NOTICE OF MEETING

Eryri National Park Authority

Jonathan Cawley
Chief Executive
Eryri National Park Authority
Penrhyndeudraeth
Gwynedd LL48 6LF
Phone: (01766) 770274
E.mail: parc@eryri.llyw.cymru

Meeting: Planning & Access Committee

Date: Wednesday 25th November 2026

Time: 10.00 a.m.

Location: Eryri National Park Authority Office, Penrhyndeudraeth 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, Delyth Lloyd Griffiths, Annwen Hughes, Louise Hughes, Edgar Wyn Owen, Elfed Powell Roberts, John Pughe Roberts, Meryl Roberts;

Members appointed by Conwy County Borough Council
Councillor: Ifor Glyn Lloyd, Jo Nuttall, Nia Owen;

Members appointed by The Welsh Government
Mr. Rhys Evans, Salamatu Fada, Mr. Tim Jones, Ms. Delyth Lloyd, Ms. Naomi Luhde-Thompson, Mr. Wyn Thomas.

This Agenda is also available in Welsh

A G E N D A

Page Nos.

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** **3 – 7**
The Chairman shall propose that the minutes of the meeting of this Committee held on the 14th of October 2026 be signed as a true record (Copy herewith) and to receive matters arising, for information.

4. **Update Reports** **8 – 14**
To submit update reports, for information. (Copies herewith)

- 4.1 – Section 106 agreements
- 4.2 – Applications over 13 weeks

5. **Delegated Decisions** **15 – 21**
To submit the list of applications which have been determined in accordance with delegated authority, for information. (Copy herewith)

6. **Appeal Decision** **22 – 33**
To submit an oral report by the Director of Planning and Partnerships on the Inspector's decision to dismiss a planning appeal and to also, dismiss an Enforcement Notice appeal and uphold the Notice (with a correction to the compliance time) by Ian and Nia Baylis against the Authority's decision to refuse retrospective planning permission for unauthorised extensions and to instigate enforcement action by the service of an Enforcement Notice at Glygyrog Ddu, Aberdyfi, Gwynedd, LL35 0RL. (A copy of the Inspector's decision is enclosed – Copy herewith)

MINUTES
PLANNING AND ACCESS COMMITTEE
ERYRI NATIONAL PARK
Wednesday 14 October 2026

PRESENT:

Members appointed by Gwynedd Council
Councillors Elwyn Edwards (Chair), Delyth Lloyd Griffiths, Annwen Hughes, Edgar Wyn Owen, Elfed Powell Roberts, John Pughe Roberts, Meryl Roberts;

Members appointed by Conwy County Borough Council
Councillor Ifor Glyn Lloyd, Jo Nuttall, Nia Owen;

Members appointed by the Welsh Government
Rhys Evans, Salamatu Fada, Tim Jones, Delyth Lloyd, Naomi Luhde-Thompson, Wyn Thomas.

Officers
Bethan Hughes, Keira Sweenie, Iona Roberts, Aled Lloyd, Elliw Owen, Elen Hughes, Geraint Evans, Eifion Jones.

The Director of Corporate Services advised that the meeting would be webcast and would also be available online at a later date.

1. **Apologies for absence and Chair's Statements**

   Apologies were received from Louise Hughes.

2. **Declaration of Interest**

   None

3. **Minutes**

   The minutes of the Planning and Access Committee meeting held on 9 September 2026 were *adopted*, and signed by the Chair as a true record.

4. **Reports from the Director of Planning and Partnerships**

   Reports were submitted by the Director of Planning and Partnerships on the applications received. Please see the Schedule of Planning Decisions attached.

5. **Proposed charging structure for assessing the financial viability of planning developments and potential sites to be considered as part of the Eryri Local Development Plan review process**

A report was *submitted* by the Head of Development Control and Compliance and Planning (Policy) Officer.

Reported:

- the main purpose of the financial viability appraisal was to demonstrate whether a proposed development proposal and/or site to be allocated was likely to be "viable" in terms of the provision of affordable housing on or off site (such as commuting amount);
- the intention was that the Authority would provide a copy of the Development Viability Model to developers, site promoters, or any other individual/organisation, for the purpose of carrying out a financial viability appraisal of proposed development;
- the model would be released on a site-specific basis (i.e. it would be 'locked' for use on that particular site), provided that the Authority received payment of a standard fee;
- There were two ways to do this:
    - under the Local Development Plan
    - demonstrate the viability of a development that was the subject of a planning application;
- a list of proposed fees based on similar fees of other authorities;
- the tiered approach of the fees recognised that the size and scope of the development proposal would influence the amount of time officers would need to undertake a critical review of the finalised Development Viability Model submitted;
- The fee should more or less cover the cost of getting initial external assistance should it be required.

Recommendation: - to approve the adoption of the proposed charging structure.

Resolved:— **To Accept** The Recommendation.

6. **Conservation Areas Suitable for the Twenty-First Century Project: Conservation Area Evaluation and Management Plans**

A report was *submitted* by the Planning Policy Officer.

Reported:

- the documents would assist the Authority in fulfilling its statutory responsibility to protect and enhance areas of special architectural or historic interest while supporting appropriate and sustainable change;
- Although there had been a delay, the delay had not undermined the content of the documents or the authenticity of the process;
- The adoption of the documents would provide clear and consistent guidance to communities, candidates, members and officers when considering future developments, maintenance, repairs and energy efficiency improvements;

The report was *discussed* by Members and it was *noted*:

- that the consultation carried out with the local communities went further than the statutory requirements.

Recommendation: - That Members:

1. Note the content of the Consultation Report, and then
2. Formally adopt the revised documents as relevant planning considerations.

Resolved:— **To Accept** The Recommendation.

7. **Eryri Local Development Plan – Annual Monitoring Report for 2025 - 2026**

A report was submitted by the Head of Planning Policy.

Reported:

- the annual report would be sent to the Welsh Government at the end of October;
- In relation to the main findings of the report:
  - no significant developments that undermined the statutory purposes of the National Park had been permitted;
  - housing permissions and completions were below the average annual housing requirement target;
  - 45 units were completed this year, including developments in Harlech and Llan Ffestiniog;
  - 4 of the 25 residential properties allowed were affordable units;
  - the number of developments was highly dependent on housing associations within Eryri and there were not as many private companies putting forward development proposals;
  - figures suggest that the population of the area was declining, and that slower new housing completion rates suggested a lower housing requirements figure for the new plan;
- the department was in the process of preparing a paper which would outline the key issues, vision and draft objectives, the aim was to present to Members within the next few months;
- the team were thanked for their hard work.

The report was *discussed* by Members and it was *noted*:

- it would be more accurate to use the term *illegal* camping than *wild* camping in the part of the report that discussed the implications of the coronavirus pandemic on the National Park area;
- there was room to consider creating a shorter document to convey the main points of the report to a wider audience;
- properties given permission were not assessed to see to what extent they had achieved zero carbon or the level they were at, but that properties were assessed for flood risk;
- consideration should be given to changing the Authority's policy to promote the construction of wooden houses rather than stone houses.

*Recommendation***:** - To discuss and approve the contents of the 2025-26 Annual Monitoring Report, with any additional changes submitted and agreed by members.

Resolved:— **To Accept** The Recommendation.

8. **Update Reports**

8.1 *Submitted* - update reports by the Director of Planning and Land Management on planning applications and Section 106 Agreements.

8.2 *Submitted* - update reports by the Director of Planning and Land Management on applications that have not been decided for 13 weeks and more.

9. **Delegated Decisions**

A list of applications was submitted which were resolved accordance with delegated authority.

