and higher house prices.

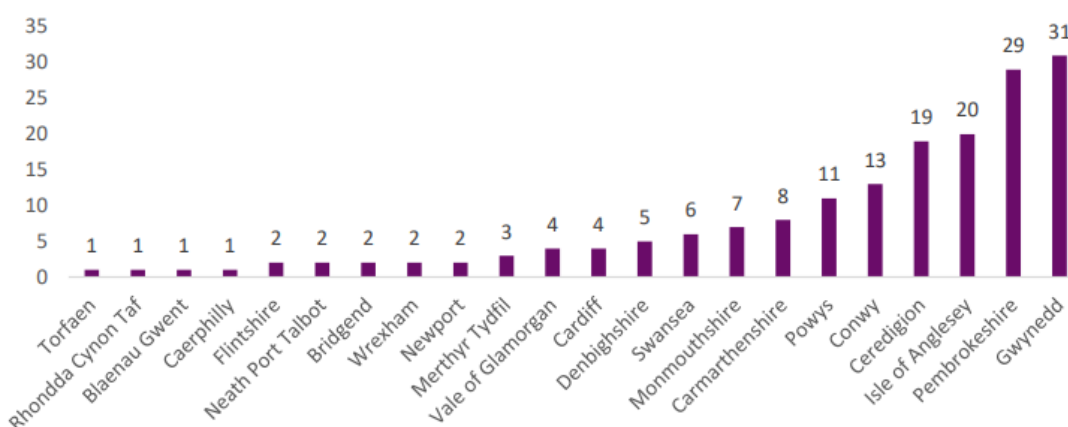
3.12 At the expense of the increase and demand for holiday accommodation, the natural attraction is for home owners (including private landlords) to transfer their property (private rental) to the holiday accommodation market due to the additional profit that can be made by letting its property to this particular market. Research by the Local Government and Housing Committee emphasised in its work 'Second Homes, (2022)<sup>19</sup> that,

*"...the private rental sector plays an important role in ensuring that a mix of housing accommodation is available to meet different needs and circumstances. We are very concerned by the anecdotal evidence that landlords are increasingly moving their properties from this sector to the short term lets market. We are aware that there are long waiting lists for people needing social housing, and a shortage of private rented sector accommodation in some areas is exacerbating the problem."*

3.13 In an attempt to further examine and assess the impact that the loss of private rental housing is having on holiday accommodation, the Bevan Institute has published research, 'Holiday Lets and the private rental sector, (2022)<sup>20</sup>. This report offers a unique analysis of holiday rental accommodation advertised by one of the most prominent companies operating in the sector, Airbnb. The report recognises that a number of other agencies and platforms provide holiday rental accommodation and, therefore, the sector is likely to be larger than the one suggested in the report.

3.14 The report found that there are 21,718 holiday units listed in Wales on the Airbnb website, with 14,343 of them appearing to be units that would be suitable to live in permanently. It is noted that this corresponds to 31% of Gwynedd's private housing stock and 13% in Conwy (see 'chart 3' below from the report). In the context of Wales, the percentage is high for both counties. If these units were to transfer back to the housing stock and to the private rental market, it could provide affordable rental housing opportunities/options and accommodate a gap that currently exists in the housing market.

**Chart 3 – Properties suitable for long-term habitation used as Airbnb stock as percentage of private rental stock by local authority, May 2022 (%)**



Source: Data obtained from Inside Airbnb and StatsWales, and analysed by the Bevan Foundation

<sup>19</sup> [Second Homes: The Local Government and Housing Committee \(2022\)](#)

<sup>20</sup> [Holiday Lets and the private rental sector, Bevan Foundation \(2022\)](#)

## Community Facilities

- 3.15 The effect of a concentration of holiday homes on the prosperity of communities can be typical and that is recognised in the Local Government and Housing Committee's research, which states:

*"Communities need people to survive. If large numbers of homes within towns and villages lie empty for large parts of the year, it is inevitable that a lack of customers will force businesses to close during the quieter periods, leaving remaining residents without those amenities. We are concerned that public services will also suffer; without key workers living in those areas, it will either be impossible to provide essential services such as health and social care, or the cost of doing so could make them unsustainable. It is likely to be the elderly and the vulnerable most adversely affected. We are aware that some of the local authority areas with the largest numbers of second homes also have relatively low average incomes, and this can make affordability issues more acute."*

- 3.16 The Local Government and Housing Committee recognises that the visitor economy is extremely important for Wales, but is concerned that the economic benefits are outweighed by the negative effects of some areas. Emphasis is placed on the need to ensure a sustainable tourism sector that does not adversely affect communities or replace them, i.e. communities should not be displaced for the benefit of tourism.

## The Welsh Language

- 3.17 One of the side effects that is unique to Wales, and even more so in Eryri, is the effect on the Welsh language. The Local Government and Housing Committee expressed concern about the evidence that a high number of second homes, especially in strongholds of the Welsh language, has a detrimental effect on the number of Welsh speakers and on the viability of the Welsh language as a community language in those areas.

- 3.18 On the other hand, Dr Simon Brooks points out that the assumption that second homes are harmful to the language stems from the perception that they were bought in competition with local Welsh speakers who, as a result of their being unable to buy property, leave the community. Despite this point of view it is noted that:-

*"...the linguistic impact of second homes which are currently in use as second homes is relatively neutral as they are normally empty. But the conversion of more dwelling houses into second homes could be very detrimental to the Welsh language as well as being unacceptable from a social justice perspective."*

- 3.19 It is, therefore, recognised that a further increase in the number of houses used as holiday accommodation and second homes can have a typical effect, not only on the Welsh language, but in terms of community justice and local people's ability to live and work in the area they were raised.

## Relevant Public Consultations

- 3.20 In February 2022, Gwynedd Council undertook a period of public consultation linked to the 'Ardal Ni 2035' project. The intention of the 'Ardal Ni 2035' project is to hold discussions with local communities in order to identify what is important to residents and how they would like to see their area develop over the next 10-15 years. At the end of the engagement work, 13 unique Neighborhood Regeneration Plans will be developed



which will reflect the aspirations of Gwynedd's local communities. Initial engagement work linked to 'Ardal Ni 2035' has tried to identify the main issues that are causing concern to communities throughout Gwynedd. Out of the 13 areas, five stated that the lack of affordable housing is the main 'not good' issue about their area. Three of these areas are within, or partially within, the National Park (Bro Dysynni, Bro Ffestiniog, Bro Porthmadog and Penrhyndeudraeth).

- 3.21 In 2018, the Snowdonia National Park Authority held a consultation on Cynllun Eryri. The consultation questions were grouped around three themes - Environment, Health and Wellbeing and Communities and the Economy, which in turn link closely with the core purposes of the National Parks, and together reflect what which makes Eryri a truly unique and special place. As part of the consultation, people were asked to discuss the key challenges and opportunities around these three themes. The findings of the consultation included the desire to investigate support and innovative solutions to the lack of affordable housing to buy and rent, and ownership of second homes was raised as a significant factor affecting housing affordability. The responses expressed real concern about the migration of young people from the area. This was closely linked to impacts on the Welsh language, affordable housing and high quality jobs, and many expressed the view that the focus should be on tackling these issues.

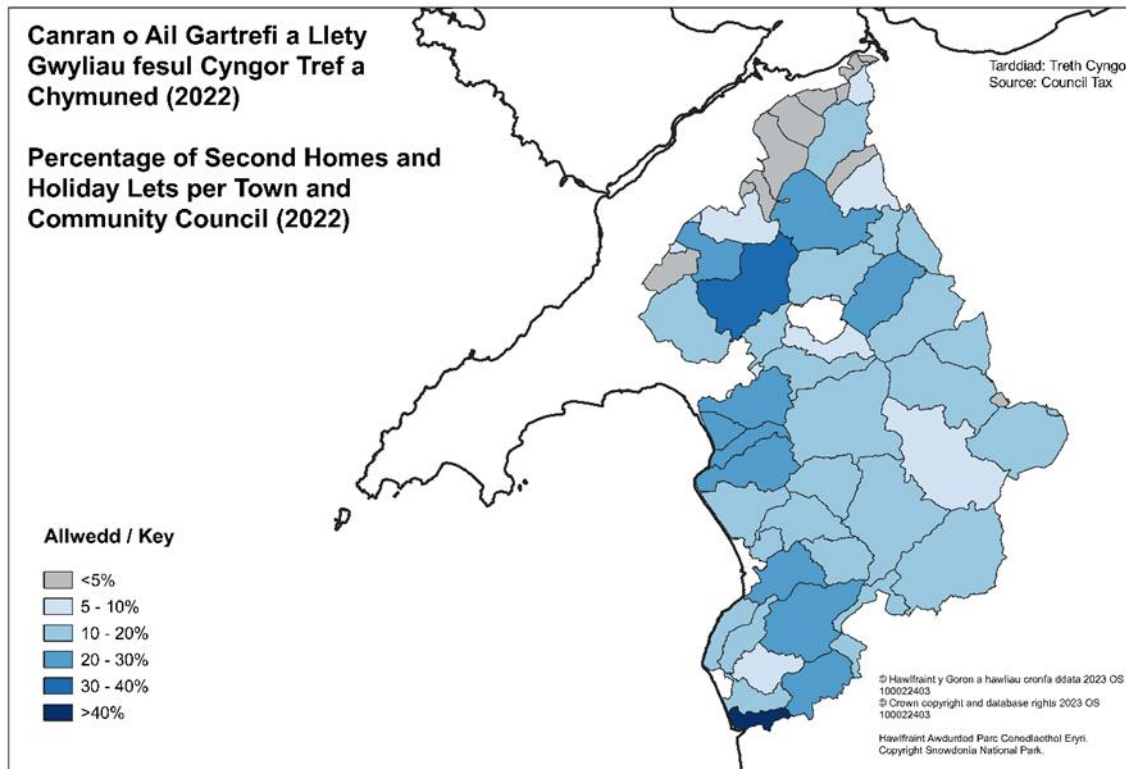
## Part 4: Impact Assessment - Primary/quantitative information

### Purpose

4.1 This section of the report seeks to identify what effects, if any, holiday homes can have on communities, based on primary/quantitative data. Issues related to the impact of holiday homes on communities include:-

- Lack of housing supply to meet local need;
- Impact on local services, amenities of local residents and the community;
- Lack of inactive population in order to maintain and support local community facilities;
- Seasonal work opportunities.

4.2 The map below (Map 1), shows the distribution of holiday homes throughout Eryri. We see that areas with rates over 10% represent the majority of the territory of Eryri. There are 34 community councils out of 54 with a rate higher than 10% within, or partly within, the Eryri National Park. Pockets of high rates can be seen, with 12 community councils above 20% distributed across Eryri. These are mainly located along the coast of Arddwy, Aberdyfi and South West Meirionnydd, the area around Yr Wyddfa and Ogwen, together with Bro Machno. There are several communities along the Northern border of the National Park with rates below 5%. These are mainly mountainous areas with a low number of houses, and therefore they do not contribute substantially to the housing stock. It is emphasised that the information has been mapped on the basis of town and community council areas and that may not reflect the true situation and may hide the true nature of the problem, as some settlements within these areas have much higher levels of holiday home ownership than others.



Map 1: Percentage of second home and holiday accommodation 2022 per Town and Community Council (source, Finance Departments, Cyngor Gwynedd and CCBC))

## Impact on House Prices and Affordability

4.4 Eryri National Park Authority receives data on house sales from the Land Registry; the data is in the form of all the individual transactions within the Park boundary. Using the house price median reduces the effect of skewing the highest and lowest value purchases. A gradual increase was seen in the median value of house prices between 2014 and 2020, reaching £172,000 in 2020. There was a significant increase to a median of £210,000 during 2021, with a further increase to £222,000 in 2022. Since 2023, house prices have fallen nationally (the median figure for 2023 was not available for the Eryri National Park area when this report was produced). High house prices affect the ability of local people to buy property in their own community.

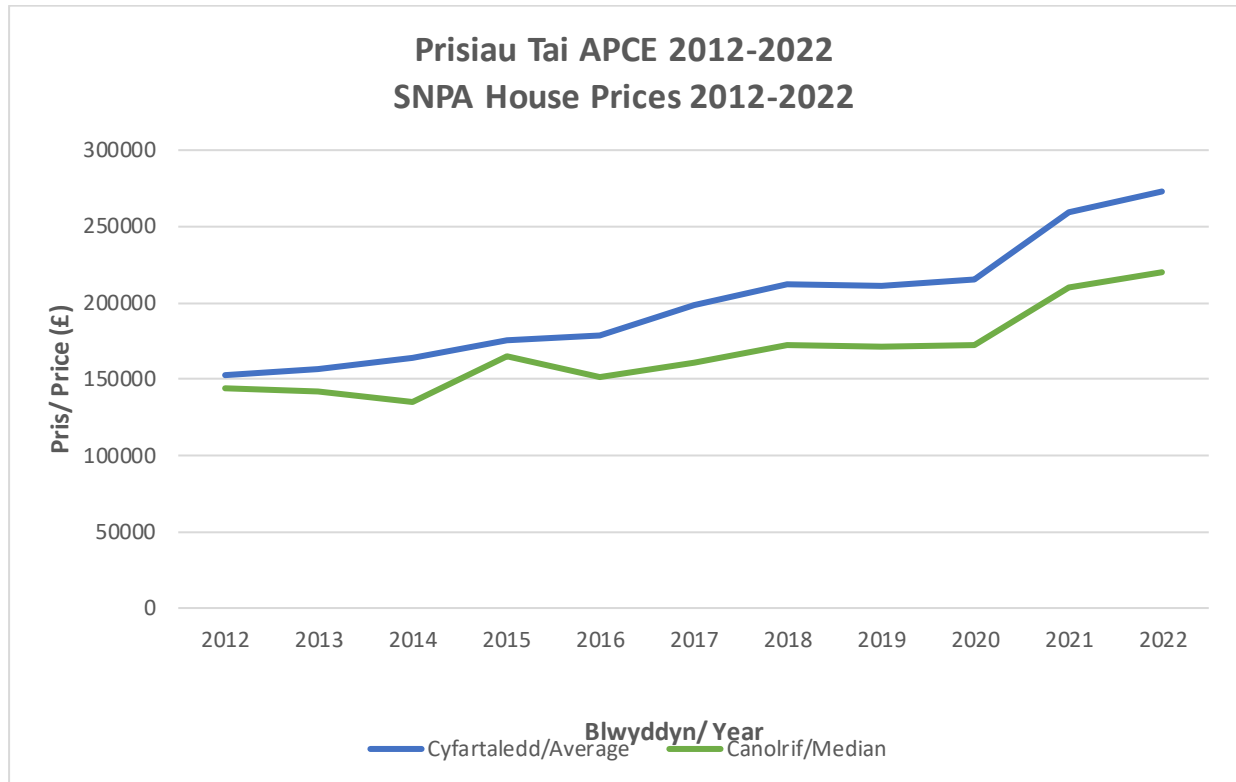
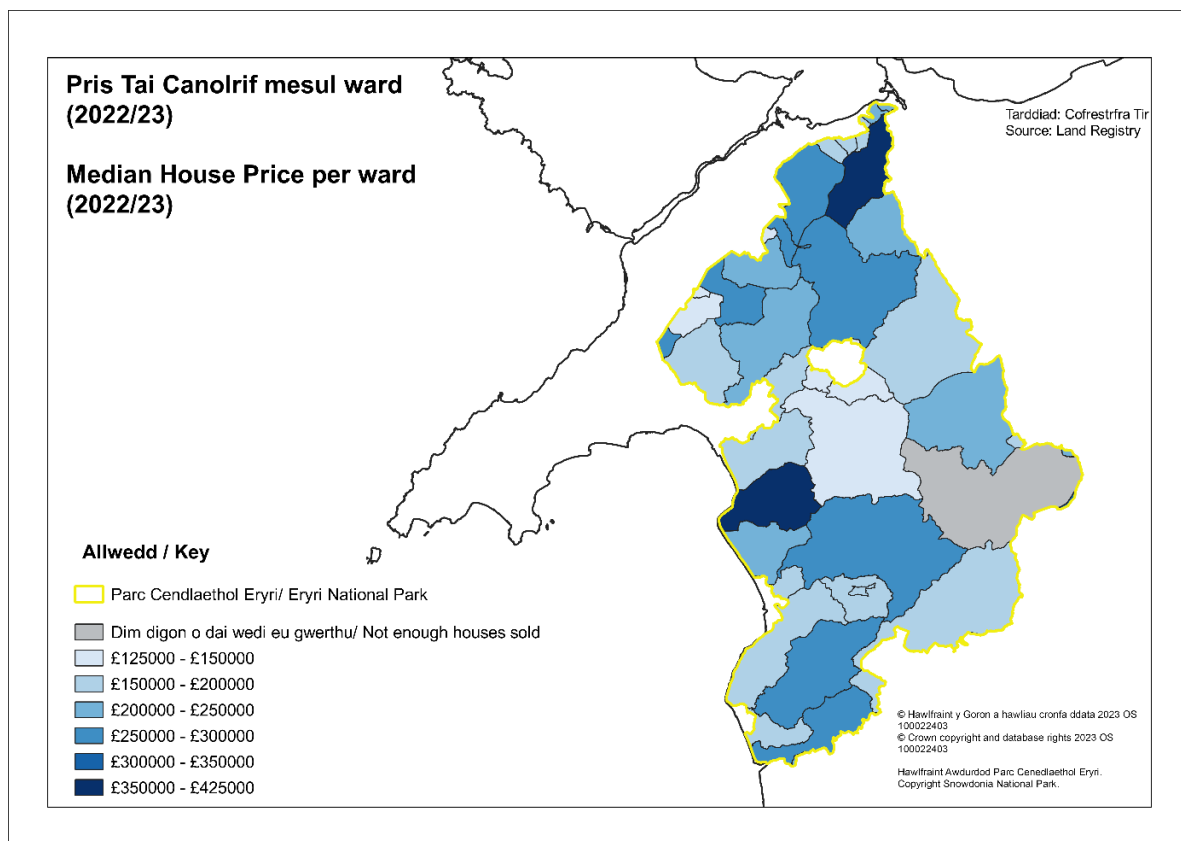


Chart 4: Average and median house prices 2012-2022 (source: Land Registry)

4.5 A combination of low-wage rural economies, restrictions on the supply of new housing and external demand for housing are factors which affect house prices and put many local people at a disadvantage in the local housing markets. The map below (Map 3), shows the median house price per ward in Eryri for the financial year 2022/23 (data obtained from the ONS). There is a wide range of prices between £150,000 and £250,000. The median prices are above £250,000 in the wards of Conwy, Waunfawr, Arllechwedd, Betws y Coed, Bryn-crug/Llanfihangel, and Brithdir/Llanfachraeth/Ganllwyd/Llanelltyd. The median price is above £300,000 in Aberdyfi, and above £350,000 in Llanbedr and Caerhun. It must be noted that the sales included here are for one year only, and there may be a low number of sales in some wards.



Map 3: Median house prices 2022/23 (source: ONS)

- 4.6 A significant proportion of prospective first-time buyers are being priced out of the housing market. The Gwynedd and Conwy Local Housing Market Assessments (LMHAs) look further into affordability within Gwynedd and Conwy. Typically, mortgage lenders will give a household a loan that is three and a half times the household's income. By comparing the median house prices against the household's mortgage potential, we are able to calculate the household's lack of ability to purchase property. That does not include any deposit a household may have, but it is an indication of the level of deposit they may need. The situation of lower income households means that even the cheapest property is beyond their reach. There is data on the affordability ratio in the LHMA for Gwynedd and Conwy. Reference is made to rates that use the lowest quartile, in order to better reflect the situation of first time buyers and those on lower incomes (where the ratio of the income of the lowest quartile against the house prices of the lowest quartile is used).

- 4.7 The ratios derived from the Gwynedd and Conwy LHMA's can be seen in the table below (Table 7). The ratio for the National Park is based on 2022 data and provided by Gwynedd Council's Data Department.

