

APPEALS

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

CODE NO.	A/21/3272433 (1916)
APPLICATION NO.	P/19/861/FUL
APPELLANT	MR N & MRS M ARNOLD
SUBJECT OF APPEAL	SITING OF A MOBILE TIMBER ECO RESIDENTIAL UNIT ON LAND PART OF THE BLACKBRIDGE ARABIAN STUD: LAND AT BLACKBRIDGE ARABIAN STUD, TYLAGWYN, PONTRHYL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The site lies in a rural area and the proposal which constitutes an undesirable extension of urban development outside any settlement boundary, would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national and local planning policies to the detriment of visual amenities, contrary to Policies SP2 and ENV1 of the Bridgend Local Development Plan 2013, paragraphs 4.2.24 and 4.2.37 of Planning Policy Wales – Edition 10 – 2018.
2. Insufficient details of the mobile timber eco unit, the access and parking arrangements and drainage systems to serve the development have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority.

CODE NO.	A/21/3271534 (1917)
APPLICATION NO.	P/20/601/FUL
APPELLANT	MRS N EVANS
SUBJECT OF APPEAL	TWO STOREY DWELLING ATTACHED TO EXISTING DWELLING 10 EUSTACE DRIVE, BRYNCETHIN
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwelling by reason of its siting, size, scale and prominence represents an excessive, incongruous and overly prominent form of development that will have a detrimental impact on the appearance of the streetscene and the general character of the residential area, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 11, February 2021).
2. The proposed development by reason of its siting, scale and design constitutes an insensitive and unsympathetic form of development that would unbalance the existing pair of semi-detached properties to the detriment of the established character of the area and

the visual amenities of the locality. As such, the proposal is considered to be contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Council's Supplementary Planning Guidance SPG02 - Householder Development (2008), Technical Advice Note 12 Design (2016) and advice contained within Planning Policy Wales (Edition 11, February 2021).

3. The proposed dormer extension by reason of its design, siting and scale is an overly intrusive and prominent feature within the residential area and its retention will have a detrimental impact on its character, contrary to Policies SP2 of the Local Development Plan and advice contained within Planning Policy Wales (Edition 11, February 2021).
4. The proposed development, by reason of its siting, scale and design would constitute an unneighbourly and harmful form of development that would be detrimental to the existing levels of residential amenity and privacy currently enjoyed in the locality by way of overlooking, contrary to Policy SP2 of the Local Development Plan (2013) and advice contained within Supplementary Planning Guidance Note 02 Householder Development (2008) and Planning Policy Wales (Edition 11, February 2021).
5. The proposed development by reason of its location and site layout would result in insufficient on-site parking provision being available for future occupiers of both the host property and the proposed dwelling, calling visitors, delivery and service vehicles which would generate on-street parking, contrary to the provisions of Policies SP2, SP3 and PLA11 of the Bridgend Local Development Plan (2013), advice contained within Supplementary Planning Guidance Note 17 Parking Standards and advice contained within Planning Policy Wales (Edition 11, February 2021).

CODE NO.	A/21/3272695 (1918)
APPLICATION NO.	P/20/713/FUL
APPELLANT	MR & MRS S TREHARNE
SUBJECT OF APPEAL	RETENTION OF RAISED GROUND & ERECTION OF 1.8M HIGH FENCE: 5 ST MICHAELS WAY, BRACKLA
PROCEDURE	HOUSEHOLDER APPEAL
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The retention of the raised ground level and patio area, together with the installation of a 1.8 metre high fence, by reason of its siting, scale, prominence and proximity to neighbouring properties, is considered to be an unneighbourly and harmful form of development that would result in an overly dominant and overbearing addition along the eastern boundary of the application site, having a detrimental impact on the privacy currently enjoyed in the locality and on the residential amenities of the occupier(s) of neighbouring properties, contrary to Note 1, 3, 4 and 6 of Supplementary Planning Guidance Note 02 Householder Development, criterion (12) of Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021).
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CODE NO. A/21/3274317 (1919)
APPLICATION NO. P/20/800/FUL

APPELLANT MR & MRS NOBLE HOOK

SUBJECT OF APPEAL RETENTION OF AN EXISTING OUTBUILDING ERECTED FOR THE PROVISION OF THERAPY TO ADULTS AND CHILDREN WITH LEARNING DIFFICULTIES AND SPECIAL NEEDS
TYNTON FARM, MOUNT PLEASANT COTTAGES, LLANGEINOR