The meeting closed at 10:55

SCHEDULE OF PLANNING DECISIONS – 14 OCTOBER 2026

4. **Report from the Director of Planning and Partnerships**

Submitted:

(1) NP5/68/T187B - Conversion of building to self-catering holiday accommodation (Use C6) as part of rural enterprise scheme together with installation of solar panels, and installation of a new septic tank, The Drum House, Croesor. LL48 6SP.

Introduced report from the Senior Planning Officer - Development Management

Reported:

- that he was in a remote spot outside the village of Croesor, and was in ruins;
- it was of architectural and historical interest although it was not listed;
- objections were voiced against the application by Llanfrothen Community Council on the grounds that it would be another holiday home when there was a shortage of local homes;
- that the officers acknowledged the comments received;
- the application meets the criteria of LDP Policy 9;
- sufficient evidence had been submitted as part of the application to show that the building was within a farm holding and was part of a rural enterprise scheme;
- that the location of the house, the access through a farm complex, along with its interior plan made it unlikely that it would be an attractive property to use as an affordable house;
- the use of the property as holiday accommodation would enable the applicant to invest in, protect and retain it;
- 9.6% of houses within the Llanfrothen Community Council area were second homes or holiday homes and the threshold was 15%.

A presentation was made by Mr Michael Brooke, the Applicant's Agent. He reported:

- that the present building was in ruins and unique, and that it was difficult to know what could be done other than develop it as holiday accommodation as part of a rural enterprise scheme under the Brondanw estate;
- that the applicant did not request a *change* of use, but for any kind of use at all;
- as the building was on a long lease of the Brondanw estate and he eventually had to return the property back to the estate, this was the only means by which he could generate income to be able to maintain the building.

The request was discussed by Members and the following comments were made:

- a condition would be imposed to limit the use of the building to a holiday unit only;
- using the Welsh name of the building would be desirable, if it had one.

Recommendation: – that the Members of the Authority approve the application with the conditions listed.

Resolved: - **Accept** the recommendation.

PLANNING AND ACCESS COMMITTEE

25 NOVEMBER 2026

SECTION 106 AGREEMENTS

SNOWDONIA NATIONAL PARK AUTHORITY
PLANNING AND ACCESS COMMITTEE 25 NOVEMBER 2026

SECTION 106 AGREEMENTS

Rhif	Application No.	Date application was received	Location	Development	Present Position
1.	NP3/15/T173C	01/08/2024	Yr Helfa, Llanberis. LL55 4UW	Change of use of short-term holiday letting dwelling (Use Class C6) to open market dwellinghouse (Use Class C3)	Applicants in the process of selling their property so that they can pay the commuted sum
2.	NP4/32/L205A	15/12/2025	Former Primary School, Trefriw. LL27 0RX	Conversion of former primary school into a single dwelling (C3 use class)	Draft agreement sent 18/5/2026
3.	NP5/55/60L	14/11/2025	Land at Ffordd-y-Felin, Bryncrug. LL36 9NT	Residential development (comprising 8 open market dwellings and 4 affordable dwellings) and associated development, including open space, parking, access and drainage infrastructure (amended plans & supporting Information).	Letter sent to applicant.
4.	NP5/61/647A	12/03/2024	Ty'n y Gwater, Harlech. LL46 2UW	Demolition of existing buildings and construction of a rural enterprise dwelling (Re-submission).	Applicants in the process of purchasing the property they rent so that only they will need to sign the agreement.

Number of applications on committee list 14 October 2026 = 4

APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT AND WHICH HAVE BEEN COMPLETED SINCE PLANNING & ACCESS COMMITTEE 14 OCTOBER 2026

Application No.	Location	Development

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 14 OCTOBER 2026

Application No.	Location	Development

PLANNING AND ACCESS COMMITTEE

25 NOVEMBER 2026

OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 25 NOVEMBER 2026
OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED

Awaiting Ecology Information / Response / Resolutions

NP4/32/388B	10/07/26	Glan Geirionnydd, Llanrhychwyn. LL27 0YX	Side extension and alterations.
NP4/32/388C	03/08/26	Glan Geirionnydd, Llanrhychwyn. LL27 0YX	Change of use from Use Class C5 (Second Home) to mixed Use Class C5/C6 (Second home and short-term holiday let.0
NP5/58/569D	24/03/26	Bwlch Cae, Dyffryn Ardudwy. LL44 2HX	Erection of side sun lounge extension,
NP5/59/L522G	22/04/26	Plas Blaenddol, Llan Ffestiniog. LL41 4PH	Creation of new driveway to provide dwelling with private access,
NP5/67/T97B	17/07/26	Maes Meriafel, Abergynolwyn. LL36 9YU	Conversion of log store building to form an extension to the existing dwellinghouse
NP5/73/LB74Y	01/06/26	Plas Dol Moch, Maentwrog	Erection of a new single-storey standalone building to provide additional pupil and staff accommodation
NP5/72/254	22/01/24	Ddol Hir, Fron Goch, Bala, LL237NT	Construction of a rural enterprise dwelling and installation of a package treatment plant.

Awaiting Details from Agent / Applicant

NP2/11/L9D	17/04/26	Glan Gwynant, Nant Gwynant. LL55 4NW	Change of use from guesthouse to dwelling (Use Class C3) and rebuilding works.
NP2/11/31P	10/07/25	Forest Holidays Campsite, Beddgelert. LL55 4UU	Replacement of 85 caravan and camping pitches with 22 year-round, self-contained, self-catering holiday cabins. Erection of a new reception and café building, provision of ancillary facilities, landscape planting and biodiversity enhancement, Forest Holidays Campsite,
NP2/11/679H	30/09/25	Cae Du Camping Site, Beddgelert. LL55 4NE.	Enhancement to tourist accommodation and facilities through creation of additional touring/camping pitches, erection of new toilet blocks, and improvements to landscaping and biodiversity enhancement together with associated works
NP3/15/92D	22/05/26	Cae Gwyn, Nant Peris. LL55 4UH	Retrospective application for the siting of a Shepherd's Hut for short term holiday accommodation use associated with the campsite.
NP3/15/92F	22/05/26	Cae Gwyn, Nant Peris. LL55 4UH	Erection of stone barn to form shower and toilet block following partial collapse and demolition of previous stone barn (Part retrospective)
NP4/11/421	24/07/26	The Waterloo Hotel, Betws-y-Coed. LL24 0AR	Variation of Condition 1 (Date for commencement of development) attached to Planning Permission NP4/11/160W dated 24/06/2022.
NP4/32/L155E	08/04/26	Capel Ebeneser, Crafnant Road, Trefriw. LL27 0JQ	Conversion of former chapel to form 9 self-contained holiday apartments (Use Class C6) and extension to vestry roof to create dedicated bat loft (Re-submission).
NP5/53/T154N	17/06/24	National Westminster Bank Buildings, 44-46 High Street, Bala. LL23 7NE	Change of use of the ground floor from A2 use (Financial and professional services) to A1 use (Retail shops and stores), omit the previously consented semi-detached dwellings (2) and omit the previously consented single storey extension to the rear of the existing building.
NP5/56/153D	13/11/24	Dyfi Bike Park, Pantperthog. SY20 9AS	Retrospective application for the construction of café/admin block, erection of uplift shelter, additional tracks and associated jumps and amendments to opening hours,