	<b>Median Affordability Ratio</b>	<b>Lower Quartile Affordability Ratio</b>
Gwynedd	5.8:1	7.2:1
Conwy	5.9:1	7.6:1
Eryri National Park	6.7:1	8.2:1

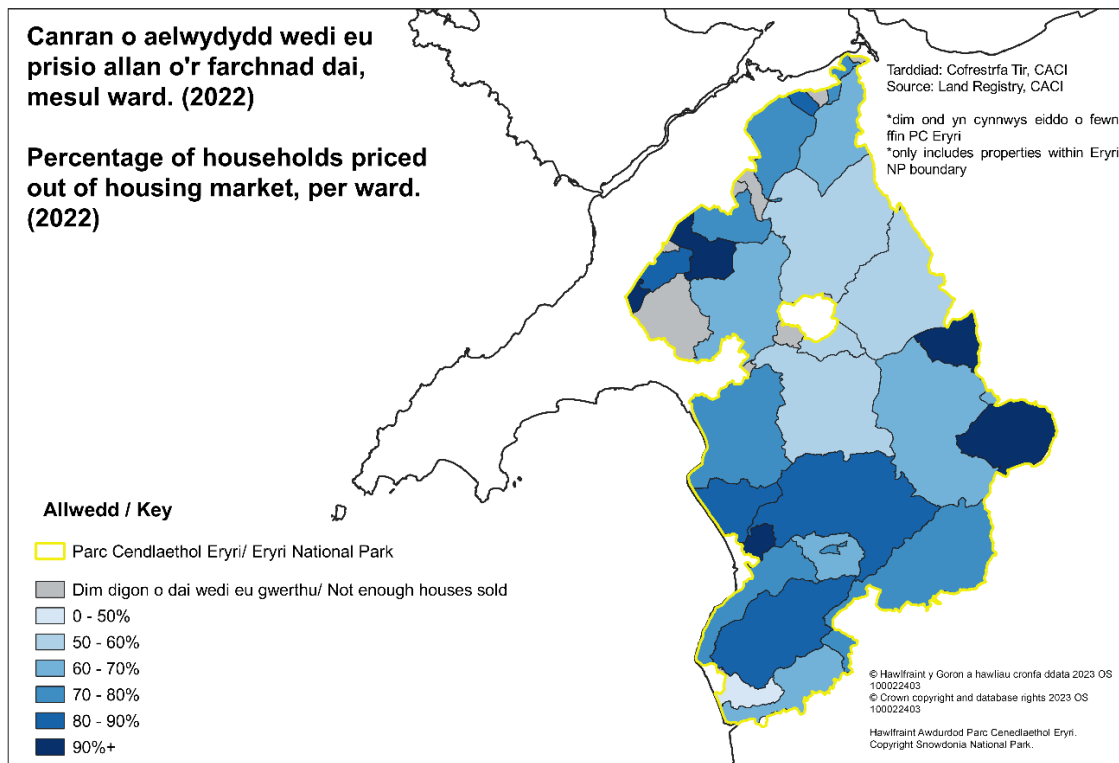
Table 7: Affordability Ratios

- 4.8 The ratio for the Eryri National Park area is higher than the entire counties of Gwynedd and Conwy, but it is recognised that more recent data is used, after house prices have increased. A comparison can also be made with the ratio for the whole of Wales. Conwy LHMA notes that the median ratio for Wales in 2020 was 5.7:1, and the lowest ratio was 7.0:1.
- 4.9 It demonstrates there are profound challenges for first time buyers within Eryri. There are higher ratios than the whole Park ratio in several wards of the National Park (see table 8 below; wards where there were less than five sales are not included as it is a small sample). The ward with the lowest ratio in Eryri is Trawsfynydd with 6:1. Bearing in mind that mortgage lenders generally give loans to households that are three and a half times the households' income (3.5:1), the high ratios in Eryri means that the cheapest houses can be beyond first time buyers.

<b>Ward</b>	<b>Lower Quartile Affordability Ratio</b>
Bro Dysynni	11.2:1
Dyffryn Ardudwy	10.9:1
Brithdir & Llanfachreth/Ganllwyd/Llanelltyd	10.5:1
Arthog & Llangelynnin	10.2:1
Corris & Mawddwy	10.2:1
Arllechwedd	10.0:1
De Dolgellau	9.8:1
Harlech & Llanbedr	9.2:1
Penmaenmawr	8.6:1
Y Bala	8.4:1
Aberdyfi	8.3:1

Table 8: Highest affordability ratios in Eryri National Park wards, (Source: Data Department, Gwynedd Council 2022)

4.10 The map below (Map 4), shows the percentage of households that have been priced out of the housing market by ward. Over 50% of households are being priced out of the housing market in every area of Eryri. Wide areas can be seen where over 60%, 70% and 80% have priced out of the market, especially in the Northern and Southern areas. The figure for Eryri as a whole, based on the lowest quartile of income and house prices, is 65.5%.



Map 4: Percentage of households priced out of housing market 2022 (source: Land Registry)

4.11 The data regarding the ratio of house prices to affordability clearly shows that there is a housing affordability problem across the Eryri National Park area, with over 50% of the local population being priced out of the housing market in the areas where the ratio is at its lowest.

### Impact on rural services

4.12 One of the main impacts of houses used as holiday homes, is that that property is no longer available for use by permanent residents. Where there are high numbers of holiday homes, this can mean fewer families in the settlement throughout the year to use services such as schools, public buses and post offices. The lack of constant/regular use of these services is a threat to the viability of the communities. Furthermore, there is a threat that businesses that provide a service to local people will be changed to businesses aimed at the non-resident/tourist population and, along with houses that stand empty for much of the year, this can undermine the sustainability of the community.

4.13 Over the years, a number of schools in Gwynedd have closed as a result of a reduction in the number of pupils. Ysgol Gynradd Aberdyfi (where the percentage of holiday homes in the community is 44.59%) closed in 2010.

- 4.14 The table below (Table 9), shows the current school capacity and pupil numbers for primary schools within or in close proximity to the Conwy area of the National Park, compared with projected pupil numbers for 2027. These projections are produced by CCBC Education Services. Their methodology is different to the population projections produced for Conwy's Local Development Plan, as they do not take any in or out migration into account. They also do not take any parental choice into account, and assume new pupils will attend their catchment school. It should be noted that pupil numbers are projected to decrease across Conwy as a whole by 11% during this timeframe due to changes in demographics and an ageing population structure.
- 4.15 All rural schools are projected decline in pupil numbers, with the sole increase projected within the town of Llanfairfechan. Should more dwellings being used as second homes or holiday lets result in the loss of local population due to families having to leave the area, this decrease could be even greater.

Ysgol / School	Current Capacity / Capasiti cyfredol	Unfilled spaces / Heb ei llenwi	Pupil Numbers / Nifer y disgyblion		Change / Newid	
			2022	2027	No / Rhif	%
Capel Garmon	46	29	17	12	-5	-30%
Dolwyddelan	59	31	28	16	12	-43%
Betws y Coed	100	74	26	19	-7	-27%
Ysbyty Ifan	40	12	28	20	-8	-29%
Penmachno	56	16	40	22	-18	-45%
Llangelynnin, Henryd	101	17	84	60	-24	-29%
Dyffryn yr Enfys, Dolgarrog	120	17	103	79	-24	-23%
Capelulo	133		136	120	-16	-12%
Llanfairfechan	92	7	85	93	8	9%
Bro Gwydir, Llanrwst	311	6	305	276	-29	-10%

Table 9: Current and projected school capacities (source CCBC Education Services)

- 4.16 It is acknowledged in the 'Rural education action plan', Welsh Government<sup>21</sup> that '*There are significant benefits – academic, cultural and social – to learners and communities through the delivery of high-quality education in small and rural schools<sup>1</sup>. This can be critical in engaging learners and families from the most disadvantaged backgrounds in rural areas and raising learner aspirations, as well as making a significant contribution to the long-term sustainability of the local community.*' It is, therefore, considered that trying to protect the rural schools and the obvious benefit that derives from them for the wider community is absolutely essential, and that ensuring that there are affordable opportunities for people to be able to live and raise a family within the communities in question is going to contribute to the prosperity of the schools in question.

<sup>21</sup> [Rural Education Action Plan, Welsh Government \(2018\)](#)

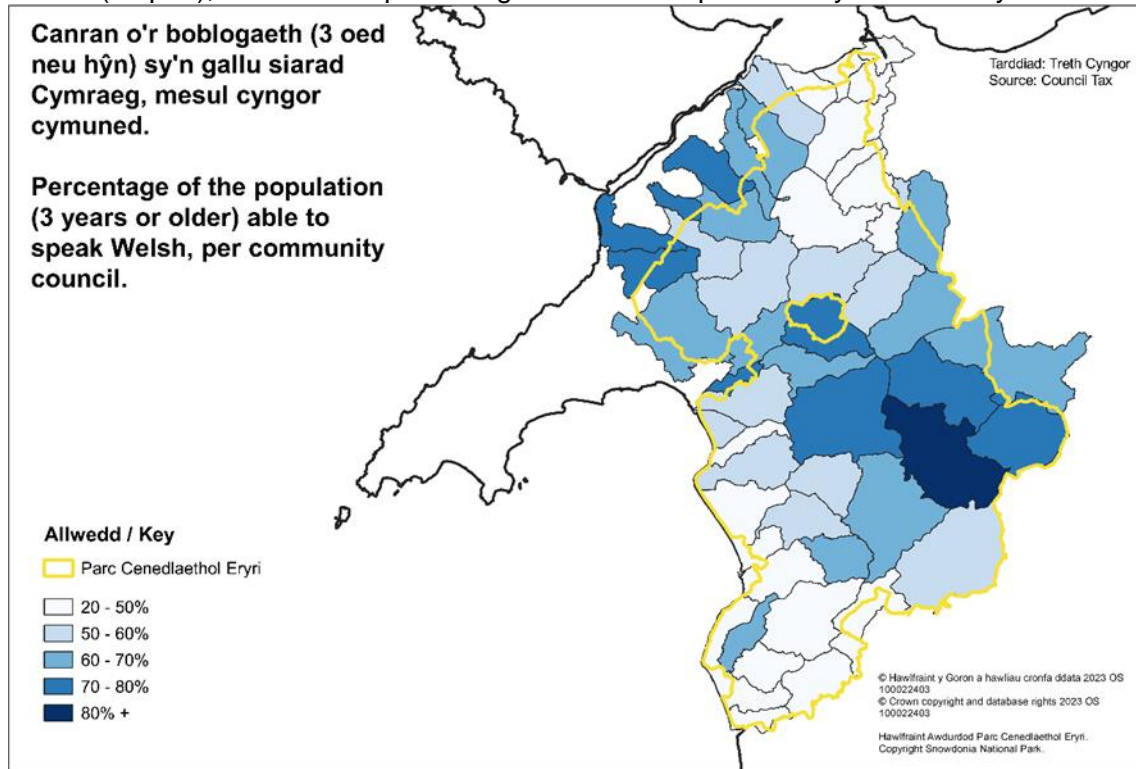
- 4.17 Although there is no definitive figure when it is considered that the level/numbers of holiday homes affect the sustainability of a community. As part of their evidence base for their Local Development Plan's housing policies, the Lake District National Park Authority has referred to two reports which address the issue. The first is '*Housing: An Effective Way to Sustain our Rural Communities*' where it states, '*the percentage of second homes should not be more than 20 per cent as this appears to affect the sustainability of any village.*' The second report, '*The Cumbria Housing Strategy 2006/2011*' goes a step further through its 'Balance Indicators', suggesting that the percentage should not exceed 10 per cent.
- 4.18 These reports were used as a basis of evidence to formulate planning policies in the Lake District National Park's Local Plan, in order to try to help reverse the imbalance in the local housing market, by allowing new settlements where they contribute to meeting the local need for identified affordability. In all cases, the policy states that all new houses will be restricted to being the person's main residence.
- 4.19 Based on the Lake District research, the current Supplementary Planning Guidance: Facilities and Accommodation for Tourists, which has been prepared to support the relevant policies within the Gwynedd and Anglesey Joint Local Development Plan, provides guidance as to when it is considered that there is an oversupply of holiday accommodation in an area, meaning that there is no capacity for more. A threshold of 15% is set. That is, in the areas where 15% or more of the existing housing stock is in holiday use, no favorable consideration can be given to applications for new holiday accommodation within the Community/Town/City Council area in question. Two exceptions to this threshold have been identified, namely applications linked to a listed building and an application linked to an established rural enterprise.
- 4.20 The concept of a threshold and that there is a critical point being reached, which has a harmful effect which means the ability to justify the need for intervention, is an important consideration. It is likely that a point is reached where it can be accepted, without a doubt, that the number of second homes and holiday accommodation within communities has a detrimental effect.
- 4.21 It must be remembered that there are areas within a Community/Town/City Council area where there are significant differences in the ownership of second homes and holiday homes. Therefore, using data based on such wide areas does not, probably, convey an accurate picture in all cases.

### **Impact on the Welsh Language**

- 4.22 According to the 2021 Census, 64.4% of Gwynedd's residents are Welsh speakers, and 25.9% in Conwy. The number of Welsh speakers varies within Eryri National Park, with the highest percentage in Llanuwchllyn on 84.1%, and the lowest in the community of Conwy on 26%. There is a relationship between a low percentage of Welsh speakers and a high percentage of second homes and holiday accommodation in several communities, such as the South Western area and the Meirionnydd coast. The map



below (Map 5), shows the percentage of Welsh speakers by Community Council..

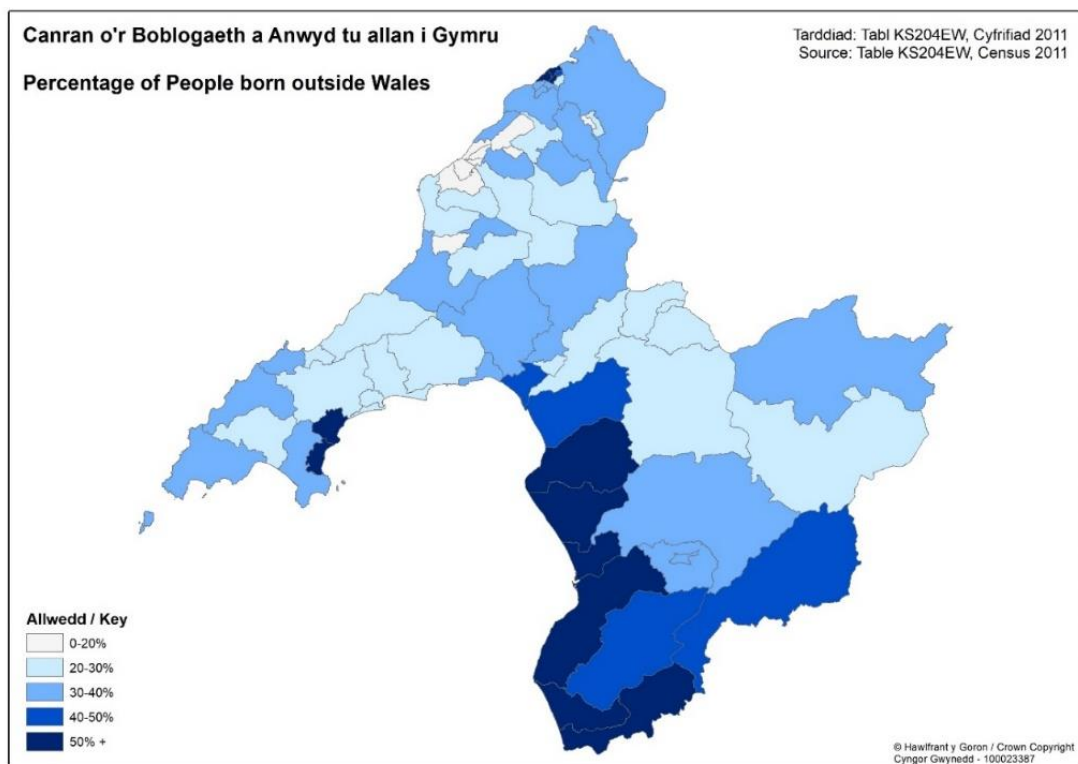


Map 5: Percentage of Welsh speakers 2021 (source: Census 2021)

- 4.23 Although the Census gathers information about the resident population and it is true to say that, similar to house prices, the Welsh language suffers as a result of more people migrating from outside Wales to rural areas, there is a pattern between high levels of holiday home ownership and the ability to speak Welsh. This is likely to be attributed to the fact that there is a reduction in the number of houses available for the local population. As a result, a shortfall in the supply of available housing will lead to higher house prices, resulting in the local population being priced out of the housing market.
- 4.24 In relation to the Welsh language, creating sustainable communities where the Welsh language has been completely immersed within communities and providing and recreating the social context necessary to use the Welsh language as part of society's normal use is essential in order to protect and encourage the growth of the Welsh language.
- 4.25 With the Welsh Government's commitment to reach one million Welsh speakers by 2050, the ability to have better control over the housing stock and, thereby, try to ensure that there is an adequate and affordable provision of housing for local people, is a means of assisting this aim.

## Change in the population

- 4.26 At the turn of the century, the problems facing rural communities were rural depopulation and the demise of villages. By now, the general picture is one of increasing wealth, with more people wanting to move to the countryside. With demand higher than supply, it is pushing house prices beyond the reach of many people.
- 4.27 Older people from more affluent areas will have more disposable income for property, either as a full-time home or as a second home, with plans to move into it permanently after retirement.
- 4.28 This has led to young people moving out of the areas and older people moving in. According to the 2011 Census, within the Gwynedd area of Eryri, the areas with over 50% of the population born outside Wales were also areas with a high percentage of holiday homes, from 13% to 43%, which is shown on the map below for Gwynedd only (Map 7).



Map 7: Percentage of people born outside Wales by ward in Gwynedd (Source: Census 2011, ONS)

- 4.29 The table below (Table 10 ), shows the top five wards in Gwynedd, outside Bangor, with the highest percentage of the population of residents born outside Wales. Bangor wards have not been included in the table as the presence of the University has led to a high population of students, with some having been born outside Wales. We see that four out of five of the wards with the highest percentage are within, or partially within, the National Park. The community councils within these wards have a percentage of holiday homes ranging from 13% to 43%, according to 2023 council tax and non domestic business tax data.

<b>Ward</b>	<b>The percentage of people born outside Wales</b>
Llangelynnin	63.2%
Aberdyfi	59.4%
Tywyn	56.1%
Abersoch (outside National Park area)	55.3%
Dyffryn Ardudwy	52.9%

Table 10: Top five wards in Gwynedd, population born outside Wales.

## Part 5: Intervention options

- 5.1 Previously (before the Planning legislation was changed), local authorities' ability to control the housing market, i.e. who occupies houses and the use made of them, was limited to new houses. The new measures that have been introduced through the changes to planning legislation and the intervention options, enable Local Authorities and Local Planning Authorities to respond in a flexible manner to the challenge facing communities and a high rate of holiday homes, in accordance with requirements and the circumstances of specific areas.
- 5.2 It is essential that appropriate consideration is given to all the control measures that can be implemented in order to obtain better control of the use of houses as holiday accommodation and second homes. It is recognised that it is necessary to act on a package of measures to be able to ensure the success of the aim sought to be achieved.
- 5.3 Below, the interventions that are available to Local Authorities and Local Planning Authorities to try to control the use of holiday accommodation and second homes are detailed. Eryri National Park is not a Local Authority, it is a Local Planning Authority, and therefore can only intervene through the use of planning legislation.

### Intervention through Planning Policies

- 5.4 Currently, one intervention mechanism where control of residential houses can be sought is by limiting the use made of residential developments where planning permission is necessary. The policies contained in the Eryri Local Development Plan include requiring residential developments, depending on the scale and location of the development, to include affordable housing for local needs.
- 5.5 When appropriate, placing a condition of main residence on new houses could be a means of ensuring that those new houses are not, in turn, used for other purposes, such as a second home/holiday accommodation. The main objective of such a mechanism would be to contribute to tackling any imbalance within specific housing markets within the Plan area and to maintain and strengthen vulnerable communities. It could also help to achieve a wider social policy goal, such as maintaining or strengthening Welsh-speaking communities.
- 5.6 Information available from other planning authorities where a main place of residence policy has been introduced, suggests that imposing a main place of residence condition would mean reducing the price of a property (95% of the equivalent value on the open market) (Northumberland), as it would restrict the use made of it. It is, therefore, noted that such a restriction could be a means of securing lower cost market houses within the housing market. However, as long as they were to live in a property as a main place of residence, it would not be possible to have a restriction on who would buy the property.
- 5.7 As part of the process of preparing a New Local Development Plan, it will be possible to give further consideration to the principle of introducing local planning policy guidance, which would limit the use of houses as a main place of residence. However, in the meantime, the amendments to planning legislation (20 October 2022), which now define specific use classes for a main home (C3), second home (C5) and short-term accommodation (C6), enable the restriction on the use of new houses (C3) by placing a planning condition on permissions, which would remove the permitted development right. It is considered that imposing a condition restricting the use of a residential house/houses as a main dwelling only, along with blocking the development right allowed in order to move from one of the use classes to another, would ensure that there is control over the use of the residential unit, where there is evidence that the control is

necessary. This will also ensure that the residential house meets the need identified for housing during the life of the Plan.

