NOTICE OF MOTION RELATING TO PLANNING REGULATIONS IN RESPECT OF SECOND HOMES

The following Notice of Motion submitted by Councillor M Williams has been referred to Cabinet for consideration and report back to Council for determination; such motion being in the following terms:

That this Authority makes representation to Wales Government advocating that the planning regulations are changed, so that before any property is permitted to be used as a second home it should be subject to a change of use application. This would give the Planning Authority the opportunity to decide if areas where there are large numbers of second homes had reached saturation point. If they so determined applications could be refused.

Councillor Williams’ written submission in support of his Notice of Motion is attached as an Appendix.

Cabinet will recall a report (9 February 2015) which addressed a Notice of Motion from Councillor Williams that ‘Economy Overview and Scrutiny Committee undertake a detailed investigation into the social and economic impact of second homes on communities in Pembrokeshire’.

The following recommendations were contained within the subsequent report from Cabinet to Council and were endorsed at the meeting of 5 March 2015:

1) That the Notice of Motion not be adopted;
2) That the County Council Officers should enter into discussions with Pembrokeshire Coast National Park Authority and Welsh Government regarding the feasibility of the Notice of Motion;
3) That a review of research into the impact of second homes be carried out and contact be made with any Welsh Local Authorities who may have considered the issue; and
4) That the WLGA’s Rural Forum be requested to consider the social and economic impact of second homes in its work programme.

This work is ongoing.

In terms of the position in planning terms, material changes of use of land and property are governed by the Town and Country Planning (Use Classes) Order 1987 (as amended). Dwellings fall within Class C3 of the Order. The Order currently makes no distinction between dwellings used as main residences and dwellings
used as ‘holiday’ or ‘second’ homes. On this basis, no planning restrictions currently exist which prevent the use of a dwelling as a ‘holiday’ or ‘second’ home, except in instances where a planning condition has been imposed on the original planning permission relating to the subject dwelling.

In light of the current situation, a change to the Order would be required in order for Local Planning Authorities to control ‘holiday’ or ‘second’ homes beyond imposing restrictive planning conditions on new residential developments (provided such conditions meet the tests of Welsh Government Circular 016/2014: The Use of Conditions for Development Management).

It is understood that Welsh Government will be reviewing the Use Classes Order in the summer of this year. Accordingly, it is recommended that the Cabinet Member for Planning and Sustainability writes to the Minister for Natural Resources, outlining the Council’s general concerns relating to the impacts of ‘holiday’ and ‘second’ home ownership and requesting that consideration be given to an appropriate amendment to the Use Classes Order.

Cabinet are reminded, however, that in considering such an amendment, it is likely that Welsh Government will give some weight to the fact that defining and differentiating between main residences and ‘holiday’ and ‘second’ homes could prove difficult, as could the ability of Local Planning Authorities to monitor and enforce.

Comments by Chief Finance Officer

There are no financial issues arising from this report.

Comments by Head of Legal and Committee Services/Monitoring Officer

There are no legal issues arising from this report.

Comments by Head of Human Resources

There are no human resources issues arising from this report.

RECOMMENDATION:

That the Cabinet Member for Planning and Sustainability writes to the Minster for Natural Resources outlining the Council’s concerns relating to the impacts of ‘holiday’ and ‘second’ home ownership and requesting that consideration be given to an appropriate amendment to the Use Classes Order.

REASON FOR RECOMMENDATION:

To address a Notice of Motion referred from Council.

Background Documents: None
Supporting Submission - Notice of Motion relating to Planning Regulations in respect of Second Homes

In the near future Local Authorities will be able to double council tax payable on second homes. PCC should do so at the earliest opportunity. The doubling of council tax for second homes will result in a net increase in tax to PCC of £3.8M. To treble would result in the sum of £6.8M being raised. This would in some way compensate for the damage being done to local businesses and the cultural life of the area. The situation that presently exists is unsustainable, with fewer and fewer people residing full time in certain areas. Businesses are struggling to survive, and cultural organisations have difficulty in recruiting members. I would invite anyone who doubts the huge damage being done to our way of life to walk through areas such as Tenby during a winter evening. The number of properties being lived in is alarmingly small with swathes of the area in complete darkness.

A few examples are, Harding Street where I live has eleven dwellings, only four are occupied as family homes. These are three to five bedroom dwellings. Lower Frog Street has approximately 30 dwellings 22 are second homes. Particularly badly effected are St Marys Street, within one large modern block of flats almost entirely second homes. Creswell Street, and Culver Park, with about 75% unoccupied. We see in Tenby second homes taking over one and two bedroom properties as well as four / five storey town houses which sell for in excess of £800K. The pressure on the local housing market in unsustainable. In particular our young people, if they are fortunate enough to find employment locally find themselves priced out of their native community. Many small one and two bedroom properties would be ideal for young local families as their first homes.

The reaction generally is to stand back and wring our hands as if nothing can be done. This is not the case as I believe both of my motions show. A Local Authority has a duty, first and foremost, to its full time residents. Anything it can do to reduce the incentive to purchase second homes must be done as a matter of urgency. The Planning requirement might be viewed as closing the stable door long after the horse has bolted. In some areas this is true, but we now see a growing extension of second home ownership in to areas where it was never seen before, putting even more pressure on the housing market.

On planning. If any property was being sold as a potential second home, it should be subject to a Change of Use application. The Planning Authority could examine the area in which the property was and determine if that area had reached saturation point. ie an area where more the 25% were already second homes. If they so determined the application could be refused.

This authority together with the WLGA should lead on campaigning for a change in planning legislation to allow this to happen, and also to enable authorities to treble council tax on second homes.

Councillor M Williams