

## **APPEALS**

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

**CODE NO.** E/20/3244575 (1884)  
**APPLICATION NO.** P/19/799/CAC

**APPELLANT** MR N CAREY

**SUBJECT OF APPEAL** CONSERVATION AREA CONSENT FOR THE REMOVAL OF A 1.5M HIGH WALL  
TAN Y BRYN, DINAM STREET, NANTYMOEL

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** ENFORCEMENT OFFICER

The application was refused for the following reason:

1. The demolition of a section of stone boundary wall which forms part of the intrinsic character of this property and the Nantymoel Conservation Area does not protect, conserve, promote and enhance this historic environment and is therefore contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan, the placemaking outcomes of Planning Policy Wales – Edition 10 2019 and the guidance in Technical Advice Note 24 - The Historic Environment - May 2017.

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**CODE NO.** A/20/3245217 (1885)  
**APPLICATION NO.** P/19/798/FUL

**APPELLANT** MR N CAREY

**SUBJECT OF APPEAL** REMOVAL OF A 1.5M HIGH WALL, CREATE PARKING AREA WITH 2M HIGH WOODEN GATES AND DROP KERB  
TAN Y BRYN, DINAM STREET, NANTYMOEL

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason:

1. The demolition of a section of stone boundary wall which forms part of the intrinsic character of this property and the Nantymoel Conservation Area does not protect, conserve, promote and enhance this historic environment and is therefore contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan, the placemaking outcomes of Planning Policy Wales – Edition 10 2019 and the guidance in Technical Advice Note 24 - The Historic Environment - May 2017.
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**CODE NO.** A/20/3245529 (1886)  
**APPLICATION NO.** P/19/590/FUL

**APPELLANT** G B PROPERTY COMPANY LTD

**SUBJECT OF APPEAL** THREE PAIRS OF 3 BED SEMI-DETACHED DWELLINGS (6 DWELLINGS IN TOTAL) WITH ASSOCIATED CAR PARKING LAND NORTH OF 12 BRIDGEND ROAD, PONTYCYMMER

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its location and the lack of acceptable walking, cycling and public transport connections would result in future residents accessing existing facilities and amenities in Pontycymmer along a section of Highway (Bridgend Road) which suffers from a lack of safe pedestrian refuge, a narrowed carriageway, a change in vertical and horizontal alignment, and a junction with substandard vision, resulting in pedestrian / vehicle conflict to the detriment of highway safety. The access arrangements will result in the future occupiers being car dependent which is contrary to Policy SP2 (6 and 14) of the Bridgend Local Development Plan 2013, the national sustainable placemaking outcome of facilitating accessible and healthy environments as referred to in Planning Policy Wales – Edition 10 – December 2018 and the sustainable development principles and well-being goals of the Well-being of Future Generations (Wales) Act 2015.
2. The proposed development by virtue of the siting, scale and position of the dwellings on this steeply sloping site and the unobstructed two-way views between habitable room windows would result in an unacceptable loss of privacy to existing residents in Braich y Cymmer Road and would afford an unacceptably poor standard of residential amenity to the future occupants. The development is therefore contrary to Policy SP2 (6 and 14) of the Bridgend Local Development Plan 2013, the national sustainable placemaking outcome of creating and sustaining communities as referred to in Planning Policy Wales – Edition 10 – December 2018 and the sustainable development principles and well-being goals of the Well-being of Future Generations
3. The proposed development, by reason of the restricted nature of the site would result in an undesirable and cramped form of development, which would afford an unacceptably poor standard of residential amenity to future occupants, by virtue of the limited usable space, the oppressive outlook from the dwellings and garden contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2016).