Awating Response from Consultee's on recent submitted details

NP4/11/337E	15/01/25	Land adjacent to Hendre Farm, Pentre Du, Betws-y-Coed. LL24 0BN	Discharge Conditions 3 (Details Relating to Private Sewerage System), 4 (Slate Details), 6 (Stonework Sample) & 10 (Details of External Lighting) attached to Planning Consent NP4/11/337D dated 05/01/2024.
NP4/26/348A	23/12/25	Land adjoining A470, near Hendre Wen, Llanrwst.	Proposed cattle and manure store & associated works.
NP5/54/376C	19/05/26	Hafod Owen, Abergeirw, Dolgellau. LL40 2PF	Change of use from C5 (Second Home) to Unique Use (Sui Generis) as a writers' retreat (amended plans/supporting information received).
NP5/55/250	11/05/26	5 Dol Fathew, Bryncrug. LL36 9PX	Retrospective application for the change of use of land shown as a "hedge screen & wildlife zone" on Planning Consent NP5/55/5C to residential curtilage, and the formation of a car parking area in association with landscaping on land opposite (AMENDED PLANS RECEIVED),
NP5/57/34D	19/05/26	Livestock Market, Bala Road, Dolgellau. LL40 2YF	Alterations and extension to existing offices and café
NP5/57/1102C	21/04/26	Ysgol Bro Idris, Dolgellau. LL40 2YW	Demolish buildings and create a yard and netball court.
NP5/58/629A	26/02/26	Land between Plas Meini & Swyn y Môr, Dyffryn Ardudwy. LL42 2BH	Outline Application for the erection of 3 dwellings with integral garages (2 open market and 1 affordable), and formation of new vehicular access on to the A496
NP5/59/LB475N	20/07/26	Ty'r Wern, Llan Ffestiniog. LL41 4LS	Installation of air-source heat pump and air conditioning unit as part of ongoing works to convert redundant church to community building under consents NP5/59/LB475E and NP5/59/LB475F.
NP5/62/LB297B	05/10/22	Capel Gwynfryn, Llanbedr. LL45 2PA	Conversion of chapel to dwelling, alterations to existing access (Relocate plinth), and installation of package treatment plant and associated drainage.
NP5/67/352	07/08/25	Coed y Fedw, Abergynolwyn.	Vehicular access to public highway and construction of access track for forestry purposes.
NP5/69/LB150F	07/07/26	Ty Nant, Mill Street, Llwyngwril. LL37 2JA	Listed Building Consent to install electric vehicle charging point
NP5/69/431A	02/07/26	Dolgoed, Llwyngwril. LL37 2JE	Outline Application for a single dwelling with all matters except access and layout reserved,
NP5/70/6H	19/12/25	Maesyfallen, Rhosygwaliau. LL23 7EY	Construction of an agricultural storage building
NP5/71/140A	22/12/25	Weirglodd Ddu, Llanuwchllyn. LL23 7SU	Conversion of outbuilding to form annexe accommodation and installation of package treatment plant

Awaiting Applicants Response to S.106 Request Letter

NP4/12/228C	01/10/24	Ysgol Tal-y-Bont, Tal-y-Bont. LL32 8QF	Demolition of former classroom cabin and conversion of former school and headmaster's lodge into two dwellings and new double garage / workshop (Repeat Application).

Total applications on list = 45

Total applications on list Committee 14 October 2026 = 42

NP5/56/153E	12/02/25	Dyfi Bike Park, Pantperthog. SY20 9AS	Re-instatement of track and extension to existing site boundary
NP5/57/494W	10/11/25	Coleg Meirion Dwyfor, Ffordd Ty'n y Coed, Dolgellau. LL40 2SW	Construction of a educational building and associated development, including access tracks and walkways, solar PV panels, external plant including air-source heat pumps, retaining walls, drainage, an allotment area and landscaping,
NP5/58/227E	23/10/24	Land adjoining Tan-y-Foel, Dyffryn Ardudwy.	Erection of 3 detached dwellings (1 affordable and 2 open market).
NP5/59/LB475N	20/07/26	Ty'r Wern, Llan Ffestiniog. LL41 4LS	Installation of air-source heat pump and air conditioning unit as part of ongoing works to convert redundant church to community building under consents NP5/59/LB475E and NP5/59/LB475F.
NP5/63/281	15/05/24	Gorseddau, Cwmtirmynach, Bala. LL23 7EB	Part retrospective application for replacement roof with increased eaves height to rear creating additional accommodation at first floor level, removal of 2 chimneys and addition of 2 new chimneys, installation of 4 dormer windows and 4 rooflights, alteration/addition of windows and doors, and landscaping including creation of hardstanding for parking and turning area
NP5/71/LB36A	13/07/26	Pont Lliw, Llanuwchllyn. LL23 7UD	Erection of Single storey extension, enlarged parking area, access bridge, dormer window, additional rooflights, alterations to perimeter walls, windows and external doors.
NP5/73/LB27S	24/11/25	The Grapes Hotel, Maentwrog. LL41 4HN	Change of use of land to create additional car parking area, together with a new vehicular entrance from the existing car park and relocation of existing bins compound,
NP5/73/LB27T	24/11/25	The Grapes Hotel, Maentwrog. LL41 4HN	Listed Building Consent for formation of car park, together with the formation of a new vehicular entrance in the boundary wall of the existing car park,
NP5/73/440	05/09/25	Land opposite 1 & 2 Cefn Llys, Gellilydan.	LL41 4ED Outline application for the erection of a single detached dwelling (open market dwelling) with all matters reserved,

Awaiting Amended Plans

NP2/11/53A	22/08/25	Eryri National Park Authority Car Park, Pont Bethania, Nant Gwynant.	Installation of package treatment plant, campervan cartridge disposal tank, construction of gabion retaining walls and associated works
NP4/12/245A	31/07/26	8 Rose Gerlan Cottages, Rowen. LL32 8YS	Demolition of concrete flat roof, part demolition of conservatory and erection of single storey extension with pitched roof spanning over former conservatory and existing single storey.
NP4/13/258A	04/04/25	Land at Coed Bryn Engan, Capel Curig. LL24 0ES	Installation of a 27.5m high lattice tower to be finished with a non-reflective matt green (RAL6009) installed on a 3000 x 2500mm concrete base, 9 no. antennas, 2 no. Ã600mm transmission dishes and associated ancillary development including installation of ground equipment which includes 1. no meter cabinet, 1 no. generator, 1 no. viper cabinet, 1 no. M35 cabinet,1 no. primary AIRO with IP rated sub-enclosure cabinet, 1 no. MK4 link AC cabinet, 1 no. Ericsson 6130 cabinet, 1 no. PSC cabinet, 3 no. GPS nodes and access track.
NP4/26/351	26/05/26	Hafoty Gerrig, Rhydlanfair, Betws y Coed.	Balcony extension with extended roof cover.
NP5/77/277C	16/07/26	3 Caerffynnon, Talsarnau. LL47 6TA	Erection of Single storey extension, enlarged parking area, access bridge, dormer window, additional rooflights, alterations to perimeter walls, windows and external doors.

