

Cabinet

18th September 2023

SECOND HOMES AND SHORT-TERM HOLIDAY LETS

Purpose:

- Provide a summary of the legislative and Welsh Government planning policy changes that have recently been introduced and the implications of these changes.
- Set out the scope and evidential requirements to inform the response to the issue of second homes and short-term holiday lets.
- To set out the options and implications of these changes in terms of options relating to an Article 4 Direction.
- Set out a staged approach in relation to the next steps and the development of a policy approach.

Recommendations / key decisions required:

To note the contents of this report and support the following actions:

- **To adopt the identified staged approach in developing a policy led response.**
- **Endorse the further development of the evidence base as outlined in the report.**

Reasons:

To ensure the authority responds to the legislative changes and the implications/impacts of second homes and short-term holiday lets on communities within the County.

Cabinet Decision Required YES

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER

Cllr. Ann Davies Cabinet Member for Rural Affairs, Community Cohesion & Planning Policy

Directorate:	Designations:	Email addresses:
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EXECUTIVE SUMMARY
Cabinet
18th September 2023

SECOND HOMES AND SHORT-TERM HOLIDAY LETS

1. SUMMARY OF PURPOSE OF REPORT.

The report sets out the way forward in relation to second homes and short-term holiday lets. It will frame the way forward in developing a planning policy approach and will highlight the primary considerations and the potential mechanisms to control of the unrestricted change of use between the new use classes. In framing the way forward, the report sets out a series of steps as part of a staged approach to considering and implementing a new policy approach for second homes and short-term holiday lets within Carmarthenshire.

Following amendments to the Town and Country Planning Order (Use Classes) 1987 and the creation 3 new use classes for Primary Residence (C3), Second Homes (C5) and Short-Term Holiday Let (C6), this report seeks to set out the context and implications of these changes in relation to second homes and short-term holiday lets.

These amendments to planning legislation came into force on the 20 October 2022 and enable Local Planning Authorities to respond to the challenges associated with second homes and holiday accommodation in a way that was not previously possible.

This change in legislative provisions, and the potential impacts of the prevalence of second homes and short-term holiday lets, requires detailed consideration both of the extent of any impact and the strategy and future interventions open to the Authority.

The appended report provides further detail on the above.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **R Griffiths**

Head of Place and Sustainability

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	YES	YES	NONE

1. Policy, Crime & Disorder and Equalities

The Local Authority has a major role in ensuring that the housing needs of the local population can be met and ensuring that the Welsh language continues to be spoken through the County. To this end, the aims and objectives of the Local Development Plan (LDP) and the Well-being Objectives are supported. It will also reflect the Council's policies in relation to regeneration and economic development and the delivery of housing and affordable homes.

The impact of the presence of second homes and holiday homes could potentially impact upon the Welsh language and communities. In this regard, this work and potential actions resulting from it, would align positively with the Well-being of Future Generations Act's goal of creating a Wales of vibrant culture and thriving Welsh language. Equally, it aligns with the aims of creating a Wales of Cohesive Communities and a More Equal Wales in assessing and potentially improving access to housing within local communities and the communities' ability to sustain local services and facilities.

The Council is required (under the Equality Act 2010) to consider the impact that any change in any policy or procedure (or the creation of a new policy or procedure) will have on people with protected equality characteristics. The Council also has additional general duties to ensure fairness and to foster good relationships. An Equality Impact Assessment will therefore be undertaken before any decision is taken on any relevant change.

2. Legal

The report highlights the legal consideration in relation to the legislative changes to the Town and Country Planning Order (Use Classes) 1987 and the Town and Country Planning (General Permitted Development) Order 1995.

Further information on the legal implications of the policy approach in relation to second homes and short-term holiday lets will be considered in detail as part of future reporting.

3. Finance

The preparation of the evidence base and any legal opinions on progressing with the approaches identified will be met through current financial provisions or reserves. Anticipated evidence costs set out under stages 1 and 2 would be circa £50,000.

It is noted that should an Article 4 Direction come into force it will inevitably increase pressure on officers within the Place and Sustainability Service, and as the report highlights the need to consider additional resources and support. This will be considered as part of the staged approach and within future reports. In this respect stage 5 implementation and notably monitoring and compliance will result in pressures on resources which are currently unfunded. It should be noted that a compliance monitoring role would be required to ensure the policy approaches in relation to second homes and short-term holiday lets are implemented. It is anticipated any potential new compliance post would cost £60,664 based on 203/24 salary range (inclusive of NI, Super). Note: any role would link into other corporate responses/approaches in relation to the issue.

5. Risk Management Issues

The financial and legal risks identified within the report will be further considered as part of the staged approach and will be detailed in future reports.

6. Staffing Implications

It is noted that should an Article 4 Direction come into force it will inevitably increase pressure on officers within the Place and Sustainability Service. The report highlights the need for additional resources and support. This will be considered as part of the staged approach and within future reports.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: R Griffiths

Head of Place and Sustainability

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Local members will be consulted as part of the development and implementation of the policy approach.

3. Community / Town Council

Community and Town Councils will be consulted where appropriate as part of the development and implementation of the policy approach.

4. Relevant Partners

Relevant partners will be consulted where appropriate as part of the development and implementation of the policy approach.

5. Staff Side Representatives and other Organisations

To be consulted where appropriate as part of the development and implementation of the policy approach.

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED YES	Include any observations here
Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report: THERE ARE NONE	