

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2019/5070	<u>DATE:</u> 06/06/2019
PROPOSAL:	Change of Use from Public House (Class A3) to a Dwelling (Class C3)
LOCATION:	Farmers Arms, Glynneath Road, Resolven
APPLICANT:	Mr S Bailey
TYPE:	Full Plans
WARD:	Resolven

BACKGROUND INFORMATION

Ward Councillor Dean Lewis requested that the application be reported to Planning Committee on grounds relating to the loss of a Community Facility in the village which is the only family-friendly Public House with disabled access.

This request was subsequently discussed at a Committee call-in panel on 2nd July 2019 with the Chair, Cllr Paddison, where it was agreed that the application should be determined at Planning Committee on the above grounds.

SITE AND CONTEXT

The application site comprises the Farmers Arms, Glynneath Road, Resolven, a stone-built two-storey detached property with a current lawful use as a Public House (Use Class A3), together with associated parking and garden areas. The application site measures approximately 0.21 hectares in area.

The premises are located within the countryside and also within the Vale of Neath Special Landscape Area (Policy EN2/3). Access to the site is off the B4242.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the Change of Use of the property from Public House (Class A3) to a Dwelling (Class C3).

It should be noted that no external alterations are proposed as part of the development, with any alterations being limited to internal only. However, since purchasing the property new owners have removed the fascia sign.

In support of the application the agent has submitted supporting statements. These detail the following:

1. Confirmation that the site was initially marketed by Sidney Philips Ltd on 14th March 2017 for £230,000.
2. In addition, the property was advertised on 5 websites and “Publicans Morning Advertiser”.
3. In order to create more interest the asking price was reduced to £210,000 on 18th September 2017.

4. The marketing exercise resulted in 279 enquiries, four formal viewings and one offer to purchase for £190,000. However, the potential purchaser could not complete the purchase, as he was unable to secure a mortgage due to the lack of revenue from the existing business.
5. The statement confirms that the property was comprehensively marketed for 2 years on websites and trade publications and the value reduced to reflect market conditions, but still remained unsold.
6. Detailing the type and numbers of other community facilities in the village of Resolven.
7. Detailing the potential alternative uses for the property and why they would not be considered suitable.
8. As part of the statement financial accounts were provided from 2014-2017 demonstrating that the property was running at a loss or very low profit. These are commercially sensitive and as such are confidential.

Additional information was also supplied by the agent to confirm that a “for sale” sign was erected on the site by the estate agent and the property was also advertised for sale on their Facebook page. The agent confirms that the current owner purchased the site for £160,000 on 6th June 2019.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

NEGOTIATIONS

None.

PLANNING HISTORY

The application site does not have any relevant planning history.

CONSULTATIONS

Resolven Community Council: Objection on the grounds that there is concern in the locality about the loss of this valued community asset, which was recently listed by NPT as a building of architectural and historical importance. It has been an unbroken pub since 1780. Furthermore, there has been local interest in running The Farmers as a Public House, but this was turned down by the previous owner - despite a formal approach by a solicitor.

Head of Engineering & Transport (Highways): No objection, subject to conditions.

Head of Engineering & Transport (Design): No objection.

Biodiversity Unit: No objection.

Welsh Water: No objection, subject to conditions.

REPRESENTATIONS

A site notice was displayed on 11th June 2019 and 18th June 2019.

In response, to date 20 no. representations have been received, including a letter of objection from Cllr Del Morgan. The issues raised within the objection letters are summarised as follows: -