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**CODE NO.** A/20/3246041 (1887)  
**APPLICATION NO.** P/19/590/FUL

**APPELLANT** HAFOD HOUSING ASSOCIATION & JEHU

**SUBJECT OF APPEAL** ERECTION OF 41 AFFORDABLE RESIDENTIAL DWELLINGS WITH ASSOCIATED ON SITE CAR PARKING, ACCESS AND ASSOCIATED WORKS

LAND SOUTH OF WYNDHAM CLOSE, BRACKLA INDUSTRIAL  
ESTATE, BRIDGEND

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** COMMITTEE

The application was refused for the following reasons:

1. The proposed development, by reason of its distance from existing facilities and services and the lack of acceptable walking, cycling and public transport connections will result in future residents being car dependent which is contrary to Policy SP2 (6 and 14) of the Bridgend Local Development Plan 2013, the national sustainable placemaking outcome of facilitating accessible and healthy environments as referred to in Planning Policy Wales – Edition 10 – December 2018 and the sustainable development principles and well-being goals of the Well-being of Future Generations (Wales) Act 2015.
2. The level of noise mitigation required by reason of the site's close proximity to a road and existing industrial uses, will result in poor levels of amenity and well-being to the future occupiers contrary to the objective of Policy SP2 (12) of the Bridgend Local Development Plan 2013, the national sustainable placemaking outcome of creating a healthy environment as referred to in Planning Policy Wales – Edition 10 – December 2018 and the well-being goals of the Well-being of Future Generations (Wales) Act 2015.
3. The design and layout of the proposed development does not incorporate a footway/cycleway link along the site frontage and does not maximise accessibility by walking, cycling and public transport and is therefore contrary to Policy SP2 (6) of the Bridgend Local Development Plan 2013, the Sustainable Transport Hierarchy of Planning required by Planning Policy Wales – Edition 10 – December 2018 and the sustainable development principles and well-being goals of the Well-being of Future Generations (Wales) Act 2015.
4. In the absence of adequate off-street parking for Plots 6, 10, 14, 15, 35 and 36, the submitted layout will generate on-street parking which will dominate the street scene and will affect the safe movement of pedestrians and highway users in conflict with Policies SP2 (11 and 12), PLA11, the Council's Car Parking Guidelines and Paragraphs 4.1.51 and 4.1.52 of Planning Policy Wales – Edition 10 – December 2018.

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

<b>CODE NO.</b>	A/19/3239599 (1876)
<b>APPLICATION NO.</b>	P/19/476/FUL
<b>APPELLANT</b>	MR A POURGHOLI
<b>SUBJECT OF APPEAL</b>	CHANGE USE TO HAND CAR WASH WITH THE ERECTION OF A FREE STANDING CANOPY AND WIDENING OF ONE DOORWAY 35 VILLAGE FARM ROAD, VILLAGE FARM IND ESTATE, PYLE
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS

TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE ALLOWED SUBJECT TO CONDITIONS.

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<b>CODE NO. APPLICATION NO.</b>	C/19/3240183 (1880) ENF/248/19/ACK
<b>APPELLANT</b>	MR A POURGHOLI
<b>SUBJECT OF APPEAL</b>	CHANGE USE TO HAND CAR WASH WITH THE ERECTION OF A FREE STANDING CANOPY AND WIDENING OF ONE DOORWAY 35 VILLAGE FARM ROAD, VILLAGE FARM IND ESTATE, PYLE
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE
<b>DECISION</b>	NOT DETERMINED AS THE INSPECTOR APPOINTED BY THE WELSH MINISTERS DIRECTED THAT THE PLANNING APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

A copy of the joint appeal decision is attached as **APPENDIX A**

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<b>CODE NO. APPLICATION NO.</b>	A/19/3241246 (1882) P/19/322/FUL
<b>APPELLANT</b>	MRS C POACHER
<b>SUBJECT OF APPEAL</b>	TIMBER SELF CONTAINED HOLIDAY LET UNIT LAND ADJACENT TO PENYLAN FARM, ABERKENFIG
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	SINCE REPORTING THIS TO COMMITTEE THE APPELLANT HAS REQUESTED THAT THE APPEAL BE WITHDRAWN.

