

APPEALS

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

P.I. REF.	A/21/3274987 (1920)
APPLICATION NO.	P/20/752/FUL
APPELLANT	MR & MRS KELLY
SUBJECT OF APPEAL	PART CONVERSION OF GARAGE & ROOF EXTENSION TO CREATE 1-BED RESIDENTIAL UNIT; ASSOCIATED EXTERNAL ALTERATIONS 19 COYCHURCH ROAD, PENCOED
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed residential unit, 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, would constitute an unneighbourly and harmful form of development that fails to safeguard the privacy of existing dwellings, and 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).
3. The proposal, by reason of its scale and siting on a site of insufficient size, results in a contrived development that fails to provide adequate space about the building for private amenity, and fails to achieve an acceptable living environment for the future occupiers of the residential unit, 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).

P.I. REF.	ENV/3275423 (1921)
APPLICATION NO.	T/21/7/TPO
APPELLANT	MR A HOWELL
SUBJECT OF APPEAL	CONTINUAL POLLARDING OF TREES (T/18/17/TPO REFERS) REAR OF 44 BRIARY WAY, BRACKLA, BRIDGEND
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. There is insufficient justification for the proposed works which would adversely affect the well being of the trees and significantly reduce their amenity value.
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P.I. REF. A/21/32761 (1922)
APPLICATION NO. P/20/859/FUL

APPELLANT MR GURPREET SINGH

SUBJECT OF APPEAL CHANGE OF USE OF RETAIL SHOP (A1) TO HOT-FOOD TAKEAWAY
CHIP SHOP (A3): 10 CAERAU ROAD, MAESTEG

PROCEDURE WRITTEN REPRESENTATION

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed hot food take-away, by reason of its location and form, would result in an increase in short term on-street parking along Caerau Road to the detriment of highway and pedestrian safety and the free flow of traffic in the vicinity of the site, contrary to Policy SP2 of the Bridgend County Borough Council Local Development Plan 2013 and advice contained within SPG17: Parking Standards and Planning Policy Wales (Edition 11, Feb. 2021).

P.I. REF. D/21/3276567
APPLICATION NO. P/20/997/FUL

APPELLANT MR CHRIS FRANCOMBE

SUBJECT OF APPEAL SINGLE STOREY REAR EXTENSION AND DORMER ROOF EXTENSION:
20 HILLSBORO PLACE, PORTHCAWL

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason

1. The dormer extension, by reason of its design, siting and scale, is an overly obtrusive and prominent feature within Porthcawl Conservation Area and its retention will have a detrimental impact on the setting of the Conservation Area, contrary to Policies SP2 and SP5 of the Local Development Plan and advice contained within Planning Policy Wales (Edition 11, February 2021) and The Planning (Listed Building & Conservation Areas) Act 1990.

P.I. REF. D/21/3277143 (1924)
APPLICATION NO. P/21/128/FUL

APPELLANT MS G ROSSINI

SUBJECT OF APPEAL RAISE ROOF TO CREATE FIRST FLOOR WITH 3 BEDROOMS, ENSUITE
AND BATHROOM; SINGLE STOREY REAR EXTENSION WITH BALCONY
OVER; CANOPY OVER FRONT DOOR (SIDE):
64 WEST PARK DRIVE, PORTHCAWL

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason

1. The proposal, by reason of its scale, design and location, represents an incongruous and inappropriate form of development that is not in keeping with the established character of the residential area and street scene causing unacceptable harm to the appearance of the dwelling and the visual amenities of the wider area. The application is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), the Council's Supplementary Planning Guidance SPG02 – Householder Development and advice contained within Planning Policy Wales 11 (February, 2021).