- Concerns that the proposed change of use would have a detrimental impact on the local residents, as it is the hub of the community as a whole and would result in loss of darts team venue or quiz venue for instance, and historically has always been a pub, and is the only family friendly pub with disabled access.
- If the current owners intended to continue using the property as a public house, they would have received the full support and custom from the local community.
- Concerns that all other pubs/clubs in the village are drinking establishments only and (with the exception of the Tandoori Indian Restaurant) all other food establishments are take-away only. This property was, and can be again, a good family restaurant which serves Sunday dinners, and is the only one within walking distance. The other similar pubs are at least 4 miles away.
- This business has huge potential and only failed previously due to bad management by the previous owners and not running it to its full potential, such as intentionally keeping trading below the VAT threshold. Also, by barring local people and alienating them for personal disagreements.
- The property is in a high tourism area and can add to the offering to tourists if run correctly. The loss of The Farmers would be detrimental to tourism in the area.
- A local resident has been actively trying to purchase the pub since the end of 2017 to keep it trading as a public house with a strong focus on food.
- A bid of £160,000 was made, but rejected. This was increased to £170,000 but they were informed that the property was going to auction. The offer was then withdrawn, as it was subject to the purchaser selling their current home.
- The pub was sold at auction for £180,000 (which was held inside the pub itself), but the purchaser failed to complete the purchase. This is not stated in the current application.
- In September 2018 the local resident was asked to proceed purchasing the property for £170,000 and this was accepted in writing. Again, this is not stated in the planning application.
- By December 2018 60% of the finance was raised, with the remainder subject to the sale of their house.
- By April 2019 the resident was informed that the sale was to be withdrawn by the vendors, as the purchaser's house was still unsold.
- Due to personal circumstances the vendors needed a very quick sale and agreed to reduce the asking price to £160,000. An offer was made to lease the business, with a guarantee to purchase once the house was sold, but there was no reply from the owners on this, and it was then sold to another party.
- Some of the improvements which the potential purchaser was going to make were to open 7 days a week, improve the food and drink range, actively market the business, open bank holidays and Christmas, offering more sittings for food and re-instate the first-floor function room.
- If the local residents had been informed that the property was being sold for residential use they could have involved other investors or organised a community pub to prevent part of the community being lost.
- Concerns that the marketing and supporting information supplied by the applicant is out of date and does not reflect the subsequent auction sale and other attempts (at least 4) to purchase the property, and is deliberately misleading or constructed to give the impression the pub is not viable or needed.
- Concerns that the property was initially marketed at an unrealistic price.
- Concerns that the draught lines were removed prior to the sale being completed and the sign outside being removed immediately after, showing a clear intention to treat the building as a dwelling and as if this application were a mere formality and there was no attempt to open as a pub.

- Concerns that the loss of the pub would be contrary to the Wellbeing of Future Generations (Wales) Act 2015 as it can help with loneliness and isolation and can help with uncontrolled drinking at home.
- Concerns that the loss of this business could affect nearby businesses. A well-run pub will attract passing trade and encourage the growth of local businesses, and is an important source of employment.
- Concern that the loss of quizzes (which provide money to the village carnival) will strip the village of a much needed and loved event.

In addition, a summary of comments and signatories to an on-line petition (entitled “Stop the Farmers Arms in Resolven being turned into a house” – see <https://www.ipetitions.com/petition/farmerspub>) has been submitted which at the time of writing contains 215 signatures and 80 individual ‘comments’ which reference the role of the pub in the community past and present.

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

Local Planning Policies

The Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policies:

- **Policy SC1** Settlement limits

- **Policy SC2** Protection of Existing Community Facilities
- **Policy EN2** Special Landscape Areas
- **Policy EN5** Conversion and Extension of Existing Buildings in the Countryside
- **Policy M1** Development in Mineral Safeguarding Areas
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy BE2** Buildings of Local Importance

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)
- [The Historic Environment](#) (April 2019) (incl. [Schedule of Buildings of Local Importance](#))

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of the proposed change of use, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

The application site is located outside the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP). The current lawful use of the property is a Public House (Use Class A3) such that it comprises an 'existing community facility'.

Policy SC2 (Protection of Existing Community Facilities) states that:

“Any proposals which would result in the loss of an important existing community facility will only be permitted where it can be demonstrated that:

- 1. The facility is surplus to requirements; or*
- 2. The existing use is no longer viable.”*

The supporting text to the Policy states *“where a facility performs (or has performed) an important or central function in the life of the local community, any change to a non-community use will be resisted unless it can be demonstrated that the facility is no longer viable or needed by the community and that there is no potential that the building can be used for an alternative or shared community use.”*

This Policy thus positively seeks to favour the retention of important community facilities (especially in rural settlements) in general accordance with the objectives of Planning Policy Wales. In this respect, community facilities such as this primarily seek to meet the needs of the rural communities and can provide an important service in rural communities, especially in engendering a sense of community. In this regard PPW10 emphasises that:

4.3.40 Local and village shops, and public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations.

4.3.41 The economic and social function of local shops, village shops and public houses should be taken into account when considering applications for a change of use into residential or other uses.

In this respect the retention of such facilities is positively encouraged as a way of meeting the needs of current and future generations, and thus complying with the wellbeing goals embodied in Planning Policy Wales 10.