PROCEDURE WRITTEN REPRESENTATION

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The building, by reason of its siting, design and finish, is considered to be an overly intrusive and prominent feature, which has a detrimental impact on the setting of the listed building known as Tynton Farm, Llangeinor, contrary to Policies SP2 and SP5 of the Local Development Plan and advice contained within Planning Policy Wales (Edition 11, February 2021).
2. The development, by reason of its form and location, represents an unjustified and sporadic intrusion into the open countryside that is detrimental to the visual amenities, character and openness of the existing countryside location contrary to Policies SP2 and ENV1 of Bridgend County Borough Council's adopted Local Development Plan (2013), Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) and advice contained within Planning Policy Wales (Edition 11, Feb. 2021).

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

CODE NO. A/20/3264867 (1907)
APPLICATION NO. P/20/206/FUL

APPELLANT MR R LEWIS

SUBJECT OF APPEAL RETENTION OF TEMPORARY LOG CABIN
LAND AT CWMDU LODGE, MAESTEG

PROCEDURE WRITTEN REPS

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 joint appeal decision is attached as **APPENDIX A/B**

CODE NO. A/20/3264867 (1908)
APPLICATION NO. P/20/206/FUL

APPELLANT MR R LEWIS

SUBJECT OF APPEAL UNUATHORISED LOG CABIN
LAND ADJACENT TO ST JOHNS COLLIERY, MAESTEG

PROCEDURE WRITTEN REPS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL
BE ALLOWED AND THE ENFORCEMENT NOTICE BE QUASHED.

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

CODE NO. A/21/3266841 (1910)
APPLICATION NO. P/20/652/RLX

APPELLANT MR & MRS N HEARD

SUBJECT OF APPEAL REMOVE CONDITIONS 1 & 3 OF P/20/299/FUL:
10 WOODSIDE AVENUE, LITCHARD

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 C**

CODE NO. A/21/3267243 (1911)
APPLICATION NO. P/20/703/OUT

APPELLANT MR P SIMKINS

SUBJECT OF APPEAL ERECTION OF ONE DWELLING:
LAND TO THE REAR OF 30/32 HIGH STREET, OGMORE VALE

PROCEDURE WRITTEN REPRESENTATION

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 D**

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

Janine Nightingale

CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/03/21

gan Richard Duggan, BSc (Hons)
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/5/21

Appeal Decision

Site visit made on 29/03/21

by Richard Duggan, BSc (Hons) DipTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11th May 2021

Appeal A Ref: APP/F6915/C/20/3264883

Site address: Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH

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 Robert Lewis against an enforcement notice issued by Bridgend County Borough Council.
- The enforcement notice, numbered ENF/215/19/ACK was issued on 2 November 2020.
- The breach of planning control as alleged in the notice is without planning permission the change of use of agricultural land by the erection of a timber cabin for residential use.
- The requirements of the notice is: cease the residential use of the timber cabin and remove the timber cabin outlined in blue from the land outlined in red on the enclosed plan.
- The period for compliance with the requirements is 3 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Appeal B Ref: APP/F6915/C/20/3264883

Site address: Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH

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 Robert Lewis against an enforcement notice issued by Bridgend County Borough Council.
- The enforcement notice, numbered ENF/215/19/ACK was issued on 2 November 2020.
- The breach of planning control as alleged in the notice is without planning permission the erection of a timber cabin.
- The requirements of the notice is: remove and keep removed the timber structure outlined in blue from the land outlined in red on the attached plan.
- The period for compliance with the requirements is 3 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Appeal C Ref: APP/F6915/A/20/3264867

Site address: Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH

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 Robert Lewis against the decision of Bridgend County Borough Council.
- The application Ref: P/20/206/FUL dated 6 March 2020, was refused by notice dated 2 September 2020.
- The development proposed is described as 'erection of a temporary log cabin for a period of three years'.

Decisions

***Appeal A – Appeal on Ground (a) the Deemed Application
APP/F6915/C/20/3264883***

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the change of use of agricultural land by the erection of a timber cabin at Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH, in accordance with the following plans: Site Location Plan/Site Plan; Elevations of the timber building submitted on 9 March 2020; Room Layout Plan submitted on 15 June 2020; and subject to the conditions in the attached schedule.

