

## **APPEALS**

**The following appeal has been received since my last report to Committee:**

<b>CODE NO.</b>	D/17/3190308 (1819)
<b>APPLICATION NO.</b>	P/17/652/FUL
<b>APPELLANT</b>	MR & MRS DAVIES
<b>SUBJECT OF APPEAL</b>	PROPOSED PART 2 STOREY, PART SINGLE STOREY REAR EXTENSION & DEVELOPMENT OF EXISTING GARAGE INTO GARDEN ROOM: 81 EWENNY ROAD BRIDGEND
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was REFUSED for the following reasons:-

1. The proposed first floor rear extension, by reason of its design, size, scale and siting, represents an excessive, incongruous and overly prominent form of development that will have a detrimental impact on the character of the host dwellinghouse, being out of keeping with the established traditional character of the area, contrary to Policy SP2 of the Local Development Plan (2013), Notes 11, 12 and 16 of Supplementary Planning Guidance Note 02 Householder Development (2008), and advice contained within Planning Policy Wales (Edition 9)(November 2016).
  2. The proposed first floor extension by reason of its design, materials and finishes, is considered to be inappropriate and out of keeping with the host dwelling and the wider residential area, having an adverse effect on the visual amenities of the area, contrary to criterion (2) of Policy SP2 of the Local Development Plan (2013), Note 11 of Supplementary Planning Guidance Note 02 Householder Development (2008) and advice contained within Planning Policy Wales (Edition 9) (November 2016).
  3. The proposed first floor extension, by reason of its design and layout, would have a detrimental impact on the level of privacy experienced by the neighbouring occupier (83 Ewenny Road), contrary to Policy SP2 of the Local Development Plan (2013), Note 6 of Supplementary Planning Guidance Note 02 Householder development (2008) and advice contained within Planning Policy Wales (Edition 9 November 2016).
-

**The following appeals have been decided since my last report to Committee:**

**CODE NO.** A/17/3180379 (1809)

**APPLICATION NO.** P/17/107/RLX

**APPELLANT** MR M MATHIAS

**SUBJECT OF APPEAL** RELAXATION OF CONDITIONS 4, 5 AND 8 OF P/14/63/FUL TO ENABLE THE BARN TO BE OCCUPIED WHILST THE NEW ACCESS IS BEING CONSTRUCTED PARCAU ISAF FARM, LALESTON, BRIDGEND.

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

A copy of the appeal decision is attached as APPENDIX A

---

**CODE NO.** A/17/3180687 (1811)

**APPLICATION NO.** P/17/83/FUL

**APPELLANT** MR W ROBERTSON

**SUBJECT OF APPEAL** REPLACE OLD WORKSHOP SPACE WITH NEW WORKSHOP THE YARD, ROGERS LANE, CEFN CRIBWR

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of the appeal decision is attached as APPENDIX B

---

**CODE NO.** A/17/3182456 (1814)

**APPLICATION NO.** P/17/214/FUL

**APPELLANT** MR K HAINES

**SUBJECT OF APPEAL** NEW DWELLING

LAND REAR OF OSBORNE TERRACE NANTYMOEL

**PROCEDURE**

WRITTEN REPRESENTATIONS

**DECISION LEVEL**

DELEGATED OFFICER

**DECISION**

THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of the appeal decision is attached as APPENDIX C

**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers** (see application reference number)

## APPENDIX A



### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/10/17

gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.11.2017

### Appeal Decision

Site visit made on 23/10/17

by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 15.11.2017

**Appeal Ref: APP/F6915/A/17/3180379**

**Site address: Parcau Isaf Farm, Laleston, Bridgend, Mid Glamorgan, CF32 0NB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Mel Mathias against the decision of Bridgend County Borough Council.
- The application Ref P/17/107/RLX, dated 27 January 2017, was refused by notice dated 31 March 2017.
- The application sought planning permission to convert a barn to a dwelling (including conservatory) & refurb of an existing wood store without complying with conditions attached to planning permission Ref P/14/63/FUL, dated 7 July 2014.
- The conditions in dispute are Nos. 4, 5 and 8 which state that:
  - (4) No development shall commence until a scheme for permanently stopping up the two existing accesses onto the A48 has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the converted barn being used for residential purposes.
  - (5) Notwithstanding the submitted plans no development shall commence until details of the permanent materials for completing the approved access, as shown on the proposed access arrangement plan (received 29 January 2014), have been submitted to and agreed by the Local Planning Authority. The approved access shall be completed in accordance with the details prior to the approved development being brought into beneficial use.
  - (8) Notwithstanding the submitted plans no works shall commence on site until engineering details of the road layout with section, street lighting, surface water drainage, visibility splays to junctions, forward visibility zones and lane widening to bends and highway retaining structures (embankments or walls) have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be implemented in accordance with the agreed details prior to the development being brought into beneficial use.
- The reason given for all 3 of the conditions is: "In the interests of highway safety".