Notwithstanding the above, the first part of Policy SC2 requires an assessment of whether a facility is ‘important’, and performs or has performed *‘an important or central function in the life of the local community’*. In other words, it does not follow that every community facility is ‘important’ for the purposes of protection under Policy SC2.

Having regard to this, clearly the manner in which a community facility meets or has met local needs and thus might be ‘important’ is difficult to measure tangibly. Moreover, it is accepted that it can also be open, for example, to external influences such as the manner in which a facility is operated or designed to appeal to different clientele. Importance can also change over time.

In this respect it is of note that the proposed loss of the facility has received (to date) 20 representations from the local community together with a petition of objection, with concerns over the loss of the Public House having also been raised by the Community Council, Ward Member, adjoining Ward Member from Glynneath and local residents.

These representations indicate that the potential loss of this pub, which has historically been a pub since the last quarter of the 18th Century, is of great concern to many residents in Resolven, who consider the business to have previously had, and future potential for, real community benefit. The representations indicate, for example, that the pub was (prior to its closure) “a hub of the community”, home to a darts team venue or as a quiz venue for instance, and that if the current owners intended to continue

using the property as a public house they would have received the full support and custom from the local community. The Ward Member also states that this proposal would result in the loss of a Community Facility which is the only family-friendly Public House with disabled access.

Representations also express concern that all other pubs/clubs in the village are drinking establishments only and (with the exception of the Tandoori Indian Restaurant) all other food establishments are take-away only. They therefore consider that these premises were - and could be again - a good family restaurant within walking distance of the village. The objection letters also allege that the Farmers was poorly managed and not run to its full potential by the previous owners.

All of these submissions have been considered in great detail as part of the assessment, and it is not doubted that the premises has previously been used by a section of the community, and that it was operated in a manner which provided a facility where the community could eat and drink, including as a family. The initial test to apply under Policy SC2, however, is whether it performed '*an important or central function in the life of the local community*'.

Accordingly, in considering the 'importance' of the facility, it is of particular note that the property is located approximately 500m outside of the main settlement of Resolven, which itself is well-served by community facilities. This has been emphasised by the applicants who have assessed the potential alternative provision locally, noting that there are a range of other community facilities in the village, including another Public House (Vaughan Arms), community halls, A3 take-away and restaurant, as well as ancillary services such as library, hairdressers etc.

In considering this further, the plan below has been produced by Officers to identify the type and range of facilities, as well as identifying the location of the Farmers' Arms approximately 500m outside of the settlement and across the A465 which is a busy dual carriageway which effectively separates the application site from the community of Resolven. This plan demonstrates that Resolven has a wide range of community facilities, notably including another pub and both rugby and football clubs, together with halls and shops. The presence of the Vaughan Arms is especially notable because the loss of The Farmers would not result in the loss of the only pub in the village of Resolven, albeit it is acknowledged that representations indicate that the two pubs have their differences.

Within that context, and given its location outside of the main settlement, while there is little doubt that the loss of the Farmers Arms would be felt keenly by some of the community, it is considered to be difficult to substantiate an argument on planning policy grounds that the facility performed '*an important or central function in the life of [this] local community*'.

In addition, while noting the emphasis made in local representations on the nature of the use and its differences to other facilities, it is also of notable relevance that the Planning Authority has no control over the type of Class A3 use that operates from any authorised premises. For example, while the previous pub may have operated as a 'family-friendly' pub/restaurant, any future operator may change the operation to attract other clientele, and may not necessarily provide a food offer, for which permission would not be required. Moreover, the premises could even change to other uses such as financial and business (Class A2) or retail (Class A1) without the need for permission, although given its location outside the centre of the community of Resolven, such alternatives are unlikely. Whilst this in itself would not justify the loss of an *important* facility, it is considered to reinforce the above views in this case that

objections cannot be raised to the loss of this particular facility on the grounds detailed above.



Figure: Community Facilities in Resolven

Having regard to the above, while it is clear that the loss of the pub would be felt keenly by many in the village and the retention of such facilities is positively encouraged, given its location outside of the settlement itself, some 500m distant from the edge of settlement, and especially the presence of a range of other community facilities in the village itself, it is considered that the Farmers' Arms does not merit special protection as an 'important' community facility where there should be a presumption in favour of its retention.