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<b>CODE NO. APPLICATION NO.</b>	A/19/3239912 (1879) P/19/495/FUL
<b>APPELLANT</b>	MR G VINE
<b>SUBJECT OF APPEAL</b>	CONVERSION OF EXISTING GARAGE INTO A BEAUTY SALON (RE-SUB OF P/18/297/FUL) 14 WOODLAND AVENUE, PENCOED
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	<b>DELEGATED OFFICER</b>
<b>DECISION</b>	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**

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**RECOMMENDATION**

That the report of the Group Manager Planning & Development Services be noted.

**JONATHAN PARSONS**

**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

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

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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 07/01/20

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

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 22.01.2020**

## **Appeal Decision**

Site visit made on 07/01/20

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

**an Inspector appointed by the Welsh Ministers**

**Date: 22.01.2020**

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### **Appeal A - Ref: APP/F6915/C/19/3240183**

**Site address: Land at 35 Village Farm Road, Village Farm, Pyle, Bridgend, CF23 6BL**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr A Pourgholi against an enforcement notice issued by Bridgend County Borough Council.
  - The enforcement notice, numbered ENF/248/19/ACK, was issued on 2 October 2019.
  - The breach of planning control as alleged in the notice is, without planning permission, change of use of the said land from a workshop to a sui generis use for a hand car wash.
  - The requirements of the notice are to: 1. Cease the use of the land for a hand car wash; and 2. Remove any items or machinery used in connection with the hand car wash from the land.
  - The period for compliance with the requirements is 28 days.
  - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid and there is no appeal on ground (a), the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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### **Appeal B - Ref: APP/F6915/A/19/3239599**

**Site address: 35 Village Farm Road, Village Farm Industrial Estate, Pyle  
Bridgend, CF23 6BL**

**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 Abedin Pourgholi against the decision of Bridgend County Borough Council.
  - The application Ref P/19/476/FUL, dated 26 June 2019, was refused by notice dated 19 September 2019.
  - The development proposed is change of use to hand car wash and the erection of a free-standing canopy and widening of one doorway.
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**Decision on Appeal B – Ref: APP/F6915/A/19/3239599**

1. The appeal is allowed and planning permission is granted for the change of use to a hand car wash and the erection of a free-standing canopy and widening of one doorway at 35 Village Farm Road, Village Farm Industrial Estate, Pyle, Bridgend, CF23 6BL, in accordance with the terms of the application, Ref P/19/476/FUL, dated 26 June 2019, subject to the following conditions:

- 1) The development shall be carried out in accordance with the following approved plans: Drawings 01, 02 and 03 (the original application plans), subject to the amended canopy position detailed on the later Drainage Plan.

*Reason: To avoid any doubt as to the nature and extent of the approved development.*

- 2) Within 1 month of the date of this decision, details of the arrangements within the site for the washing, drying and valeting of vehicles and for the turning of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented within 3 months of the approval and shall thereafter be retained.

*Reason: In the interests of highway and pedestrian safety.*

- 3) Within 3 months of the date of this decision, a scheme for the comprehensive drainage of the site, showing how foul, surface water and trade effluent discharges will be dealt with, including future maintenance requirements, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented within 3 months of the approval and thereafter be retained and maintained.

*Reason: To ensure that effective drainage facilities are provided for the approved development.*

**Decision on Appeal A – Ref: APP/F6915/C/19/3240183**

2. As I have granted planning permission above, I shall not determine this appeal against the enforcement notice.

**Procedural Matters**

3. Whilst the planning application stated the post code of the site to be CF23 6BL, the enforcement notice referred to it as CF23 6NU. I have adopted CF23 6BL as the correct address, along with reference to its location in Pyle.
4. I note that the position of the free-standing canopy is different to that specified on the application plans, and I have considered the appeals on the basis of its actual position.

**Appeal B: Appeal against Refusal of Planning Permission**

5. The main issues to be considered are the effects of the car wash on highway safety and on the amenity of neighbouring occupiers, and whether or not appropriate drainage arrangements can be provided.

*Highway Safety*

6. The Council's refusal refers to the creation of traffic hazards to the detriment of highway and pedestrian safety and the free flow of traffic, including the generation of additional on-street parking in close proximity to the appeal site. Village Farm Road is a no-through road which extends some 600 metres beyond the appeal site and serves a number of other industrial premises on the Village Farm Industrial Estate. The

carriageway is about 7.5 metres wide and has 2 metres wide footways along both sides.