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

P.I. REF. APPLICATION NO.	A/21/3268705 (1914) P/20/600/TPN
APPELLANT	HUTCHISON 3G UK LTD
SUBJECT OF APPEAL	PRIOR NOTIFICATION FOR PROPOSED TELECOMMUNICATIONS INSTALLATION: 20.0M PHASE 8 MONOPOLE C/W WRAPAROUND CABINET AT BASE AND ASSOCIATED ANCILLARY WORKS: A4063 ST BRIDES MINOR (NEXT TO LAYBY), SARN
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**

P.I. REF. APPLICATION NO.	A/21/3270088 (1915) P/20/382/OUT
APPELLANT	MR K SYLVESTER
SUBJECT OF APPEAL	ONE BEDROOM DETACHED BUNGALOW WITH 1 OFF ROAD PARKING SPACE: 10 TONTEG, PENCOED
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 B**

P.I. REF. APPLICATION NO.	A/21/3272695 (1918) 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

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**

P.I. REF. 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

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 04/05/21

gan **Janine Townsley, LLB (Hons)**
Cyfreithiwr (Nad yw'n ymarfer)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 3/6/21

Appeal Decision

Site visit made on 04/05/21

by **Janine Townsley, LLB (Hons) Solicitor**
(Non-practising)

an Inspector appointed by the Welsh Ministers

Date: 3/6/21

Appeal Ref: APP/F6915/A/21/3268705

Site address: Land at A4063 St. Bride's Minor, Sarn, Bridgend, CF32 9SL

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 prior approval under the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
- The appeal is made by Hutchinson 3G UK Ltd. against the decision of Bridgend County Borough Council.
- The application Ref P/20/600/TPN, dated 12 August 2020, was refused by notice dated 14 October 2020.
- The development proposed is described as a telecommunications installation: Proposed 20.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 24, paragraph A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) for a telecommunications installation: 20 metre phase 8 monopole with wraparound cabinet at land at A4063, St. Bride's Minor, Sarn, Bridgend, CF32 9SL in accordance with the details submitted pursuant to Schedule 2, Part 24, paragraph A3 of the GPDO.

Procedural and Preliminary Matters

2. Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) grants planning permission for certain classes of development subject to standard conditions. The appeal relates to an application for prior approval under such provisions, meaning that the principle of development is already established by law. Such provisions do however require Local Planning Authorities to assess such developments on the basis of their siting and appearance and my determination of this appeal has been made in the same manner.
3. Whilst it is not a prerequisite for prior approval cases to be determined in accordance with the development plan¹, the Council's policies may be relevant as material

¹ Paragraph 44 of Technical Advice Note 19 'Telecommunications' (TAN 19) advises that where development requires an **application for planning permission**, applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

considerations. In this case the Council did not cite any adopted Local Development Plan policies in refusing the prior approval and, as such, local planning policies have not been referred to within this decision.

4. Since the application was determined by the Council, the Welsh Government has published Future Wales: the National Plan 2040 (Future Wales) and Planning Policy Wales, Edition 11 (PPW 11). I am satisfied that neither publication makes any material difference to the main issues in this case.

Main Issues

5. There is no dispute that the proposed installation would comply with the limitations imposed under Part 24 of Schedule 2 of the GPDO. As the appeal is against the refusal of prior approval the only issues which can be considered are siting and appearance. The Council has taken no issue with the appearance of the apparatus and I see no reason to disagree with this position.
6. Accordingly, the main issues are the effect of the proposed development on the safe and free flow of traffic in the area and on highway safety with particular reference to access. If any such harm is identified whether that harm would be outweighed by the need to site the development in the location proposed having regard to the potential availability of alternative sites.