***Appeal B – Appeal on Ground (a) the Deemed Application
APP/F6915/C/20/3264883***

2. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the erection of a timber cabin at Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH, in accordance with the following plans: Site Location Plan/Site Plan; Elevations of the timber building submitted on 9 March 2020; Room Layout Plan submitted on 15 June 2020; and subject to the conditions in the attached schedule.

Appeal C - Section 78 Appeal APP/F6915/A/20/3264867

3. The appeal is allowed and planning permission is granted for the erection of a temporary log cabin for a period of three years at Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH, in accordance with the terms of the application Ref P/20/206/FUL, dated 6 March 2020 and the following plans: Site Location Plan/Site Plan; Elevations of the timber building submitted on 9 March 2020; Room Layout Plan submitted on 15 June 2020; and subject to the conditions in the attached schedule.

Procedural Matters

4. Despite having the same reference number and date the Council has issued two Enforcement Notices (EN), firstly, for the material change of use of agricultural land by the erection of a timber cabin for residential use, and secondly, the operational development of the land by the erection of a timber cabin. The Appellant has submitted one appeal under ground (a) of the Act that planning permission should be granted for what is alleged in the notices, and he has confirmed that his appeal should be dealt with as being against both ENs. The Council also refused a planning

application for the erection of a temporary log cabin (Ref: P/20/206/FUL) and the Appellant has also appealed that decision.

5. Therefore, there are three appeals before me, one against each EN (Appeals A and B) and one against the refusal of planning permission (Appeal C). It is clear to me that the three appeals deal with the same issues, and to avoid duplication I shall deal with the appeals together in this single document, albeit with separate formal decisions.
6. It is noted that the planning application form refers to Land at Cwmdy Lodge, Maesteg but the ENs refer to Land at Blaencwmdy Farm, Maesteg, Bridgend. For clarification, the Council has confirmed that the appeals relate to the same site and that Cwmdy Lodge forms part of Blaencwmdy Farm.

Main Issue

7. I consider the main issue to be whether the development is justified on the basis of supporting the existing rural enterprise, having regard to the location of the site within the open countryside.

Reasons

Appeals A and B – Appeals on Ground (a) the Deemed Applications (APP/F6915/C/20/3264883)

Appeal C - Section 78 Appeal (APP/F6915/A/20/3264867)

8. The site is located within open countryside as defined in the Bridgend Local Development Plan 2013. Policy ENV1 of the LDP amongst other things, seeks to ensure that development in the countryside is strictly controlled but includes opportunities for dwellings to accommodate agricultural and forestry workers. Planning Policy Wales (PPW) Edition 11 states that new housing in the open countryside should be strictly controlled. One exception to this is where it is essential for a dwelling to house a worker in a rural enterprise.
9. Although PPW requires the strict control of new houses in the open countryside, Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities confirms in paragraph 4.3.1 that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. TAN6 sets out how proposals for permanent rural enterprise dwellings should be assessed and is supplemented by Practice Guidance on Rural Enterprise Dwellings. These specify a series of tests to be considered and, in particular, the functional and financial tests.
10. The Council states that as the business has been operating at the site for 9 years it assessed the development as a new dwelling on an established rural enterprise¹. I concur with the Council's view that the business is sufficiently established and should therefore be assessed as a new dwelling on an established enterprise in accordance with section 4.4 of TAN6.

¹ Paragraph 3.4 Appeal Statement, dated February 2021

Functional and Time Tests

11. The functional test is to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Thus, the test is one of necessity rather than desirability, reflecting the policy principle that unnecessary development in the open countryside should be avoided.
12. The appeal relates to an agricultural holding extending over approximately 144 acres of pastureland and a small area of woodland. The Appellant owns 58 acres and the rest of the land is rented. The primary activities of the farm includes a flock of approximately 180 commercial breeding ewes with lambs and approximately 350 laying chickens. The majority of the land is laid to permanent pasture, with fodder for winter months carried out between June and August and includes six acres of haylage. In 2019, the farm business began the production of approximately 250 builder bags of firewood annually which is grown, cut, split and dried on the holding. There are a number of farm buildings located at the site, which are mainly used to house the poultry throughout the year and the fodder in the winter months.
13. The Council accepts that based on the information submitted including details of the labour requirements of the farm, there is a clearly established functional need and that need relates to a full-time worker. Having regard to the submitted evidence, there is no reason for me to take a contrary view in terms of the functional and time tests.