Notwithstanding the above assessment of 'importance', the tests within Policy SC2 have also been reviewed against the submissions, and are considered in turn below.

Is the Facility Surplus to Requirements?

In considering whether a facility is no longer viable or needed by the community and there is no potential that the building can be used for an alternative or shared community use, the supporting text to Policy SC2 states that "The type of evidence required will vary..... but may include details of why the building is no longer in use, what alternative provision there is locally, what other community options have been considered for the building and evidence to show reasonable efforts have been made to market the facility for sale or lease for its existing use".

As assessed above, the premises was one of a number of other community facilities serving Resolven. As a matter of fact it is thus clear that the locality is well served by a range and choice of such facilities. While that in itself does not mean that the facility is surplus to requirements, it should be given weight in such an analysis.

In seeking permission for the change of use from a public house to a dwelling, the applicant has submitted evidence covering the marketing of the building over a

prolonged period of time (from March 2017), which seeks to demonstrate that the property has been marketed as an A3 use (not residential) on websites, journals, social media, at auction and via a for sale sign. The evidence indicates that the asking price was originally set at £230,000 then reduced to £210,000 and then placed into auction with a price of £180,000. Despite formal offers to purchase, and the price being reduced to £170,000, and then £160,000 for a quick sale, the property was eventually sold on 6th June 2019 for £160,000.

It is noted that the applicants are the new owners and are NOT the previous operators of the premises, and did not purchase with the intention of continuing the Class A3 use. They therefore bought the premises on the basis that they would require planning permission to utilise it for an alternative use, i.e. there was a risk associated with such a purchase for an alternative use.

Local representations have sought to cast doubt on the veracity of some of the evidence submitted, including reference to efforts being made (but not accurately reported) from a local person to buy the premises for use as a public house. They also refer to the manner in which the previous business was run. In particular one local respondent has submitted a detailed summary of their attempts to purchase or lease the premises, albeit acknowledging that to date they have failed to gain the necessary finance for such a purchase.

Because of the submitted concerns about the submissions, the agent was requested to provide clarification. In response, he has acknowledged and apologised for the gaps in the marketing, which his client (the new owner) was unaware of, and issued the following additional response: -

- *"I am advised that Mrs C [the previous owner] did take the premises to Auction in 2018. The property was sold and a deposit paid by cheque. Unfortunately, the cheque bounced and despite attempts to raise finance between July and September 2018 the buyers withdrew from the sale due to lack of finance. As you are aware when a property is sold at auction the seller is required to pay a fee. In this case I am advised that the failed sale cost Mrs C £15,000.*
- *On 1st October 2018 Mrs C received an offer from a Mr & Mrs H to purchase the property for £175,000. She agreed, on the basis of the agreement, to not actively market the pub for 3 months whilst they sold their house to raise money. I understand that they failed to raise finance and therefore Mrs C had no alternative but to reduce the price and continue the marketing of the site in April 2019.*
- *This prompted Mr & Mrs H to offer to lease the property. Mrs C declined the offer to lease as it was never her intention to lease the property as she wished to relinquish all interest in the property. Moreover, there was no guarantee that Mr & Mrs H could raise the finance to lease the property given that they had failed to raise finance in the previous 6 months.*
- *It is clear from the evidence available that the marketing of the site has been comprehensive and protracted. Whilst there have been offers to purchase the site and run it as a going concern NONE of the prospective purchasers have been able to raise the finance. This has come at a considerable cost and inconvenience to Mrs C.*
- *Whilst I have not had sight of the objections received it is clear that the demise of the business is as a result of lack of customers from the wider and local area. A familiar story throughout the country.*

- *Whilst it is regrettable that the business is closing, its closure must, in part, be attributed to lack of local clients. The loss of the pub is sad however, the pub has been well marketed and it was therefore open to any individual within the community to purchase the property and continue to operate the business”.*

The LPA also undertook their own research by contacting the Sydney Phillips Estates Agents who provided a copy of a letter outlining a timeline of events

Having regard to all of the submissions and local representations, it is apparent that the previous owner sought to market the property since 2016/17, and this has been varied and active, including reductions in the value of the premises (the initial marketing being at a (perhaps unrealistic) value of £230,000 but reduced down incrementally to below £200,000). While the purchasers (current applicant) have purchased with an intention to convert to residential, such marketing was directed at a commercial sale, not a residential sale.

