

**REFERENCE:** P/22/62/FUL

**APPLICANT:** Mr D Williams, 13 Pit Street, Maesteg CF34 0NF

**LOCATION:** Former Cwmdau railway sidings to east of Caer Gymrig  
Maesteg CF34 0JD

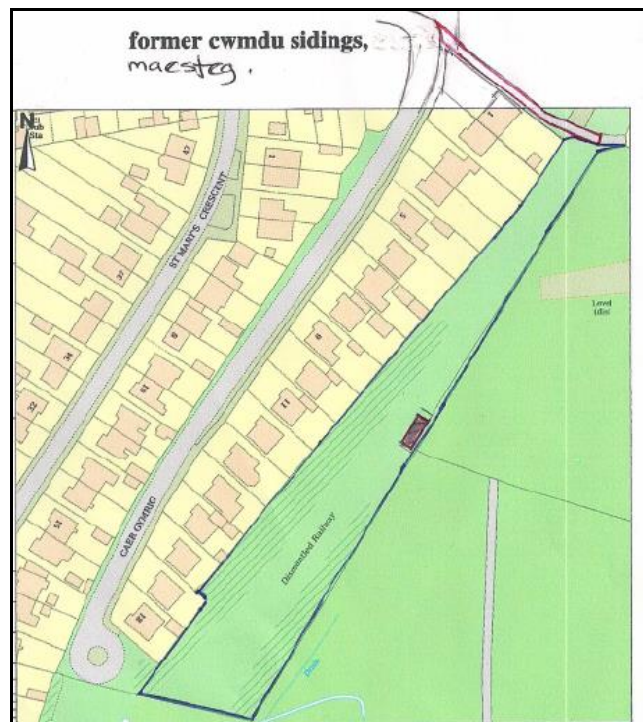
**PROPOSAL:** Stable block for 2 horses

**RECEIVED:** 26 January 2022

**SITE INSPECTED:** 4 April 2022

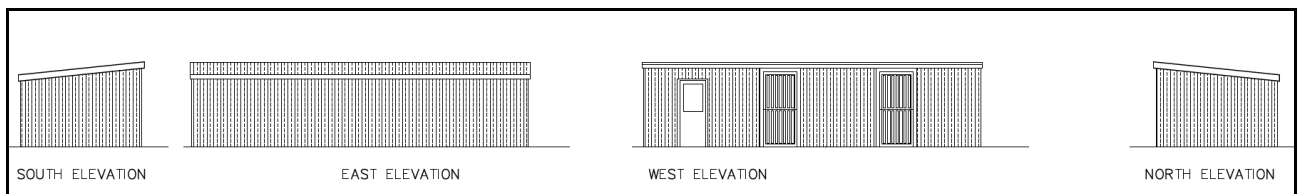
### DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

The application seeks full Planning permission for the erection of a stable block on land to the east of Caer Gymrig, Maesteg:



**Site Location Plan**

The stable block is proposed to be positioned on the eastern boundary of the application site, centrally located within the linear-shaped parcel of land. It will measure 10 metres in width, 3.6 metres in depth and 2.5 metres in maximum height and will comprise a lean-to structure as shown below:



**Proposed Elevations**

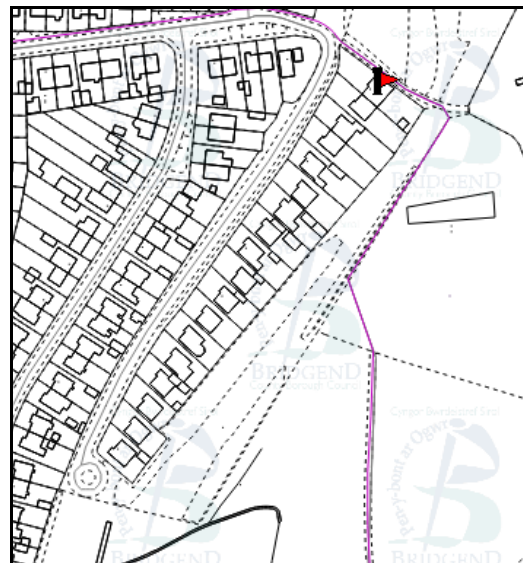
The stable block will principally face the west and will comprise two stables with one tack room/feed store. It will be finished in green plastic corrugated sheeting with timber doors.