- 5.8 If an Article 4 Direction comes into force in Eryri, the Authority can provide further guidance on the policies of the Eryri Local Development Plan in the context of planning applications for second homes and holiday homes by preparing and adopting Supplementary Planning Guidance.

## Financial Intervention

- 5.9 Section 139 of the Housing Act (Wales) 2014<sup>22</sup> amends the Local Government Finance Act 1992<sup>23</sup> and enables a billing authority (County Council or County Borough Council) in Wales to remove any reduction given to long-term vacant dwellings and temporarily occupied dwellings and apply a higher amount of council tax (premium). The powers given to local authorities are discretionary.
- 5.10 Since 1 April 2017, local authorities have had the the right to charge a premium of up to 100% of the standard rate of council tax on property where it is nobody's sole or main dwelling and where the property has been furnished (second home) or unfurnished (long-term empty) for over 12 months. The previous Regulations gave the Council discretion to charge full Council Tax, or to allow a reduction of 25% or 50%, to second home classes, and to allow a reduction of 50% (or a reduction at a lower percentage), or no discount at all, on long-term empty properties that have been empty for six months or more.
- 5.11 In April 2018, Gwynedd Council raised a premium of 50% on furnished property (class B) where it was nobody's sole or main dwelling, and 50% on unfurnished and unoccupied property where it was nobody's sole or main dwelling. Since April 2020, the premium rate in Gwynedd has risen to 100% and there was a further increase to 150% in April 2023. In Conwy, the premium was increased to 25% in 2019 and then to 50% in April 2023. There will be a further increase to 100% in April 2024.
- 5.12 The power was introduced for local authorities to increase the maximum premium charged to 300% from 1 April 2023 onwards through the Council Tax (Long Term Empty Dwellings and Dwellings Occupied Periodically) (Wales) Regulations 2022. This change is part of a wider package of changes, announced by the Welsh Government, as part of a wider commitment to tackle the problems of second homes and unaffordable housing facing many communities in Wales.
- 5.13 The discretion given to local authorities to raise a premium was intended to be a means of assisting local authorities to do the following:
- restore the use of long-term empty homes in order to provide safe, secure and affordable homes; and
  - assist local authorities to increase the supply of affordable housing and improve the sustainability of local communities.
- 5.14 Despite the fact that Local Authorities have the power to charge a premium on second homes, and the associated financial disadvantage for the owners of such properties,

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22 [Housing Act \(Wales\) 2014](#)

23 [Local Government Finance Act 1992](#)

there is a general concern that properties let as self-catering holiday accommodation transfer to the non-domestic tax system, such as business property. Due to the availability of Small Business Tax Relief on Non-Domestic Taxes, they make no contribution to local taxes. Therefore, the tax income from these properties accumulates at a national level and is lost from the council tax income available to contribute directly to the budgetary requirements of the authorities concerned.

5.15 Property is listed for local tax purposes in one of two lists. Domestic property is banded and listed for Council Tax, where all other non-domestic properties have a Rateable Value, which is calculated and placed on the Non-Domestic Tax Rate Schedule (colloquially referred to as Business Taxes). The Rateable Value and description of the property are calculated and determined by the Valuation Office, which is an agency of the Inland Revenue.

5.16 Since 1 April 2010 in Wales, property that is commercially available to let as self-catering holiday accommodation can be valued for non-domestic taxes, provided that the Valuation Office Agency (VOA) is satisfied:

- That it will be available for commercial letting as self-catering accommodation for short periods totalling 140 days or more in the following 12 month period;
- that the taxpayer's interests in the property enable them to let it for such periods;
- in the 12 months before the assessment, it has been available for commercial letting as self-catering accommodation for short periods for a total of 140 days or more;
- the short periods it has been placed in trade have totalled at least 70 days during that period.

5.17 From 1 April 2016, the following criterion were added to the criteria:-

- by businesses that include a number of self-catering properties in the same location or very close to each other, the option to take an average of the number of let dates for the property to meet the criterion of 70 days, where they are let by the same business or related businesses

5.18 Since 1 April 2023, these letting requirements for classifying self-contained properties as non-domestic properties have changed. The minimum number of days a property is required to be available for letting in a 12 month period has increased to 252 days and the minimum number of days it is actually required for letting has increased to 182 days.

5.19 Non-Domestic Taxes (NDR) have been fully devolved to Wales since April 2015. They are collected by Local Authorities and paid into a national 'pool' which is administered by the Welsh Government. They are redistributed to the Welsh Authorities through the Local Government Settlement formula, based on the population aged 18 and over, regardless of the amount of income raised by each Authority.

5.20 On 1 April 2018, a new permanent scheme came into effect from the Welsh Government, which provided business tax relief to eligible small businesses. Eligible businesses must comply with the following requirements:

- eligible business properties with a rateable value of up to £6,000 will receive 100% relief; and
- those with a rateable value of between £6,001 and £12,000 will receive tax relief on a tapered basis from 100% to zero

- 5.21 Rateable value is the value assigned to a non-domestic property by the Valuation Office Agency, and is based on the property's annual market rent, size and use. The Valuation Office Agency reviews these values every five years.
- 5.22 Small Business Tax Relief (SBRR) in Wales is fully funded by the Welsh Government and is the largest Non-Domestic Tax Relief scheme operating in Wales. It provides mandated property tax relief in accordance with their rateable value and their broad use category.
- 5.23 The financial taxation implications is one vehicle that can be used in order to gain control of the provision, together with being a means of accumulating funds in order to finance schemes that seek to mitigate the impact of and provide affordable housing within vulnerable communities. It is noted, however, and this point of view is recognised by the Government, that the taxation element is only one vehicle needing to be implemented, in conjunction with a range of other mechanisms in order to ensure their efficiency.

## Licensing

- 5.24 On the 9th of January 2024, the Welsh Government announced a plan to introduce a statutory registration and licensing scheme for all visitor accommodation in Wales<sup>24</sup>. The first step will be a statutory registration scheme for all accommodation providers, which - for the first time - will provide a register of the wide range of visitor accommodation units available across the country and will include details of who operates in the sector, where they operate, and how they operate. Once a registration scheme is fully established, the intention is to follow a licensing scheme for all visitor accommodation units. Initially, this will focus on confirming compliance with safety requirements that visitor accommodation providers should already be meeting, before considering the introduction of quality standards at a later stage.
- 5.25 It is considered that a compulsory licensing scheme would be a means of regulating parts of the industry (such as private accommodation let through user websites) by addressing health and safety concerns and enabling local authorities to better understand how and where short term accommodation operates in their area. Furthermore, by having a compulsory licensing system, it would mean that information is gathered through a single data source in relation to the number of short term holiday accommodation within the authority's area. Having a complete data source would enable better control and clarity in relation to the number and concentration of holiday accommodation in specific areas.

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<sup>24</sup> [Plans unveiled for statutory registration and licensing scheme for visitor accommodation in Wales](#)

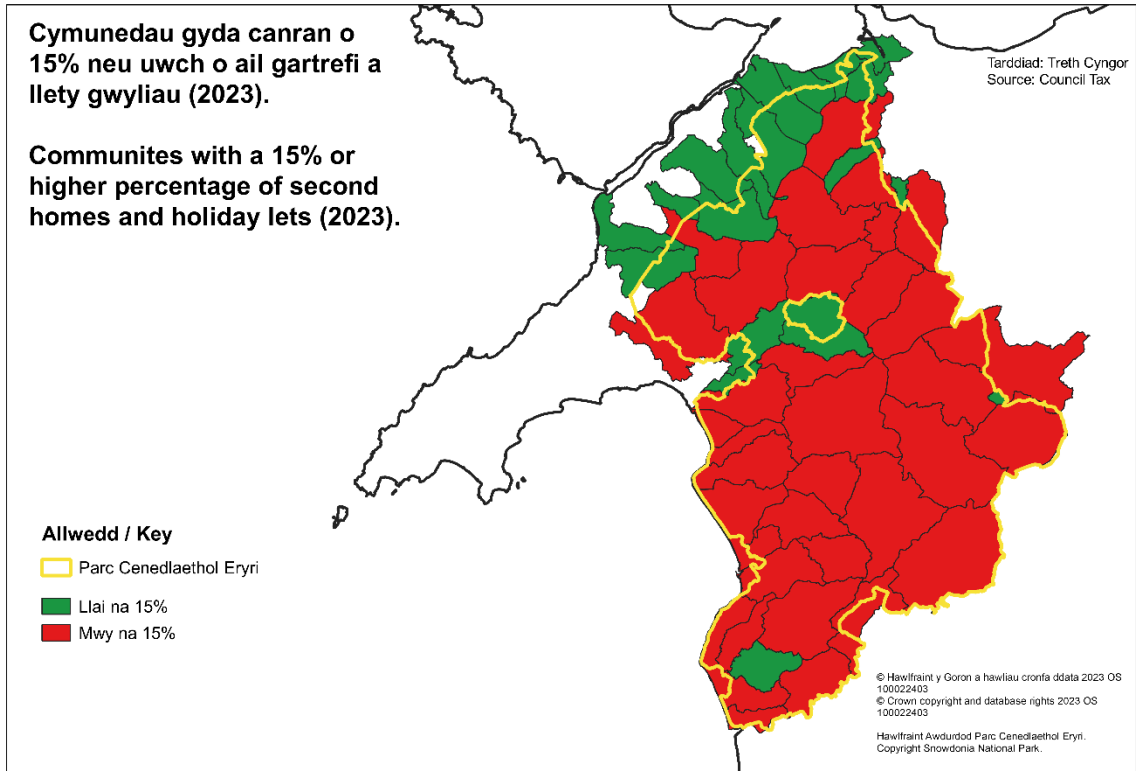
## **Part 6: Article 4 Direction Area Options**

- 6.1 The evidence presented in this report highlights the need to act urgently, in order to try to reverse the side effects of holiday homes on communities and ensure fairness and opportunities for the residents of Gwynedd. With the change in the planning legislation, the power comes from Local Planning Authorities to respond in accordance with the local circumstances and concerns.
- 6.2 There is little guidance from the Government in relation to justifying the implementation of the Article 4 Direction. The legislative guidance in relation to the Article 4 Direction, which comes into effect directly, states that Local Planning Authorities should only consider making Article 4 Directions in exceptional circumstances, when evidence suggests that exercising permitted development rights would have an adverse effect on local amenity or on the process of planning the area appropriately. The same guidance does not exist for following the Article 4 approach, which does not come into effect immediately.
- 6.3 It is considered that there are 3 possible options in terms of areas where it is justifiable to consider implementing the Article 4 Direction, namely:-
- Option 1: Areas where the current provision of holiday homes is more than a specific threshold of the housing stock
  - Option 2: Threshold areas and surrounding communities threatened by encroachment
  - Option 3: All of Eryri (Eryri National Park Local Planning Authority Area)
- 6.4 When considering these options a detailed assessment of the advantages and disadvantages will be carried out. Furthermore, consideration will need to be given to how the intervention will have a positive effect on the communities of Eryri, ensuring that it contributes to the wider objective of introducing the Direction.

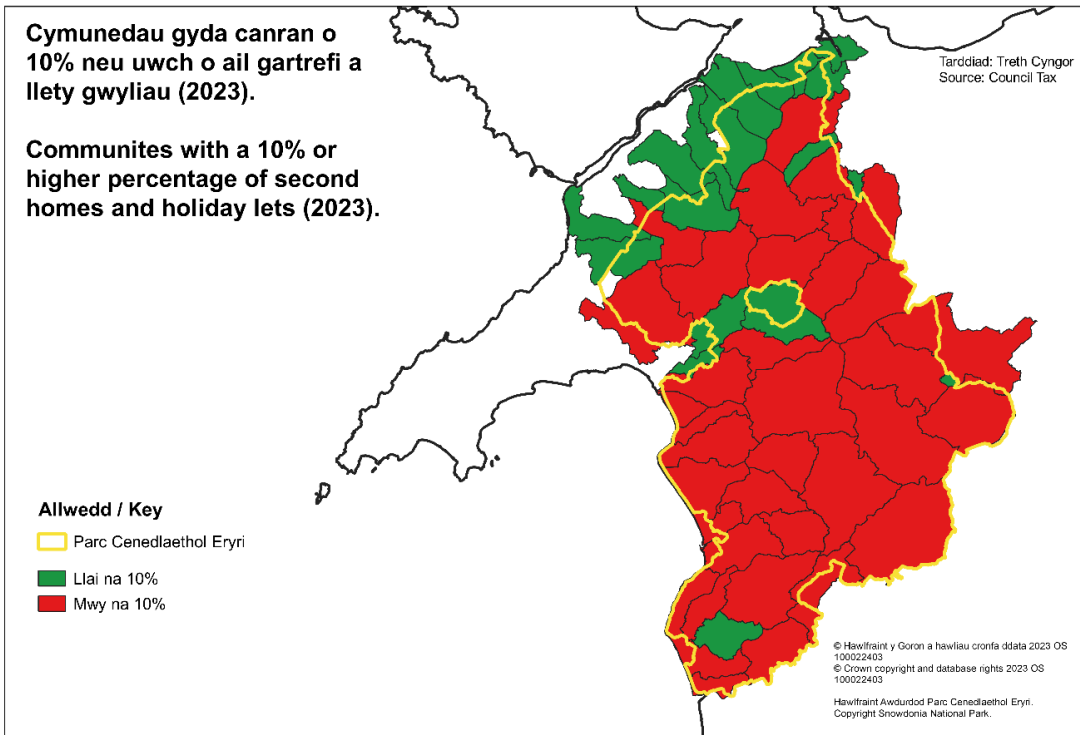
### **Option 1: Community Council Areas in Eryri with a specific threshold**

- 6.5 As already stated in part 4, the Lake District National Park Authority has referred to a threshold of 10% when it is considered that the level of holiday homes has an impact on the sustainability of a community. Gwynedd Council in its Supplementary Planning Guideline: Tourism Facilities and Holiday Accommodation, in terms of considering the over-provision of holiday homes in communities, has identified a threshold of 15% as a critical point in terms of the provision of holiday homes which affects the viability and sustainability of those communities. In Gwynedd, this threshold means that applications for holiday accommodation should not be given favourable consideration in a community council area where the current provision of the housing stock used as holiday homes (holiday accommodation and second homes) is beyond the 15% threshold..
- 6.6 The following maps show Eryri's Communities that are beyond a threshold of 15% (Map 7) and beyond a threshold of 10% (Map 8).





Map 7: Town and Community Councils with a percentage of 15% or higher (source: Council Tax and Non Domestic Business Tax)



Map 8: Town and Community Councils with a percentage of 10% or higher (source: Council Tax and Non Domestic Business Tax)

6.7 Looking at a map with a threshold of 10%, 35 out of 55 Communities in Eryri are above this threshold. The majority of the communities that are below the threshold (20 communities) are communities that are partly within the Park. The majority of the communities that fall below the 10% threshold follow the Northern boundary of the Park and in areas that have a small number of residential properties within the National Park area.

## **Conclusion**

6.8 By introducing the Article 4 Direction for areas that are currently under pressure, it is hoped that it would be a means of controlling the housing market within those communities, it is also hoped that the intervention would in turn lead to holiday homes coming back into use as permanent residential houses, contributing to the stock and provision of houses that would be available within a main residential area for the local population. However, it is difficult to predict what the impact of the intervention will be on the wider housing market, but it is considered possible to predict that there would be more demand for holiday homes in those areas that are not facing the intervention. In turn, that would have an impact on the housing market, pushing house prices out of reach for the local population.

6.9 Another concern in relation to the implementation of Article 4 for communities with a specific threshold is the fact that the figure and the threshold are based on a specific point in time, for example, there may be an area with provision that is beyond a specific threshold when the Article 4 Direction is implemented, however with time the figure could fall, meaning that the community would be below the threshold. With the changes that are on the horizon in relation to the requirements in order to qualify to pay non-domestic business tax and the possibility of raising the premium for second homes it is expected that there will be a reduction in the number of residential units that will be used for holiday purposes. Due to the procedure and process associated with the presentation of Article 4 Direction, it is not possible to respond quickly to changes in circumstances and therefore it could mean that the intervention is in effect in areas of Eryri where the density is not as high as other areas which are possibly on the rise.

## **Option 2: Threshold Areas and neighbouring communities (under the threat of encroachment)**

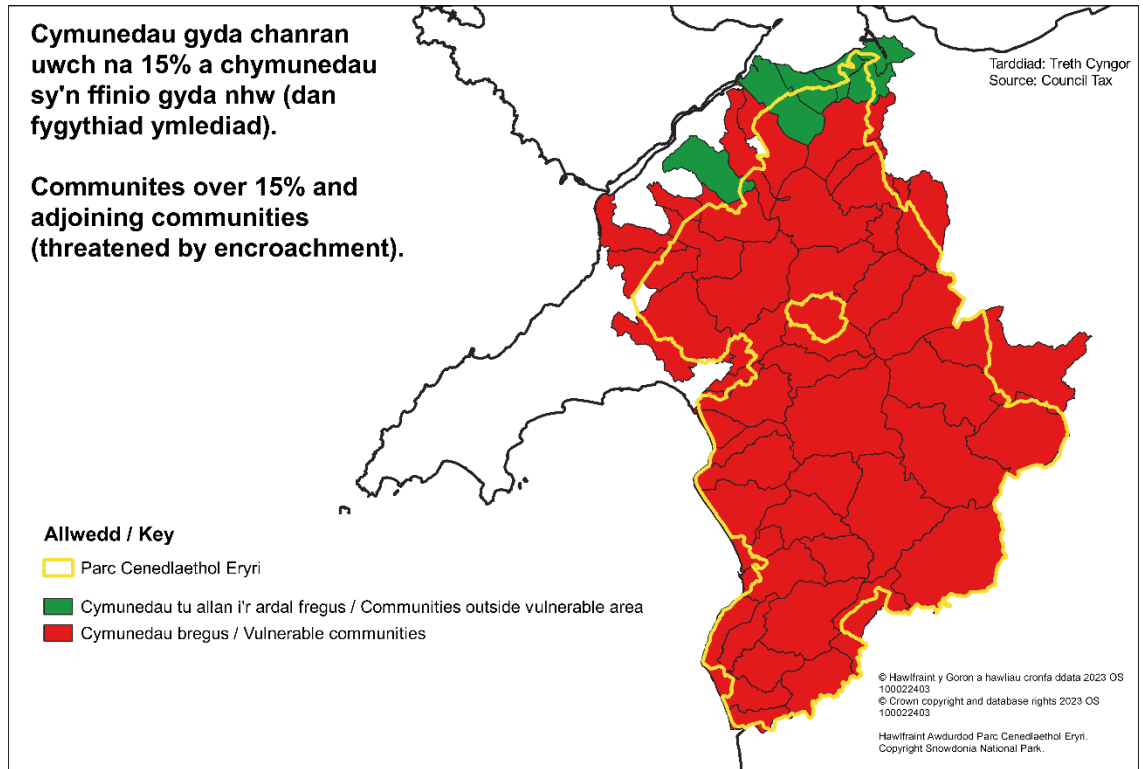
6.10 The assessment presented above in relation to Option 1 highlights the concerns associated with introducing the Direction for a specific area and the implications/side effect that that could then be having on the surrounding wider area. As you can see from map 8, only 20 communities in Eryri do not reach the threshold of 10%. The majority of the communities that fall below the 10% threshold have also seen an increase in the combined percentage of second homes and holiday lets between 2020 – 2023, meaning that a tipping point is likely to be reached, adversely affecting those communities, in the same way as what has been seen and witnessed in other areas. In addition, there is a high demand locally in some of these communities for action.