PLANNING AND ACCESS COMMITTEE

25 NOVEMBER 20026

DELEGATED DECISIONS

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 25 NOVEMBER 2026

DELEGATED DECISIONS

Applications Approved

	Application No.	Proposed	Location	Decision Date	Case Officer
1.	NP2/11/188C	Non-material Amendment to Planning Permission NP2/11/188B dated 28/07/2026 including a removal of a window, installation of an air-source heat pump and addition of a skylight	Tan y Dderwen, Beddgelert. LL55 4UY	06/10/26	Mr. Dafydd Thomas
2.	NP2/16/442C	Erection of timber shelter within existing sheep fold	Coed Hendre Ddu, Cwm Pennant, Garndolbenmaen. LL51 9AX	20/10/26	Mr. Dafydd Thomas
3.	NP2/16/472	Erection of a new wellness building, and minor amendments to an existing access	Aberdunant Hall Holiday Park, Prenteg. LL49 9SR	15/10/26	Mr. Dafydd Thomas
4.	NP2/16/AD472A	Advertisement Consent for one permanent floor mounted slate sign	Aberdunant Hall Holiday Park, Prenteg. LL49 9SR	12/10/26	Mr. Dafydd Thomas
5.	NP3/10/T97B	Change of use from a dwelling (Use Class C3) to short term holiday accommodation (Use Class C6)	Sunnyside, Abergwyngregyn. LL33 0LA	06/11/26	Mr David Jones
6.	NP3/16/29	Installation of a weather station and associated fencing works	Land near Ogwen Warden Centre, Nant Ffrancon, Bethesda.	12/10/26	Mr. Dafydd Thomas
7.	NP3/21/LB67A	Listed Building Consent to replace five rotted front windows like for like	Ffrancon House, Nant Ffrancon, Bethesda. LL57 3LX	16/10/26	Miss Eva Jones
8.	NP4/11/73H	Retrospective application for erection of detached summer house, new landscaping and re-surfacing of parking area	Gwydyr Hotel, Betws y Coed. LL24 0AB	13/10/26	Mr. Dafydd Thomas
9.	NP4/11/76X	Retrospective application for erection of stretch tent for temporary 2 year period and timber clad sauna	Glan Aber Hotel, Betws y Coed. LL24 0AB	08/10/26	Mr. Gavin Roberts
10.	NP4/16/257	Demolition of existing outbuilding and construction of new single storey side extension	8 Maes y Braich, Dolwyddelan. LL25 0YQ	22/09/26	Mr. Dafydd Thomas

11.	NP4/16/41K	Proposed upgrade of an existing telecommunications base station comprising the installation of a generator and ancillary development thereto.	Arqiva Transmmitting Station, Gwydyr Forest, Dolwyddelan. LL25 0DX	06/10/26	Mr. Dafydd Thomas
12.	NP4/16/LULB171E	Certificate of Lawful Use (Existing) to use former chapel as a dwellinghouse (Use Class C3)	Capel Isaf, Dolwyddelan. LL25 0TJ	24/09/26	Miss Eva Jones
13.	NP4/29/258F	Side extension and alterations	Ty'n-y-Ddôl, Penmachno. LL24 0UP	13/10/26	Mr Ben Jones
14.	NP4/29/499B	Construction of an outdoor learning area	Ysgol Penmachno, Llewelyn Street, Penmachno. LL24 0PT	06/10/26	Mr Ben Jones
15.	NP4/31/LB71A	Discharge of Condition 3 (Slate Sample) attached to Listed Building Consent NP4/31/LB71 dated 08/04/2026	1 Bryn Ffynnon, Ysbyty Ifan. LL24 0NN	24/09/26	Miss Eva Jones
16.	NP4/31/LB72A	Discharge Condition 3 (Slate Sample) attached to Listed Building Consent NP4/31/LB72 dated 08/04/2026	2 Bryn Ffynnon, Ysbyty Ifan. LL24 0NN	24/09/26	Miss Eva Jones
17.	NP4/31/LB73A	Discharge Condition 3 (Slate Sample) attached to Listed Building Consent NP4/31/LB73 dated 08/04/2026	3 Bryn Ffynnon, Ysbyty Ifan. LL24 0NN	24/09/26	Miss Eva Jones
18.	NP5/50/12N	Change of use from dwellinghouse (Use Class C3) to a short term (Use Class 6) let as an ancillary part of the hotel (Use Class C1)	Trefeddian Hotel, Aberdyfi. LL35 0SB	06/10/26	Mr David Jones
19.	NP5/50/LU739B	Certificate of Lawfulness of Proposed Use or Development for the stationing of a caravan	The Beech Trees, Plas Paneidal, Aberdyfi. LL35 0RF	09/09/26	Mr David Jones
20.	NP5/51/324H	Upgrading of the existing telecommunications base station including the installation of a generator and ancillary development thereto	Llwyn Onn, Bwlch y Llan, Barmouth. LL42 1DX	26/10/26	Mr Aled Lloyd
21.	NP5/53/576G	Non-Material Amendment to Conditions 4, 7 and 16 attached to Planning Permission NP5/53/576B dated 03/09/2025	Land at Bala.	16/10/26	Mr. Dafydd Thomas
22.	NP5/57/1063C	Construction of an agricultural building for the storage of machinery and fodder only, and associated surface water soakaway.	Dolgun Uchaf, Dolgellau. LL40 2AB	08/09/26	Mr David Jones

23.	NP5/57/L650D	Demolition of a wall and the formation of a pedestrian access, including the installation of a gate	Tegfryn, 4 Bryn Teg, Dolgellau. LL40 1ST	16/10/26	Mr David Jones
24.	NP5/57/LB410C	Listed Building Consent to replace existing boiler, installing a new balanced flue, and replacing waste pipe	Crown House, 1 Marian Road, Dolgellau. LL40 1DT	09/09/26	Miss Eva Jones
25.	NP5/58/184F	Erection of single storey rear extension to existing dwelling with patio area	2 Llys Bennar, Dyffryn Ardudwy. LL44 2RX	16/10/26	Mrs. Alys Tatum
26.	NP5/59/177U	Discharge Conditions 3 (Roofing material) & 4 (Stonework panel) attached to Planning Permission NP5/59/177S dated 31/10/2023	Ffestiniog Power Station, Tanygrisiau. LL41 3TP	16/10/26	Mr Aled Lloyd
27.	NP5/59/LB475P	Discharge Condition 6 (Details of stonework) attached to Listed Building Consent NP5/59/LB475F dated 02/02/2024	Ty'r Wern, Llan Ffestiniog. LL41 4LS	20/10/26	Miss Eva Jones
28.	NP5/61/665A	Erection of new timber summerhouse and re-position of existing shed	Bryn Siriol, Ffordd Uchaf, Harlech. LL46 2SS	28/09/26	Mr Aled Lloyd
29.	NP5/65/125E	Replacement of existing static saravan with new shepherd's hut and erection of outside decking	Tyddyn Du, Bontddu. LL40 2UA	28/09/26	Mr Aled Lloyd
30.	NP5/65/LB144H	Listed Building Consent for internal alterations to rear of building to include repair to existing concrete slab, replacement of joists and floorboards to first floor, lime plaster walls, installation of natural stone tiles to floor, and to replace two ground floor windows	Cae Hir, Bontddu. LL40 2UR	03/11/26	Mr Aled Lloyd
31.	NP5/66/245C	Erection of pitched roof rear porch extension	Maes Teg, Cae Garw, Llanfair. LL46 2RL	10/09/26	Mr Aled Lloyd
32.	NP5/66/294	Demolition of existing rear extension and erection of single storey pitched roof extension and new detached timber-framed store	3 Pant Goleu, Llanbedr. LL45 2HS	02/10/26	Mr Aled Lloyd
33.	NP5/67/356	Demolition of the conservatory and a porch, the construction of a single storey rear extension and the installtion of solar panels	5 Tan y Fedw, Abergynolwyn. LL36 9YU	15/09/26	Mr David Jones