Reasons

7. The application is for a 20-metre-high monopole with a wraparound cabinet at the base with associated ancillary works. The equipment would be sited adjacent to a police layby on the A4063 between Sarn roundabout and the junction for Bryncoch Road.
8. The proposed development will create traffic hazards to the detriment of the safety and free flow of traffic on Route A4063 and The proposed development will generate additional vehicular turning movements to and from the public highway, to the detriment of highway safety so a full application would be necessary.
9. The Council considers that Road Restraint Risk Assessment Process (RRRAP) is required to indicate whether there would be a need for safety fencing around the installation. The Council acknowledges that the technical document which sets out where road restraint systems are required applies only to motorways and trunk roads. Nevertheless, the Council considers that the A4063 in the vicinity of the site meets all other criteria set out in the document due to the speed and volume of traffic since the road has a speed limit of 50 mph and, by reference to local traffic count data, has an annual average daily traffic figure of 15,937 vehicles². The Council has not produced a copy of the technical guidance in support of its case.
10. Despite an assertion from the Council that reference to the technical document is a "useful tool", these requirements do not apply at the appeal site and for this reason, this should not be taken as a justification in itself for the refusal of the prior approval application. In any event, the Council has not set out in what way it is considered the proposal would represent a hazard to motorists at this location, particularly where no concern has been expressed in relation to the appearance of the equipment, nor has it been set out why it is felt there is a risk of motorists leaving the highway and colliding with the development at this location. Accordingly, I find that the Council has failed to substantiate the first reason for refusal of the prior notification application and for the

² Data from 2019

reasons I have set out, I am satisfied that the proposed development would not result in the introduction of a traffic hazard to the detriment of the safety and free flow of traffic on the A4063.

11. Turning next to the issue of highway safety, the installation of telecommunications equipment would be sited on land adjacent to a police layby and not served by pedestrian footways. The lack of footways means that it would not be possible for operatives carrying out maintenance visits to park off site and walk to the site. I agree with the Council that it is reasonable to assume that operatives will wish to use the layby when access is required to the site.
12. Although the intended use of the layby is for police vehicles carrying out speed checks, it is unlikely that maintenance visits to the appeal site by operatives would be frequent and since the layby is not in constant use by the police it is unlikely there would be any conflict of use if it were to be used by servicing or maintenance operatives on occasion. The Council has referred to a traffic regulation order applying to the layby, but no details have been provided of the nature of any restrictions or how they might impact the use of the layby by telecommunications operatives. I observed that there is no physical impediment to prevent use of the layby.
13. In terms of safety of drivers egressing the layby, no technical evidence has been presented by the Council to demonstrate the extent of perceived risk and I note that police vehicles already use the layby. The Council has not set out why leaving the layby would be more difficult or of greater risk to highway safety for maintenance vehicles. Furthermore, although this is a busy road with a speed limit of 50 mph, it is located close to a junction serving a housing estate from which vehicles would exit in the same direction as those egressing the layby. I observed that there is no restriction on visibility at this location, with the road following a generally straight alignment and therefore drivers should be able to assess when it is safe to pull-out from the layby. Overall, therefore, I am satisfied that vehicles would be able to safely leave the layby at this location and thus the proposed development would not result in undue risk to highway safety.
14. The installation phase would likely require a lane closure, however I am satisfied that this is a matter which could be managed by the appellant in accordance with their own standards and in liaison with the Council to secure any temporary traffic regulation order to allow for the delivery and installation of the equipment.
15. I have found that the proposed development would not give rise to harm to highway safety and therefore it is not necessary for me to consider the potential benefits of the scheme. Nevertheless, these have been set out by the appellant and they are factors which I consider add further weight in favour of the development. PPW 11 acknowledges the importance of high-quality telecommunications, stating that adequate and efficient infrastructure including services such as telecommunications is crucial for economic, social and environmental sustainability.
16. I have had regard to Welsh Government's clear aspirations for improved service, connectivity, infrastructure and the latest technologies as advanced in, *inter alia*, the Minister's written statement of January 2017 and the Mobile Action Plan of October 2017. The proposal would also align with the goals of the Well-Being of Future Generations Act, in terms of supporting a prosperous economy and a well-connected Wales.
17. Neither do I underestimate the importance of delivering a connected world in post Covid-19 times. Welsh Government's *'Building Better Places: The Planning System*

Delivering Resilient and Brighter Futures Placemaking and the Covid19 Recovery July 2020 recognises that staying connected through digital means was one of the few opportunities for social interaction with friends and family and has become mainstream as part of our working lives throughout the lockdown period. It also acknowledges that with homeworking now likely to be more prevalent across the country, having reliable and good quality communications systems in place is more important than ever before to help the economic and social recovery.