6.11 As the transfer in use from a residential house to the use of a holiday home (second home or holiday accommodation) can happen easily and as the process of submitting the Article 4 Direction is one where it is necessary to follow a prescriptive procedure and obtain the Authority's approval, it does not enable flexibility and responding quickly to any change in circumstances.

6.12 In order to provide some flexibility and to try to predict what the future patterns will be in terms of numbers and the associated threat, it is considered appropriate to assess the

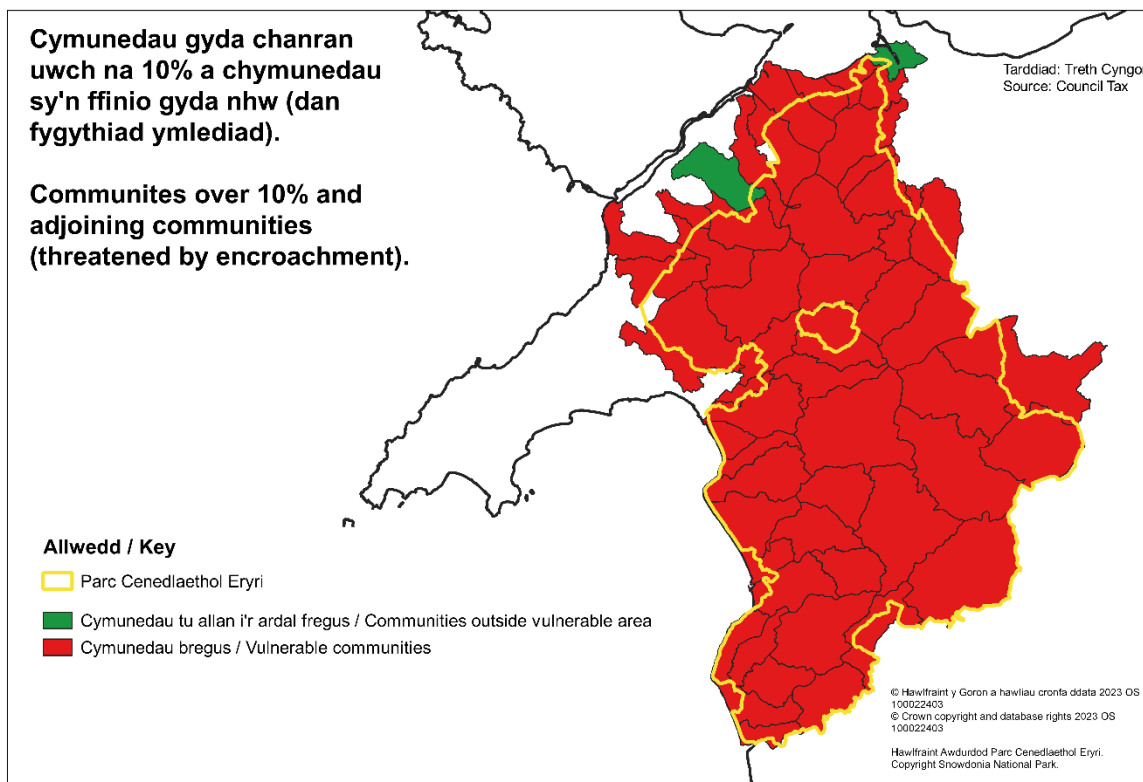
appropriateness of implementing the Article 4 Direction for neighbouring Areas which are also under threat of encroachment.

- 6.13 The maps below highlight the area that would be included as an Option 2 area: Map 9, Threshold Areas 15% and neighbouring communities {under threat of encroachment} and Map 10, 10% Threshold Areas and neighbouring communities (under threat of encroachment):-



Map 9: Areas over 15% threshold and neighbouring communities (source: Council Tax Council Tax and Non Domestic Business Tax)

- 6.13 Looking at Map 9 above, (Threshold areas 15% and neighbouring communities), 49 out of 55 communities have been included. Only 6 communities (Llanddeiniolen, Abergwyngregyn, Llanfairfechan, Penmaenmawr Henryd and Conwy) are not included as communities threatened by encroachment.



Map 10: Areas over 10% threshold and neighbouring communities (source: Council Tax Council Tax and Non Domestic Business Tax)

6.15 Looking at Map 10 (Threshold areas (10%) and adjacent communities), only two communities have not been included, namely Conwy and Llanddeiniolen. The areas of these two communities that are within the boundary of the National Park are mountainous, with a low number of domestic properties.

### Conclusion

6.16 It is considered important to consider the ramifications for neighbouring communities that are under threat of encroachment. The maps have highlighted that the majority of Eryri's communities are under threat and therefore need to be protected. When considering a threshold of 10% and neighbouring communities, only very mountainous areas, with a very low number of residential properties, have been set aside.

### Option 3: All of Eryri (Eryri National Park Local Planning Authority Area)

6.17 The evidence analysis work, together with the maps under Option 2, has highlighted that the majority of Eryri's communities are vulnerable in terms of numbers of holiday homes and are under threat of encroachment which may affect their viability and sustainability. It is recognised that areas of Eryri that are not included under Option 2 (10% threshold and neighbouring communities), namely the communities of Llanddeiniolen and Conwy, are mountainous areas. Considering the very low number of domestic properties in these communities, including the entire Eryri National Park area would make sense and ensure consistency and protection for all of Eryri's communities.

- 6.18 It is emphasised that the objective of implementing the Article 4 Direction would be to protect the communities of Eryri and the benefits of the people of Eryri, ensuring that opportunities exist for people to be able to live in their communities. Protecting the existing housing stock by controlling use is part of this wider objective.
- 6.19 The lack of certainty regarding the implications of the Article 4 Direction and the lack of ability to be responsive to changes in circumstances causes concern. For example, if the Direction were implemented for a specific area of Eryri alone, there is a chance that that action would have an adverse effect on the neighbouring housing market, as well as the type of side effects mentioned in part 4 of the report. The process of preparing an Article 4 Direction in response to such circumstances would take too much time, considering the need to give 12 months' notice before action can be taken to avoid requests for compensation. It is, therefore, considered that there is a real threat to the housing market and to neighbouring communities.
- 6.20 Protecting Eryri's communities and the long-term ability of the area's residents and future generations to be able to live in Eryri is essential in order to be able to plan ahead for future needs. It is further noted that this handling of introducing the Article 4 Direction across Eryri would ensure that there is no doubt about the geographical area where the intervention is to be carried out and it would ensure that the residents of the entire county are subject to the same intervention/protection.

## Part 7: Conclusions

### The Preferred Option

- 7.1 As the implementation of the Article 4 Direction in this way is unprecedented, it is not possible to predict or measure the implications that could arise from its implementation. Inevitably, it is likely that intervention by introducing an Article 4 Direction and, therefore, controlling the use made of residential units, would have a (possibly minimal) effect on the value of the property on the open market. Therefore, it is inevitable that the Article 4 Direction would have a similar effect on house prices.
- 7.2 Another effect is the possible increase in the ownership of holiday homes in those areas not restricted by the Direction, meaning that the problem moves from one area to another. This can be a real threat to the communities affected.
- 7.3 Because an Article 4 Direction would revoke the unrestricted ability to use a house for holiday purposes, it is possible that this could have an impact on the tourism sector. However, it is noted that housing already in holiday use when the new legislation was introduced will be defined according to the use and as such the holiday use can continue without any intervention. Further, it is emphasised that the Article 4 Direction would be a control mechanism, not a prevention mechanism. Ensuring that the local planning policy framework is fit for purpose and supports a sustainable tourism sector will be vitally important in considering any future provision.
- 7.4 The current housing situation in Eryri is critical. On average, 65.6% of the population have been priced out of the housing market. It was noted in Part 1 of the paper that a number of national and local policy guidance and strategies attempt to address the lack of provision of affordable housing and people's ability to live in their communities, reversing the social inequality that currently exists.
- 7.5 It was highlighted in Part 4 that there is a relationship between the provision of holiday homes and affordability. It is, therefore, considered reasonable to conclude that the provision of holiday homes is one of the factors that contribute towards affordability problems in communities and people's ability to own houses.
- 7.6 Cyngor Gwynedd and Conwy Council's commitment to respond to the challenges facing communities with a high density of holiday homes is reflected in the approach in terms of the taxation procedure. Following the power to be able to increase the Council tax premium by up to 300% from April 2023 onwards, Cyngor Gwynedd increased the premium rate from 100% to a rate of 150%. Conwy Council increased the rate of the premium from 25% to a rate of 50% in April 2023, and there will be a further increase to 100% in April 2024. This decision is justified after considering local factors affecting the housing market and the availability of homes (specifically second homes and holiday accommodation). For Cyngor Gwynedd, increasing the premium means that it is possible to finance a range of projects in the Council's Housing Action Plan.
- 7.7 The Authority is aware that Gwynedd Council has placed an Article 4 Directive 'Notice' for the Gwynedd Planning Authority Area (which is the area of Gwynedd that is outside Eryri National Park); if confirmed, it will come into effect in September 2024. Conwy Council is considering introducing Article 4 within their Local Planning Authority Area; it has not yet been through the political process. Introducing the Article 4 Direction would ensure consistency and avoid encroachment to communities on the boundary. By introducing Article 4 Direction for the whole area and working closely with Gwynedd and Conwy Councils, it ensures that the amenities of the residents of the two counties are protected as well as ensuring that the vision and objectives of a range of relevant strategies and policies receive consideration when assessing the appropriateness of the

prospective development (in accordance with local planning policy guidance). It is further noted that this approach of introducing Article 4 Direction across Eryri would ensure that there is no doubt about the geographical area where the intervention is to be carried out and it would ensure that all residents are subject to the same intervention/protection.

- 7.8 Following the analysis of the options discussed in Part 6 of the paper, it is noted that the preferred option in terms of introducing the Article 4 Direction is **Option 3: All of Eryri (Eryri National Park Local Planning Authority Area)**. It is hoped that, by acting in this way, it will protect the vulnerable communities of Eryri in terms of their social, economic and cultural sustainability.

### **Approach of the Article 4 Direction**

- 7.9 Procedures set out in legislation must be followed when introducing and implementing an Article 4 Direction. The procedure is set out in the Town and Country Planning Act (General Permitted Development) 1995 as amended. In accordance with the recent amendment to the relevant legislation, it is possible to present two types of Article 4 Direction, namely:-
- A Direction that comes into force directly, which means that the Article 4 Direction comes into force before public consultation.
  - A Direction that does not come into force directly, which means that there is a public consultation before the Article 4 Direction comes into force.
- 7.10 It is considered that there are advantages and disadvantages associated with both approaches. It is emphasised that the right to compensation payable in relation to the Article 4 Direction, which comes into force directly, is a significant risk for the Authority. In accordance with the need to avoid having to pay compensation, it is considered that the option of implementing an Article 4 Direction, which does not come into force directly and which will include a notice 12 months before the Article 4 Direction comes into force (which revokes the right to compensation), is the appropriate option to take in order to protect the Council's interests.

### **Scope of the Article 4 Direction**

- 7.11 In order to protect the communities of Eryri and ensure that the housing stock is not lost without control to holiday use, it is considered appropriate that the Article 4 Direction removes development rights that allow a change of use from use class C3 to C5 and C6. Similarly, in order to facilitate the ability for second homes and short-term holiday accommodation (which are not restricted through planning rights) to transfer back to the housing stock, it is not considered appropriate to interfere with the ability to do so by introducing the Article 4 Direction. The unrestricted transfer of C5 and C6 to C3 use will, therefore, be able to continue.
- 7.12 The following table (Table 11), presents information in terms of the scope of the Article 4 Direction and the permitted development rights intended to be revoked:-

Use Class	Use Class Proposed change	Restriction by way of Article 4 Direction?	Explanation
Class C3 (Dwellinghouses used as sole or main residences)	Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	✓	In order to protect and gain control of the existing housing stock.
	Class C6 (Short-term lets)	✓	In order to protect and gain control of the existing housing stock.
	Mixed use combining Class C3 (Dwellinghouses used as sole or main residences) with Class C6 (short-term lets)	✓	In order to protect and gain control of the existing housing stock.
	Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) with Class C6 (short-term lets)	✓	In order to protect and gain control of the existing housing stock.
Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	Class C3 (Dwellinghouses used as sole or main residences)	×	Need to encourage the transfer back to use as a main place of residence.
	Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
	Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) with Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
	Mixed use combining Class C3 (Dwellinghouses used as sole or main residences) with Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.



Use Class	Use Class Proposed change	Restriction by way of Article 4 Direction?	Explanation
Class C6 (short-term lets)	Class C3 (Dwellinghouses used as sole or main residences)	×	Need to encourage the transfer back to use as a main place of residence.
	Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.
	Mixed use combining Class C3 (Dwellinghouses used as sole or main residences) with Class C6 (short-term lets)	×	Need to encourage the transfer back to use as a main place of residence.
	Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) Class C6 (short-term lets)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.
Mixed use combining Class C3 (Dwellinghouses used as sole or main residences) with Class C6 (short-term lets)	Class C3 (Dwellinghouses used as sole or main residences)	×	Need to encourage the transfer back to use as a main place of residence.
	Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.
	Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
	Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) Class C6 (short-term lets)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.  Further, there is a need to consider the current provision of holiday accommodation and

Table

Use Class	Use Class Proposed change	Restriction by way of Article 4 Direction?	Explanation
			consider the impact of the proposal on the amenities of nearby residents.
Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) Class C6 (short-term lets)	Class C3 (Dwellinghouses used as sole or main residences)	×	Need to encourage the transfer back to use as a main place of residence.
	Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.
	Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
	Mixed use combining Class C3 (Dwellinghouses used as sole or main residences) with Class C6 (short-term lets)	×	Need to encourage the transfer back to use as a main place of residence.

Table 11: Revocation of Permitted Development Rights

## PUBLIC NOTICE

**AWDURDOD PARC CENEDLAETHOL ERYRI / SNOWDONIA NATIONAL PARK AUTHORITY**  
**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (as amended)**

**NOTICE OF MAKING OF A NON-IMMEDIATE DIRECTION UNDER ARTICLE 4(1) USE OF DWELLING, USED AS SOLE OR MAIN PLACE OF RESIDENCE (C3) AS DWELLINGHOUSE, USED OTHERWISE THAN AS A SOLE OR MAIN PLACE OF RESIDENCE (C5) AND SHORT-TERM LETS (C6) IN THE ERYRI/SNOWDONIA NATIONAL PARK PLANNING AUTHORITY AREA**

NOTICE IS GIVEN by Awdurdod Parc Cenedlaethol Eryri/Snowdonia National Park Authority (“the Authority”) being the appropriate local planning authority that it proposes to make a Direction under article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (“the Order”),

The Direction is being proposed to be made within 12 months of the notice subject to the further consideration of any representations received during the consultation period and thereafter is proposed to come into effect, subject to confirmation by the Authority, on 1<sup>st</sup> of June 2025.

The Direction is proposed to apply to the development specified in the Schedule to this Notice and removes permitted development rights for these types of development.

The effect of the Direction is that planning permissions granted by Article 3 of the Order shall not apply to development described above and such development shall not be carried out within the Eryri/Snowdonia National Park unless planning permission is granted by the Authority on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

A copy of the Direction and a plan showing the area to which it relates may be seen at the following office of the Authority between 9am to 5pm weekdays (excluding bank holidays):-

- National Park Office, Penrhyndeudraeth, Gwynedd, LL48 6LF.

Alternatively, a copy of the Direction, including the plan showing the area to which it relates can be viewed: Online: [www.eryri.xxxxxx](http://www.eryri.xxxxxx) (to be confirmed)

Any representations concerning this Direction should be submitted in writing to the above address (Ref: Article 4 Direction 2024) or by email to xxxxxxx@eryri.llyw.cymru (to be confirmed) from the \*\*\* 2024 until \*\*\*2024 (date to be confirmed) by no later than 5pm. Please note that any representations received will be of public record and may be published. Any personal data will be processed in line with the Privacy Statement, available on the Authority’s website.

## Schedule

The following descriptions of development referred to in Class I of Part 3 of Schedule 2 of the said Order:

- (1) Development consisting of a change of use of a building
  - (a) from a use falling within Class C3 (dwellinghouses, used as sole or main residences) of the Schedule to the Use Classes Order —
    - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
    - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
    - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
    - (iv) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (b) from a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of the Schedule to the Use Classes Order —
    - (i) to a use falling within Class C6 (short-term lets) of that Schedule;
    - (ii) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
    - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (c) from a use falling within Class C6 (short-term lets) of the Schedule to the Use Classes Order—
    - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
    - (ii) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (d) from a mixed use combining uses falling within Class C3 (dwellinghouses, used as sole or main residences) and Class C6 (short-term lets) of the Schedule to the Use Classes Order—
    - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
    - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
    - (iii) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (e) from a mixed use combining uses falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) and Class C6 (short-term lets) of the Schedule to the Use Classes Order—
    - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;

(ii) to a use falling within Class C6 (short-term lets) of that Schedule.

The proposed direction will not have an impact on uses falling in class C5 or C6 changing use back to use class C3.

**AWDURDOD PARC CENEDLAETHOL ERYRI / SNOWDONIA NATIONAL PARK AUTHORITY  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995**

**(AS AMENDED BY THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED  
DEVELOPMENT ETC) (AMENDMENT) (WALES) ORDER 2022)**

**NON-IMMEDIATE DIRECTION MADE UNDER ARTICLE 4(1) RESTRICTING PERMITTED  
DEVELOPMENT IN THE ERYRI/SNOWDONIA NATIONAL PARK LOCAL PLANNING  
AUTHORITY AREA**

**WHEREAS**

1. Awdurdod Parc Cenedlaethol Eryri/Snowdonia National Park Authority (“the Authority”) is the local planning authority in respect of the area of land specified in this Direction.
2. The Authority is satisfied that it is expedient that a development of the description(s) set out in Schedule 1 below should not be carried out on the land in the Eryri/Snowdonia National Park shown edged red on the attached plan at Schedule 2 (“the Land”) unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

**NOW THEREFORE** the said Authority in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said Land of the description(s) set out in Schedule 1 below.

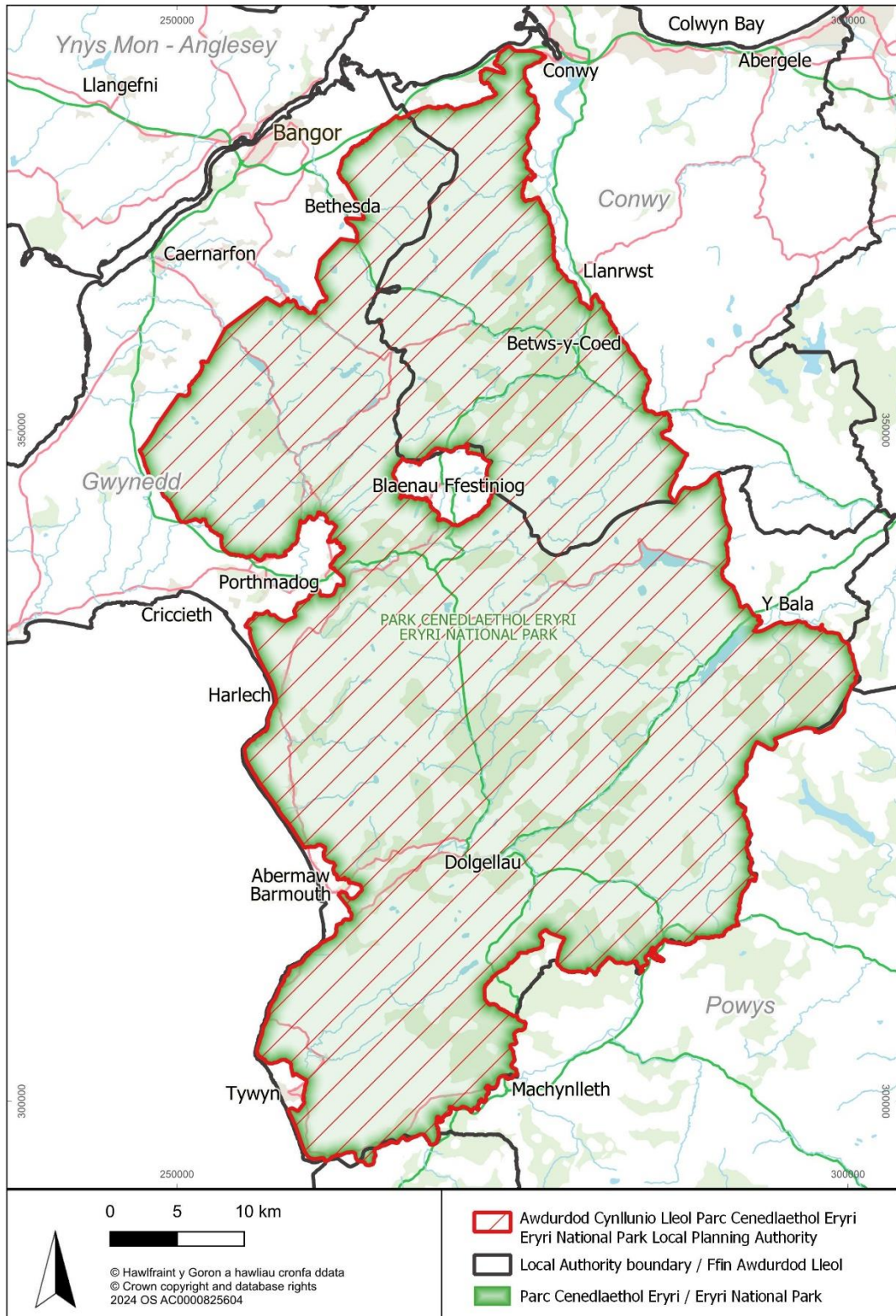
This Direction is made under Article 4(1) of the said Order and in accordance with the Order is confirmed and shall take effect on 1<sup>st</sup> of June 2025 (to be confirmed).