34.	NP5/68/T187B	Conversion of building to a self-catering holiday let (C6 Use) as part of a rural enterprise scheme together with the insertion of solar panels, and installation of new septic tank	The Drum House, Croesor. LL48 6SP	14/10/26	Mr Aled Lloyd
35.	NP5/71/LB272M	Discharge Condition 9 (Ventilation fans) attached to Planning Consent NP5/71/LB272J dated 29/01/2024	Ty'n-y-Ffridd, Llanuwchllyn. LL23 7UN	08/09/26	Miss Eva Jones
36.	NP5/73/LB74V	Retrospective application for the retention of 5 shelters, with 3 measuring 3.22m by 3.22m and 2 measuring 3.22m by 4.26m and climbing wall,	Plas Dol-y-Moch, Maentwrog. LL41 3YT	19/10/26	Mr Aled Lloyd
37.	NP5/73/LB74W	Listed Building Consent for the erection of single storey infill extension within existing kitchen wing courtyard along with minor alterations, and minor alterations to internal arrangement of dormitory and bathroom facilities on upper floors	Plas Dol-y-Moch, Maentwrog. LL41 3YT	27/10/26	Mr Aled Lloyd
38.	NP5/73/LB74X	Erection of single storey infill extension within existing kitchen wing courtyard and minor alterations	Plas Dol-y-Moch, Maentwrog. LL41 3YT	26/10/26	Mr Aled Lloyd
39.	NP5/75/68G	Change the use of allotment into residential curtilages for Plots 14, 15 & 16 granted under Planning Permission NP5/75/68B dated 21/12/2023	Land opposite Maesteg, Pennal. SY20 9DL	13/10/26	Mr David Jones
40.	NP5/77/359A	Erection of an agricultural building to store fodder and machinery	Coetty Mawr, Llandecwyn. LL47 6YY	26/10/26	Mr Aled Lloyd
41.	NP5/77/36E	Amended application for the erection of detached double garage to be built into the existing bank incorporating an earth and grass roof	Llidiart-Garw, Eisingrug, Talsarnau. LL47 6UY	29/09/26	Mr Aled Lloyd
42.	NP5/77/LB235B	Conversion of outbuilding into kitchen/ dining room with porch extension link, and other alterations	Ysgubor Penmaen, Harlech. LL46 2UR	06/10/26	Mr Aled Lloyd
43.	NP5/77/LB235C	Listed Building Consent for conversion of outbuilding into kitchen/ dining room with porch extension link, and other alterations	Ysgubor Penmaen, Harlech. LL46 2UR	02/11/26	Mr Aled Lloyd

Applications Refused

	App No.	Proposed	Location	Reason for Refusal	Case Officer
1.	NP5/58/100G	Conversion of redundant outbuilding to a self-catering holiday let (Use Class C6) and associated external alterations (Re-Submission)	Coed y Bachau, Dyffryn Ardudwy. LL44 2EP	16/10/26 By reason of the applicant failing to provide any substantive evidence that the proposed conversion and change of use of the outbuilding would be part of an existing rural enterprise scheme, this application is in conflict with Eryri Local Development Plan policies C, 9 and SPG 8.	Mr Aled Lloyd
2.	NP5/61/619B	Change of use from a dwelling (Use Class C3) to second home (Use Class C5) and short term holiday accommodation (Use Class C6)	5 Pen-y-Bryn, Harlech. LL46 2SL	27/10/26 By reason of this application proposing a material change of use of a main dwelling falling within Use Class C3 to a dual use of C5 second home and C6 short-term holiday letting unit in a settlement where the percentage of second and short-term holiday homes are above 15% of the total housing stock, this Authority considers that if approved it would further erode the balance and sustainability of the community. As such this application is in conflict with Planning Policy Wales Edition 12, Strategic Policy A of the adopted Eryri Local Development Plan 2016-2031 and Supplementary Planning Guidance 16: Managing the use of dwellings as holiday homes.	Mr Aled Lloyd
3.	NP5/61/LUL293A	Certificate of Lawful Use (Existing) to use property falling under Use Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	Llys Ioan, 5 Porkington Terrace, Harlech. LL46 2SH	29/10/26 The applicant has not provided sufficient evidence to demonstrate that the use is lawful under S.191 of the Town and Country Planning Act 1990 through being exempt from enforcement action since it has not been shown that the dwelling has been used as a dwellinghouse, used otherwise than as sole or main residences, falling within Use Class C5 for the requisite continuous period.	Mrs. Iona Roberts

4.	NP5/73/444B	Conversion and extension of an outbuilding to create a self-contained annexe forming ancillary accommodation	The Old Tannery, Maentwrog. LL41 4HU	21/10/26 By reason of the proposed annexe not being ancillary to the main dwelling in terms of its siting and scale, it is in conflict with Development Policy 14 and Supplementary Planning Guidance 11. The proposal, by means of its separation and lack of a functional link to the main dwelling would be tantamount to a new dwelling in the countryside contrary to Policy DP14 and SPG 11: annexe accommodation, SPC, DP1 and DP9 of the adopted Eryri Local Development Plan.	Mr Aled Lloyd

Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decisions

by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16.10.2026

Appeal references: CAS-03600-C7V9L4 & CAS-03649-Y3F4G9

Site address: Glygyrog Ddu, Aberdyfi, Gwynedd LL35 0RL

Site visit made on 5 June 2026

- **Appeal A** is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ian and Nia Baylis against an Enforcement Notice ("the Notice") issued by Snowdonia National Park Authority.
- The Notice, numbered NP5/50/ENF165C was issued on 12 June 2024.
- The breach of planning control as alleged in the Notice is without planning permission, the construction of part single/ part two storey side extensions including balcony/terraced area, two storey rear extension, front porch, alterations to roof of existing dwelling including installation of 3 rooflights, and associated work.
- The requirements of the Notice are:
  - (i) Permanently remove the part single / part two storey side extensions including balcony / terraced areas, and two storey rear extension.
  - (ii) Remove all materials and debris from the site associated with requirement i).
- The period for compliance with the requirements is 6 months from the date the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

- **Appeal B** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ian and Nia Baylis against the decision of Snowdonia National Park Authority.
- The application Ref NP5/50/165C, dated 16 November 2023, was refused by notice dated 17 April 2024.
- The development proposed is described as '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'.

Decisions

Appeal A: CAS-03600-C7V9L4

1. The Notice is corrected by:

   - The removal of the words 'six months' from the period for compliance and its replacement with the words 'twelve months'.

   Subject to this correction, the appeal is dismissed and the Notice is upheld.

Appeal B: CAS-03649-Y3F4G9

2. The appeal is dismissed.

Procedural Matters

3. As set out above, two appeals are before me which will be considered on their individual merits. Nevertheless, to avoid duplication I have dealt with the two together, except where otherwise indicated.
4. Given that the development the subject of Appeal B has commenced, I have dealt with the appeal as one that seeks planning permission under s73A(2)(a) of the Act. I have removed the reference to 'Retrospective application for…' from the description as planning permission is only required for development as defined by s55 of the Act.
5. Following a prolonged period of procedural uncertainty, during which time the appeals were held in abeyance, I accepted the submission of late evidence in relation to: (i) the application of Article 8 of the European Convention on Human Rights to Appeal A and (ii) a Design Development Report which further advances the design ethos of the scheme before me. As the Authority and interested parties were provided with the opportunity to make representations in respect of the same, there is no prejudice to any party of my doing so.

The ground (a) appeal / deemed planning application (Appeal A) and the s78 appeal (Appeal B)

6. An appeal on ground (a) is that planning permission should be granted for what is alleged in the Notice. The main issues in this case are:

   - The effect of the development on the character and appearance of the host building and the surrounding area; and
   - The impact on ecology / biodiversity.