18. The appellant has drawn my attention to the Future Telecoms Infrastructure Review which outlined plans for the majority of the population to have 5G mobile coverage by 2027 and public benefits in the provision of a 5G network.
19. There is a strong framework of support for telecommunications in policy terms. The development plan status of the recently published Future Wales adds weight to the arguments advanced regarding the essential need for mobile telecommunications to access services, enable social and economic interaction, enhance education, and support well-being, including addressing issues such as social isolation and exclusion.
20. I am satisfied from the evidence submitted that the appellant has followed the sequential approach set out in TAN 19 to ascertain whether there are any suitable alternative sites. TAN 19 advises that applications for telecommunications development, including prior approval, should be supported with the necessary evidence to justify the proposed development for a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. In this case, within the search area no opportunities for sharing were available resulting in the need to use a new ground based mast in a street. There has been no suggestion from the Council that an alternative location could have been found in this case.

Conditions

21. Standard conditions are set out in the GPDO for development by electronic communications code operators and it is not necessary for me to impose any additional conditions beyond those. The Council has suggested a condition requiring the submission of a Maintenance Traffic Management Plan, however, the GPDO does not provide authority for the imposition of non-standard conditions. In any event, I have found the development would not result in highway safety issues and therefore the suggested condition would not be necessary.

Conclusion

22. The identified benefits of the proposal weigh significantly in favour of the installation. I have found that the proposed development would not result in and significant harm to the safe and free flow of traffic in the area or to highway safety.
23. 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 ('the Act'). I consider that this decision accords with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act. Whilst the proposed installation may align with the well-being goals in terms of supporting a prosperous economy and a well-connected Wales, it would conflict with the goal of creating cohesive communities.
24. For the reasons set out above, I conclude that the appeal should be allowed, and approval granted. In granting approval the appellant should note that the GPDO requires at Paragraphs A3 (8), (9) and (10) that the development shall be begun not

later than 13th August 2025 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development and the date of completion.

Janine Townsley

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/04/21

gan **J P Tudor, BA (Hons), Cyfreithiwr (ddim yn ymarfer)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 1/6/21

Appeal Decision

Site visit made on 20/04/21

by **J P Tudor, BA (Hons), Solicitor (non-practising)**

an Inspector appointed by the Welsh Ministers

Date: 1/6/21

Appeal Ref: APP/F6915/A/21/3270088

Site address: 10 Ton Teg, Pencoed, Bridgend, CF35 5ND

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 Kyle Sylvester against the decision of Bridgend County Borough Council.
- The application Ref: P/20/382/OUT dated 5 June 2020, was refused by notice dated 9 September 2020.
- The development proposed is one-bedroom detached bungalow with 1 off-road parking space.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is in outline only. However, there is disagreement between the Council and the appellant about the way the application was dealt with and a lack of clarity about which matters were to be reserved for future consideration. The application was made on a bespoke form for 'Outline Planning Permission with all matters reserved'. It is unclear to me on what basis the Council Officer's Report refers to 'appearance' and 'landscaping' only, as reserved matters. The appellant has not specifically clarified the matter in his appeal submissions, aside from maintaining that the submitted plans were only intended to be 'suggestive' (as labelled). Therefore, I have considered the appeal on the basis that all matters (i.e. access, appearance, landscaping, layout, and scale) are reserved for future consideration, as per the planning application form.
3. Article 3 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) advises, in relation to outline applications, that where 'layout' is a reserved matter, the application for outline permission must state the approximate location of buildings, routes and open spaces included in the development proposed. Similarly, where 'scale' is a reserved matter, the application must state the upper and lower limit for the height, width and length of each building included in the development. The appellant advises that the submitted plans were intended to show that the plot could theoretically accommodate a dwelling of a similar size to the appellant's adjacent existing two-bedroom bungalow, but that the intended

one bedroom bungalow would, in fact, be smaller. However, while an approximate location for buildings, routes and open spaces is indicated, no 'lower limit' for the height, width, and length of the building has been provided. Given that and the appellant's submissions, I have treated the plans as 'illustrative only' and as indicating the maximum size of building that could be physically accommodated on the site.