### SITE DESCRIPTION

The application site lies within the countryside as defined by Policy PLA1 of the Local Development Plan (2013) and lies adjacent to the Main Settlement boundary of Maesteg.

It comprises a linear-shaped parcel of land to the rear (east) of properties along Caer Gymrig and forms a plateau set above the properties with rising land to the east.

The site is accessed via a five-bar gate on its northern boundary, off a single width access lane which also forms Public Right of Way YMAE39 Maesteg. The Public Right of Way runs along the eastern side boundary, as shown in purple below:



**Public Right of Way**

The site can be characterised as semi-rural in nature, surrounded to the west by residential properties and to the north, east and south by open countryside. The land slopes relatively steeply eastwards forming a mountainside.

The properties which border the western boundary of the site are single storey dormer bungalows which face the west with amenity space to the rear, as shown below:



**Google Street View Image of Caer Gymrig**

## **RELEVANT HISTORY**

No relevant Planning history.

## **CONSULTATION RESPONSES**

**CONSULTEE**  
**Town Council**  
4 March 2022

**COMMENTS**  
No concerns raised.

**Transportation Officer (Highways)** No objection subject to conditions  
12 May 2022

**Land Drainage** Recommends the inclusion of a planning condition and  
16 March 2022 informative notes.

**Dwr Cymru/Welsh Water** No objection.  
25 February 2022

**The Coal Authority** No objection.  
23 February 2022

## **REPRESENTATIONS RECEIVED**

The application has been advertised on site and directly to seven of the nearest neighbouring properties. The period allowed for response to consultations/publicity expired on 10 March 2022.

A total of three objections have been received from the occupiers of the properties known as 8, 9 and 10 Caer Gymrig, Maesteg. The contents of the objections are outlined below.

### Infestation of Rodents

Concerns are raised in respect of the increase in rodents caused by the grazing of horses on the land.

### Nuisance

The residents have previously experienced instances of Anti-Social Behaviour on the land to the rear of Caer Gymrig from youths. Concern is raised that the horses and stable block will attract youths to the land and cause problems relating to Anti-Social Behaviour.

### Drainage

The increase in person/s visiting the horses on the land together with the introduction of a new building raises concerns about drainage and water run-off from the mountainside.

### Privacy

The introduction of a stable block and people using the land to see to the horses will result in overlooking into the rear of properties along Caer Gymrig. The position of the stable block is too close to the rear of the properties.

The trees and vegetation along the western site boundary have been removed resulting in an increase in visibility between the properties and the proposed stable block.

### Visual Amenity

The stable block will introduce an unsightly feature which will damage the character of the area.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by local residents. Factors to be taken into account in making planning decisions must be planning matters that is they must be relevant to the proposed development and use of land in the public interest.

The matters raised by residents which refer to the infestation of rodents is not a material consideration in the determination of this Planning application. The Planning system

should not be used to secure objectives which are more appropriately achieved under other legislation such as Prevention of Damage by Pests Act 1949 (as amended). The matters raised are not addressed further in the consideration of the proposed development.

In addition, it is noted that residents raised concerns about Anti-Social Behaviour previously experienced. The concerns are noted however, they cannot be considered as material to the determination of this Planning application. Any form of noise which emanates from the application site or wider mountainside is difficult to control/limit in Planning terms given that the applicant is not responsible for the behaviour of persons who use the Public Right of Way adjoining the site or mountainside further to the east. Whilst the impact of the development on residential amenity will be considered in the appraisal section of the report, the objections raised in respect of Anti-Social Behaviour will not be addressed further as they are not matters which can be controlled through the Planning process and should be raised with the Police.

The matters raised which relate to neighbour and visual amenity as well as drainage are addressed in the appraisal section of the report.