Character and appearance

7. The appeal site comprises a detached dwelling which lies in the open countryside approximately 7km east of Aberdyfi, and within the Eryri National Park (NP) which is recognised as a landscape of international importance. The property is located in an elevated position on wooded hillside overlooking the Dyfi Estuary and is accessed via a private track which winds its way north through Coed Glegyrog-wen forestry from its junction with the A493.
8. From the photographs and written submissions, it is evident that prior to commencement of the unauthorised works, the original dwelling comprised a modest cottage which had been extended by a two-storey extension to the western end of the cottage, and a further two-storey extension at the eastern end, circa 1970's-1980's. The western extension was constructed with a ridge running at 90 degrees to that of the main cottage, presenting a gable to the front elevation and projecting some 750mm above the ridge of the original cottage. The ridge of the eastern extension was in line with that of the main cottage,

albeit set around 80mm below it. The dwelling also featured uncharacteristic dormer extensions to the western and main south facing front roof planes. I do not dispute that, overall, these extensions represented unsympathetic additions that overwhelmed the proportions of the original cottage, thereby adversely affecting the character and appearance of the dwelling and its surroundings.

9. With this in mind, I turn to the Authority's contention that the development the subject of the appeals represents 'overdevelopment' of the original dwelling insofar as LDP Policy 15 is clear that extensions to a dwelling will only be permitted where the footprint is smaller than the original dwelling. Whilst there may be disagreement regarding the figure that has been taken into consideration when calculating the footprint original dwelling, it is my understanding that the increase would be in the order of double the footprint of the 'as built' dwelling i.e. prior to the addition of the 1970's / 80's extensions.

10. The explanatory text to Policy 15 goes on to explain that in general terms, the Authority will only permit extensions which are smaller in size than the original dwelling, albeit recognising that there may be exceptions. It also advises that the Authority's Design Guidance provides useful advice on the appropriate scale and appearance for extensions.

11. Although I note the appellants concern regarding reference to an SPG which has not been formally adopted, I consider that it can be helpful in guiding the design principles of new extensions to existing dwellings. To this end, I am mindful that the Authority finds the use of flat roofs (which the guidance advises should be avoided), the height of the extensions and the extent to which they dominate the original cottage to be objectionable.

12. As I understand from the submitted Design Development Report, the design approach was to delineate the original house while providing the required additional accommodation in contrasting, contemporary extensions. Accordingly, the original cottage has been taken back to its stone finish and re-pointed with a lime-based mortar. The previous UPVC windows, doors and front dormer have been removed and replaced with traditional timber doors and windows, and conservation style rooflights have been inserted in the front roof plane. The east and west extensions have been constructed with shallow, mono-pitched roofs which slope down to the rear and set below the roofline of the original cottage to maintain a degree of subservience. The s78 appeal (Appeal B) explains that the extensions would have sedum grassed roofs.

13. I acknowledge the sustainable credentials of the build, not least the use of high levels of insulation, an air source heat pump and solar panels. The extensions have been constructed with a locally sourced timber frame and finished with sustainably sourced, local timber cladding, recycled composite cladding and sedum roofs. The mix of timber cladding and large areas of glazing on the extensions is intended to contrast and differentiate the new elements from the historic cottage. Additionally, it is stated that the sedum roofs would provide benefits including reducing heating and cooling costs, providing habitat, reducing water runoff and helping the development blend in with the landscape.

14. In this context, I have difficulty with the Authority's position that 'inappropriate' materials have been used insofar as the main palette is a combination of locally sourced natural or recycled materials, green solutions and energy efficiency through renewable technologies. Be that as it may, I note that it also takes issue with the design, scale, form and massing of the development, asserting that the additions are incongruous, prominent and overly dominant and that the extent of glazing exacerbates the incongruous appearance of the whole development.

15. I do not find the principle of contemporary additions objectionable. However, apart from drawing comparisons with other examples of contemporary design in the wider Eryri area

(including those allowed on appeal in Aberdyfi and Nasareth), the submitted Design Report lacks a robust explanation of the scheme's design and fails to demonstrate thorough understanding of local distinctiveness.

16. Notwithstanding the above, I do not dispute that efforts have been made to reinstate much of the traditional character of the original cottage while integrating modern features to ensure the dwelling is warm, dry, energy efficient and suitable for modern living. Nevertheless, I have been given little justification for the overtly contemporary language of the extensions, with their bold, geometric form, substantial scale and unyielding appearance relative to the original cottage. At two storeys and with shallow mono-pitched roofs, the new additions envelope the existing modest pitched-roof cottage which, even with an alleged increase in ridge height, is dwarfed by the mass of the extensions to both sides. The treatment of the junctions between the roof of the original cottage and the extensions read unrefined and jarring, whereas the forward projection of the eastern extension together with its largely glazed frontage and considerable mass dominates the front elevation of the cottage.

17. Neither have I been provided with a clear understanding of the reasons for the architectural composition of the extensions; for example, how the large areas of glazing (in particular, the picture windows in the eastern extension) would complement the more modest fenestration of the original cottage in both position and style. Or why the new additions hard-abut the stone walls and cut into the roof of the original cottage rather than incorporating a recessed connection that might have allowed the separate elements to retain their distinct identities and resolved the issue with the junctions to which I have already referred. The introduction of balconies / raised terraces beyond each of the extensions only increase the overall massing of the development which, in turn, overwhelms the original cottage in both scale and mass to the detriment of its modest character and appearance. Given the lack of such justification, I am not persuaded by the appellants' claim that the extensions, simply by virtue of their 'muted palette and glass', are subservient to the restored original cottage or that the development's design is the correct response for this site, including whether it responds well to its context. Accordingly, I am not convinced that the development represents good design and placemaking consistent with the objectives of national planning policy advice contained in Planning Policy Wales and Technical Advice Note 12: Design.

18. I do not disagree that the character and appearance of the original cottage had been compromised by the addition of the 1970's / 80's breezeblock extensions. Nevertheless, the previous circumstances do not justify what is otherwise unacceptable.

19. I also note the appellants' submissions that they could, in theory, have applied for a replacement dwelling given the poor condition of the property. Although recognising the laudable aim of capturing the embodied carbon by retaining the original cottage and that there were historic features within the old building worthy of restoration, I do not consider that these matters outweigh the harms that I have identified. Each proposal must be considered on its individual merits and, in this case, I have assessed the development against the LDP policies relevant to extensions to dwellings in the open countryside.

20. Turning to the effect of the development on the special qualities of the NP, which is referred to in the LDP as a landscape of international importance, rich in its cultural heritage and wildlife. The appellants assert that the isolated location is such that there are very few visual receptors and that the site is well concealed within its landscape setting.

21. Whilst I acknowledge that the development is not highly visible from public vantage points, limited visibility does not in itself demonstrate compliance with policies intended to conserve and enhance the NP's special qualities. The designation seeks to protect not

only views, but also the character, distinctiveness and sense of place of the landscape. Consequently, a development may be harmful even where its wider visibility is restricted.

22. I accept that the sedum roofs would assist in integrating the built form with the steep grassed bank behind the dwelling and help reduce the prominence of the development in the landscape. I also recognise that the works to the original cottage have restored elements of its historic character. Nevertheless, I find that the scale and architectural expression of the contemporary extensions have little meaningful relationship with the modest vernacular character of the original building. Rather than appearing as a sympathetic evolution of the dwelling, the juxtaposition between the traditional and modern elements results in a discordant composition that appears imposed upon the site.

23. It is further suggested that the proposed landscaping and planting would reinforce certain special qualities of the NP by softening the development and integrating it into the rural landscape. However, the reliance on mitigation planting serves to highlight the extent to which the development does not sit comfortably within its setting as designed. Whilst landscaping can make a positive contribution to a scheme, it should not be necessary to disguise or offset harm arising from an otherwise inappropriate form of development.