Main Issues

4. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and,
- whether the proposed bungalow would provide acceptable living conditions for future occupiers, with regard to private outdoor space and outlook.

Reasons

Character and appearance

5. The appeal site comprises a small, roughly rectangular parcel of land on the corner of Ton Teg and Dan Y Coed. It is adjacent to a semi-detached bungalow at 10 Ton Teg and forms part of the side/front garden of that property, although it has been largely cleared of vegetation, apart from a hedge along its northern boundary. The area is residential and characterised by semi-detached bungalows set on reasonably sized plots arranged around cul-de-sacs. The pattern of development, with dwellings set back behind front or side gardens, wide grass verges adjacent to the road and further grassed areas at street corners, provides an attractive sense of space and openness.
6. Strategic Policy SP2 of the Bridgend Local Development Plan 2006-2021 (LDP)¹ indicates that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. Various criteria within policy SP2 detail how that aim is to be achieved and include, at criterion 2, by having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness. In addition, criterion 4 of policy SP2 recognises that land should be used efficiently and, while expressing a preference for the use of previously developed land, requires that proposals respect surrounding development.
7. The proposal would introduce a building, albeit limited to a one-bedroom bungalow, onto an open corner area of land. While layout, scale and appearance are reserved matters, for the dwelling to be able to offer acceptable levels of internal living space and given the restricted plot-size, it would be inevitable that its built form would occupy much of the plot. Therefore, even though the public verge would remain, a dwelling sited at this corner location would appear particularly prominent in the street scene and diminish the existing sense of space and openness in the area.
8. Moreover, as most of the plot is in front of the main building line of the adjacent bungalows along Dan Y Coed, the new bungalow would protrude in front of that consistent building line. It would also be likely to be to the fore of the adjacent bungalows to the west along Ton Teg, including No. 10. Therefore, while it could be of a similar height to other development, its position and detached form, which would contrast with the semi-detached nature of surrounding dwellings, would make it an

¹ Adopted September 2013

incongruous and intrusive feature, at odds with the prevailing character and pattern of development in the immediate area.

9. While the appellant refers to the side garden as disused and redundant, as No. 10 benefits from other front and rear gardens, those garden areas are relatively small and a future occupier of the bungalow at No. 10 may take a different view. Indeed, I note that a similar open area of land to the side of the bungalow at 8 Ton Teg, on the corner opposite the appeal site, appears to be used as part of its garden, even though that dwelling also benefits from other front and rear garden areas. In any event, these relatively open areas near corners contribute positively to the spacious atmosphere of the local environment.
10. Some approved dwellings on allegedly small plots are cited by the appellant in support of the appeal proposal. However, limited details of those schemes have been provided and they are some distance from the appeal site and its immediate street scene. Therefore, they have limited direct relevance to the appeal proposal and its effects. In any case, all proposals must be judged on their individual merits and site-specific characteristics, which is the approach I have taken in determining this appeal.
11. Given the above factors, I conclude that the proposed development would have an adverse effect on the character and appearance of the area. Consequently, it would be contrary to policy SP2 of the LDP in that respect.