## Schedule 1 – Permitted Development Rights Restricted

The following descriptions of development referred to in Class I of Part 3 of Schedule 2 of the said Order:

- (1) Development consisting of a change of use of a building
  - (a) from a use falling within Class C3 (dwellinghouses, used as sole or main residences) of the Schedule to the Use Classes Order —
    - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
    - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
    - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
    - (iv) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (b) from a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of the Schedule to the Use Classes Order —
    - (i) to a use falling within Class C6 (short-term lets) of that Schedule;
    - (ii) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
    - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (c) from a use falling within Class C6 (short-term lets) of the Schedule to the Use Classes Order—
    - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
    - (ii) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (d) from a mixed use combining uses falling within Class C3 (dwellinghouses, used as sole or main residences) and Class C6 (short-term lets) of the Schedule to the Use Classes Order—
    - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
    - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
    - (iii) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (e) from a mixed use combining uses falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) and Class C6 (short-term lets) of the Schedule to the Use Classes Order—
    - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
    - (ii) to a use falling within Class C6 (short-term lets) of that Schedule.

Schedule 2 – Plan of National Park






**THE COMMON SEAL OF AWDURDOD PARC** )  
**CENEDLAETHOLERYRI** was hereunto affixed )  
in the presence of:- )

**Authorised Signatory**

On the                      day of                      20XX

	<h1 style="text-align: center;">Assessing the Impact on the Characteristics of Equality, the Welsh Language and Socio-Economic Disadvantage</h1> <h2 style="text-align: center;"><u>Introduction of Article 4 Direction</u></h2>
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The Authority is required (under the Equality Act 2010) to consider the effect any change in policy or procedure (or the creation of a new policy or procedure), has on people with protected equality characteristics. The Authority also has a general duty to ensure fairness and foster good relations. A timely Equality Impact Assessment must be undertaken before making any decision on any relevant change (i.e. which has an effect on people with protected characteristics).

The Authority is also required, under the requirements of the Welsh Language Standards (Section 44 of the Welsh Language (Wales) Measure 2011) to consider the effect of a change in any policy or procedure (or the creation of a new policy or procedure), in its opportunities for people to use Welsh and to ensure that Welsh is not treated less favourably than English. This document therefore ensures that these decisions protect and promote the use of the Welsh language.

From April 1st 2021 the Authority has a duty to have due regard to tackling socio-economic disadvantage in strategic decisions.

## 1) Details

### 1.1. What is the name of the policy / service in question?

Introducing the Article 4 Direction to enable the management of the transfer / change in use from residential dwellings to holiday use (second homes and holiday lets).

### 1.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

It is proposed to introduce a Non-immediate Effect Article 4 Direction for the Eryri Local Planning Authority Area. Our intention is to remove permitted development rights for the following uses:-

- (a) Change of use from C3 to C5 or C6 and specific mixed uses;
- (b) Change of use from C5 to C6 or specific mixed uses;
- (c) Change of use from C6 to C5 or specific mixed uses.

Definition of the uses:-

**C3 - Dwelling houses, used as a sole residence or main residence:** Dwelling houses, used as a sole residence or main residence and occupied for more than 183 days in a calendar year

**C5 -Dwelling houses, used apart from sole or main residence:** Dwelling houses, used apart from a sole residence or main residence and occupied for more than 183 days or less.

**C6 - Short-term holiday let:** Dwelling houses used for commercial short-term lettings no longer than 31 days for each period of occupancy.

This means, for example, following the implementation of an Article 4 Direction there will be a need to obtain planning permission to change the use of a residential home that is a main residence (C3 use) to a second home (C5 use) or holiday accommodation (C6 use).

These developments are currently regarded as 'permitted development rights' in accordance with the Town and Country Planning Order (Permitted General Development) 1995 (as amended), i.e. that the use of a residential house can be changed to holiday use (holiday accommodation or second home) without the need to obtain planning consent for that use.

### **1.3 Who is responsible for this assessment?**

Head of Planning Policy Team

### **1.4 When did you commence the assessment? Which version is this?**

Version 1.

This assessment was prepared as part of the evidence base and justification associated with the proposal. The assessment will be part of a package of information that will be submitted to ENPA Planning Committee to assist their decision to approve issuing a 'Notice' of the proposal (introducing the Article 4 Direction).

After the decision, there will be a period of engagement and seeking opinion, before reporting back to the Committee on the representations received and then receiving their final approval.

During every step of the process we intended to amend and adjust this assessment as needed.

## **2) Action**

### **2.1 Who are the stakeholders or partners you need to work with to undertake this assessment?**

It is possible that the Article 4 Direction will affect everyone and therefore no specific partners or stakeholders have been contacted as part of the assessment.

In accordance with the Town and Country Planning (Permitted General Development) Act 1995 (as amended) there is a requirement to issue a notice of the intention (introduce an Article 4 Direction) giving people an opportunity to make representations on its content. The legislation notes that wherever possible, those directly affected by the proposal should be notified if it is considered reasonable to do so.

The proposal could have a direct impact on every residential property/individual who is looking for a house within the Eryri Local Planning Authority area as it restricts the unlimited use (removes the ability to use it as a second home and holiday accommodation) that can be made

of that property. Consequently, it is considered appropriate to try to send correspondence to every residential property within the Eryri Local Planning Authority notifying them of the proposal and noting the opportunities that will be available to submit observations.

The following methods will be used to advertise:-

- A dedicated webpage on the Authority's website [INCLUDE WEBSITE LINK]
- Social Media (Twitter, Instagram and Facebook)
- Site notice
- Corresponding with residential houses in the Local Planning Authority
- Conduct awareness raising sessions with the Local Communities via the Communities Forum
- Notify the nearby Local Planning Authorities

By undertaking an engagement process that goes beyond the legislative requirement, it is hoped that this will ensure that all relevant stakeholders are aware of the intention and their opportunity to voice their opinion through the appropriate methods.

## **2.2 What measures have you taken to engage with people with equality characteristics, regarding the Welsh language or with communities (either of place or of need) that live with socio-economic disadvantage?**

Thus far, the measures taken to engage with the public have been limited. However, engagement will be an essential part of the next step of the process.

The engagement steps will be open (public engagement process) for all individuals to respond to it. The process of raising awareness referred to above (response to question 2.1) will be used along with a method for submitting representations as follows:-

- A tailored questionnaire using suitable on-line software (Microsoft Forms)
- Paper questionnaire (on request)
- Opportunity to respond by letter
- Opportunity to respond via e-mail
- Opportunity to discuss the proposal with relevant officers

To facilitate the process of submitting representations on the proposal it will be possible (upon request) to receive a copy of the background documents in various languages and formats. We hope that this will provide people with the flexibility, especially those with protected characteristics to have input in the process.

The relevant legislation notes the need to hold an engagement period of at least 21 days To maximise the opportunities that are available for people to voice their opinion it is considered appropriate that the consultation period be extended to a minimum 6 week period.

In accordance with the requirements of the Welsh Language Standards, Section 44 Welsh Language Measure (Wales) 2011 a specific question will be asked as part of the process to enable measuring and assessing the impact of the decision on the Welsh language. Further, in accordance with good practice a series of equality questions will be asked to ensure that a cross-section of people respond.

## **2.3 What was the result of the engagement?**

Not applicable at this time.

## 2.4 On the basis of what other evidence are you operating?

The ability to act in the way intended derives from changes that are taking place nationally. The changes associated with the planning procedure are part of a package of measures that have been implemented or are in the pipeline by the Welsh Government to respond to the housing crisis that exists at the expense of the lack of control over the use of housing as holiday lets and second homes.

One of the control measures implemented is the change to planning legislation, with this change placing the direction of implementation in the hands of Local Planning Authorities.

Since 20 October 2022, the following amendments have been made to planning legislation:-

- Amending the Town and Country Planning (Use Classes) Order 1987 to create 3 new use classes for Primary Residences, Second Homes and Short-term Holiday Lets.
- Amending the Town and Country Planning (Permitted General Development) Order 1995 in order to allow changes between the three new use classes (Primary Residences (C3), Second Homes (C5) and Short-term Holiday Lets (C6)) without the need for planning permission.
- Amend Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday lets in a local area must be considered when considering the housing requirements and policies in Local Development Plans (LDPs).

If it is deemed appropriate, in order to restrict the change of use between the new use classes (C3, C5 and C6), the Local Planning Authority has the power to introduce what is called an Article 4 Direction for a specific area. The purpose of an Article 4 Direction (depending on its content and scope) would remove the rights to change between the use classes without planning permission. It is possible to implement the Article 4 Direction for a specific area (no definition noted in legislation), provided that it is possible for Local Authorities to justify the proposal.

The comprehensive justification paper has been prepared to support the principle of introducing an Article 4. The evidence gathered in relation to seeking to evidence how the high number or high concentration of self-catering holiday lets and second homes are having a detrimental impact on the county's communities. These impacts include affecting house prices, local infrastructure and the Welsh language.

By looking through Council Tax data it can be seen there has been a consistent increase in the combined number of second homes and short-term holiday lets in Gwynedd and Conwy over recent years. One of the patterns that has emerged in Gwynedd is the higher increase in short-term holiday lets and a drop in the ownership of second homes. The taxation procedure and the introduction of the Council tax premium for second homes have contributed to this trend. Further, due to the existing system, the financial advantages of transferring over to non-domestic business rates is a motivation for transfer in use.

The combined percentage of second homes and self-catering holiday accommodation of 17.4% for the National Park area is significantly higher than the combined percentage for the areas of Gwynedd and Conwy counties. The numbers for community councils within or partly within the

National Park show the same pattern as Gwynedd and Conwy, namely an increase in the combined total of second homes and holiday accommodation since 2020.

A core part of the justification linked to this route of action is to look at how the provision of second homes and holiday accommodation affects the communities of Eryri.

Inevitably the demand for holiday accommodation affects the ability of local people on lower wages to buy homes in popular holiday destinations. Over 50% of household are being priced out of the housing market in every area of Snowdonia. See wide areas where over 60%, 70% and 80% have priced out of the market especially in the Northern and Southern areas. The figure for Eryri as a whole, based on the lowest quartile of income and house prices, is 65.5%. The 'Paper Justifying the Introduction of Article 4 Guidance' elaborates on this.

Together with impacting on house prices and affordability the justification paper also discusses the impact on the provision of social facilities e.g. schools that satisfy the needs of the local population together with the impact on the Welsh language.

When considering taking action through the planning intervention (introducing the Article 4 Direction) it is also appropriate to consider the other options that could be implemented. Inevitably, with any such interventions, there will be an impact, be it positive or negative.

The other control measures that could be implemented or are being considered include:-

- Intervention via local planning policy; for example to limit the use of new housing to be principal residences;
- Financial intervention: increase the second homes premium and amend the eligibility criteria for paying the non-domestic business rate;
- Licensing; Welsh Government has recently undertaken a consultation on the principle of implementing the mandatory licensing procedure for holiday accommodation providers.

We have concluded there is a need to implement a package of control measures to ensure the success of the wider aim we are seeking to achieve which is to overturn the impacts of holiday homes on communities and ensure fairness and opportunities for Eryri residents.

Consideration has been given to a series of options in terms of the area where the Article 4 Direction should be implemented, namely:-

- Option 1: Areas where the current provision of holiday homes is higher than the specific threshold of the housing stock;
- Option 2: Threshold areas and surrounding communities threatened by encroachment;
- Option 3: The whole of Eryri (Eryri Local Planning Authority Area)

When considering these options, it is important that consideration is given to the disadvantages of our chosen route. The 'Justifying issuing an Article 4 Direction' paper seeks to introduce an analysis of those advantages and disadvantages. Following the engagement process and before reaching a final conclusion on the proposal the paper and this assessment will need to be reviewed to ensure that all relevant considerations have received due attention.

Since implementing the Article 4 Direction in this way is unprecedented, it is not possible to anticipate or measure the implications that may derive from its implementation. It is anticipated that the potential impacts include:-

- Impact on the value of property on the open market;

- Will lead to an increase in the number of holiday homes in areas that are not subject to the same protection.

The hope is that introducing the Article 4 Direction will ensure better control of the use made of residential houses thus ensuring an appropriate provision of housing available to satisfy local needs. After assessing the options, it was concluded that the proposed route should be to introduce an Article 4 Direction for the Eryri Local Planning Authority Area (Option 4). It is hoped that by introducing the Article 4 Direction for the entire area that it will ensure that the amenities of the county's residents are protected, including those individuals with protected equality characteristics. It will also ensure that the vision and objectives of a range of relevant strategies and policies, are considered when assessing the propriety of the proposed development (in accordance with the local planning policy guidance). Note that these policies and strategies have also been subject to a relevant Impact Assessment. Furthermore, it is noted that this method of introducing the Article 4 Direction will ensure there is no doubt regarding the geographical area where the intervention will be implemented and will ensure that the residents of the entire county are subject to the same intervention/protection.

After completing this assessment, the intention is to issue an Article 4 Direction for the whole of Eryri (option 3). The engagement process that will be held after issuing the notice will offer an opportunity to voice opinion on the proposal and the implementation path. Any representations received will require due attention and this Assessment along with the supporting documents will need to be amended before reaching a final decision on the proposal.

Please refer to the 'Paper Justifying the Introduction of Article 4 Guidance' for more information on the evidence base on which action will be taken.

## 2.5 Are there any gaps in the evidence that needs to be collected?

We consider that the evidence that has been gathered is robust and fit for purpose. Nevertheless, it should be borne in mind there is no guarantee of impact at this point, as implementing an Article 4 Direction for this type of use has never been done before. We would therefore be eager to seek the opinion of the people of Eryri on this matter. Should any other useful evidence emerge we will use it to improve our report and our way of working.

## 3) Identifying the Impact

### 3.1 The Authority must give due regard to the effect any changes will have on people with the equality characteristics noted below. What impact will the new policy/service or the proposed changes in the policy or service have on people with these characteristics?

Characteristics	What type of impact? *	In what way? What is the evidence?
<b>Race (including nationality)</b>	Positive	Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, that is, a proposal must obtain planning consent from the Local Planning Authority.

	Negative	<p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> <p>The main aim of the intervention is to ensure there is better control of the use made of houses thus ensuring an appropriate provision of housing available to meet the needs of individuals who are searching for a home.</p> <p>As part of the engagement process the relevant documents that will be prepared to facilitate the process of submitting representations will clearly note that individuals can receive the documentation in various formats and languages.</p> <p>This could affect the housing market, causing lower prices, which will affect local people who have a home in the area along with people with second homes or holiday lets. It could therefore benefit people who wish to buy houses in the area, including local people, people wanting to return to the area or people from other areas / countries.</p> <p>Having said that, some negative impact is also expected, that will have a particular impact on local residents as owners right to use their residential home for holiday purposes will be restricted. Further, the intervention could be a barrier for individuals wishing to invest in the holiday home market, whether they are local or not.</p>
<b>Disability</b>	Positive	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p>



	Negative	<p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> <p>The main aim of the intervention is to ensure there is better control of the use made of houses thus ensuring an appropriate provision of housing available to meet the needs of individuals who are searching for a home.</p> <p>It is possible that there will be an impact on the housing market, meaning that house prices will fall. This could mean that more disabled people will be in a position to purchase a suitable house, or, will have more money left over to make adaptations after they buy it. It should be noted that families that have a disabled family member are statistically more likely to experience financial poverty than families who do not have a disabled family member (page 60 of <i>Is Wales Fairer?</i>, Equality and Human Rights Commission).</p> <p>As part of the engagement process the relevant documents that will be prepared to facilitate the process of submitting representations will clearly not that individuals can receive the documentation in various formats and languages.</p> <p>Falling house prices could also cause negative impacts. There may be cases where an individual has decided to adapt their residence to make it suitable to their needs based on the certainty that the investment will be recovered in the value of the property. The decision to invest could be made when the value of the property is higher, at a time when no restrictions exist on the use of the residence. Therefore, in light of the intervention (introducing an Article 4 Direction) there is a risk of financial losses in such cases.</p>
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		<p>It is also a possibility that there will be a fall in the number of holiday lets and therefore there will be fewer holiday lets available that meet the needs of individuals with specific impairments.</p>
<b>Sex</b>	No impact	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>
<b>Age</b>	Positive	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> </ul>

	Negative	<ul style="list-style-type: none"> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>On average 65.6% of the Eryri's population has been priced out of the housing market. This percentage has been increasing over the years meaning that individuals who wish to access the housing market find it very difficult to do so. It is often young people who face this challenge. It is therefore hoped that this intervention will have a positive impact on those individuals, and individuals of all ages.</p> <p>Should there be a reduction in house prices in light of introducing an Article 4 this could have a disproportionately negative impact on older people if they intend to sell their family home to buy a smaller house to release equity.</p> <p>In addition, a young couple rather than someone older would be more likely to be in a negative equity situation as the time since they bought the property in the first place is shorter, and therefore the time since they got a mortgage. If a couple wants to move and buy a bigger house because their family is growing, a negative equity situation would create a problem for them under this situation.</p> <p>In a situation where a person or group of people inherits a house in Eryri, the Article 4 Direction could limit the options of what can be done with that property, if it is kept.</p> <p>There can be many reasons why a beneficiary might want to keep the inherited property as a second home or use it as short term holiday accommodation e.g. the property is a childhood family home which is left to siblings, the property may be held in trust for minor beneficiaries etc. Difficulties can arise if the beneficiaries are unable to obtain planning permission to change the use of the property to a second home or holiday accommodation.</p> <p>If the property had an outstanding mortgage and negative equity, in these circumstances it would have a negative impact on the beneficiaries as the circumstances would make it unviable to sell, and they would prefer to use the property as holiday accommodation and use the income to pay down the remaining mortgage and gain back equity. However, to negate this, the option to rent the property to a family as a permanent dwelling would still be available, although the income from this would not be as high.</p>
<b>Sexual orientation</b>	No impact	Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be

		<p>taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>
<p><b>Religion or belief (or non-belief)</b></p>	<p>No impact</p>	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>

<p><b>Gender reassignment</b></p>	<p>No impact</p>	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>
<p><b>Pregnancy and maternity</b></p>	<p>Positive</p>	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p>

		Should there be a reduction in prices in light of introducing Article 4 it is likely that this would be beneficial to young families wanting to buy a home.
<b>Marriage and civil partnership</b>	No impact	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>
<b>The Welsh language</b>	Positive	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul>