Financial Test

14. The Practice Guidance states that *"where dwelling proposals relate to existing enterprises, it will be possible and necessary for those enterprises to provide information in the Rural Enterprise Dwelling Appraisal of their actual financial soundness and performance over a minimum of the past three consecutive years."* and, *"the financial test for new dwellings requires that, having provided evidence of positive financial performance, rural enterprises must show that they have a reasonable prospect of sustaining returns to the labour employed for at least the following five years."* The evidence must show that the business has a reasonable prospect of providing a market return for the skills of that worker for at least 5 years.
15. The Appellant has submitted financial statements for the years 2011 - 2020 which show that gross income and gross profit of the farm business has increased over the 9-year period of the business. However, the financial statements do not include or take into account the salary of a full-time agricultural worker, as a result the financial statements are not a true reflection of the financial stability of the established rural enterprise. The Agricultural Wages (Wales) Order 2020 and Welsh Government guidance states that *"The UK National Minimum/Living Wage rates apply to all workers, including agricultural workers...Where the National Minimum Wage or the National Living Wage becomes higher than the minimum rate prescribed under the Order the National Minimum/Living Wage must be respected"*. The minimum wage for a full-time agricultural worker is based upon the 275 Standard Man Days of 8 hours (2,200 hours per annum) multiplied by the national minimum wage of £8.72 per hour (based on April 2020 rate), giving a sum of £19,184 (pre-tax).
16. It is clear that the Appellant has worked on the farm for many years, but this has been mostly on a part time basis helping his father whilst working in different jobs outside the farming business. However, since the death of his father in 2015 the

Appellant has been able to concentrate more fully on the farming business by working full time. It is clear to me that the log cabin, as opposed to a small caravan, would enable the Appellant to gain further benefits from living on site through livestock husbandry and for management and security purposes.

17. The Appellant has also clearly shown that the business has been managed without the need to use an overdraft or other finance facilities, and the business has steadily improved with continued investment made by purchasing livestock, plant and machinery. This clearly shows an ongoing commitment to the business and that the Appellant is committed to making the business more profitable in coming years. Based on the submitted information I am persuaded that there is a compelling economic rationale for allowing the temporary cabin to remain on the appeal site to allow the Appellant to bear the fruits of his investments over the forthcoming three years.
18. Although the submitted accounts indicate that the level of profit is not sufficient at present to provide a living for one farm worker, the figures demonstrate that the business is moving towards adequate profitability. I am satisfied that the financial affairs of the business are soundly based and the profit and loss accounts document the increasing profitability of the enterprise over the years, and I consider that the evidence is adequate to justify a temporary permission. A period of three years will provide the Appellant the opportunity to grow the business further and allow him to take advantage of living in close proximity to the adjoining farm buildings and the farming activities taking place on the land.

Other Dwellings Test

19. The other dwellings test should identify whether there is an existing dwelling or building suitable for conversion on the enterprise or a dwelling in the locality that could meet any identified functional need. Paragraph 6.1 of the Practice Guidance clarifies that the onus is on an applicant to demonstrate that no reasonable alternative to a new dwelling is available.
20. I saw that the appeal site contains a range of buildings which are used for housing plant and machinery, a workshop and poultry sheds. There are no other buildings available on the holding of a traditional construction which could be converted for residential use, and the Appellant has demonstrated that there are no suitable dwellings at an affordable price available for purchase in close proximity to the farm that would meet the rural enterprise needs. Irrespective of this, if a dwelling were to be available within Garth or Maesteg it would be physically disconnected from the appeal site and, due to the unpredictable and time critical nature of lambing, they would not be suitable for meeting the specific needs of the enterprise. Whilst the mobile home is situated close to the agricultural barns and lambing dates can be estimated with some degree of accuracy, I do not consider that this arrangement would enable the Appellant to move the business forward and to manage the enterprise in an efficient and sustainable manner. I also agree that the Appellant is required to live on, or in very close proximity to, the appeal site for security purposes.
21. In this respect I am satisfied that there is a need for a presence on site at most times of the day and night which would be best served by accommodation within sight and ear shot. Accordingly, in this case, it has been adequately demonstrated that no reasonable alternative to the log cabin is available given the needs of the rural enterprise concerned.