Living Conditions

12. The Council considers that to prevent overlooking of future occupiers of the bungalow by neighbouring residents, a 2-metre high boundary fence would be required. According to the Council that would result in a poor outlook from rear windows of the new dwelling. While I note that concern, it appears to be based on a series of assumptions about the location of windows, habitable rooms and fences, which would only be confirmed at the reserved matters stage when appearance, layout, scale and landscaping would be finalised. Even allowing for the restricted plot size, it may be possible to arrive at a design without such consequences. Therefore, I do not agree with the Council that the living conditions for future occupiers, with regard to outlook, would necessarily be poor.
13. Referring to the site layout plan, the Council also expresses concern about the living conditions for future occupiers, with regard to the provision of private amenity space. The appellant's Design and Access Statement refers briefly to the provision of '*small yet maintainable front and side gardens*', but the issue of private outdoor space is not addressed in any detail in the appellant's submissions.
14. While layout and scale are reserved matters, given the small size of the plot, at about 14m x 12m according to the Council, the erection of a bungalow with an off-street parking space would leave very little land available for the provision of private outdoor living space. Although the dwelling would be 1-bedroom, the provision of outdoor space contributes to the quality of life of occupiers and is necessary to accommodate domestic items, such as a washing lines or garden furniture. Therefore, on the basis of the evidence before me, I am not persuaded that the proposal is capable of providing sufficient usable private outdoor space. Consequently, I conclude that it would not provide acceptable living conditions for future occupiers, with regard to private outdoor space.
15. In that regard, the Council alleges that the proposal would conflict with criterion 12 of LDP policy SP2. However, the wording of that criterion relates to ensuring that the amenity of neighbouring uses and their users/occupiers will not be adversely affected,

rather than future occupiers of a development. Nevertheless, I consider that the failure to demonstrate that sufficient private outdoor space can be provided is contrary to the principles of high quality design referred to in criterion 2 of policy SP2.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
17. 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 ('the Act'). I consider that this decision is in accord with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.

JP Tudor

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/05/21

gan Paul Selby, BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 1/6/21

Appeal Decision

Site visit made on 17/05/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 1/6/21

Appeal Ref: APP/F6915/D/21/3272695

Site address: 5 St. Michaels Way, Brackla, Bridgend, CF31 2BT

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 Mrs Samantha Treharne against the decision of Bridgend County Borough Council.
- The application Ref: P/20/713/FUL dated 21 September 2020, was refused by notice dated 4 March 2021.
- The development is described as "I have levelled a section of my garden where the trees were previously to align with the rest of my garden. My plan going forward is to install a 1800mm fence on top of this ground to attain privacy for our neighbours and ourselves. The area that has been raised has been risen to a height of 1140mm from bottom of existing fence post to new ground level. There is no weight bearing at all on the existing fence".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has been partially completed and the appeal therefore seeks retrospective planning permission.
3. I have taken the description of development from the planning application form but have omitted superfluous information which does not describe the development. The application is accompanied by a location plan and photographs which, although not scaled drawings, indicate the level and extent of groundworks for which permission is sought. I have determined the appeal scheme based principally on these documents.

Main Issue

4. The main issue is the effect of the development on the living conditions of neighbouring occupants, with particular regard to outlook and privacy.

Reasons

5. The appeal site is occupied by a two-storey detached dwelling situated within a residential estate. The property features a modest rear garden which backs onto similarly sized gardens located to the rear of Nos 14 and 15 Raphael Avenue. These gardens are separated from one another by timber fences and trellises. The dwellings at Nos 14 and 15 are sited at a lower level to the appeal dwelling and their rear gardens slope up towards the appeal site.