## **RELEVANT POLICIES**

### Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary Planning guidance are relevant:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy ENV1</b>	Development in the Countryside
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy ENV9</b>	Development in Mineral Safeguarding Areas

<b>Supplementary Planning Guidance 17</b>	Parking Standards
<b>Supplementary Planning Guidance 19</b>	Biodiversity & Development

### National Policies

In the determination of a Planning application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

#### **Future Wales – the National Plan 2040**

##### **Planning Policy Wales Edition 11**

<b>Planning Policy Wales TAN 5</b>	Nature Conservation and Planning
<b>Planning Policy Wales TAN 6</b>	Planning for Sustainable Rural Communities
<b>Planning Policy Wales TAN 12</b>	Design
<b>Planning Policy Wales TAN 18</b>	Transport

#### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act

in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

### **THE SOCIO ECONOMIC DUTY**

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

### **APPRAISAL**

This application is referred to the Development Control Committee to consider the objections received from local residents.

The key considerations in the determination of this application are the impact of the development on the visual amenities of the area, the impact on neighbour amenity and highway and pedestrian safety.

### **PRINCIPLE OF DEVELOPMENT**

The Planning system manages the development and use of land in the public interest contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015, and as stated in paragraph 1.2 of Planning Policy Wales (Edition 11, February 2021) (PPW11).

Planning Policy Wales Technical Advice Note 6 (July 2010) entitled Planning for Sustainable Rural Communities advises that Local Planning Authorities must “protect and enhance the natural and historic environment and safeguard the countryside and open spaces”.

The application site is located within the countryside as designated by Policy PLA1 of Local Development Plan (2013) which defines the countryside as land outside of the designated settlement boundaries. It states at paragraph 4.1.9 of Local Development Plan (2013) that “the countryside should be protected for its own sake (i.e. for its beauty, landscape quality, natural resources, and its agricultural, ecological, geological, physiographic, historical, archaeological and recreational value)”. Therefore, development in the countryside “will be strictly controlled” and the Policy will not be set aside lightly in the interests of maintaining the integrity of the countryside.

Policy ENV1 states that development in the countryside should benefit the rural economy whilst maintaining or enhancing the environment. It stipulates that all development will be strictly controlled but may be acceptable where it is necessary for the following:

- 1) Agriculture and/or forestry purposes;
- 2) The winning and working of minerals;
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;
- 4) The implementation of an appropriate rural enterprise/farm diversification project;
- 5) Land reclamation purposes;
- 6) Transportation and/or utilities infrastructure;
- 7) The suitable conversion of, and limited extension to, existing structurally sound buildings where the development is modest in scale and clearly subordinate to the original structure;
- 8) The direct replacement of an existing dwelling;
- 9) Outdoor recreational and sporting activities; or
- 10) The provision of Gypsy Traveller accommodation.

The development is considered to be compliant with criterion (9) of Policy ENV1 as by its very nature it requires and would benefit from being located within a countryside location. The proposed development is therefore considered to be compliant with Policy ENV1 of the Local Development Plan (2013) and is acceptable in principle.

### **DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA**

Notwithstanding the above, the aim of Policy ENV1 is to protect the integrity of the open countryside and prevent inappropriate forms of development. In order to ensure the development does not damage the visual amenities of the area, the proposal is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates 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”.

According to criterion (3) of Policy SP2, design should be of the highest quality possible and should be appropriate in scale, size and prominence. The stable block is considered to be modest in terms of its size and scale and is of a typical design for a building of this nature in a countryside setting. It is positioned along the eastern boundary of the application site, centrally located along the linear-shaped parcel of land and will have a slight prominence in the wider landscape when viewed from the mountainside to the east and access lane to the north.

Its introduction is not considered to be so damaging to the visual amenities of the area to warrant a refusal of Planning permission on such grounds and on balance, the stable block is considered to be of an appropriate size, scale and prominence.

The building is proposed to be finished in green plastic corrugated sheeting with timber doors. The materials proposed are traditionally found within countryside locations and given the position of the stable block as proposed, they are not considered to be so detrimental to the character and appearance of the area to warrant a refusal on such grounds.

Given its overall height, size and position, the proposed stable block is considered to be an appropriate form of development in this location, in accordance with Policy SP2 of the Local Development Plan (2013). The design of the building and its intended finish is considered appropriate within the surrounding context of the countryside and as such, the proposal is considered to be acceptable from a visual amenity perspective.