### Decision

1. The appeal is allowed and planning permission is granted to convert a barn to a dwelling (including conservatory) & refurb of an existing wood store at Parcau Isaf Farm, Laleston, Bridgend, Mid Glamorgan, CF32 0NB, in accordance with the application Ref P/17/107/RLX made on 27 January 2017 without complying with conditions Nos 4, 5 and 8 set out in planning permission Ref P/14/63/FUL granted on 7 July 2014 by the Bridgend County Borough Council, but subject to the other

conditions imposed therein, so far as they are still subsisting and capable of taking effect, and subject to the following new conditions:

- 4) A scheme for permanently stopping up the two existing accesses on to the A48 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 3 months of beneficial use of the new access commencing or within 12 calendar months of the date of this permission, whichever is the earlier.
- 5) Notwithstanding the approved plans, no work shall commence until details of the permanent materials for completing the approved new access off the A48 (as shown on the access arrangement plan received by the Local Planning Authority on 29 January 2014) have been submitted to and approved in writing by the Local Planning Authority. The access shall be completed in accordance with the approved details prior to its use commencing or within 12 calendar months of the date of this permission, whichever is the earlier.
- 8) Notwithstanding the approved plans, no works shall commence on the new access road until engineering details of the road layout with section, street lighting, surface water drainage, visibility splays to junctions, forward visibility zones and lane widening to bends and highway retaining structures (embankments or walls) have been submitted to and approved in writing by the Local Planning Authority. The access shall be completed in accordance with the approved details prior to it being brought into beneficial use or within 12 calendar months of the date of this permission, whichever is the earlier.

### **Procedural and Background Matters**

2. The Council's refusal notice describes the development as "Relaxation of conditions 4, 5 and 8 of P/14/63/FUL to enable the barn to be occupied whilst the new access is being constructed". Whilst that may be the reason for the application, it is more correctly described as above (and, indeed, as on the application form).
3. The Appellant suggests the 3 conditions be varied by requiring the specified actions to be completed before the new access is brought into use. In all other respects the barn conversion has been completed and occupied.

### **Main Issue**

4. The main issue in this case is the effect of relaxing the 3 conditions on highway safety.

### **Reasons**

5. The present access is directly off a fast stretch of the busy A48 dual carriageway and does not include any provisions for acceleration or deceleration lanes. Thus, although the Appellant says its use has not yet led to any accidents, it involves manoeuvres on the main highway that increase the risks of conflicts occurring and that are detrimental to highway safety. There is no dispute that the proposed new access off a nearby roundabout would be inherently safer.
6. The Appellant argues that the existing access was rebuilt when the dual carriageway was constructed and so must have been considered safe then. However, that was many years ago and traffic has increased substantially in both speed and amount since then. The Council's recent survey indicated that a significant percentage of the traffic passing the access exceeds the 70 mph speed limit, and the visibility splay from the access is seriously substandard for traffic at such speeds. The Appellant also says

the access has not been used for agricultural traffic for over 20 years, though that could be resumed if the access was not closed.