6. The appeal development in part comprises groundworks within the previously sloping rear garden of No. 5 St. Michaels Way. I saw that concrete block stilts have been constructed near to the shared boundary with Nos 14 and 15 Raphael Avenue, with the remaining area infilled to create a levelled patio and garden composed of concrete, hardcore and soil. The concrete platform adjacent to the rear boundary has been constructed at a level moderately below the top of the fences bounding Nos 14 and 15. As a result, direct and close range views are available from the appeal site into the full extent of these adjacent rear gardens, with views also possible into ground floor rooms. Whilst I accept that views between these properties and the rear garden of the appeal site would previously have been possible, such views would have been neither as proximate nor extensive as those currently achieved. Consequently, the appeal development gives rise to a level of overlooking which unacceptably affects the privacy of neighbouring occupants.
7. The description of development confirms the appellant's intention to install a 1.8m fence, which would need to be substantially impermeable to attain an acceptable standard of privacy. The location of this fence is not confirmed in the appeal documentation, but I concur with the Council's view that locating it near to the rear boundary of the appeal site, where it would project well above the existing boundary fences, would afford it a dominance which would unacceptably overbear on the rear gardens and rear-facing ground floor rooms at Nos 14 and 15. To avoid this harmful effect the 1.8m fence would need to be set well into No. 5's garden, but in my view the consequent reduction in the available garden area would be likely to nullify the benefit of granting planning permission, and would be unacceptable as a result.
8. The appellant indicates that a 1.8m fence is no longer sought, with a dwarf wall and hedgerow proposed in its place. However, irrespective of whether neighbouring occupants are supportive of this, the Welsh Government's Development Management Manual confirms that there is no ability to make amendments to an application following an appeal being made against a Local Planning Authority's decision, except where the amendment corrects an error in the application and which does not affect the substance of the application. As the proposed 1.8m fence is a clearly described element of the planning application which goes to the heart of the scheme, I must determine the appeal on this basis. In any case, given the location and construction of the concrete block platform near to the shared boundary, I am not persuaded that the appeal development, in its present formulation, could accommodate landscaping of an extent and density which would acceptably mitigate existing overlooking or screen a 1.8m boundary fence.
9. The Council considers that the retaining structure is structurally sound, and I have no reason to find otherwise. However, neither this nor the other matters raised outweigh the identified harm caused by the appeal development, which could not be adequately overcome via mitigation. Consequently, I conclude that the appeal development conflicts with the objective of policy SP2 of the Bridgend Local Development Plan to avoid adverse effects on the amenity of neighbouring occupiers.

Conclusion

10. For the above reasons I conclude that the appeal should be dismissed. In reaching my decision, I have taken account of the requirements of the Well-Being of Future Generations (Wales) Act 2015 and consider that this decision contributes towards the well-being objective of building healthier communities and better environments.

Paul Selby, INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/06/21

gan **P J Davies, BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29/6/21

Appeal Decision

Site visit made on 11/06/21

by **P J Davies, BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 29/6/21

Appeal Ref: APP/F6915/A/21/3272433

Site address: Blackbridge Arabian Stud, Tylagwyn, Pontrhyl, CF32 8EJ

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 & Mrs Nick & Mair Arnold against the decision of Bridgend County Borough Council.
- The application Ref: P/19/861/FUL dated 14 November 2019, was refused by notice dated 5 October 2020.
- The development proposed is described as siting of a mobile timber ECO residential unit.

Decision

1. The appeal is dismissed.

Procedural Matter

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.

Main Issues

3. These are:
 - a) whether the proposal would comply with national and local planning policies relating to the countryside, having regard to character and appearance, and any other material considerations, and,
 - b) whether there is sufficient information regarding the means of sewage disposal having regard to public health and the environment.

Reasons

Whether the proposal would comply with national and local planning policies

4. For the purposes of the Bridgend Local Development Plan (LDP) the appeal site is outside any settlement boundary and within the countryside. PPW 11 advises that development should be located within and adjoining those settlements where it can

best be accommodated in terms of infrastructure, access, habitat and landscape conservation. It stipulates that new building in the open countryside away from settlements must continue to be strictly controlled¹. In conformity with PPW 11, LDP Policy ENV1 places strict control over new development in the countryside. It states that development may be acceptable where it is necessary for a number of reasons, including appropriate rural enterprises where a countryside location is necessary and the implementation of an appropriate rural enterprise project. Nonetheless, whilst it is evident that the appellants run a successful Arabian horse stud, no formal case for a rural enterprise dwelling has been put forward. Neither is there evidence that supports the locational need for the development under the other categories listed in Policy ENV1. The proposal therefore conflicts with LDP Policy ENV1.

