

REFERENCE: P/22/171/FUL
APPLICANT: Mrs C Roblin 14 Cwrt y Coed, Brackla, Bridgend, CF31 2ST
LOCATION: 14 Cwrt y Coed Brackla CF31 2ST
PROPOSAL: Retention of static caravan as annex to dwelling
RECEIVED: 8 March 2022
SITE INSPECTED: 5 May 2022

DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

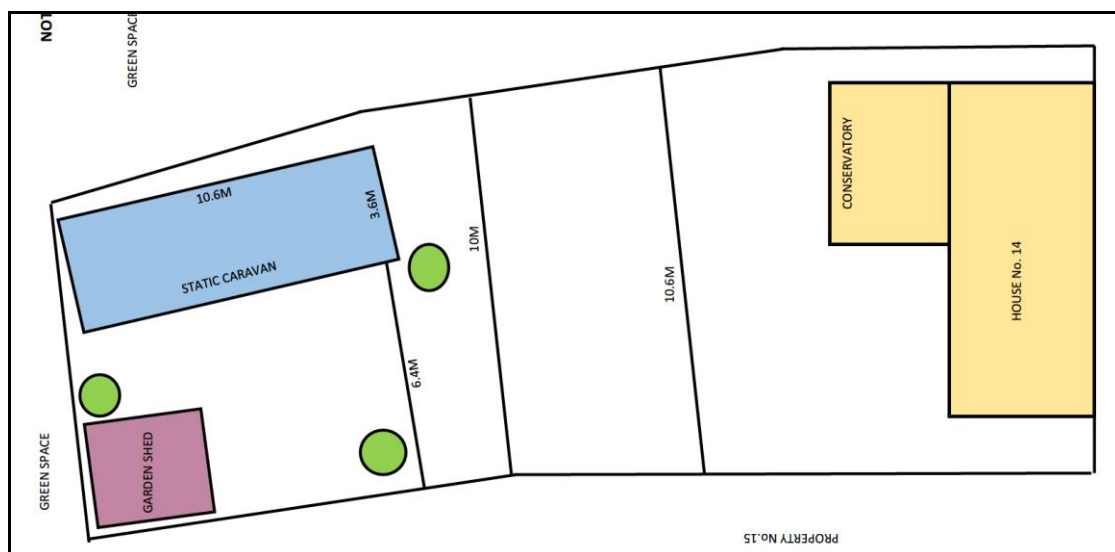
Full planning permission is sought for the retention of a static caravan positioned at the rear of the dwelling known as 14 Cwrt y Coed, Brackla.

The static caravan was sited in December 2021 and measures 10.6 metres in length, 3.6 metres in width and 3.4 metres in maximum height.



Photograph of static caravan

It comprises an open-plan kitchen/dining/living space with two bedrooms, one ensuite shower room and a bathroom. It is positioned in the north western corner of the application site as shown:

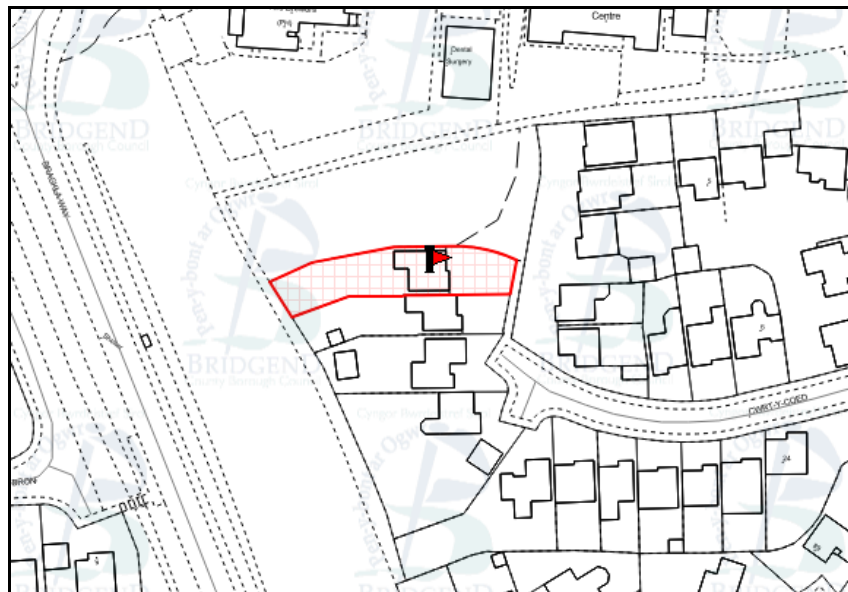


Application Site Layout

The caravan is proposed to be accessed via the existing side entrance to the property off the private driveway, through the rear garden. It is used as an annex to the main property and is occupied by the elderly parents of the homeowners, who require extra care due to them not being able to care for themselves. For example, hot meals are provided to the elderly parents by the occupiers of the main dwelling, and help is also provided for washing/bathing. The occupiers of the caravan are unable to live independently and are heavily reliant upon the occupiers of the main dwelling for their day-to-day needs such as the washing of clothes, changing beds and washing/bathing.