7. Mention is also made of a recent planning permission granted on appeal for the conversion of 6 No. stables to 2 No. self-contained holiday let units at Ar Graig, a property on the opposite (southern) side of the A48. The Appellant draws my attention to that Inspector's comments on the safety of the access: "*traffic flows on the A48 are high*"; "*served by an existing access with no evidence of any accidents or highway safety issue with its use*"; and "*as driver inter-visibility and concentration was limited to one direction of traffic, it would benefit driver focus and concentration*". It is claimed there are striking similarities between the access arrangements of Ar Graig and Parcau Isaf Farm.
8. In some respects that might be so. However, the Appellant does not mention other remarks made by the Ar Graig Inspector. She took into account that the existing use of the stables would involve traffic using the access and that that would be likely to include cars towing trailers and large vehicles. Her conclusion was that "*Relative to six stables, two small holiday lets would be unlikely to materially increase existing vehicular movements to and from the site*". That is not the case for the Parcau Isaf Farm access. The conversion of the barn to a dwelling amounts to the creation of a separate residential unit with potential for a significant increase in vehicles using the access. Although that may not be the case at present, as it is occupied by the Appellant who was previously living with his family at the "farmhouse" which shares the access, that is unlikely to be the case in the longer-term.
9. Thus my conclusions on highway safety are that the new dwellinghouse will lead to increased use of a substandard access directly on to the A48 dual carriageway which increases the risks to highway safety contrary to LDP Policies SP2(6) and SP3. I agree with the Council that the 3 disputed conditions meet the tests prescribed by Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management and are necessary in the interests of highway safety.
10. The Appellant does not dispute that the present access should be replaced by a new one but says that the delays in implementing it have been caused by continuing negotiations with the Council (as Highways Authority) on funding arrangements. Under these circumstances, it is submitted that it is excessive and unreasonable to prevent residential use of the new dwelling until the new access is constructed and the existing one permanently stopped up. Having reached the conclusion above on effects on highway safety, I disagree with the principle of this argument, particularly as the Council says agreement on design matters was reached some 4 years ago and it has been waiting for the Appellant to accept a Section 111 agreement (a requirement for works on the public highway) since February 2015. However, so far as short-term occupation by the Appellant is concerned, I acknowledge that immediate increased use would be negligible.
11. The Appellant has proposed that the disputed conditions be replaced by 3 amended conditions for the construction of the new access and stopping up of the existing access in accordance with details to be approved by the Council. However, these do not include a timescale for implementation and would be unenforceable by the Council. In order to overcome this deficiency, I suggested to the parties that an additional condition could be applied requiring all of the works to be completed within 12 months. They have agreed to this suggestion, though the Council has also recommended that the replacement for Condition 4 (re stopping up of the existing accesses) also include provision for closure within 3 months of opening the new access if it is earlier. That is a sensible suggestion.

12. In view of the inherent nature of the existing access as substandard so far as highway safety is concerned, I consider this fairly short period to be appropriate. Bearing in mind that use of the current access in the short-term would be no different whether the Appellant lived at the new dwelling or back at the "farmhouse" with his family, I consider that the amended planning permission requested would not unacceptably affect highway safety provided the 12 months timescale was applied.
13. For the reasons given above I conclude that the appeal should succeed and I will exercise the powers transferred to me accordingly. I will grant a new planning permission without the disputed conditions but substituting others and restating those undisputed conditions that are still subsisting and capable of taking effect.
14. In reaching my decision, 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 this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Clive Nield*

Inspector

## APPENDIX B



---

### **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 23/10/17

**gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 14.11.2017**

### **Appeal Decision**

Site visit made on 23/10/17

**by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM**

**an Inspector appointed by the Welsh Ministers**

**Date: 14.11.2017**

---

**Appeal Ref: APP/F6915/A/17/3180687**

**Site address: The Yard, Rogers Lane, Cefn Cribwr, Bridgend, CF32 0EU**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal 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 Mr Robertson against the decision of Bridgend County Borough Council.
  - The application Ref P/17/83/FUL, dated 31 January 2017, was refused by notice dated 2 May 2017.
  - The development proposed is to replace an old workshop that failed structurally with a modern workshop of roughly the same scale. (Old workshop is no longer standing and has been removed.)
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural and Background Matters**

2. The appeal site is a long rectangular area of land situated alongside Rogers Lane and approximately 110 metres south of the Cefn Cross crossroads. It has been laid to hardcore/gravel, though the Council says it has no record of any planning permission being granted for this. The proposed building would be constructed on an existing concrete base and would be some 20.78m long and 5.9m wide with a ridge height of 5.5m. The walls would be of white painted concrete render and the roof would be covered in grey slate.
3. It is reported that a steel-framed building used to occupy the same footprint. However, that blew down in a storm and the remains were removed from the site some years ago. The site benefits from a certificate of lawful development for use for the storage of general building materials and furniture granted in 2012.