In looking at viability / matters of valuation etc, it has been inferred that the previous owners were running at a deliberately low level of trade (e.g. below the VAT threshold), including only opening Thursday to Sundays. It is considered, however, that these would be the times when trade would most likely to be higher, albeit it is acknowledged that closing Monday – Wednesday could undermine the pub’s role within the community and to some degree its profitability. Nevertheless, a review of the submissions indicate that profits were significantly below this threshold, while it is also considered to be counter-intuitive for any owner to run down a premises with the intention of selling it, because that in itself reduces the value and potentially the attractiveness of the premises. In this respect it is not considered that the previous owners had the sole intention of changing the use from a pub (else they would have applied for this themselves), albeit they did subsequently explore such a prospect when they failed to sell the property.

The marketing of the premises over a 2+ year period did generate interest in purchaser(s) looking to continue its use as a public house, although none led to a successful purchase. This included one local resident who actively sought to purchase the pub, something that in general terms would be supported given that this could have led to continuation of the premises being run as a public house.

Continuation of such a facility, even had such a sale gone through however, could not be controlled and this is noted in particular because in the period during which the premises were marketed as a business there was very little firm interest in doing so, and none which led to a formal purchase. This is despite Officers independent research, such as viewing Trip Advisor reviews, which indicate that the property was rated highly even up until recently (early 2019).

It is also especially pertinent that the vendor allowed 7 months (from September 2018 to April 2019) for the local potential purchaser to sell their current home and raise the necessary funds, but this was not forthcoming. In this respect, it is also clear from local submissions that the need for the previous owner to sell the property became urgent, and it was this urgency for a quick sale which prompted the vendor to reduce their asking price further, finally selling the premises in June 2019. For the same reason the offer to lease the premises was not acceded to.

It is noted that the current applicant was the purchaser, and that it is not their intention to run the premises as a pub, hence the current application for change of use. Nevertheless, it remains the case that the assessment needs to satisfy itself that

reasonable efforts have been made to market the facility for sale or lease for its existing use.

In this respect, while there have been representations made that local residents, if informed of the sale for residential, could have involved other investors or organised a community pub to prevent part of the community being lost, the property has been marketed for a commercial use (not residential) for an extended period of time during which time any person or group has had the opportunity to invest in the property as a business. Accordingly, while it is unfortunate that the previous bidders were unsuccessful with the sale, the extent and nature of evidence submitted is considered to satisfactorily demonstrate that *“reasonable efforts have been made to market the premises”* such that the proposed change of use complies with the relevant criterion within Policy SC2.

The supporting text to the Policy also states *“any change to a non-community use will be resisted unless it can be demonstrated that ... there is no potential that the building can be used for an alternative or shared community use.”*

In respect of potential alternative uses of The Farmers Arms, the applicant's supporting statement details the uses that are lawful without a change of use (A1 shop, A2 financial and professional services and a restaurant/ takeaway) and outlines the potential issues with other alternative uses of the premises, concluding that there would be no realistic alternative use.

While it is considered that there might be other uses to which the property could be put – for example tourist accommodation, B&B or similar - this would not comprise a 'community use', while it is accepted that in light of the range and type of uses available within Resolven, this test is generally satisfied.

Is the Existing Use No Longer Viable?

To demonstrate that the existing use is “no longer viable” the applicants also supplied accounts from 2014-2017 to demonstrate that the pub was running at a loss or very little profit.

While these accounts are accepted, having regard to local submissions it would appear that the premises could *potentially* have been run in a different manner to increase income / profits, with the previous owners having their own personal reasons for running the property in that manner. Nevertheless, that is conjecture, while the extensive marketing of the premises was in any event unable to lead to a situation where a new owner could be found or finance achieved.

Accordingly, while this test is perhaps partially met – having regard to local interest in taking on the premises who feel that it could be operated as a viable business proposition - it is nevertheless considered that the unsuccessful efforts made by the previous owner to sell the premises supports an assertion that the viability of the premises could not be guaranteed.

Conclusion on Principle of Development

In conclusion therefore, it is considered that the application property does not represent an 'important' existing community facility for the purposes of protection under Policy SC2, and that in any event the evidence submitted by the applicant has been sufficient to demonstrate that *“reasonable efforts have been made to market the*

premises” such that the proposed change of use complies with the relevant criterion within Policy SC2.