Other planning requirements

22. The other normal planning requirements test is required to demonstrate that the dwelling would be suitably located to fulfil its identified need and to minimise impact on the wider environment. The Council's second and third reasons for refusing planning permission for the log cabin relate to the effect on the character and appearance of the area and on highway safety.
23. The existing buildings found on the appeal site are typical agricultural sheds which are not prominent within the local landscape. Although the log cabin is elevated above the access road it is seen within the context of these existing buildings and would be significantly smaller in scale. As the dwelling is of a wooden structure, I consider that it appears as subordinate to the existing buildings and blends into its agricultural surroundings. On this basis I consider that the log cabin does not appear out of character with its location and surroundings and broadly aligns with Policies ENV1, SP2 (2) and SP2 (3) of the LDP.
24. The Council is also concerned that the narrow access road leading to the site is unsuitable in terms of its constrained width when passing opposing traffic and lack of lighting together with the absence of segregated footways. In addition, the development will generate increased traffic onto this route resulting in a potential increase in vehicular and pedestrian conflict to the detriment of the safety and free flow of traffic.
25. I saw that the road varies in width along its length and in places the width narrows to the extent that only one car can pass at a time, and that the lane does not provide any pedestrian facilities. However, the log cabin is located off an existing farm drive which has provided access to the farm holding since the 1950s and also historically provided access to St Johns Colliery for over 100 years. The road is also used by another farm, Bryn Defaid Farm, and is occasionally used by vehicles associated with Natural Resources Wales to access areas of woodland/timber production. Whilst I note the Council's evidence in relation to the number of individual vehicular movements that could be generated by the two-bedroom cabin, I am not persuaded that these additional movements, over and above those already taking place along Cwmdu Road, would materially increase the number of vehicles using the road to the detriment of highway safety. Indeed, the Council acknowledges² that there are no recorded Personal Injury Accidents involving pedestrians along this section of lane and that the level of existing pedestrian movements is currently negligible.
26. Whilst I note the Council's concerns that the appeal site is located in a remote location from public transport and the day to day services and facilities that the Appellant may need to access on a daily basis, this appeal relates to a log cabin on an established farming enterprise. The very nature of the farm holding means that it is located within open countryside in a rural location and remote from local services, facilities and public transport. Therefore, I consider the Council's concerns in this regard to be unfounded.
27. The Council is concerned that the development would set an undesirable precedent. However, my findings in this appeal must be based only on the individual planning merits of the case that is before me. The circumstances of other sites would be likely to be different and if proposals came forward elsewhere within the County Borough, they would be assessed in the light of the factors relevant to those cases. Therefore, I consider the concern about precedent does not offer a basis for resisting the scheme.

² Paragraph 5.17 Appeal Statement, dated February 2021

28. The Appellant has drawn my attention to a number of other similar cases that were permitted by the Council. Nevertheless, I have been provided with little further details regarding these developments or the context in which they were determined by the Council, as such I have given them very little weight in my consideration of this appeal. In any event, each case needs to be considered on its individual merits.

Conditions

29. I have considered the suggested conditions put forward by the Council and having regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014).
30. I agree that a condition should be imposed to make it explicit that the permission is temporary for a period of three years and for the land to be restored to its former condition at the end of this period. Irrespective of the restricted time limit for the development, the appeal proposal has been justified on the basis of an agricultural need. TAN 6 is clear that such dwellings should be kept available for meeting this need. Consequently, I have imposed a condition limiting the occupation of the dwelling to rural enterprise workers. I also agree to impose the suggested condition removing permitted development rights and for the submission of a scheme for the disposal of foul and surface water.
31. The Council has put forward conditions relating to the provision of traffic signs warning of the presence of pedestrians and the provision of vehicular passing bays and pedestrian step off points along the lanes leading to the site. Given the scale of the development and my conclusions regarding the impact of the development on highway safety set out above, I consider these conditions to be unnecessary and unreasonable.

Conclusions in relation to Appeals A and B (APP/F6915/C/20/3264883)

32. For the above reasons and having considered all matters raised, I conclude that the appeals succeed on ground (a). Subject to the imposition of conditions, I shall grant planning permission on the applications deemed to have been made under section 177(5) of the Act, and the enforcement notices will be quashed.
33. In coming to this conclusion, 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.

Conclusions in relation to Appeal C (APP/F6915/A/20/3264867)

34. For the above reasons and having considered all matters raised, I conclude that the appeal should be allowed, subject to the conditions set out in the schedule attached to this decision.
35. In coming to this conclusion, 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 WBFG Act.

Richard Duggan

INSPECTOR

Schedule of Conditions

- 1) The permission hereby granted shall endure for a period of three years from the date of this decision. Within one month of the expiry of this permission, the residential use shall be discontinued on the land and the log cabin and the associated infrastructure with the use shall be removed from the land in its entirety and the land shall be restored to its former condition.