### **Main Issue**

4. The main issues in this case are the location of the site with respect to the built-up area and the effect of the proposed building on the character and appearance of the area.



## Reasons

5. The site lies outside the settlement boundary as defined by Policy PLA1 of the adopted Bridgend Local Development Plan 2013 and so, by definition, is in the countryside where LDP Policy ENV1 applies. That policy says that development in the countryside will be strictly controlled, though it may be acceptable in certain specified circumstances. However, none of these is applicable to the appeal scheme, and I conclude that the proposal would be contrary to Policies PLA1 and ENV1 which aim to safeguard the countryside against development that is not appropriate there.
6. The Appellant argues that the proposal is to replace the former building, broadly on a like-for-like basis but using modern construction materials. However, the site has stood empty for some years and its openness affords a close visual association with the open fields to the west. Although it is reasonably close to a small builder's yard to the north and to 2 dwellinghouses to the south and east (the latter on the opposite side of the lane), the site is some distance from the main built-up area of Cefn Cross, and the erection of a substantial building on the site, comparable in size and general style to a small dwellinghouse, would consolidate the scattered developments along Rogers Lane and extend the built form of the settlement.
7. In terms of character and appearance, the proposed building would appear as a prominent feature out of character with its surroundings and visually intrusive in the countryside. The Appellant disputes that the site is in the countryside and argues that it is just behind a residential street and close to the builder's yard and houses. In fact, it is some distance from any row of houses or any other type of relatively dense development. Instead, it lies in a location just outside the settlement boundary and in an area that is predominantly rural in character and appearance. My conclusion is that the proposal would unacceptably harm the character and visual amenity of that area contrary to LDP Policies SP2 and ENV1.
8. The Council has also mentioned concerns about effects on highway safety and says it has not been able to assess the implications of the proposed development as details of its intended use have not been provided. That is not an unreasonable position for the Council to take. However, in view of my conclusions above, I have given it no further consideration.
9. My overall conclusion is that the proposed development would extend the built form of the settlement into the countryside and be unacceptably harmful to the character and visual amenity of the area, contrary to development plan policy. For these reasons I conclude that the appeal should be dismissed.
10. In reaching my decision, 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 this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Clive Nield*

Inspector



---

**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 13/11/17

**gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 24.11.2017**

**Appeal Decision**

Site visit made on 13/11/17

**by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM**

**an Inspector appointed by the Welsh Ministers**

**Date: 24.11.2017**

---

**Appeal Ref: APP/F6915/A/17/3182456**

**Site address: Land to the rear of Osbourne Terrace, Nantymoel, Bridgend, CF32  
7NP**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the  
appointed Inspector.**

- The appeal 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 Mr K Haines against the decision of Bridgend County Borough Council.
  - The application Ref P/17/214/FUL, dated 14 March 2017, was refused by notice dated 24 May 2017.
  - The development proposed is a new dwelling.
- 

**Decision**

1. The appeal is dismissed.

**Procedural and Background Matters**

2. The Council refers to "Osbourne Drive" as "Osborne Drive", and Ordnance Survey maps appear to confirm this spelling. However, I have adopted the spelling used by the Appellant.

**Main Issues**

3. The main issues in this case are the location of the site largely outside the settlement boundary, the effects of the proposed development on the character and appearance of the area, and whether or not allowing the development would set an undesirable precedent.

**Reasons**

*Site Location*

4. The Appellant describes the site as partly inside and partly outside the settlement boundary defined by Policy PLA1 of the adopted Bridgend Local Development Plan (LDP). However, only the entrance to the site actually lies within the defined settlement boundary. The proposed new dwelling and almost all of the other development would be situated on land defined as open countryside. Consequently, the proposal falls to be considered against Policy ENV1 which seeks to maintain the integrity of the countryside.