24. I have also taken into account the NP's designation as a Dark Sky Reserve, which is to say that the quality of the night sky is outstanding. Although the appeal site lies outside the Core Zones, LDP Policy 1 seeks to ensure that development does not give rise to harmful light pollution. In the absence of evidence to the contrary, I share the Authority's concerns that the siting of the dwelling in an elevated position, combined with the addition of extensive areas of glazing over two storeys, has the potential to result in greater visibility within the wider landscape due to potential reflections and glare. Even if that were not the case, this consideration does not outweigh my concerns regarding the scheme's failure to conserve and enhance the landscape character and sense of place that underpin the designation.

25. The special qualities of the NP are derived not only from its scenic beauty but also from its landscape character, rich cultural heritage and strong sense of place. In my view, the development fails to respond appropriately to these qualities. Despite its relative visual containment, the scheme introduces a form of development that is at odds with the established character of the site and its surroundings, thereby detracting from the landscape's distinctive qualities.

26. In summary, therefore, although certain aspects of the development may meet with some criteria of the relevant LDP policies, including those related to Policy 18: The Welsh Language and the Social and Cultural fabric of communities, it nonetheless conflicts with other requirements of LDP Policies 1, 6 and 15 insofar as it fails to conserve the Special Qualities and purpose of the NP and detracts from the character and appearance of the dwelling and its surroundings. It is therefore at odds with the development plan overall, and with national planning policy advice to which I have already referred.

Ecology / biodiversity

27. At the time the planning application was submitted, a substantial amount of work had already been carried out to the dwelling and the Authority's ecologist advised that it was not possible to know what bat roosting and bird nesting potential may have been lost. Accordingly, the Authority considered that compensation would be required for the potential bat roosting and bird nesting opportunities and concluded that insufficient information had been submitted to address these issues.

28. In response to the appeals, Natural Resources Wales reiterated this position, noting that no ecological assessment has been submitted in support of the development. It also confirms that there are records of bats and hazel dormice nearby.

29. Bats and hazel dormice are classified as European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017. Section 6 of the Environment (Wales) Act 2016 imposes a duty to seek to maintain and enhance biodiversity and, in doing so, promote the resilience of ecosystems. Both species are also 'species of principal importance' included in Section 7 of that Act for the proper functioning and resilience of ecosystems in Wales.

30. Chapter 6 of Planning Policy Wales (Edition 12) (PPW) highlights that where EPS could be present, ecological survey work may be required and an assessment of the impact of a development upon that species is necessary to inform development management.

31. Based upon the age and condition of the dwelling prior to the works being undertaken, the significant degree to which the building has been disturbed by the works, proximity to suitable habitat and existing green infrastructure connectivity and records of the species in the area, I consider the request for ecological survey work to be justified in this instance. In the absence of any evidence to suggest otherwise, I cannot conclude with sufficient certainty that bats and/or dormice are not using the site in some capacity.

32. Technical Advice Note 5: Nature Conservation and Planning (TAN 5) is clear that the presence of protected species is a material consideration which must be established at the application stage and, if a survey for protected species is needed, it must be undertaken prior to planning permission being granted (my emphasis).

33. As part of the appeal submissions, the appellants submitted a Green Infrastructure Statement which sought to provide details of biodiversity mitigation measures in the form of bird boxes mounted on the property elevations and the installation of sedum roofs together with compensation by way of the installation of a bat loft in the ruined outbuilding to the south-west of the property.

34. Be that as it may, I am aware of the Authority's outstanding concern that the redundant outbuilding proposed for conversion into a bat loft, although suitable, may already be an existing bat roost. It therefore suggests that in the event of planning permission being granted, a condition is imposed requiring a bat survey to be undertaken and the submission of a corresponding report.

35. As already outlined, it would be inappropriate to request a bat survey to establish the presence of EPS after the granting of planning permission in line with the advice in TAN 5. Neither would such a survey respond to the realistic likelihood of the presence of other EPS, in this case, hazel dormice. Without confirmation from a suitably qualified ecologist that dormice and/or bats are present, I am unable to rule out potentially harmful effects on the species, including in the event that the outbuilding is an existing bat roost and the proposed compensation measures would be inadequate or whether any alternative provision is realistically available. Hence, I cannot conclude that there would not be adverse impact upon the biodiversity interests of the area, thus offending the duty imposed by Section 6 of the Environment (Wales) Act 2016 specifically in respect of Section 7 species of Principal Importance in Wales. Moreover, as I have no baseline ecological information before me, I cannot be confident that I have been provided with a scheme for net benefit for biodiversity as required by the Act and national planning policy.

36. I must therefore take a precautionary approach and conclude that it has not been demonstrated that harm to biodiversity interests would be avoided, or that a net benefit for biodiversity and ecosystem resilience could be secured. On this basis, I find the proposal in conflict with LDP Policy D and Policy 6, and with Chapter 6 of PPW and TAN 5.

Other considerations

37. In coming to my decisions, I have treated the interference with the appellants Article 8 Right to respect for family life as a material consideration consistent with the Judgments

in *(RLT Built Environment Ltd) v Cornwall Council [2016] EWHC 2817 (Admin)* and *Stevens v Secretary of State for Communities and Local Government [2013] EWHC 792 (Admin)*, as cited by the appellants. I am also aware of the case of *AZ v Secretary of State for Communities and Local Government [2012] EWHC 3660 (Admin)*, in which the Court established that 'Each case that involves the potential for interfering with a person's Convention rights requires an appropriate proportionality assessment to be undertaken….'

38. Having regard to the cited Judgment in *South Buckinghamshire DC v Porter [2001] EWCA Civ 1549* and others, I must also consider the question of hardship for the occupants, which here includes the availability of suitable alternative accommodation, before coercive steps are taken. The question is therefore whether the interference represented by the Notice can be justified as a proportionate means of achieving a legitimate aim under Article 8(2).

39. As is required of me, I have treated the best interests of the children as a primary consideration and acknowledge the disruption that compliance with the Notice would cause, not least to their established home life and education. However, the evidence before me does not demonstrate that the children's welfare would be seriously prejudiced by compliance with the Notice or that they would be unable to continue their education, maintain family relationships, or participate in recreational and sporting activities, whether locally or elsewhere.

40. Further, reference is made to the stress and uncertainty experienced by the extended family during the enforcement process, together with concerns regarding health and wellbeing. I have taken these matters into account and recognise that the prospect of compliance with the Notice has the potential to cause anxiety and disruption. Nonetheless, no medical or other independent evidence has been provided to demonstrate that compliance would result in exceptional or severe consequences for any member of the family. The submissions in this regard are therefore necessarily limited in the weight that can be attached to them.

41. The appellants argue that the lack of alternative accommodation locally weighs heavily against the requirements of the Notice. I accept that securing suitable accommodation in the area may be difficult and that relocation could cause inconvenience and disruption to the family. Nevertheless, there is no compelling evidence before me to the effect that alternative accommodation is unavailable within a wider area, albeit I do not dispute that it may be limited within the appellants' preferred location. While remaining in the locality is understandably desirable, there is no entitlement to reside in a particular dwelling or part of the area where that occupation depends upon unauthorised development.

42. The appellants also contend that the development supports the Welsh language and facilitates multi-generational living. While these are matters to which I attach some weight, there is no substantive evidence before me that the removal of the unauthorised extensions would materially harm the vitality of the Welsh language in the area. On the face of it, the occupiers' use of the Welsh language and involvement in the local community are not dependent upon the retention of development that has been carried out without planning permission. Moreover, I acknowledge that the dwelling may have been designed to accommodate extended family living and future care needs, however, those aspirations do not of themselves justify retaining development that is otherwise unacceptable in planning terms.

43. I note the letters of support from interested parties on the grounds that the development returns a restored home to a local Welsh-speaking family who are invested in their community. In accepting that prolonged uncertainty has been difficult for the family, some degree of stress and upheaval is an inevitable consequence of knowingly carrying out unauthorised development and subsequent enforcement action affecting a person's

home. Nevertheless, the personal circumstances described here do not clearly distinguish this case from others where enforcement action has been found to be justified in the public interest.