7. There is no evidence that the road is heavily trafficked, and at the time of my site visit it was only subject to occasional vehicles. Clearly, as an industrial estate road, it serves HGV traffic. However, I do not consider that the limited number of additional vehicles likely to visit the hand car wash would have any significant effect on traffic levels on the estate roads or any effect on the safe and free flow of traffic.
8. The Council suggests that the development is likely to lead to customers queuing on the public highway, and that may well be a possibility. However, the premises has a wide entrance gate and space within the site to accommodate up to 9 customer vehicles. Under the circumstances, it would take an exceptional number of customers arriving at the same time to generate queues outside the gate, and I consider the likelihood of this occurring to be quite low; and even if it did, such an occurrence would be infrequent.
9. I am also of the view that, if limited parking on the highway did occur, its implications for highway safety would be quite limited. The road is already used for the parking of cars, and it seems to be normal practice for parking to overlap the footways (whether lawful or not). I do not consider one or two additional vehicles would have any significant effect on highway safety, including the safety of cyclists and pedestrians.
10. My conclusion on this issue is that the car wash development would not significantly affect highway safety and, in this respect, would comply with development plan policy, in particular Policy SP2 of the Bridgend Local Development Plan (2013).

#### *Amenity of Neighbouring Premises*

11. The Council's third reason for refusal was that insufficient information had been provided to determine the impact of the car wash on the amenities of neighbouring occupiers, particularly in regard to noise and disturbance, and the Council maintains that position even though more information has now been provided.
12. The noisiest piece of equipment would be a pressure washer which would be operated for short periods of time. Other noise would be that of car doors and car engines. The premises either side of the appeal site are small manufacturing units, there is an estate road and other industrial estate premises to the front, and a railway line to the rear. There are no residential premises near to the site. In these circumstances, there is no chance whatsoever that noise from the car wash would affect the amenity of neighbouring premises or any others in the area.
13. I conclude that the car wash would comply with development plan policies, including those specified by the Council, namely policies SP2 and ENV7 of the Bridgend Local Development Plan.

#### *Drainage*

14. The Council's final reason for refusal stated that insufficient information had been submitted to assess the impact on drainage. However, additional information has been provided with the appeal which indicates that the waste wash-water would be drained from the wash-area and then passed through a silt trap before discharge to the main sewer, though it has not been confirmed that a trade discharge consent has been granted for this.
15. At the time of the application Dŵr Cymru Welsh Water (DCWW) did not object to the proposal subject to conditions to safeguard existing customers and the environment.



This is a fairly simple development, and I would expect acceptable drainage arrangements to be readily achievable. My conclusion is that policy compliance would be met by means of a suitable condition attached to the planning permission. The Council's suggested condition is broadly suitable and, subject to minor changes, I consider it would overcome any deficiency in the present arrangements and the provision of information.

*Overall Conclusion*

16. Overall, my conclusion is that the car wash development (subject to conditions) would comply with development plan policies and that planning permission should be granted.
17. The Council has also suggested a condition for the submission of details of the internal arrangements within the site for the washing, drying and valeting of vehicles, and I consider that to be necessary to clarify the nature and scope of the development permitted. It has also suggested a condition concerning an internal turning area. However, I consider that would be best included in the condition above. As the new use has already been started, a commencement condition is unnecessary. However, I shall apply a condition to specify the application plans in order to define the location and scope of the permission. Finally, a condition to control traffic queuing on the road has been suggested. However, in view of my conclusions above, I do not consider that to be necessary.
18. In reaching my conclusions, 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 to support people and businesses to drive prosperity.

**Appeal A: Ground (g) Appeal against Enforcement Notice**

19. As I have concluded above in favour of granting planning permission for the same development, there is no need for me to consider the ground (g) appeal against the enforcement notice. I shall take no further action.