		<p>The intention of implementing the Article 4 Direction across the Local Planning Authority area means that everyone in the area will be subject to the same restrictions. A series of area options that were considered in the justification paper for implementation also sought to assess the impact of implementing it on a specific area basis rather than for the entire Eryri Local Planning Authority Area. It was concluded that implementing the Article 4 Direction in a specific area only would have a negative impact on the population and the communities where the intervention would not apply, it would also therefore have an impact on the Welsh language. It is hoped that implementing it across the entire county will have the best possible positive impact.</p> <p>The changes enable the Local Planning Authorities to tailor their local planning policies to support the use of the Welsh language, and to attempt to ensure there is housing provision available to meet the specific needs for residential houses.</p> <p>Trying to improve the opportunities for people to live in their indigenous communities is advantageous to the prosperity of the Welsh language and its use.</p> <p>The decision does not directly affect the status of the Welsh language or opportunities to use it, however affordability figures show us that a high percentage the people of Eryri cannot afford to buy a new home because of the gap between average salaries and house prices. This means that young people are more likely to move out of the county to find work opportunities that will provide better salaries and a better chance of being able to afford to buy a property. This outward migration leads to a change in demography which in turn affects linguistic viability in our communities.</p> <p>Implementing this change is part of a package of broader strategic interventions to seek to protect those communities where there is a high number of Welsh-speakers and therefore it is believed that the decision will have a positive, indirect impact on the language.</p> <p>Refer to the 'Welsh Language Impact Assessment' document for a more detailed analysis.</p>
<p><b>Socio-Economic Disadvantage</b></p>	<p>Positive</p>	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p>

	Negative	<ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>Since implementing in this way is unprecedented, it is impossible to fully anticipate the side-effects. One possible side-effect is the potential impact on the value of residential property. A reduction in house prices could mean that more people will be able to afford to buy houses (see question 2.4 for more information on how the housing market is currently affecting local people).</p> <p>It is also expected that more property will be available in the area for people who wish to have a home here, whether they are local people or people moving to the county from other areas.</p> <p>On the other hand, should it affect property values, there is a chance that this could affect the living standards of the owners of the property in question and could push them to a position of economic disadvantage.</p> <p>Further, there is a threat that the proposal will affect the tourism sector, with fewer holiday lets that could then lead to fewer people being employed in the sector which would have associated implications on the labour market.</p>
<b>Human Rights</b>	<b>Neutral</b>	<p>After considering all 14 Articles in the Human Rights Act 1998, which set out the fundamental rights and freedoms that everyone in the UK is entitled to; no direct or indirect infringements were identified by the introduction of an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995.</p> <p>It is important to note that <b>Article 8</b> does not apply, as the right to respect for one's home does not confer a right to a house. Article 8 is primarily a right to enjoy your current home in peace. This means that public authorities should not prevent you from entering or living in your home without a very good reason, and they should not enter without your permission. This applies whether you own your home or not.</p> <p><b>Article 14</b> requires that all rights and freedoms set out in the Human Rights Act must be protected and applied without discrimination; and is therefore not relevant in this case, as</p>



		the introduction of the Article 4 Directive will not infringe on any of the human rights set out in the Act.
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\* Delete as appropriate

**3.2 The Authority has a duty under the 2010 Equality Act to contribute positively to a fairer society by promoting equality and good relations in its activities regarding the following characteristics – age, gender, sexual orientation, religion, race, gender reassignment, disability and pregnancy and maternity. The Council must give due attention to the way any change affects these duties.**

<b>General Duties of the Equality Act</b>	<b>Does it have an impact?*</b>	<b>In what way? What is the evidence?</b>
<b>Abolishing illegal discrimination, harassment and victimisation</b>	No	The main aim of the Article 4 Direction is to seek to facilitate and secure opportunities for people to live in their communities. Therefore it is not acting on the basis of any illegal discrimination, harassment or persecution.
<b>Promoting equal opportunities</b>	Yes	The main aim of the Article 4 Direction is to seek to facilitate and secure opportunities for people to live in their communities. It will also add to people's opportunity to influence what is happening in their community.
<b>Encouraging good relationships</b>	Yes	The proposal could promote good relationships with people in Eryri's communities as in time, it will help to give the people of Eryri the opportunity to live in their area of choice. Therefore it is hoped there will be a feeling of fairness and equal opportunity within Eryri's communities. Having said this it could have a negative impact, and the possibility of misinterpreting the proposal could cause bad feeling.

\* to be deleted as appropriate

**3.3 How does your proposal ensure that you work in accordance with the requirements of the Welsh Language Standards (Welsh Language (Wales) Measure 2011), to ensure that the Welsh language is not treated less favourably than English and that you seize every opportunity to promote the Welsh language (beyond providing services bilingually) and increase opportunities to use and learn the language in the community?**

The process of preparing and approving the Article 4 Direction will be in accordance with the requirements of the Welsh Language Standards (Welsh Language Measure (Wales) 2011).
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As noted in 3.1 above, there will be a positive impact on the balance of communities, as hopefully, introducing the Article 4 Direction will secure a greater provision of housing to meet local needs.

Refer to the 'Welsh Language Impact Assessment' document for a more detailed analysis.

**3.4 What other measures or changes could you include to strengthen or change the policy / practice in order to have a positive impact on people's opportunities to use the Welsh language, and to reduce or prevent any adverse effects that the policy / practice may have on the Welsh language?**

Following the engagement process, there will be a need to revisit this aspect to ensure that the feedback received is reflected as part of the justification and the supporting documents to justify the proposal.

**3.5 How does the proposal show that you have had due regard to the need to address inequality caused by socio-economic disadvantage? (Note that this is about closing inequality gaps rather than just improving outcomes for everyone)?**

As noted in part 2 above, the main aim of introducing the Article 4 Direction will be to try to overturn the social inequality that exists in some of Eryri's communities, seeking to secure that a provision of housing (including affordable housing) is available to meet local need. As we have mentioned in 2.4, on average 65.6% of Eryri's population have been priced out of the housing market.

**3.6 What other measures or changes might you include to strengthen or change the policy / practice to show that you have had due regard to the need to reduce disproportionate outcomes as a result of socio-economic disadvantage, in accordance with the Socio-Economic Act?**

Not applicable as it is not a strategic issue.

## **4) Analysing the Results**

**4.1 Is the policy therefore likely to have a significant, positive impact on any of the above and what is the reason for this?**

It is believed that introducing the Article 4 Direction will have a positive impact on all individuals including individuals who have protected equality characteristics.

The social inequality that exists at the moment in some communities due to the lack of available housing along with house prices that are beyond their reach is creating an unsustainable divided society. In an effort to seek to overturn the current situation introducing the Article 4 Direction, will provide an opportunity to assess the propriety of any proposal that involves changing the use of a residential home to holiday use, whether that is a holiday let or a second home. It is hoped that this would create a fairer society and would ensure opportunities for all to be able to live in their area of choice.

**4.2 Is the policy therefore likely to have a significant, negative impact on any of the above and what is the reason for this?**

The Assessment (see part 3 above) identifies some potential impacts that could derive from implementing the Article 4 Direction for the entire Eryri Local Planning Authority area. It is not anticipated that these are significant impacts. The assessment will be updated following the statutory consultation and it will certainly note any significant negative impacts that are highlighted.

**4.3 What should be done?**

Choose one of the following:

Continue with the policy / service as it is robust	
Adapt the policy to delete any barriers	
Suspend and delete the policy as the detrimental impacts are too big	
Continue with the policy as any detrimental impact can be justified	✓
No further action at this time because it is too soon to decide, or there is insufficient evidence	

**4.4 If continuing with the project, what steps will you take to reduce or mitigate any negative impacts?**

As part of the process of making the decision and justifying the proposal of introducing the Article 4 Direction, every effort has been made to ensure that negative impacts are highlighted and mitigated.

After the engagement period, if it becomes apparent that there are impacts that have been excluded from this assessment an amended version of the assessment will be prepared and submitted to the Planning Committee when making the final decision in terms of whether or not to approve and implement the Article 4 Direction. That Assessment will offer an opportunity to address any crucial matters.

**4.5 If you are not taking any further action to delete or reduce the negative impacts, explain why here.**

See response to 4.4 above.

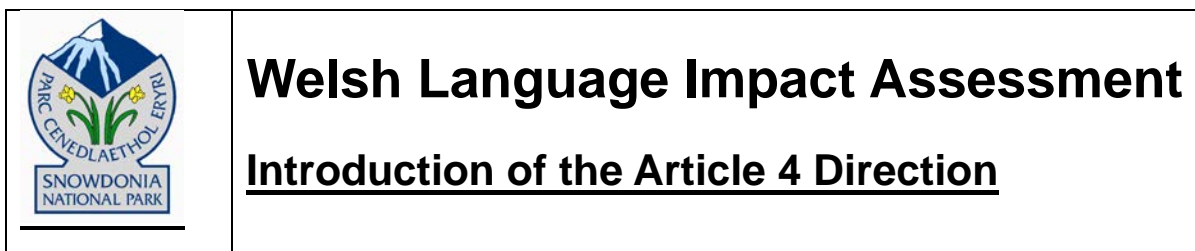
**5) Monitoring**

**5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?**

A specific Monitoring Framework will be prepared that will include a number of indicators to monitor the implementation of the Article 4 Direction. As appropriate, the Monitoring Framework could include indicators that involve assessing impact on equality characteristics, the Welsh language and socio-economic disadvantage.

Further discussions will be held with officers in the Authority regarding the above to obtain their input and guidance when drawing up and formalising the Monitoring Framework.

Following the engagement period, if deemed appropriate, the Monitoring Framework and the Impact Assessment will be reviewed/updated as needed.



### The Proposal:

To introduce an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995.

An Article 4 Direction would revoke the development rights allowed for a defined area. This would mean that the Authority would have the ability to restrict 'permitted development' rights, namely the change of use between different classes of dwelling houses (Main Homes, Secondary Homes, Short-term Let Accommodation) through the requirement to obtain prior planning permission. By implementing the need to receive prior planning permission, the impacts of the development will need to be considered in accordance with the local and national planning policy context.

### The Purpose / Aim of the Proposal:

By introducing the Article 4 Direction, the long-term aim is to create sustainable communities, ensuring a sufficient supply and a suitable choice of housing that meets the needs of local people. High numbers of holiday accommodation and second homes ("holiday homes") can be a real threat to the social, cultural and economic prosperity of communities across Eryri.

The core objective of introducing this intervention is the hope that over the longer term the Authority can protect and maintain Welsh-speaking communities, through offering opportunities for people to live and work within them.

### Who will this Proposal Effect?

This proposal effects everyone who currently resides in Eryri, as well as people from outside the area who are considering moving into Eryri on a permanent basis, people who are considering buying a second/holiday home and people who are considering buying properties for the purpose of offering short term holiday lets in a community within Eryri.

## Direct Impacts of this Proposal on the Welsh Language

### Development and Consultation on the Proposal

In general terms, as there will be an extended period before final approval and the introduction of this proposal (12 months), it is firstly important to identify whether there is likely to be any direct impacts on the Welsh language during the development and consultation stage, before considering the implementation of the proposal once it is adopted.

As part of the development and consideration of this proposal, an extensive public consultation will take place which will involve direct contact with every household within Eryri, as well as community consultation sessions through Community Forums, a media awareness campaign, online publicity etc. At each stage of this process and through every type of contact and communication, it is important to emphasise that the Authority will fully adhere to its Welsh Language Policy (which incorporates the statutory Welsh Language Standards). This means that all written communication via direct correspondence or through paper or online communication to the wider public, will be fully bilingual, with both languages being used identically i.e. using the same font, size and layout.

Written submissions will be welcomed in Welsh, and any direct responses from the Authority if needed will be given in the same language without delay. Any face-to-face contact through community events will be held in Welsh by the Authority Officers with a simultaneous translation service available for non-Welsh speakers if required.

Therefore, due to the above reasons, no new or additional direct impacts have been identified on the ability of people to use the Welsh language or for treating the Welsh language no less favourably than the English language during the developmental and consultation stage of this proposal, other than the current positive action in place by the Authority which is in-built within the planning consultation process.

### **Direct Impact: Neutral**

#### Implementing the Proposal:

No direct impact has been identified on the opportunities for people to use the Welsh language through the proposed introduction of the Article 4 Direction across Eryri. In addition, the introduction of the Article 4 Direction would have no direct impact on treating the Welsh language no less favourably than the English language. This is because the proposal itself will be an additional requirement within the Authority's current planning process, namely the need to submit a planning application for change of use.

Once implemented, the process for submitting a planning application under the Article 4 Direction will follow the long-established current planning application process within the Authority. This already ensures that all application forms and guidance notes (paper and electronic) are available in both Welsh and English, with both languages being used identically i.e. using the same font, size and layout.

The whole planning application process in terms of written documentation can be submitted entirely through the Welsh language. This includes written or electronic correspondence with the Planning Officer, Planning Technicians and other planning service staff, without any additional delay in response.

Due to the current number of fluent Welsh speakers in the Authority's planning service, it will always be possible to have a verbal discussion regarding a planning application through the medium of Welsh.

It is also important to note that the introduction of the Article 4 Direction will necessitate the development of a new Supplementary Planning Guidance. This guidance will give detailed policy considerations to enable a full assessment on the impact a planning application approval for a change of use is likely to have on that community. This will include threshold levels of each type of Dwelling House in each community etc. This will ensure fair and consistent decisions on these future planning applications.

The development of the Supplementary Planning Guidance will follow the same long-established process already in place within the Authority, which includes a full public consultation and scrutiny by Authority Members. Again, all associated documentation, public consultation processes etc., will be fully bilingual and fully compliant with the Authority's Welsh Language Policy.

Therefore, due to the above reasons, no new or additional direct impacts have been identified on the ability of people to use the Welsh language or for treating the Welsh language no less favourably than the English language, other than the current positive action in place by the Authority which is in-built within the planning process.

**Direct Impact: Neutral**

### Indirect Impacts of this Proposal on the Welsh Language

The primary objective of introducing the Article 4 Direction is to create an intervention with the expectation that over the longer term the Authority can contribute towards protecting the Welsh language and Welsh-speaking communities. The intervention aims to create and maintain sustainable communities through the adequate stock and affordability of main residence dwelling houses for the residents of Eryri.

Outlined below are the accumulative indirect negative effects on the Welsh language and the number of Welsh speakers within Eryri of continuing to allow increasing numbers of second homes and holiday lets within Eryri communities without intervention (please refer to paper 'Justifying the Introduction of Article 4 Guidance' for detailed background data to supplement this assessment). These accumulative impacts have an adverse effect on the culture, language and economic prosperity of a community over the longer term.

1. Without intervention, house prices continue to increase making them more and more unaffordable and out of reach of local people. This would mean more people (who are statistically likely to be younger people or families with young children) having to move out of the community to look for affordable housing. Affordability even for permanent homes would be restricted to more affluent adults, which are statistically likely to be older / retiring people moving into the area.

In addition, for a business person, more income can be made from short term holiday lets than renting on a permanent basis to a local family, therefore rental market options for local residents continue to decrease. These barriers against buying and renting a permanent home locally will affect the linguistic demographic of a community, which would result in the decrease of Welsh speakers within the area.

2. Without intervention, when the percentage of second homes and holiday lets within a community exceeds a threshold previously researched as being the critical point to enable the long term sustainability of that community; local facilities and businesses become unviable and are lost.

When this happens there are not enough permanent residents to sustain local community groups, hubs and businesses e.g. youth clubs, adult interest clubs and groups, community centres, post offices, community shops and village pubs etc. Apart from the loss of employment opportunities, this has an adverse effect on the Welsh speakers and Welsh learners within the community as the opportunities to socialise through the medium of Welsh is also lost.

In addition, reduced numbers of children within the community means a critical point is reached where there are not enough numbers to sustain local schools and nurseries such as Cylch Meithrin, which are very important in setting firm foundations for the Welsh language through early years learning. Once a school is closed, children in that community would then need to travel to a larger school which is likely to be some distance away. That community then becomes unattractive to many families with young children, as many prefer to live near a local school within the immediate catchment area.

3. Without intervention, more people moving out of the community to look for affordable housing leaves less people to work in local public services which are vital to sustain a community.

Within Eryri, Welsh language skills are often essential in the public sector to be able to offer Welsh language public services to the local residents. With a reduced pool of Welsh speakers to recruit for locally based public service positions, the ability to offer services through the Welsh language is severely hampered. This again, reduces the opportunities for Welsh speakers to live and work through the medium of Welsh within their own communities.



It can be seen from the list above that the effect of continuing with the current situation without introducing a planning intervention will likely result in a further decline of the number of Welsh speakers within Eryri, and a decline in the opportunities for people to use Welsh in both their working and social lives. This will have a detrimental impact on the Welsh language in Eryri over the medium to long term.

Introducing the Article 4 Direction is likely to affect house prices within a community. If the determined critical threshold has been reached in a community, the availability of second homes and short term let properties will be limited to the current stock, which in turn is likely to at the least keep house prices stable if not reduce house prices.

There is a risk that some local residents (who are likely to be Welsh speakers) may find themselves in a situation of negative equity on their mortgage, if house prices reduce significantly within a community. It is difficult with any certainty to predict the effect on the housing market if the Article 4 Direction is introduced; however, there is a risk that this may affect a small number of permanent residents within a community.

However, with any stabilisation or reduction in house prices there is also an increased opportunity for local residents to get on the housing ladder, if homes become more affordable. The current housing stock within a community may be increased in the future through new housing developments, which in communities which have reached the determined critical threshold of second homes and short-term holiday lets, should make those new dwellings more affordably priced as they will all be permanent dwelling houses.

When considering the indirect effect of the introduction of the Article 4 Direction on the Welsh language, it is important to consider the wider policy context within which it operates.

The Article 4 Direction is one policy in a suit of policies that the Authority in conjunction with Cyngor Gwynedd and Conwy County Borough Council has already implemented or will implement in the near future. The accumulative impact on the introduction of the Article 4 Direction along with council tax raising powers of the local authorities should make local communities within Eryri more resilient and sustainable. This in turn will assist in the safeguarding of Welsh language within Eryri, one of its special qualities.

**Indirect Impact: Positive**

### Additional Considerations:

This Welsh Language Impact Assessment should be read in conjunction with the 'Paper Justifying the Introduction of Article 4 Guidance'.

This paper details the whole range of relevant background data, including data on the Welsh language within Eryri communities from the 2011 and 2021 UK Census, which has been duly considered and has informed the proposal. For this reason, this impact assessment has not replicated the background data, to avoid duplication.

This impact assessment sets out what Snowdonia National Park Authority has identified as both direct and indirect impacts of introducing the Article 4 Direction on the Welsh language, both in terms of the opportunities of people to use the language and also to ensure that it is not treated less favourably than the English language.

During the public consultation process, the Authority would like to hear views on whether there are additional direct or indirect impacts on the Welsh language that need to be considered, and which have not been identified in this assessment. Those impacts could be positive or negative.

For any additional negative direct or indirect impacts identified on the Welsh language, the Authority would also like to seek views on what changes can be made to this proposal to mitigate the negative effects.



**PLANNING AND ACCESS COMMITTEE**  
**06 MARCH 2024**

**SECTION 106 AGREEMENTS**

**SNOWDONIA NATIONAL PARK AUTHORITY  
PLANNING AND ACCESS COMMITTEE, 06 MARCH 2024**

**SECTION 106 AGREEMENTS**

<b>Rhif</b>	<b>Application No.</b>	<b>Date application was received</b>	<b>Location</b>	<b>Development</b>	<b>Present Position</b>
1.	NP4/31/112B	17/03/2023	Gwern Hywel Uchaf, Ysbyty Ifan. LL24 0PD	Demolition of outbuilding and erection of rural enterprise dwelling, creation of new access and associated works	With applicant for consideration.
2.	NP5/55/L140E	03/06/2021	Capel Bethlehem, Brynchrug. LL36 9PW	Change of use of chapel to form one 1 bedroomed and one 5 bedroomed dwelling	Draft sent to applicant.
3.	NP5/57/1174	27/10/2021	Land adjoining Penmaen Ucha, Penmaenpool. LL40 1YD	Construction of rural enterprise dwelling, garage, new driveway and vehicle access.	The applicant's solicitors are waiting for the mortgage company to confirm that they are happy with the agreement.
4.	NP5/58/363H	05/06/2023	Nant Eos, Dyffryn Ardudwy. LL44 2HX	Conversion to Open Market Dwelling unit and installation of sewage treatment plant (Repeat application)	Awaiting instructions from the applicant's solicitor
5.	NP5/58/629	29/01/2020	Land between Plas Meini & Swyn y Mor, Dyffryn Ardudwy. LL42 2BH	Outline permission for the erection of 2 open market and 2 affordable dwellings. integral garages and formation of new vehicular access on to the A496	Draft sent to the applicant's solicitor on 31/01/2024
6.	NP5/61/580M	10/11/2022	Land to rear of Nant-y-Mynydd, Hwylfa'r Nant, Harlech.	Erection of an affordable detached dormer bungalow	Draft sent to applicant on 20/02/2024
7.	NP5/61/654	22/03/2023	Land adjoining Pen yr Hwylfa, Harlech.	Draf sent to solicitors 26/10 awaiting response from applicant	Solicitor going through the changes to the agreement to see if they are acceptable.