5. Policy ENV1 says that development in the countryside will be strictly controlled, and it lists a number of reasons why development may be considered necessary. However, it is not argued that the proposal would meet any of these. The policy goes on to say that "*Where development is acceptable in principle in the countryside it should where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context*". Whilst the site has been used for some years for car parking associated with the adjacent terraced houses and is brownfield land, its development is not acceptable in principle, and the proposed development would conflict with Policy ENV1.
6. The site (or more specifically the whole of the site that lies outside the settlement boundary) also falls within the Northern Uplands Special Landscape Area (SLA). LDP Policy ENV3 only permits development in a Special Landscape Area where criteria are met to safeguard the character and distinctiveness of the SLA, where the design of the building reflects the building traditions of the locality, and where a landscape assessment has been carried out. That assessment has been done and I consider the proposal against the first 2 criteria below.
7. Nevertheless, the proposal conflicts with Policy ENV1 to avoid unnecessary development in the countryside outside settlement boundaries.

#### *Character and Appearance*

8. A previous (outline) planning application for the construction of a dwelling on the site was refused in December 2015 (Ref P/15/611/OUT) and dismissed on appeal in July 2016 (Ref APP/F6915/A/15/3141571). Since that time the Appellant has employed an architect and a landscape architect (to carry out a landscape and visual impact assessment), which has enabled him to put forward more detailed proposals than in the previous application.
9. The previous appeal was dismissed as it was considered the site did not identify closely with the built form of the adjacent terraced housing and that its current character was semi-rural and elevated. That appeal Inspector concluded that the construction of a dwelling at this location would result in extension of the residential built form beyond the well-established building line set by the terraces into an area largely unspoilt by development (even though a number of small garages have previously occupied the site). I entirely agree with that assessment.
10. That Inspector also concluded that the scale, siting and orientation of the proposed dwelling, as shown on the indicative site layout plan for the outline application, would not harmonise with the built form of the neighbouring terraces. She did not benefit from having detailed proposals put forward as is the case in the current appeal.
11. The current proposal clearly makes an effort to design a dwelling which reflects the character of a traditional cottage. Its style, materials and orientation would go a long way towards helping it to be assimilated into its surroundings. However, it cannot overcome its most basic characteristic of being a large detached dwelling in an elevated position that would appear out of place set in the context of the strong terraced character of the adjoining built development.
12. The Landscape and Visual Impact Assessment (LVIA) carried out for the Appellant has followed best practice guidance and has reflected mitigation measures, such as the planting of screening hedges, which would minimise the impact of the proposed development. It concludes that the effect on the landscape would be "adverse minor", bearing in mind the present condition and underused nature of the site and the modest nature of the proposed development. As for visual impact, it concludes that

the magnitude of change would be small (as the dwelling would be a natural extension of the existing built form) and that visual effects would also be "adverse minor" with only a limited number of viewing points.

13. I do not agree with these assessments. The site is not domestic in character at present and has a character more associated with a former quarry. In addition, as many of the viewpoints would be from the adjacent residential properties where receptors would be of high sensitivity, I consider the visual impact has also been underestimated. My conclusion is that the proposed development would be an inappropriate form of development in the open countryside and harmful to the character and appearance of the surrounding area, including the Special Landscape Area. As such, it would conflict with LDP policies ENV1 and ENV3.

#### *Precedent*

14. Finally, I turn to the question of precedent, as the Council argues that the development would set an undesirable precedent for further applications for similar developments in the area. Whilst it is a well-established principle that each application is considered on its own merits, and the Council has not identified any other specific development proposals likely to be affected, it is inevitable that a development of this sort would be seen by other potential developers as establishing a precedent and that this would make it more difficult for the Council to refuse other harmful development proposals outside settlements.
15. The Appellant himself has referred to other development for which planning permission has been granted elsewhere to try to justify the grant of permission for the appeal proposal. However, those examples were of developments permitted within settlements which the Appellant argues were of poor design. These are not persuasive precedents for the current proposals as they are situated within settlements and so are of limited comparability.
16. My conclusion on the matter of precedent is that, whilst it is not a reason that would on its own justify refusal, it serves to further reinforce my main conclusions on matters of location and effects on character and appearance.

#### *Overall Conclusion*

17. Overall, my conclusions are that the proposed development would be located in the open countryside outside the designated settlement boundary, that it would be harmful to the character and appearance of the area and that it would set a precedent for other similarly unacceptable development elsewhere, contrary to LDP policies PLA1, ENV1 and ENV3. For these reasons I conclude that the appeal should be dismissed.
18. In reaching my decision 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 this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Clive Nield*

Inspector