Reason: The development is only acceptable on a temporary basis to enable the Appellant to demonstrate the financial viability of the enterprise in respect of a permanent form of accommodation in connection with the farming enterprise on the land.

- 2) The occupancy of the temporary dwelling shall be restricted to a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason: In order to control the occupancy of the dwelling and meet the aims and terms of Policy ENV1 of the Bridgend Local Development Plan (2013).

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013 (or any Order revoking or re-enacting that order with or without modification), no development within Schedule Article 2, Part 1, Classes A, B, C, D and E shall be carried out within the curtilage of the appeal property (other than those expressly authorised by this permission) without the written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area and in accordance with ENV1, SP2 (2) and SP2 (3) of the LDP.

- 4) Details of a scheme for the disposal of foul and surface water shall be submitted to and agreed in writing by the local planning authority within 6 months of the date of this decision. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the land and log cabin for residential purposes and retained in perpetuity.

Reason: To prevent pollution of the environment by ensuring the provision of adequate foul drainage.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/03/21

gan P J Davies, BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/4/21

Appeal Decision

Site visit made on 19/03/21

by P J Davies, BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23rd April 2021

Appeal Ref: APP/F6915/A/21/3266841

Site address: 10 Woodside Avenue, Litchard, Bridgend, CF31 1QF

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 & Mrs Neil Heard against the decision of Bridgend County Borough Council.
- The application Ref: P/20/652/RLX dated 28 August 2020, was refused by notice dated 27 October 2020.
- The application sought planning permission for a change of use from dwelling house (use class C3(a)) to the residential care of 2 children (use class (C2)) without complying with conditions attached to planning permission Ref: P/20/299/FUL dated 23 July 2020.
- The conditions in dispute are Nos 1 and 3.
- Condition 1 states: *'The use hereby permitted shall be discontinued on or before 31 December 2022'*.
- Condition 3 states: *'An up to date register shall be kept at the residential care home (use class C2) premises from the first beneficial C2 occupation of the property. The register shall be made available for inspection by the local planning authority upon request. The register shall contain details of the names and occupations of all visitors to the property, the date, the time of arrival and the time of departure from the property'*.
- The reason given for Condition 1 is: *'To enable the Local Planning Authority to assess the impact the development has on the amenities of the area and to enable the matter to be reviewed at the end of the period of the temporary consent'*.
- The reason given for Condition 3 is: *'To inform the Local Planning Authority of the use of the property at the end of the temporary period'*.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from dwelling house (use class C3(a)) to the residential care of 2 children (use class (C2)) at 10 Woodside Avenue, Litchard, Bridgend, CF31 1QF in accordance with the application Ref: P/20/652/RLX dated 28 August 2020, without compliance with condition numbers 1 and 3 previously imposed on planning permission Ref: P/20/299/FUL dated 23 July 2020 and subject to the following condition:
 - 1) The premises shall be used as a residential care home for a maximum of two children as specified in the application details and for no other purpose including any other purpose in Class C2 of the Town & Country Planning (Use Classes)

Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interests of the general amenities of the area (LDP Policy SP2).

Main Issue

2. This is whether the disputed conditions are reasonable and necessary in the interests of the general amenities of the area.

Reasons

3. The appeal property is a 2-storey semi-detached house situated at the head of a cul-de-sac in a built up predominantly residential environment. I observed some on-street parking which has the effect of narrowing the carriageway, but most dwellings have driveways and off-road parking facilities, and traffic speeds and flow are low. The development to which this appeal relates is a residential home providing 24-hour care for a maximum of 2 young people.
4. The Council confirms that the principle of the development is acceptable. Given that a residential use would be compatible with the character of the area, I do not disagree. From the Council's officer report and statement it is evident that whilst it was accepted that the development may not result in excessive comings and goings over and above the existing residential character, given the extent of local concerns, and because the business had not been registered with the Care Inspectorate, Condition 1 was considered reasonable to allow an assessment of the impact on residential amenity to be made. Related to this, Condition 3 was considered necessary to enable sufficient information to be available as evidence to support an assessment under Condition 1.
5. Guidance regarding the imposition of planning conditions is set out in the Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). Paragraph 5.23 advises that it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the development plan. The material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one. The reason for granting a temporary permission should never be that a time limit is necessary because of the effect of the development on the amenity of the area.
6. The development is a small care home that would be occupied by up to two children with associated care workers providing 24-hour supervision and care. Given that the appeal property is a family sized dwelling, the intensity of occupation would be similar to a private family household. I concur that the development would result in a greater propensity for visits from various service providers, however, families can also generate delivery and service traffic and are not exempt from visits from care professionals or emergency services. The scale and occupation level of the care home use would be proportionate to the size of the appeal property, and I consider that the amount of activity associated with either use would not be fundamentally different.
7. I have had regard to the objections from nearby residents and the reported issues around child supervision and anti-social behaviour. However, these are problems that can equally apply to a family household and, in this case, the development would be regulated by care bodies outside the planning system. Taking account of the small-scale nature of the operation, there is little evidence that general activity from the care home would amount to actual harm to residents' living conditions. Similarly, I have had regard to concerns relating to parking congestion and traffic, but there is no