### **NEIGHBOUR AMENITY**

Notwithstanding the fact that the introduction of a stable block in this location is generally considered to be acceptable in visual amenity terms and will not cause a significant harm



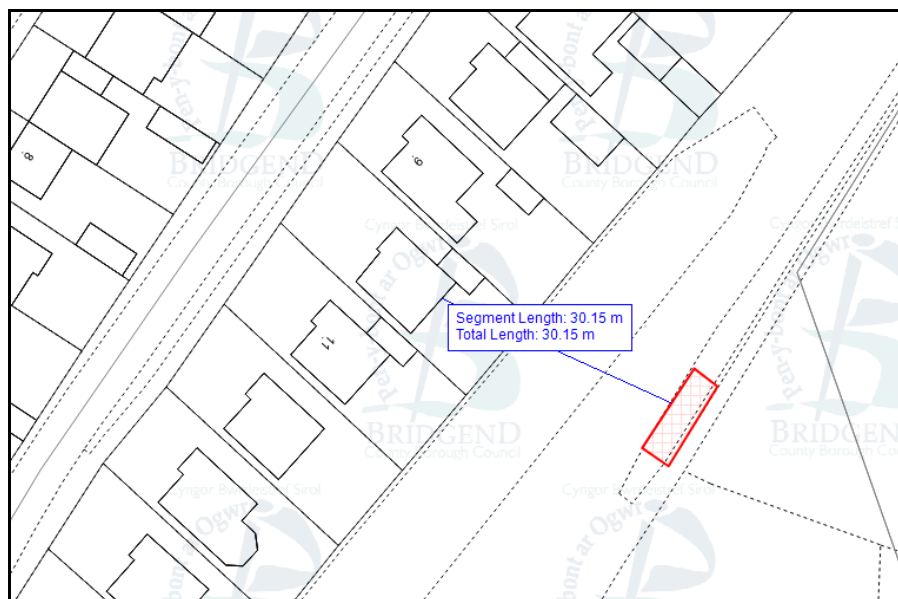
to the existing character or appearance of the area, regard must be given to residential amenity.

Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that “placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”.

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals.

Whilst guidance contained within Supplementary Planning Guidance Note 02 Householder Development (SPG02) refers specifically to the design of extensions and alterations to detached, semi-detached or terraced houses and bungalows, its principles are considered to be applicable in this case. Paragraph 4.6.1 of SPG02 states that “a sense of privacy within the house and a freedom from overlooking in at least part of the garden” should be aspects of residential amenity which should be protected when considering new forms of development.

The stable block is proposed to be located to the rear of the properties known as 9, 10 and 11 Caer Gymrig, Maesteg. Guidance contained within SPG02 stipulates that the minimum distance to be provided between directly facing habitable room windows should be 21 metres to protect the existing levels of amenity. In this case and whilst acknowledging that the proposal is for a stable block and not a residential dwelling, the distance provided between the properties is 30.15 metres at its closest point:



**30.15 metres provided between proposed stable block and residential properties**

Given the distance provided between the proposed stable block and the residential properties together with the topography of the land, it is considered that the existing levels of privacy experienced by occupiers of the nearest properties will not be detrimentally impacted to the extent that would warrant a refusal of the Planning application on such grounds.

Given the above, the development is considered to be acceptable in this regard and will not damage or cause harm to the existing levels of privacy or amenity afforded to the occupiers of neighbouring properties.

## **HIGHWAY SAFETY**

Turning to the consideration of highway safety. Initially, the Highway Authority raised concerns that the proposal would increase vehicle movements along the substandard lane by keeping horses in the application site however, it was noted that the applicant could keep horses in the field without the benefit of Planning permission thereby generating traffic along the access lane in that instance.

The consideration of this application in highway safety terms is therefore whether the stables themselves would materially increase vehicle movements to the extent that would be harmful to highway and pedestrian safety. The Highway Authority considers that the stable block would not cause harm in this respect.

The applicant has also confirmed which properties have access along the private lane which is this site and the main farmhouse at the end of the track. Therefore, it is considered that the proposal will not materially intensify the vehicle movements along the track to the detriment of highway safety.

It is noted that the track is also a Public Right of Way and therefore to ensure that any vehicles linked to the proposal site move quickly off the private lane as well as access and egress in a forward gear it is requested that the gates are set back into the site.