8.	NP5/65/L302D	25/08/2020	Wern y Pistyll, Bontddu. LL40 2UP	Conversion and extension of barn to dwelling including installation of septic tank, retrospective consent for access track to building and engineering works to create hardstanding / parking area around the building, temporary siting of static caravan and construction of compensatory bat roost.	Awaiting solicitor details from the applicant.  Reminder sent 11.01.2023
9.	NP5/74/L167J	26/07/2023	Capel Tarsus, Cwm Cywarch, Dinas Mawddwy. SY20 9JG	Conversion of chapel to dwelling and installation of rooflights to existing rear elevation roof, construction of new single storey rear extension, and installation of package treatment plant	With Legal drafting agreement
10.	NP5/78/91B	04/01/2022	Wern Gron, Trawsfynydd. LL41 4UN	Conversion and change of use of barn to form 1 no. affordable dwelling and 1 no. open market dwelling including installation of septic tank and associated works	Awaiting signing by our solicitor

Number of applications on committee list 24 January 2024 = 9

**APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT AND WHICH HAVE BEEN COMPLETED SINCE  
PLANNING & ACCESS COMMITTEE  
24 JANUARY 2024**

Application No.	Location	Development
NP5/58/636B	Cae Wat (Land adjacent to Swn-y-Mor), Ffordd Glan Mor, Talybont. LL43 2AR	Erection of two detached affordable dwellings for local need (1 bungalow and 1 two storey dwelling)
NP5/75/68B	Land opposite Maesteg, Pennal. SY20 9DL	Erection of five affordable dwellings together with associated access, parking and landscaping

**APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT WHICH HAVE BEEN REFUSED, WITHDRAWN, OR  
DISPOSED, OR WHERE AN AGREEMENT IS NO LONGER NECESSARY SINCE PLANNING & ACCESS  
COMMITTEE 24 JANUARY 2024**

Application No.	Location	Development
141		



## **PLANNING AND ACCESS COMMITTEE**

**06 MARCH 2024**

# **OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED**

## SNOWDONIA NATIONAL PARK AUTHORITY

### PLANNING AND ACCESS COMMITTEE 06 MARCH 2024 OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED

#### In Discussion with Agent / Applicant

NP4/29/524	31/07/23	Land at Iwerddon, Penmachno. LL24 0PS	Installation of a 30m high lattice communications mast, antennas, ground based apparatus and ancillary development
NP5/54/459A	03/05/23	Cefn Ceunant Isaf Forest, Brithdir.	Hydro-electric scheme (34kw) including construction of power house, intake weir and 3 girder bridges.
NP5/55/46G	12/07/23	Geufron Farm, Bryncrug, LL36 9RW	Conversion of barn and stable to short-term holiday let accommodation.
NP5/69/56M	20/06/23	Sunbeach Holiday Park, Llwyngwriil, LL37 2QQ	Redevelopment of the site comprising of improvements to the south eastern element of Sunbeach Holiday Park to provide (a) a new main site entrance with internal access road; (b) 24 static holiday caravans/lodges with landscaping; (c) 12 static holiday caravans/lodges in lieu of a residential dwellinghouse; and (d) 3 static holiday caravans in lieu of the old site shop.
NP5/71/53D	04/09/23	Ty'n-y-Llechwedd, Parc. LL23 7YN	Conversion of outbuilding to form annexe to existing dwelling
NP5/77/347	18/01/23	Land near Ty Mawr, Talsarnau. LL47 6UF	Construction of affordable dwelling, formation of curtilage, extend access track, and alterations to existing vehicular access
NP5/78/91B	04/01/22	Wern Gron, Trawsfynydd. LL41 4UN	Conversion and change of use of barn to form an affordable dwelling and a short term holiday letting unit including installation of septic tank and associated works.

#### Awaiting Ecology Information

NP5/54/462	01/11/23	Llyn Cynwch, Brithdir.	Repair work to a track including essential work to a track retaining wall by replacing undermined gabion baskets with a traditional dry stone retaining wall
NP5/68/235	03/11/22	Land adjoining Garreg Frech, Llanfrothen. LL48 6BZ	Erection of 8 dwellings and formation of new vehicular and pedestrian access

#### Awaiting Details from Agent / Applicant

NP5/54/464	26/07/23	Land at Moel Hafodwen, Coed y Brenin Forest, Llanfachreth.	Installation of a new 40m high lattice telecommunication tower incorporating 9 no. new antennas and 3 no. new dishes, the installation of ground based equipment cabinets including a foul weather enclosure and associated ancillary apparatus including remote radio heads, mast head amplifiers and GPS nodes, the installation of an 8m x 12m compound enclosed by 1.8m high mesh fencing, and the installation of a bird box and bug box to be installed on the compound fence
NP5/57/49H	08/09/23	Trem Hyfryd, Dolgellau, LL40 2SP	Conversion of guest house accommodation to form two separate dwellings and creation of new parking area.
NP5/58/643	17/03/23	Land near Pentre Uchaf, Dyffryn Ardudwy.	Erection of a special adapted bungalow and a two-storey dwelling.

NP5/61/T558D	19/04/21	Former Tabernacl Chapel, High Street, Harlech. LL46 2YB	Conversion of former car showroom & basement car parts shop to convenience store on ground and basement, creation of 2 flats on first floor (Open market) together with the removal of existing unauthorised UPVC windows and replace with timber slimline double-glazed windows.
NP5/62/T143B	05/10/22	Tanws Wern Gron, Llanbedr. LL45 2PH	Restore, extend and convert old mill into dwelling, formation of curtilage, and installation of underground septic tank

### Re-Consultation

NP4/11/393B	22/08/23	Outbuilding at Craig Glanconwy, Betws y Coed	Conversion and extension of outbuilding to form short term self-catering holiday unit, creation of parking bay, alterations to vehicular access and associated works (Re-submission)
NP4/29/514	06/11/23	Llys Meddyg, Penmachno. LL24 0YA	Retrospective application to retain access
NP4/31/116B	24/07/23	Pant Glas, Ysbyty Ifan, LL24 0PG	Erection of cattle a shed and slurry pit and installation of underground 5000ltr water tank
NP4/32/88K	18/09/23	Trefriw Wells Spa, Trefriw. LL27 0JS	Construction of first floor rear office extension, two fire escapes and two storey extension to front/side.
NP5/69/113N	07/11/22	Llanfendigaid, Rhoslefain. LL36 9LS	Change of use of old mill into office and storage space
NP5/71/21L	01/08/23	Land at Dolhendre Isa, Llanuwchllyn.	Construction of a agricultural worker's dwelling and installation of a septic tank
NP5/74/510	21/08/23	Land near Pentrewern, Dinas Mawddwy. SY20 9JG	Installation of a 30 metre high lattice tower supporting 3 no. antennas and 2 no. 0.6m dishes, 2 no. equipment cabinets, 1 no. meter cabinet and ancillary development thereto including a generator within a compound enclosed by 1.1m high fencing

### Awaiting HRA Appropriate Assessment

NP3/12/126C	20/09/22	Bron Fedw Uchaf, Rhyd Ddu. LL54 7YS	Conversion and change of use of rural outbuildings to 3 holiday letting units, erection of bat barn, alterations to existing vehicular access and associated works.
NP5/50/147Q	09/10/23	Nyth Robin Campsite, Panteidal, Aberdyfi. LL35 0RG	Demolition of existing workshop building and the erection of a new building to provide storage, staff welfare facilities, secure bike storage area, laundry area, plant/storeroom and the installation of EV charging points in connection with the associated caravan site
NP5/50/754	17/10/23	Aberdyfi Playground, Bodfor Terrace, Aberdyfi. LL35 0EA	Replacement of existing helter-skelter slide with tower which incorporates a spiral slide and replacement of existing see-saw equipment. Addition of basket swing and bowl spinner to the playground equipment. Replacement and extension of wet-pour surface
NP5/53/598C	16/05/23	Land near Ffynnon Beuno, Bala.	Outline application with all details reserved for construction of a single dwelling (Re-submission following refusal of planning application NP5/53/598B)
NP5/71/495	14/02/23	Land near Cefn Yr Odyn, Llanuwchllyn.	Construction of a detached two storey dwelling
NP5/73/424A	28/09/20	Cilderi, Tan y Bwlch. Maentwrog. LL41 3YU	Erection of double garage, retrospective application for extension to curtilage, retention of stone terracing and engineering works.



NP5/78/578	08/08/23	Land near B4391, Trawsfynydd.	Installation of a new 35m high lattice telecommunications mast supporting 9 no. new antennas, 3 no. new dishes, ground based equipment cabinets including a foul weather enclosure and associated ancillary apparatus including remote radio heads, mast head amplifiers and GPS nodes within a compound enclosed by 1.8m high mesh fencing.
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**Considering Additional Information from Applicant**

NP4/29/524	31/07/23	Land at Iwerddon, Penmachno. LL24 0PS	Installation of a 30m high lattice communications mast, antennas, ground based apparatus and ancillary development
NP5/69/L113P	07/11/22	Llanfendigaid, Rhoslefain. LL36 9LS	Conversion of laundry and workshop to form 2 holiday units and installation of rooflights on front and rear roof.

**S106 being considered by applicant**

NP4/32/L155B	05/10/23	Capel Ebeneser, Trefriw. LL27 0JQ	Conversion of former chapel to form 9 short term self-contained holiday apartments, creation of 2 vehicular accesses, parking for 9 vehicles and extension to vestry roof to create dedicated bat loft including installation of rooflight windows
NP5/74/L167J	26/07/23	Capel Tarsus, Cwm Cywarch, Dinas Mawddwy. SY20 9JG	Conversion of chapel to dwelling and installation of rooflights to existing rear elevation roof, construction of new single storey rear extension, and installation of package treatment plant

Total applications on list = 32

Total applications on list Committee 24 January 2024 = 49



**PLANNING AND ACCESS COMMITTEE**  
**06 MARCH 2024**

**DELEGATED DECISIONS**

**SNOWDONIA NATIONAL PARK AUTHORITY**

**PLANNING AND ACCESS COMMITTEE 06 MARCH 2024**

**DELEGATED DECISIONS**

**Applications Approved**

	<b>Application No.</b>	<b>Proposed</b>	<b>Location</b>	<b>Decision Date</b>	<b>Case Officer</b>
1.	NP2/11/1J	Retention of 4 gazebos within existing car park granted temporary permission under Planning Consent NP2/11/1G dated 09/04//2021 until 31/12/23, and storage shed to rear of café	Caffi Glandwr, Beddgelert. LL55 4YB	01/02/24	Mr Richard Thomas
2.	NP2/11/647A	Construction of porch extension	Cysgod yr Hebog, Caernarfon Road, Beddgelert, LL55 4UY	22/01/24	Mr Richard Thomas
3.	NP2/11/715H	Proposed single storey storage extension to existing catering cabin	Llyn Gwynant Campsite, Nant Gwynant. LL55 4NW	01/02/24	Mr Richard Thomas
4.	NP2/11/715J	Discharge of Condition 3 (Finished colour) attached to Planning Decision Notice NP2/11/715F dated 21/09/2023	Llyn Gwynant Campsite, Nant Gwynant. LL55 4NW	08/01/24	Mr Richard Thomas
5.	NP2/11/722D	Prior Notification under Schedule 2, Part 24, of The Town & Country Planning (General Permitted Development) Order 1995 as amended for the relocation of 3 Emergency Services Network antennas and MHAs to new slimline antenna mount, overall height increase to 17.4m. Installation of 3 new Shared Rural Network antennas, 5 new cabinets, remote radio units, mast head amplifiers, GPS nodes and associated apparatus and ancillary works	Land at Gerhynt Quarry, Beddgelert. LL55 4NL	02/02/24	Mr Richard Thomas
6.	NP3/12/5D	Discharge Condition Nos. 5 (archaeological specification) and 6 (archaeological work report) attached to Planning Consent NP3/12/5B dated 21/09/2023	Tan y Llyn, Rhyd Ddu. LL54 6TL	16/01/24	Mr Richard Thomas

7.	NP3/15/227B	Alterations and widening of agricultural access to highway	Cae Ty'n Twll, Nant Peris. LL55 4UL	19/01/24	Mr Richard Thomas
8.	NP3/21/102A	Extension and alterations to dwelling, conversion of attached outbuilding to short-term self-catering holiday accommodation and creation of new vehicular access	Fferm Y Bryn, Llanllechid. LL57 3LG	09/01/24	Mr Richard Thomas
9.	NP4/11/407	Construction of two storey and porch extensions to front elevation and single storey rear extension	Pen-yr-Allt Uchaf, Betws y Coed. LL24 0DG	06/02/24	Mr Richard Thomas
10.	NP4/12/235	Temporary construction and laydown area in association with engineering works at Llyn Cwm Dulyn	Land near Rowlyn Uchaf, Tal-y-Bont. LL32 8SH	06/02/24	Mr Richard Thomas
11.	NP4/13/155H	Discharge Condition No.9 (Biodiversity enhancement scheme) attached to Planning Consent NP4/13/155G dated 26/09/2023	Bryn Tyrch, Capel Curig. LL24 0EL	08/01/24	Mr Richard Thomas
12.	NP4/13/196A	Installation of external wall insulation	Riverside Bungalow, Capel Curig. LL24 0EF	16/01/24	Mr Richard Thomas
13.	NP4/13/LB83E	Listed Building Consent to install new seasoned oak prop to support the tie in beam located in the eastern extension of the barn and fitted on a slate bearing stone	Ysgubor y Glyn, Capel Curig Training Camp, Capel Curig. LL24 0DS	09/02/24	Conservation Consultants
14.	NP4/15/75D	Construction of two storey side extension	5 Bibby Road, Dolgarrog. LL32 8JZ	08/01/24	Mr Richard Thomas
15.	NP4/23/51C	Discharge Condition No.6 (Biodiversity enhancement scheme) attached to Planning Consent NP4/23/51B dated 13/10/2023	Ty'n Rhedyn Isaf, Llanfairfechan. LL33 0ER	08/01/24	Mr Richard Thomas
16.	NP4/26/346	Vary Condition 10 (Submission of Forest Management Plan) attached to Planning Consent NP4/26/346X dated 28/09/2022	Zip World Fforest, Llanrwst Road, Betws y Coed. LL24 0HX	22/01/24	Mr Richard Thomas
17.	NP4/29/500C	Installation of a 5m tower extension to the existing installation. Relocation of 3 no. antennas and 2 no. dishes (approved under application NP4/29/500) to the top of the extension. Installation of 3 no. new antennas, 3 no. new cabinets, remote radio heads, mast head amplifiers and GPS nodes and associated apparatus and ancillary works	Land at Moel Llechwedd Hafod, Cwm Penmachno.	12/01/24	Mr Richard Thomas
18.	NP4/32/372B	Removal of existing timber shed and erection of replacement single storey timber shed	Pant-y-Carw Cottage, Llanrwst. LL26 0PW	16/01/24	Mr Richard Thomas

19.	NP4/32/379A	Removal of existing lean-to conservatory, re-roofing of flat roofed rear extension with pitched, natural mineral slated roof, removal of chimney, and insertion of three roof windows into front roof pitch.	Wenallt, Llanrhychwyn. LL27 0YX	08/02/24	Mr Richard Thomas
20.	NP4/32/T133E	Replacement of polycarbonate roof with solid roof and install rooflight windows	Cornel Scout Centre, Crafnant Road, Trefriw. LL27 0JZ	08/01/24	Mr Richard Thomas
21.	NP5/51/464D	Erection of single storey side extension and detached double garage	Bodowen Bungalow, Barmouth. LL42 1TF	08/02/24	Mr Aled Lloyd
22.	NP5/52/LB145C	Listed Building Consent to replace original roof slates with new Welsh slates	5 Arthog Terrace, Arthog. LL39 1AQ	31/01/24	Conservation Consultants
23.	NP5/52/LB232A	Listed Building Consent to retain concrete floor, including insulation and step, and lime plaster to 3 internal walls on the ground floor	Henddol Old Farm, Y Friog. LL38 2RZ	02/02/24	Conservation Consultants
24.	NP5/53/LB70H	Listed Building Consent for internal alterations including creation of bar, removal of internal walls and alterations to layout, removal of modern ramp.	White Lion Royal Hotel, High Street, Bala, LL23 7AE	25/01/24	Conservation Consultants
25.	NP5/54/136G	Erection of a single storey pitched and flat roof extension to the north elevation (Re-submission)	Gwel-y-Garn, Llanfachreth. LL40 2EH	05/01/24	Mr. Dafydd Thomas
26.	NP5/54/575A	Installation of 8 solar panels (3KW) on western elevation roof	34 Bryniau, Brithdir. LL40 2TY	24/01/24	Mr. Dafydd Thomas
27.	NP5/54/LB194F	Discharge Condition Nos. 3 (Door schedule), 5 (Details of tanking and dry lining system), 7 (Details of junctions of all new partitions with the existing roof structure) & 9 (Details of extraction units or equipment) attached to Listed Building Consent NP5/54/LB194C dated 01/12/2022	Ysgubor Cae'r March, Llanfachreth. LL40 2DS	06/02/24	Conservation Consultants
28.	NP5/55/6B	Construction of single storey rear extension	Felin yr Ynys, Brynchrug. LL36 9NU	19/01/24	Mr David Jones
29.	NP5/57/205J	Conversion of former hotel into six residential units (C3) consisting of 3 open market dwellings and 3 affordable dwellings together with retention of alterations to the external appearance of the building	Former Fron Olau Hotel, Tabor, Dolgellau. LL40 2PS	18/01/24	Mrs. Iona Roberts

30.	NP5/57/LB425Q	Change of use of mixed-use building currently with lawful use for dentistry (Use class D1) and 2 no. flats (Use class C3) into one single dwelling including ancillary residential accommodation.	Mervinian House, Meyrick Street, Dolgellau. LL40 1LN	25/01/24	Mr David Jones
31.	NP5/58/LB367A	Listed Building Consent to re-roof the front and rear elevation of the property utilising reclaimed slates to the front elevation and new matched slates to the rear, together with the renovation of the existing roof light, replacement of the rainwater goods and installation of insulation into the roofspace	1 Glanrhos, Dyffryn Ardudwy. LL44 2BP	17/01/24	Conservation Consultants
32.	NP5/59/53G	Renewal of Outline Application with all details reserved for erection of one dwelling (Open market)	Land adjoining Arenig, Llan Ffestiniog. LL41 4LL	19/01/24	Mr Aled Lloyd
33.	NP5/59/LB475E	Conversion of former church to community building including external alterations together with the construction of an extension	Ty'r Wern (former St. Michael's Church), Llan Ffestiniog. LL41 4LS	08/02/24	Mr Aled Lloyd
34.	NP5/59/LB475F	Listed Building Consent for conversion to community building including internal and external alterations together with the construction of an extension	Ty'r Wern (former St. Michael's Church), Llan Ffestiniog. LL41 4LS	02/02/24	Mr Aled Lloyd
35.	NP5/61/113C	Alterations to existing shop front. Creation of new porch, steps and front door to provide separate access to first floor flat.	Roslyn House, High Street, Harlech. LL46 2YB	04/01/24	Mr Aled Lloyd
36.	NP5/61/505D	Installation of 1300 litre oil tank	Land at Morfa Newydd, Ffordd Glan Môr, Harlech. LL46 2UG	03/01/24	Mr Aled Lloyd
37.	NP5/61/660	Erection of two storey side extension, single storey rear extension, and detached garage/garden store	23 Ystad Castell Morfa, Harlech. LL46 2GA	12/01/24	Mr Aled Lloyd
38.	NP5/61/661A	Construction of a detached two storey 4 bedroom dwelling and integral garage	Plot 52, Cae Gwastad, Harlech. LL46 2GY	12/01/24	Mr Aled Lloyd
39.	NP5/68/237	Erection of single storey timber cabin for use as a garden office	Talgarth, Penrhyndeudraeth.	03/01/24	Mr Aled Lloyd
40.	NP5/69/113Q	Installation of 252 single mounted 106 kw solar panels in rows of 2x6 (Re-Submission)	Llanfendigaid, Rhoslefain. LL36 9LS	25/01/24	Mr David Jones
41.	NP5/69/LB157E	Listed Building Consent for the retention of engineering works to supply zero carbon sustainable heating and hot water to cottages, together with the creation of a plant room	Llanfendigaid, Rhoslefain. LL36 9LS	16/01/24	Conservation Consultants