44. The appellants add that demolition would give rise to ecological concerns, and that this matter weighs against removal of the unauthorised works. However, I have been provided with no substantive ecological evidence demonstrating that the removal of the extensions would result in unacceptable ecological effects. The argument is therefore hypothetical, and I afford it limited weight. The possibility that bats may use the unauthorised building does not provide a planning justification for retaining development that has been carried out without permission. Any demolition works would remain subject to separate statutory controls relating to protected species. In other words, the existence of a potential ecological constraint does not render compliance with the Notice unreasonable. Moreover, accepting such an argument could create a perverse outcome whereby the passage of time following unauthorised development would itself become a reason for allowing it to remain.

45. Similarly, the appellants argue that requiring demolition would be environmentally harmful because the building embodies a significant quantity of carbon, incorporates energy-efficient materials and has been constructed to a high thermal standard. Whilst I recognise that demolition would result in the loss of materials and would itself entail the consumption of resources, I do not find that these considerations carry decisive weight in the circumstances of this case for several reasons. Firstly, the environmental consequences identified by the appellants arise largely from the fact that the unauthorised development has already been carried out. It does not follow that development should be retained simply because of the resources implications of its construction. I am also mindful that the claimed environmental benefits relate principally to the performance of the building, and a highly energy-efficient building can still give rise to planning harm by virtue of its scale, design, effect on the character and appearance of the area, or conflict with development plan policies. The environmental credentials of a building do not negate such harm and is not, of itself, a justification for retaining development that is otherwise unacceptable. Accordingly, I attach limited weight to the appellants' assertions regarding the environmental costs of compliance with the Notice.

Overall balancing exercise

46. For the reasons I have already given, I consider that the development is in conflict with national and local planning policy relating to the effect of the development on the character and appearance of the area, including the special qualities and purpose of the NP, and that there is insufficient evidence to demonstrate harm to biodiversity interests would be avoided and a net benefit secured. Thus, the question is whether this harm is outweighed by other considerations that justify the development.

47. I have had regard to the personal circumstances of the appellants and their family with particular reference to the Human Rights Act. I recognise that the requirements of the Notice are tantamount to returning the home to an uninhabitable condition such that the appellants may be forced to find alternative accommodation for their family, even if for a temporary period, representing an interference with their Article 8 rights.

48. However, these are qualified rights and interference may be justified where in the public interest. Where Article 8 rights are those of children, as in this case, they must also be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child which requires a child's best interests to be a primary consideration. To this end, I do not dispute that the best interests of the children would be served by a permanent and secure home and continued access to the local schools, facilities and activities in the Welsh speaking community of which the extended family are an integral part.

49. Nevertheless, I am not persuaded by the evidence that suitable alternative accommodation is unavailable within a wider area. Neither can I give any meaningful weight to theoretically less intrusive measures since the details of such an alternative scheme are not before me nor is there an obvious solution that would resolve the matters at issue.

50. It also seems to me that the environmental impacts of compliance are an inevitable consequence of remedying the unauthorised development where removal is found to be necessary. If such consequences were routinely regarded as a reason for allowing unauthorised development to remain, the effectiveness of the enforcement system would be significantly undermined. Similarly, there are other legislative controls which could ensure that ecology interests are protected in complying with the requirements of the Notice. As such, I have afforded these matters little weight.

51. Consequently, I do not find that factors advanced in favour of the development are of such weight as to render the requirements of the Notice excessive or disproportionate when balanced against the public interest in remedying the breach of planning control and the harms arising from the unauthorised development. I am also satisfied that there are no realistic measures before me which are less interfering with the family's rights and the best interests of the children. They are thus proportionate and necessary in the circumstances.

The ground (f) appeal

52. An appeal on ground (f) is that the steps required to comply with the requirements of the Notice are excessive and lesser steps would overcome the objections.

53. The appellants argue that the permanent removal of the extensions and balcony/terrace areas would leave the site in a significantly different condition to the state of the property at the start of the redevelopment works. Furthermore, they contend that an acceptable scheme could be achieved through compromise that suits all parties which would not involve the complete removal of the building works.

54. I do not doubt the appellants' intention to reach, by negotiation with the Authority, an acceptable alternative scheme. Nevertheless, such a scheme is not before me and I cannot therefore give meaningful weight to a theoretical position involving less than complete removal of the development attacked by the Notice.

55. Put another way, there are no actual suggestions before me of realistic or suitable lesser steps that would address the fundamental concerns in respect of the development that has been carried out (my emphasis). While the revised proposals for the external finishes of the extensions and the landscaping scheme may help to reduce its visual impact, they would not address the underlying objections to the development and, to my mind, do not represent the lesser steps required for a ground (f) appeal to succeed.

56. I also note the Authority's stance that as parts of the development are considered acceptable, it has under enforced insofar as the Notice does not require the removal of these elements. However, in my opinion, such under enforcement is not tantamount to a suggestion that the matters attacked by the requirements of the Notice can be remedied by anything less than removal.

57. The stated purpose of the Notice is to remedy the breach of planning control. In this context, the requirements are appropriate to achieve the objectives of protecting the character and appearance of the area, and ensuring harm to biodiversity interests are, as far as possible, avoided.

58. Thus, the requirements of the Notice are not excessive and there are no lesser steps put forward by the appellants that would remedy the breach of planning control that has been caused. Accordingly, the appeal on ground (f) must fail.

The ground (g) appeal

59. An appeal on ground (g) is that the time given to comply with the Notice is too short.

60. The appellants advance the argument that the structural complexity of the building works and the relationship of the extensions to the original dwelling are such that an expectation of the remedial works being undertaken within a 6 month period is unrealistic. Based on the appellants' builder's assessment, it is stated that the structure is not severable in any simple way; the roof of the original cottage is tied into the extensions, the entire ground floor of the house is currently a construction site, and the only fully serviced living facilities (the communal area, bathroom and a kitchen) are in the side of the extension known as the annex. A temporary hot-water supply presently serves only the upstairs kitchen and bathroom in the annex. As such, a period of 12 months (or potentially longer) is requested.

61. I am cognisant that the effect of complying with the Notice would be to render the building uninhabitable given that at least one of the extensions forms a fundamental part of the existing living space. Since it has been made clear that the family currently resides at the property, it is highly likely that the appellants would have little option but to seek alternative living accommodation. To my knowledge, the appeal property is the appellants' only place of residence.

62. I am mindful that until the breach of planning control is rectified, the detrimental effects of the unlawful development will persist. In this context, I consider that a period of 12 months would strike an appropriate balance between the competing public and private interests so as not to place a disproportionate burden on the appellants of finding alternative accommodation. In turn, and although not determinative of itself, extending the time period to 12 months would also allow the appellants a reasonable length of time to continue discussions with the Authority as to whether there is an acceptable alternative scheme.

63. Whilst I also note the Authority's concern that the appellants proceeded to make the building watertight and habitable despite being advised to cease works, they are entitled to await the outcome of the appeal before deciding on the next course of action.

64. To this limited extent, the appeal on ground (g) succeeds and I shall vary the Notice accordingly.

Conclusion

65. For the reasons given above, I conclude that Appeal A succeeds to a limited extent on ground (g). Otherwise, I uphold the Notice and refuse to grant planning permission on the application deemed to have been made. I dismiss Appeal B.

66. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that these decisions are in accordance with the Act's sustainable development principle through their contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

Melissa Hall

INSPECTOR



GLYGYROG DDU – HYDREF / OCTOBER 2023



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