Impact on Special Landscape Area

The property is located within the Vale of Neath Special Landscape Area, wherein Policy EN2/3 (Special Landscape Area), states that:

“Development within the designated Special Landscape Areas will only be permitted where it is demonstrated that there will be no significant adverse impacts on the features and characteristics for which the Special Landscape Area has been designated.”

As the proposal relates to a change of use only, it is considered that there would be no detrimental impact upon the Special Landscape Area. As such, the proposal would comply with the requirements of this Policy.

Building of Local Importance

The property is also identified as a [‘Building of Local Importance’](#) within the Council’s approved Historic Environment SPG, which notes its justification as “A long established distinctive landmark building on the old main road (on 1899 OS map under the same name)”.

Policy BE2 (Buildings of Local Importance) is thus of relevance when it states that:

“Development proposals that would affect buildings that are of local historic, architectural or cultural importance will only be permitted where:

- 1. They conserve and where appropriate enhance the building and its setting; or*
- 2. It is demonstrated that the development could not reasonably be accommodated without affecting or replacing the building and the reasons for the development outweigh the heritage importance of the site.”*

The supporting text in paragraph 5.5.21 states: *“where possible, developments should aim to complement such buildings and incorporate and adapt them within schemes where appropriate”*.

While the proposals would result in the loss of the public house, and affect its character insofar as its appearance would change to a residential use, the proposals would not in themselves result in the loss of the building itself. In this respect, while it could be argued that losing the pub signage and appearance of a historic pub could be detrimental, it is nevertheless considered that the proposed development to change the use and adapt it would still retain the building and at least conserve its appearance. Nevertheless, in order to prevent unsympathetic alterations or additions to this Building of Local Importance “permitted development” rights will be removed from the property for extensions, external alterations including windows and dormers, plus outbuildings.

Conversion of Rural Building

In respect of Policy EN5 (Conversion and Extension of Existing Buildings in the Countryside) this states:

“The alteration, extension or conversion of existing suitable buildings outside the defined settlement limits for residential, employment, or tourism uses will only be permitted where:

- 1. The existing building is structurally sound and is capable of conversion without substantial major external alteration or reconstruction.*
- 2. In the case of changes of use to residential purposes alone:
(a) It can be demonstrated that there are no viable alternative uses to secure the retention of the building; and
(b) That the building is of architectural and/or historic merit.*
- 3. In the case of residential extensions, the extension does not result in a disproportionate increase in the size, scale and massing of the building.”*

The above Policy states that the building should be *“sound and capable of conversion to the proposed use without major reconstruction”*. As the residential parts of the property remain current use, and the property was operational as a Public House until the beginning of June 2019, it is considered that would comply with that element of the Policy.

In respect of the residential conversion element, and as previously stated, this property is a Building of Local Importance so has architectural and historic merit. Furthermore, in respect of the requirement that *“reasonable efforts have been made to market the premises for sale or lease for employment generating uses”* the developer has provided sales details associated with the marketing of the property (websites, journals etc.) and via auction and it is considered that this would comply with this element of the Policy.

Impact on Visual Amenity

It is noted that no external alterations are proposed to the property. It is therefore considered that the proposed change of use would not adversely affect the visual amenity of the existing building nor would it have a detrimental impact upon the character and appearance of the surrounding area. Nevertheless, due to the fact that the property is a Building of Local Importance and to safeguard it from unsympathetic alterations, “permitted development rights” will be removed from the property, plus outbuildings.

Impact on Residential Amenity

Due to the location of the site relative to surrounding neighbouring properties, it is considered that the proposed change of use would not create any unacceptable overlooking, overbearing or overshadowing issues.

Impact on Mineral Resource

It is noted that the site is located within a Mineral Safeguarding Area under Policy M1 of the adopted LDP. Policy M1 looks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensure they are not sterilised or their extraction hindered.

Notwithstanding the above it is considered that the proposed conversion would not have a significant impact on the working of the mineral. Moreover, given the site’s proximity to existing residential properties, it is very unlikely that any mineral extraction would be acceptable in this location. Accordingly, there is no objection to the principle of development on mineral safeguarding / Policy M1 grounds.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the application site has an existing car parking area to the front and side of the property. However, it is restricted in size, which would potentially limit any future commercial uses on the property (albeit A1-A3 uses could potentially be carried out lawfully under 'permitted development'). Notwithstanding this however, it is considered that there would be sufficient off street-car parking for a single dwelling. As a result the Head of Engineering and Transport (Highways Section) offers no objection to the proposal, subject to conditions relating to the retention of parking spaces and turning area. Provided these are imposed on the application it is considered there would be no detrimental impact upon highway and pedestrian safety.