42.	NP5/69/LB157F	Listed Building Consent for the retention of works to steps	Llanfendigaid, Rhoslefain, LL36 9LS	08/02/24	Ms. Sophie Berry
43.	NP5/69/LB157G	Listed Building Consent for the retention of oil central heating boiler for 5 years	Llanfendigaid, Rhoslefain, LL36 9LS	01/02/24	Ms. Sophie Berry
44.	NP5/70/71E	Engineering works for construction of new manège, and extension to existing agricultural building to accommodate associated items	Felindre, Llanuwchllyn. LL23 7DD	05/02/24	Mr. Dafydd Thomas
45.	NP5/70/83E	Construction of a agricultural shed	Ffynnon Gower, Llangower. LL23 7DA	26/01/24	Mr. Dafydd Thomas
46.	NP5/70/LB83F	Listed Building Consent for agricultural buildings	Ffynnon Gower, Llangower. LL23 7DA	26/01/24	Mr. Dafydd Thomas
47.	NP5/71/375A	Removal of chimney and installation of rooflights	Glynllifon, Llanuwchllyn. LL23 7TW	05/01/24	Mr. Dafydd Thomas
48.	NP5/71/L296A	Construction of two storey side extension	1 Coed y Lon, Llanuwchllyn, LL23 7ST	29/01/24	Mr. Dafydd Thomas
49.	NP5/71/L322A	Construction of a two storey extension	Glan Aber, Llanuwchllyn. LL23 7TY	08/01/24	Mr. Dafydd Thomas
50.	NP5/71/LB272J	Extension and external alterations to the existing dwelling, together with landscaping (part retrospective)	Ty'n-y-Ffridd, Llanuwchllyn. LL23 7UN	26/01/24	Mr. Dafydd Thomas
51.	NP5/71/LB272K	Listed Building Consent for extension and internal and external alterations to the existing dwelling, together with associated works and landscaping, in order to regularise the previous unauthorised works.	Ty'n-y-Ffridd, Llanuwchllyn. LL23 7UN	26/01/24	Mr. Dafydd Thomas
52.	NP5/72/218F	Part change of use for the restructured layout of 23 existing touring caravan and camping pitches	Ty'n Cornel Holiday Park, Frongoch. LL23 7NU	05/02/24	Mr. Dafydd Thomas
53.	NP5/73/287P	Part retention / part completion of replacement sewage treatment plant, together with associated works	Decommissioning Site, Trawsfynydd. LL41 4DT	19/01/24	Mr Aled Lloyd
54.	NP5/73/331B	Installation of 2 ground mounted solar panel arrays (22 panels in each array providing peak output of 18kw) and installation of air source heat pump	The Boathouse, Coed Llyn y Garnedd, Maentwrog. LL41 3AQ	02/02/24	Mr Aled Lloyd
55.	NP5/73/LB321A	Listed Building Consent to re-roof existing property and provide low level lighting to access path	Station House, Tan y Bwlch, Blaenau Ffestiniog, LL41 3AQ	12/01/24	Conservation Consultants

56.	NP5/74/478B	Installation of a 7.5m tower extension to the existing installation and relocation of 2 no. antennas and 2 no. dishes to the top of the extension (approved under application NP5/74/478A). Installation of 4 no. new antennas and 4 no. ground-based equipment cabinets. Installation of remote radio units, mast head amplifiers, GPS nodes and associated ancillary works.	Land at Coed Cae Farm, Llanymawddwy. SY20 9AQ	05/01/24	Mr. Dafydd Thomas
57.	NP5/78/179F	Change of use of land from 'Sui Generis' to form parking and storage area, and construction of a detached single storey/storage building	Capel Cae Adda, Trawsfynydd. LL41 4TS	05/01/24	Mr. Dafydd Thomas
58.	NP5/78/LB53	Listed Building Consent to remove and re-build chimney gable wall and roof repairs	Coed Cae Du, Trawsfynydd. LL41 4TN	29/01/24	Conservation Consultants



### Applications Refused

	App No.	Proposed	Location	Reason for Refusal	Case Officer
1.	NP4/13/247A	Retrospective application to retain shepherd's hut used for tool and equipment storage in connection with woodland maintenance	Woodland near Deunant, Capel Curig. LL24 0DS	<p>24/01/24</p> <p>By reason of the shepherd's hut being inappropriate, out of character and over-development for the parcel of woodland and in the absence of sufficient justification, this proposal would represent an unwarranted intrusion presenting an excessive and discordant feature to the detriment of the special qualities of the surrounding ancient woodland, SSSI, SAC and the National Park. Therefore, this application is in direct conflict with Eryri Local Development Plan Strategic Policies C and D, and Development Policies 1 and 2 as well as Planning Policy Wales (Edition 11, February 2021).</p> <p>By reason of insufficient information of an ecological nature upon which a fully informed decision can be made, this application fails to comply with the criteria outlined in Development Policy 1 and Strategic Policy D of the Eryri Local Development Plan.</p> <p>By reason of insufficient information to demonstrate that the proposed siting of this shepherd's hut would not result in any further adverse impact on the surrounding area of restored ancient woodland and adjacent SSSI (Mwyngloddiau a Chreigiau Gwydyr) and SAC (Mwyngloddiau Fforest Gwydyr Mines), this application fails to comply with the criteria outlined in Development Policy 1 and Strategic Policy D of the Eryri Local Development Plan as well as Planning Policy Wales (Edition 11, February 2021).</p>	Mr. Dafydd Thomas

2.	NP4/13/258	Installation of a 35m communications mast with EAS and SRN antennas, ground-based apparatus and ancillary development	Land at Coed Bryn Engan, Capel Curig. LL24 0EL	<p>12/01/24</p> <p>By reason of this application proposing a telecoms mast of a size and location which is considered to be unduly prominent in the landscape it would adversely harm the National Park Special Qualities and would, if approved, be to the detriment of the landscape character and visual qualities of this part of the National Park and thereby place it in conflict with PPW, ELDP policies SP A, SP D, DP1, DP 2, DP26, SPG 7, SPG 13, SPG 15 and TAN 19.</p> <p>By reason of vague and/or lack of necessary information of alternative locations, ecology and silvicultural nature upon which a fully informed decision can be made this application is in conflict with ELDP policies SP A, SP D, SP Ff, DP 1, DP 2 and DP 7.</p>	Mr Richard Thomas
3.	NP4/19/10T	Installation of 10 roof windows on front roof slope and 6 roof windows to rear roof slope	5 Oakwood View, Sychnant Pass, Conwy. LL32 8AZ	<p>08/01/24</p> <p>By reason of the insertion of 10 roof windows to the front elevation and 6 roof windows to the rear elevation being considered to be excessive for this modest apartment, which, if approved would detract from the character of the dwelling and from the visual cohesion across the entire terrace of apartments, so placing this application in conflict with ELDP policy DP1</p> <p>By reason of excessive roof glazing there is potential for unwarranted upward light spillage resulting in undue harm to the Dark Skies Reserve designation across Eryri National Park. So, placing this application in conflict with ELDP policy DP1 and SPG 1 and 14</p>	Mr Richard Thomas

4.	NP5/54/583A	Renovation and extension of existing dwelling (Re-submission)	Ty'r Orsaf, Drws-y-Nant, Rhydymain. LL40 2BE	12/01/24 By reason of the size of the proposed extension is considered to be over dominant of the original dwelling, the proposed extension fails to comply with the criteria outlined in Development Policy 15 of the ELDP.  By reason of the proposed design would have a detrimental effect on the character and setting of the original dwelling, the historical significance of the site as well as on its wider surroundings. The application is therefore in conflict with ELDP policies Ff, 1, 7 and 15.	Mr. Dafydd Thomas
5.	NP5/57/1065K	Non material amendment to Planning Consent NP5/57/1065F dated 14/09/2020 to replace existing conservatory with replica roof extension	Bryn y Gwin Farm, Dolgellau. LL40 1TF	15/01/24 In the opinion of the Snowdonia National Park Authority the amendments proposed are considered to be 'material' amendments in nature as they will result in a material form of change to the original planning permission. As such the changes proposed cannot be deemed a 'non-material' change and will require the benefit of a new planning permission.	Mr David Jones
6.	NP5/58/600D	Non material amendment to Planning Consent NP5/58/600C dated 22/09/2020 for details of landscaping and boundary treatment	Ferndale, Dyffryn Arduwy. LL44 2BH	29/01/24 In the opinion of the Snowdonia National Park Authority the amendments proposed are considered to be 'material' amendments in nature as they will result in a material form of change to the original planning permission. As such the changes proposed cannot be deemed a 'non-material' change and will require the benefit of a new planning permission.	Mr Aled Lloyd

7.	NP5/58/650A	Construction of two storey detached building with domestic garage on ground floor and ancillary accommodation to the existing dwelling (Ty'n Twll) on first floor	Ty'n Twll, Ffordd Glan Môr, Talybont. LL43 2AR	<p>25/01/24</p> <p>By reason of the proposed annexe not being physically attached to the existing dwelling and not being ancillary to the main dwelling in terms of its location, scale, usage and design it fails to comply with Development Policy 14: Annexe Accommodation of the Eryri Local Development Plan and Supplementary Planning Guidance 11: Annexe Accommodation</p> <p>The proposed building, by reason of its siting, scale and design would detract from the character and appearance of the host dwelling and the immediate surroundings, contrary to policies SPC and DP1 of the adopted Eryri Local Development Plan 2016-2031.</p>	Mr Aled Lloyd
8.	NP5/61/52E	Erection of single dwelling and detached garage with annexe space together with associated drainage, access and landscaping	Land off Pencerrig Estate, Old Llanfair Road, Harlech. LL46 2SS	<p>25/01/24</p> <p>By reason of the application presenting a new two storey dwelling and detached garage/annexe of inappropriate design and form which if approved would constitute an incongruous feature to the detriment of the character of the environment and landscape of the area which it is located, this application is in conflict with ELDP policies DP 1 and DP2</p> <p>By reason of height, extensive glazing and the use of external cladding proposed on the new dwelling it is considered that a loss of amenity would be experienced to the neighbouring dwellings and harm to the Dark Skies Reserve designation would result. As such this application is considered to be in conflict with ELDP policy DP 1</p> <p>By reason of the proposed annexe not being physically attached to the existing dwelling and not being ancillary to the main dwelling in terms of its location, it fails to comply with Development Policy 14: Annexe Accommodation of the Eryri Local</p>	Mr Aled Lloyd

				<p>Development Plan and Supplementary Planning Guidance 11: Annexe Accommodation</p> <p>The proposal for the erection of one detached dwelling is in direct conflict with Development Policy 30 and Strategic Policy G: Housing. This policy seeks a density of 30 dwellings per hectare for residential development which this proposal clearly fails to deliver. On this basis the proposal is contrary to Strategic Policy G: Housing of the adopted Eryri Local Development Plan (2016-2031). Furthermore, no compelling evidence has been put forward to support a reduced density. Therefore, the proposal goes against advice contained in section 3.5 of Supplementary Planning Guidance 4: Affordable Housing of the adopted Eryri Local Development Plan (2016-2031)</p>	
9.	NP5/65/14Q	Two camping pods	Bryn Du, Llanelltyd. LL40 2TA	<p>16/01/24</p> <p>Inadequate information has been submitted to demonstrate that the development would form part of an agricultural diversification scheme or ancillary to a new or existing tourist attraction, the proposal therefore fails to satisfy criterion i) of Development Policy 29 of the adopted Eryri Local Development Plan.</p>	Mr Aled Lloyd

10.	NP5/66/286	<p>Prior notification under Schedule 2, Part 24 of The Town &amp; Country Planning (General Permitted Development) Order 1995 for the installation of a 20 metre high monopole supporting 3 antennas and 2 0.6 metre dishes; 2 equipment cabinets, 1 meter cabinet, a generator and associated ancillary equipment enclosed within a 1.1 metre high drystone wall</p>	<p>Land near Rhyd-yr-Eirin, Harlech. LL46 2TW</p>	<p>12/01/24</p> <p>The proposal would result in an incongruous vertical element in an otherwise unspoilt landscape with no opportunity for further mitigation due to the open and elevated location of the site. The development would be contrary to Landscape Character Area (LCA) 13 guidelines, contained within Supplementary Planning Guidance 13, which seek to avoid the intrusion of new vertical structures across the open mountains and uplands within LCA 13. The development would therefore be in conflict with Eryri Local Development Plan policies SPA, SPD, SPFf, DP1, DP2, DP6, DP8 and DP26, Supplementary Planning Guidance 7, 13 and 15 and Technical Advice Note 19.</p>	<p>Mr Aled Lloyd</p>
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## Appeal Decision

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by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 29.01.2024

Appeal reference: CAS-02602-B6Y5J7

Site address: 5 Arthog Terrace, Arthog, Dolgellau LL39 1AQ

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- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mrs Pamela Putt against the decision of Snowdonia National Park Authority.
  - The application Ref NP5/52/LB145A, dated 27 February 2022, was refused by notice dated 25 January 2023.
  - The works proposed are Listed Building Consent to retain work for replacement roof.
  - A site visit was made on 19 December 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development above is taken from the Authority's decision and more succinctly describes the proposed works. I consider that no prejudice would arise in using this description as it amounts to the same as described by the appellant.
3. CADW was consulted during the appeal process and its comments in response has been considered. No response was received from CADW's comments from either party.

### Main issue and statutory criteria and policy of listed buildings

4. This is the effect of the development on the special architectural and historic interest of No. 5 Arthog Terrace and its effect on the setting of Arthog Terrace.
5. Section 16(2) and 66(1) of the Act (The Planning (Listed Buildings and Conservation Areas) (Act 1990) require the decision maker, in considering whether to grant listed building consent, for any works, or development, affecting a listed building, or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Planning Policy Wales Edition 11 (PPW) and Technical Advice Note 24: The Historic Environment (TAN 24), reiterate this stance.

## Reasons

6. No. 5 Arthog Terrace is a Grade II listed mid-terraced property in amongst a planned terrace of twelve gabled houses fronting the A483. The whole terrace is also listed Grade II. The appeal property was re-roofed in 2016 because the roof was leaking, it was not insulated and was covered in a mix of slate of different size and shape. The roofing was completed in 'Costura' slate.
7. This revised application and appeal relates to replacing the front roof slope with 'Welsh' slates and retaining the 'Costura' slates on the rear roof slope. The dormer roof slopes utilised re-used 'Welsh' slate off the building and this would be retained.
8. CADW comments that the retention of the 'Costura' slates is not appropriate and the compromise solution of using 'Welsh' slates to the front and the retention of 'Costura' slates to the rear is not ideal as it would not have been granted listed building consent in the first instance. The different roofing materials would have varying lifespan and performance. The concern is that 'Costura' slates are larger, the top course near the apex has been laid vertically rather than horizontally, as it should have been, this is a feature of the original roof. The result is that the coursing no longer runs through to the roofs on either side which the listing refers to. CADW indicates that this is a notable alteration to the appearance and character of the roof of not only this building but in relation to the entire listed terrace. CADW remark that the rear roof slope is less visible, but this is not sufficient justification for the proposed works and notes the omission of lead flashing from the chimney stack to the overall finish of the roof.
9. The appellant's Heritage Impact Statement (HIS) notes that the listing does not refer to 'Welsh' slate as the original material on the roof of this property. In addition, the appellant asserts that the roof covering of 'Costure' slate front and rear are not visible from public vantage points.
10. CADW and the Authority disagree with the appellant on this matter. They indicate that it is generally accepted that the terrace was constructed for workers in the nearby slate workings, and given its proximity to the mine, the date of construction (being in the third quarter of the C19th) it is probable that 'Welsh' slate was used on the original roof and when it was listed in 1989. The HIS acknowledges that the houses were built for workers in the nearby slate workings. I concur with the Authority and CADW that on the balance of probability 'Welsh' slate would likely have been used on the roof of these properties. There is no compelling evidence presented in the appellant's submissions to indicate that this is not correct at the point the listing designated the property and the terrace row.
11. The HIS asserts that the proposal would not affect the evidential and aesthetic values of the heritage asset, because the roof is being retained as slate, and the sizes of the slates are consistent ensuring a continuous and seamless roof. In not making the change the appellant asserts that the existing roof would have put the fabric of the appeal property and the terrace at risk of long-term damage. The HIS notes that the new roof stands out because it is new and has not had the time to age and weather as others have in the terrace.
12. I consider that the significance of the heritage asset the property and the terrace is the completeness of the unbroken aesthetic value of the mid-Victorian terrace, which is noted for its continuous slate roof, regular spaced surmounting gables (dormers), sash windows, boarded doors, brick chimneys, boarded eaves and continuous string course that provide unity to its appearance. Its evidential value is derived from its historical connection to the area being constructed as workers' cottages for the slate works which also denotes its importance from a historical and communal value.



13. The rear elevation is entirely hidden, and I saw the roof from the raised bank behind the terrace. From what I saw, the 'Costura' slate rear roof was laid so that the coursing no longer matches the adjoining roofs' slate coursing. The apex slate course had been laid incorrectly to the predominant character of adjoining roofs in the terrace. The top slate band was laid vertically whereby the characteristic feature of the terrace was to lay this course horizontally. As a result, the proposed slate coursing of the rear roof is at odds with the roof coursing of the adjoining terrace. It is evident in the HIS Appendix 1 photographs of the rear view of the roof before the works were undertaken that horizontal coursing was used on the rear roof of the property.
14. The 'Costura' slate is larger in size than the original 'Welsh' slate. There is a difference in finish in terms of its sheen and textured appearance. The 'Welsh' slate has a riven appearance and is less reflective of natural light.
15. These aesthetic and character changes together with the issue of durability and weathering result in a proposal which harms the significance of this heritage asset and the setting of the terrace. I acknowledge that the rear elevation of the appeal property is not seen from any public vantage point, but the harm I have identified also notes the importance of the use of historically appropriate materials and the aesthetic character of the terrace which also forms part of the special architectural and historic interest of the appeal dwelling and the terrace in which it is located.
16. I note the points made about the front roof slope. Whilst I saw the property and terrace from the distant view of the Mawddach Estuary path, since the proposal would be to re-roof the front elevation in 'Welsh' slate the arguments put forward are generally irrelevant to how visible the existing roof is because there is no objection for it to be replaced in 'Welsh' slate.
17. I conclude that the development would adversely affect the special architectural and historic interest of No. 5 Arthog Terrace and the setting of Arthog Terrace to the detriment of their significance as heritage assets.
18. The development would be contrary to the statutory tests, and Strategic Policy Ff Historic Environment, Development Policy 6 Sustainable Design and Materials, and Development Policy 7 Listed and Traditional Buildings of the Eryri Local Development Plan 2016 - 2031.

## **Conclusions**

19. As both roof slopes forms part of the appeal property they are functionally linked and therefore they are not physically severable. The appeal must be considered as a whole entity.
20. It is noted that there have been benefits to the replaced roof in relation to protecting the fabric of the building (the internal structure of the house roof beams and batons and ensuring that it is liveable and watertight), reducing the risk of further tiles coming off in strong winds and insulating the roof providing energy saving benefits. The timing of these works was a key consideration as 'Welsh' slate would have taken longer to source. I note these benefits and accord them significant weight in this decision.
21. However, I also note the Authority and CADW's point that this could have also been achieved by replacing the roof in 'Welsh' slate. The Authority also disputes that it endorses the use of 'Costura' slate as an appropriate material for listed buildings.
22. I have found harm to the listed building and the setting of the listed buildings. I attach this harm considerable importance and weight.
23. The harm that I have identified outweighs the factors in favour and the appeal therefore must be dismissed.

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24. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the Act.

25. The appeal therefore is dismissed.

*Iwan Lloyd*

INSPECTOR