*Clive Nield*

Inspector

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/01/20

gan Vicki Hirst BA (Hons) PG Dip TP  
MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19.02.2020

## Appeal Decision

Site visit made on 08/01/20

by Vicki Hirst BA (Hons) PG Dip TP MA  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19.02.2020

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**Appeal Ref: APP/F6915/A/19/3239912**

**Site address: 14 Woodland Avenue, Pencoed, Bridgend, CF35 6UP**

**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 Gordon Vine against the decision of Bridgend County Borough Council.
  - The application Ref P/19/495/FUL, dated 2 July 2019 was refused by notice dated 5 September 2019.
  - The development proposed is existing garage conversion to beauty salon.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. It was evident on my site visit that the development had already taken place. I have therefore made my determination on the basis that the appeal seeks retrospective permission for the development described in the banner heading above.
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### Main Issue

3. The main issue is the effect of the proposal on highway safety.

### Reasons

4. The appeal site comprises a semi-detached house with a separate former garage served by a driveway. It is located in a residential area and within the defined settlement boundary. The garage has been converted into a beauty salon which is solely operated by the appellant's wife. It is stated that no more than 4 appointments are made each day and the salon operates between 1000 to 1700 hours Monday to Friday and 1000 to 1400 hours on Saturdays.
  5. Policy PLA6 of the adopted development plan, the Bridgend County Borough Local Development Plan (the Local Plan), states that development that will generate a net increase in vehicular traffic movement in Pencoed to the west of the railway line will not be permitted. The supporting text to the policy explains that the existing highway network in Pencoed is severely constrained by the mainline railway with no prospect of mitigation during the Plan period. Any development that will result in a net increase in vehicular movements will exacerbate congestion either side of the level crossing and
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the complex over-bridge junction between the eastern end of the relief road and Penybont Road. The Council's evidence explains that the congestion results in long queues through the centre of the village and associated risks to safety arising from over taking towards on-coming traffic for those not wishing to cross the railway line.

6. The appeal site lies to the west of the railway line and within the area the subject of policy PLA6. I have no evidence before me that the reasons for the adoption of the policy are in dispute.
7. The appellant contends that much of the salon's clientele are from within the local area and are therefore likely to comprise existing traffic movements. However, it seems to me that not all trips to the beauty salon are likely to be made in conjunction with other existing trips. Furthermore, I am not persuaded that the location of the salon displaces trips that would otherwise take place over the railway line.
8. I also acknowledge the proximity to sustainable forms of transport, including Pencoed station and local bus stops and the encouragement of national policy to ensure that development is sustainably located. However, whilst this is acknowledged, I have no substantiated evidence before me that clients solely access the site via public transport. Furthermore, there are likely to be vehicular movements associated with deliveries/collection of products in relation to the business.
9. I note that the appointments are spread throughout the day and are stated to be outside peak times. However, the policy seeks to address the traffic issues at all times of the day. I have also taken into account the offer of a suitably worded condition to limit the number of appointments each day, but I do not find that this would overcome the potential for clients to travel by private vehicle or the additional traffic associated with the running of the business.
10. Whilst the traffic associated with this small business is small, I find that it comprises a net increase in vehicular movements. These movements increase the highway safety risks that have been identified. In allowing this development, it would be difficult to resist others that also result in small additional numbers of traffic movements, the cumulative effect of which would be to cause further congestion and the associated risks to highway safety. I note the reference to other appeals<sup>1</sup> and whilst I acknowledge that they related to different proposals, they all involved a small net increase in vehicular movements and reached similar conclusions with regard to the same policy or similar ones in earlier development plans.
11. I conclude that the development results in a net increase in vehicular movements that cause an unacceptable risk to highway safety. It is not in accord with policy PLA6 of the Local Plan.
12. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WCFG Act). I have taken into account the ways of working set out at section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WCFG Act.

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<sup>1</sup> PINS Refs: APP/F6915/A/18/3213353; APP/F6915/A/17/3166499; APP/F6915/A/2071917

13. I have taken into account all other matters raised but find none that outweigh the harm that I have identified. For the above reasons I dismiss the appeal.

*VK Hirst*

INSPECTOR