Other Matters

As identified earlier in this report, a number of objections were received following the publicity exercise. In response to the main issues raised, which have not been addressed elsewhere in this report, the following comments are made:

- Turning to the comments that the property is in a high tourism area it is acknowledged that it is in relative close proximity to the Neath Canal. However, there are facilities within Resolven village which could cater for them. It is also acknowledged that this alone may not be sufficient to keep the business afloat. For instance, the Dulais Rock Inn (at Aberdulais) has been closed for a number of years despite being directly adjacent to the National Trust waterfall centre, which is a very popular tourist attraction, and potential of "passing trade" as it is visible from the A465, which The Farmers Arms is not. Moreover there are other pub/restaurants and visitor attractions within close proximity to this site and as such its loss as an A3 use will not dilute the facilities available to tourists.
- In relation to the concerns that equipment was removed from the premises showing a clear intention to treat the building as a dwelling and that the planning application is a *'fait accompli'*, it should be noted that each application is considered on its individual merits and without prejudice to any actions by the current owners. The application is determined on the basis of the submitted information, taking into account any material considerations plus any comments from objectors and consultees.
- In respect of the concerns that the loss of the pub would be contrary to the Wellbeing of Future Generations (Wales) Act 2015, as it can help with loneliness and isolation, and can help with uncontrolled drinking at home, it should be noted that this property is not the only 'drinking establishment' in the village of Resolven, so would not be the loss of the only facility in the area. Furthermore the loss of drinking establishments is not the reason why uncontrolled drinking takes place at home. It is not therefore accepted that the loss of one of many existing community facilities within and indeed around Resolven is contrary to the objectives of the Act
- Turning to the comments that the loss of this business could affect nearby businesses through the loss of passing trade, it should be noted that the relatively isolated location of this building outside the settlement limits of Resolven and on the other side of a busy dual carriageway is unlikely to result in a loss of passing trade to other businesses. Moreover, the closure of this facility could in fact improve the vitality and attractiveness of the other facilities within Resolven as there would be less competition.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

Having particular regard to Policy SC2 (Protection of Existing Community facilities), it is considered that by reason of its location outside for the village of Resolven and separated from it by a busy dual carriageway, together with the fact that there are a number and range of other community facilities serving the village, the premises does not constitute an ‘important’ facility (such as the last shop or Public House) for the purposes of the Policy. Moreover, it is considered that it has been satisfactorily demonstrated that reasonable efforts have been made to market the premises for sale or lease. It is also considered that the proposed change of use would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/open countryside; there would be no adverse impact upon highway and pedestrian safety; and the conversion if the property would ensure that this Building of Local Importance has a continuing future use to preserve the building for future generations. Accordingly the development is in accordance with Policies SC1, SC2, EN2, EN5, M1, TR2, BE1 and BE2 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council’s well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION: Approve with conditions

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:
D1 - Location Plan.
D2 - Block Plan.
D3 - Existing Ground and First.
D4 - Proposed Ground and First.
Supporting Statement.
Addendum to Supporting Statement.

Reason:

In the interests of clarity.

Action Conditions

- 3 Prior to the first beneficial occupation of the dwelling hereby approved, three off-street parking spaces (inclusive of the garage) together with a vehicle turning area so that vehicles can enter and exit in a forward gear shall be retained within the curtilage of the property and shall thereafter be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose, and permanently retained as such.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 4 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and identified on the approved drawings.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies BE1, BE2 and SC1 of the Neath Port Talbot Local Development Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for such additional doors / windows, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1, BE2 and SC1 of the Neath Port Talbot Local Development Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no decking or raised platforms shall be constructed on site without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for any raised decking or platforms, and to accord with Policies BE1, BE2 and SC1 of the Neath Port Talbot Local Development Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1, BE2 and SC1 of the Neath Port Talbot Local Development Plan.

- 8 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network or highway drainage network.

Reason:

To prevent hydraulic overloading of the public sewerage system or highway drainage network, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 9 Any gates provided across the access drive(s) shall be of a type which open inward only and can be seen through, and shall be retained as such thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.