tangible information, such as evidence from the Highway Authority, to demonstrate that the occupancy level of the care home would materially change the volume or flow of traffic to and from the site. The Council does not indicate that any parking standards would be breached and, notwithstanding local concerns, I have no reason to believe that the development would prejudice highway safety interests or cause unacceptable inconvenience to residents.

8. Having regard to the advice in the Circular, I conclude that Conditions 1 and 3 are not reasonable or necessary. Removing the disputed conditions would not result in any harm to the general amenities of the area, or result in any conflict with Policy SP2 of the Bridgend Local Development Plan which seeks high quality, attractive and sustainable places by, amongst other things, ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.
9. The original permission contained a condition to restrict occupation to a maximum of two children, and I consider that this is necessary to safeguard the amenities of the area. I have therefore reimposed the condition on this permission.
10. In reaching my decision, I have taken account of 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 one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the Act.
11. For the above reasons and having regard to all matters raised, the appeal is allowed.

P J Davies

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/03/21

gan P J Davies, BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/4/21

Appeal Decision

Site visit made on 19/03/21

by P J Davies, BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27th April 2021

Appeal Ref: APP/F6915/A/21/3267243

Site address: 30-32 High Street, Ogmores Vale, Bridgend, CF32 7AD

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 outline planning permission.
- The appeal is made by Mr Peter Simpkins against the decision of Bridgend County Borough Council.
- The application Ref: P/20/703/OUT dated 15 September 2020, was refused by notice dated 5 January 2021.
- The development proposed is erection of one dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined by the Council, the National Development Framework (Future Wales: the national plan 2040) [‘the NDF’] and Edition 11 of Planning Policy Wales (PPW 11) have been published. Neither of these documents have resulted in any fundamental change to the main considerations in this case, but in any event, both documents represent current national planning policy and my decision is made on this basis.
3. The application is made in outline with all matters reserved.

Main Issue

4. This is the effect of the proposed development on residents’ living conditions and highway safety.

Reasons

5. The appeal site is steeply sloping overgrown land that lies between Glyn Street and 30-32 High Street. For the purposes of Policy PLA1 of the Bridgend Local Development Plan (LDP), it is within the local service settlement of Ogmores Vale which is identified as being capable of supporting some additional growth particularly on underutilised or brownfield land. In identified settlements, LDP Policy COM3 is permissive of residential development on ‘small scale’ sites. The principle of the proposed development is therefore acceptable. However, it does not follow that all

brownfield sites will be suitable for development. LDP Policy SP2 requires all development to contribute to creating high quality attractive, sustainable places which enhance the community in which they are located. In particular, it seeks to ensure that the viability and amenity of neighbouring uses, and their users/ occupiers will not be adversely affected. Policy PLA11 also requires all development to provide appropriate levels of parking. These are material considerations that carry significant weight in the context of the development plan as a whole.