5. LDP Policy SP2 requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. PPW 11 also recognises that the countryside is a dynamic and multi-purpose resource that must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value, and for its landscape and natural resources. Maximising environmental protection and limiting environmental impact is also a principal component of placemaking as set out in PPW 11.
6. The appeal site comprises part of a small paddock area adjacent to a stable block situated on an attractive wooded valley side. It is an isolated location with very little visual correlation with any settlement or group of buildings, and the site is clearly part of the countryside. The existing buildings are low height and simple in form with a function that is commensurate with the countryside. This gives the site a muted and informal appearance that allows it to blend into the rural setting.
7. Some details of the appearance and scale of the proposed Eco log unit have been provided. Whilst predominantly timber and demountable, it would have a distinctly domestic appearance with an array of glazed windows and doors and a formal entrance. It is likely that there would also be associated domestic paraphernalia such as outside drying lines and garden furniture, and there would be additional traffic from service and delivery vehicles. Moreover, the Eco unit comprises a large 3-bedroom structure that, relative to its currently subdued context, would introduce a significant mass of domestic form to the site. All of this would fundamentally change and urbanise the function and appearance of the site, with consequent adverse effects on the rural character of the area.
8. The case for the proposal is largely made on the need for accommodation to provide 24-hour care for horses and foals as part of an established and evidently very successful Arabian stud. It is acknowledged by the appellants that a permanent dwelling is unlikely to be favourably received and the appeal is reliant on the individual needs of the stud and the demountable nature of the unit. The appellants are also agreeable to a personal permission limiting occupation to themselves and requiring removal of the unit in the event the stud ceases to operate.
9. I am very mindful of the need to provide care for the horses. Foaling especially is a time when attendance on site is essential and I am sympathetic to the tragic circumstances that led to the loss of one of the horses. However, dwellings in the countryside require careful assessment. Much of the information that has been

¹ Paragraph 3.60 PPW 11

presented relies on an account of how the stud has developed and succeeded rather than any detailed and quantifiable analysis that demonstrates the need for the development against rural restraint policies. The absence of any compelling evidence in this regard is a factor that weighs heavily against this appeal. I have had regard to the supporting letters from other breeders and an equine vet explaining why living on site is important for horse breeding, but these do not provide tangible information directly related to the proposed development. In essence, they do not comprise the very robust evidence needed to justify a departure from established planning policies relating to the countryside.

10. Whilst the appellants are agreeable to a personal and/or occupancy condition, these should only be used where sound planning grounds can be demonstrated. I have found none in this case. The unit would be demountable, but it would still involve development in the countryside, and in any event the appellants' intentions for the site appear to be long term.
11. I conclude that the proposal would be contrary to LDP Policies ENV1 and SP2 and PPW 11. It would harm the character and appearance of the surrounding countryside, and there are no other material considerations that would outweigh this harm.

Sewerage

12. The appellants indicate that a cesspit would be used for foul sewage disposal. PPW 11 advises that where non mains sewage proposals are included in development applications, they should be subject to an assessment of their effects on the environment, amenity and public health in the locality. No such assessment has been provided. Furthermore, I do not know if other forms of sewage disposal have been considered in accordance with the hierarchical approach set out in Welsh Government Circular 008/2018 which sets out the planning requirements in respect of the use of private sewerage in new development. Without this information I am unable to conclude that the proposal would not have an adverse effect on public health or the environment. In addition, without establishing beforehand whether a cesspit or any other form of private sewerage disposal would be suitable, it would not be appropriate to impose planning conditions to secure such provision.

Other Matters

13. There is limited information that clearly sets out the access and parking arrangements albeit there would appear to be sufficient land within the ownership of the appellants to provide for parking and turning within the site. The access to the site is via a hardcore track that would be adequate for the demands of a single dwelling, bearing in mind that it is already used by vehicles accessing the stud. I do not therefore find this to be a determining issue in this appeal.

Conclusions

14. 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 as required by section 8 of the WCFG Act.
15. For the above reasons, and having regard to all matters raised, the appeal is dismissed.

P J Davies INSPECTOR