In addition, the Highway Authority has requested the imposition of a condition which requires the removal of the stable block in the instance that the stabling of horses should cease to ensure that a further assessment can be made in the instance that a future occupier should use the approved structure on this site for anything other than the stabling of horses. Whilst this request is noted, it is not considered to be necessary or reasonable, as any future Planning application to alter the size or use of the stable block will be assessed at that time.

Subject to the imposition of a planning condition which requires the entrance gates into the site to be set back, the scheme is considered to be acceptable in highway and pedestrian safety terms.

## **DRAINAGE**

Criterion (13) of Policy SP2 of the Local Development Plan (2013) states that development should incorporate "appropriate arrangements for the disposal of foul sewage, waste and water".

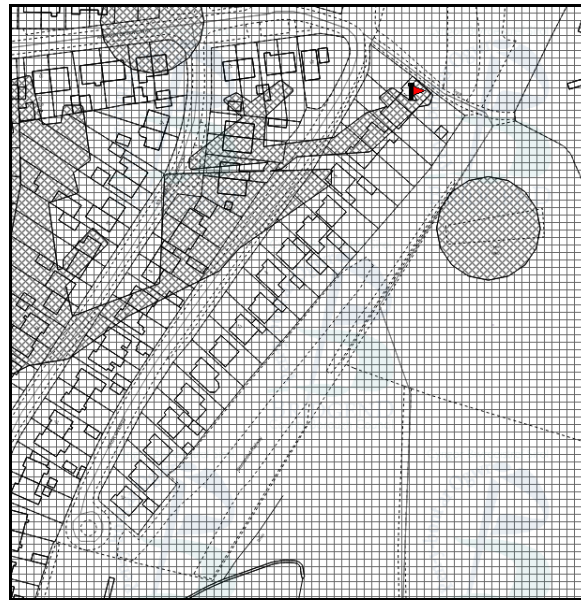
Concerns have been raised by local residents about existing levels of water run-off which may be exacerbated by the proposed development.

The Land Drainage Officer has reviewed the proposed development and considers that subject to the imposition of a Planning condition which requires the submission of a scheme for the comprehensive and integrated drainage of the site, the proposed development is acceptable from a land drainage perspective in accord with criterion (13) of Policy SP2 of the Local Development Plan (2013).

## **THE COAL AUTHORITY**

The Coal Authority records indicate that the Development High Risk Area, defined by The Coal Authority, marginally intersects the north-eastern site boundary, as shown below:





**Development High Risk Area**

Accordingly, as the developable area lies outside of the defined High Risk Area, the Coal Authority raised no objection to the proposed development. Subject to the inclusion of an informative note, the application is considered to be acceptable in this regard.

### **CONCLUSION**

Having regard to the above and notwithstanding the objections raised in this case, it is considered that, on balance, the proposed introduction of a stable block on land to the east of Caer Gymrig is acceptable and the application is recommended for approval.

The stable block will not damage the visual amenities of the wider semi-rural area nor will it cause harm to the existing levels of privacy or amenity afforded to the occupiers of the neighbouring occupiers. In highway safety terms, the development is considered to be acceptable subject to the inclusion of the recommended planning condition and no concerns are raised in respect of water drainage.

### **RECOMMENDATION**

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following drawings:-
  - Site Location Plan received on 11 April 2022
  - Plans & Elevations as Proposed AB1/1/22 received on 26 January 2022

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

2. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how surface water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use of the stable block hereby approved commencing.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

3. The entrance gates into the site shall be set back not less than 10 metres from the nearside edge of carriageway.

Reason: To allow towing vehicles to move clear of the access lane when entering the site in the interests of highway and pedestrian safety.

4. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

Having regard to the above and notwithstanding the objections raised in this case, on balance it is considered that the proposed introduction of a stable block on land to the east of Caer Gymrig is acceptable and the application is recommended for approval. The stable block will not damage the visual amenities of the wider semi-rural area nor will it cause harm to the existing levels of privacy or amenity afforded to the occupiers of the neighbouring occupiers. In highway safety terms, the development is considered to be acceptable subject to the inclusion of the recommended Planning condition and no concerns are raised in respect of water drainage.

In order to satisfy Condition 2, the following supplementary information is required:

- Provide a surface water drainage layout for the development
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location.

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None