Living Conditions

6. The application is supported by two alternative illustrations of siting and layout. Given the very steep gradient, both involve tiered or terraced gardens and amenity spaces at the rear, with the second alternative also including a garden to the side adjacent to the elevated garden platform to No. 1 Filas Wessex, which is the end terrace property on the adjoining development. In the latter case, there would be scope for some overlooking of the adjacent garden from the proposed development, but the existing garden is already overlooked by an elevated communal staircase leading from the shared parking bays. It does not enjoy any particularly high standards of privacy and the outlook towards the appeal site is already restricted by a solid wall. In any event the first alternative layout indicates that the garden area to the development could be contained to the rear where any intervisibility would not be untypical of densely built up residential environments such as this. In terms of useable garden space for the occupiers of the proposed dwelling, the gardens would be sloping but not significantly so, and they would provide a pleasant sense of openness and space to the rear. Moreover, level terraces for sitting out and general domestic activity such as clothes drying are illustrated in both drawings.
7. With regard to the relationship with the properties on Glyn Street, these are elevated above the street, and the principal front elevations face the site. The distances involved are around 13 metres which is below the standards the Council applies from its supplementary planning guidance on house extensions. Nonetheless, in most built up situations, it is not generally possible to achieve high expectations of privacy from the highway frontage. The relationship between the appeal property and Glyn Terrace would not be an unusual one and I find the Council's concerns to be unfounded on this point.
8. Taking the above into consideration I find no reason to believe that a scheme could not be designed and laid out on the site in a way that would have an acceptable effect on residential amenity and on the living condition of future and nearby residents. I therefore find no conflict with LDP Policy SP2 in that respect.

Highway Safety

9. The proposed development would be accessed from Glyn Street, where on-street parking is mainly restricted to one side of the street, with the adjacent Filas Wessex development served by off-road parking bays. Parked cars have the effect of narrowing the carriageway, in this case, to single width. I also observed a degree of parking pressure with some cars parked on the narrow footway on the eastern side of the street blocking access for pedestrians and forcing them into the road. In these circumstances and given the limited capacity of the highway to accommodate further parking demand, I consider that adequate off-road parking provision is an important material consideration in this case.
10. The Council's supplementary planning guidance 'Parking Standards' (SPG) identifies Ogmor Vale as Zone 3, where 1 parking space per bedroom is required, up to 3 as a

maximum. The illustrative plans suggest a three-bedroom house with a consequent requirement for 3 off-road parking spaces, although it is acknowledged by the Highway Authority that the application of sustainability criteria could reduce this requirement to two spaces. One of the submitted plans includes a garage that does not meet the Council's standards for internal dimensions but the other provides for an open parking bay. As illustrated therefore, the proposal would be capable of providing at least one off-road space, and it is suggested by the appellant that a layby across the highway frontage would provide parking for two cars. I note concerns that layby parking would encourage use of the awkward junction to the northern end of Glyn Street, however even if this was the case, in the wider context of this built-up area, a single dwelling would not materially intensify the use of that junction to warrant withholding planning permission for that reason.

11. Nonetheless, given the very steep gradient of the site and the limited width to the highway frontage, there is insufficient detail before me that satisfactorily demonstrates that the appeal site would be capable of providing off-road parking to the Council's current standards. There is, therefore, a significant risk that the proposal would lead to on-street parking that would exacerbate the existing parking pressures and interrupt the free and safe flow of traffic and pedestrians. Insufficient parking can also cause inconvenience to the future occupants of the dwelling, as well as existing residents in the locality, if they are unable to park close to their property. I note that the appellant is agreeable to a condition limiting the development to a two-bedroom property, but this contradicts the illustrative scale of the proposal which suggests that a larger dwelling is intended for the site. In these circumstances, such a condition would not be appropriate.
12. On this matter, I find that the proposal would fail to provide an appropriate level of parking as required by LDP Policy PLA11 and the SPG, to the detriment of highway safety interests.

Other Matters

13. In 2008 planning permission was granted for a dwelling in the same terms as the proposal that is before me. That permission has expired, and it is argued that there has been no material change in circumstances since then. Nonetheless, the Council has since adopted the current LDP which forms the development plan for the area. Creating safe, healthy and inclusive communities is part of its strategy which is consistent with national objectives relating to sustainable placemaking and the well-being of communities. These are planning principles that have evolved since the former application was considered. I have determined the appeal in accordance with current planning policy and for the reasons given above, the proposal would not provide a safe environment and it would conflict with the development plan.
14. I have considered the benefits of granting permission, in particular the poor condition of the site and that the proposal would remove an eyesore. However, physical improvements to the site are not necessarily reliant on planning permission being granted. This would not therefore outweigh the harm that I have identified.
15. In reaching my decision, I have taken account of 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 one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

Overall Conclusions

16. I have found that the site could be developed without material harm to residents living conditions. However, it has not been demonstrated that the proposal would provide adequate parking in the interests of highway safety, or in compliance with the LDP. These are compelling factors that have led to my decision.
17. For the above reasons, and having regard to all matters raised, the appeal is dismissed.

P J Davies

INSPECTOR