SITE DESCRIPTION

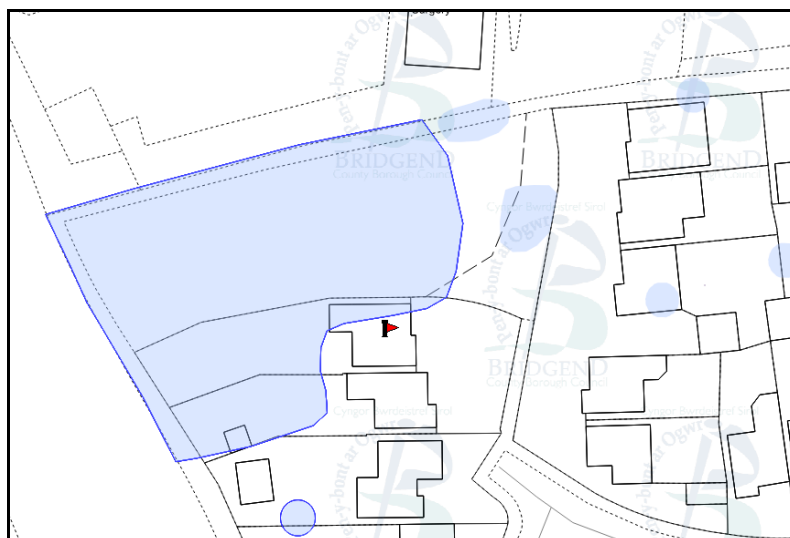
The application site is located within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the adopted Local Development Plan (2013). It comprises a large residential plot accessed off a private driveway off Cwrt y Coed, as shown below:



OS Map Extract of Application Site

The dwelling is positioned relatively centrally within the residential plot and principally faces the east with off-street car parking provided to the front. The land to the rear of the property (west) provides private garden space which is generally flat in nature.

The rear of the dwelling is identified as an area within Ogwr Borough Council's (1985) Tree Preservation Order No 16, identified in blue below:



Extent of TPO

The property itself is two storeys and has a mix of facing brick and painted render elevations with a concrete tiled roof. It sits within a residential area where properties are predominantly two storey and detached and of a similar design and appearance, finished in the same materials.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
T/99/29/TPO	Removal of deadwood 10 trees, crown lift 24 trees and felling 16 small trees	Unconditional Consent	05/08/1999
T/04/51/TPO	25% crown reduction/prune to remove storm damaged limbs	Conditional Consent	11/08/2004
T/06/53/TPO	Dismantle and cut to ground level 1 x Ash tree	Conditional Consent	30/11/2006
T/10/34/TPO	Various works to various trees	Unconditional Consent	27/09/2010
T/10/35/TPO	Various works to various trees	Conditional Consent	27/09/2010
T/10/54/TPO	6m crown reduction to Ash tree & 25% crown reduction to Oak tree.	Consent	16/11/2010
T/21/32/TPO	No 14-reduce canopy of 1 x ash tree by 25-30%, fell 4 x hawthorn trees and replace with different species; No 15-reduce canopy 1 x oak tree by 25-30%, reduce canopy 1 x ash tree by 25-20%, crown raise 2 x horse chestnut trees, reduce side branches, fell	Withdrawn	15/09/2021
T/21/45/TPO	No 14-reduce canopy of 1 x ash tree by 25-30%, fell 4 x hawthorn trees and replace with different species; No 15-reduce canopy 1 x oak and ash trees by 25-30%, crown raise 2 x horse chestnut trees, reduce side branches, fell 1 x hawthorn tree	Conditional Consent	22/09/2021

CONSULTATION RESPONSES

CONSULTEE

Brackla Community Council
25 April 2022

COMMENTS

Objects to the development.

Land Drainage
5 April 2022

No objection subject to the imposition of the recommended informative notes.

Dwr Cymru/Welsh Water
6 April 2022

No objection.

REPRESENTATIONS RECEIVED

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations expired on 25 April 2022.

A total of six letters of support have been received from the following properties:

10 Cwrt y Coed, Brackla
12 Cwrt y Coed, Brackla
13 Cwrt y Coed, Brackla
15 Cwrt y Coed, Brackla
16 Cwrt y Coed, Brackla
11 Cwrt y Coed, Brackla
21 Cwrt y Coed, Brackla

One letter of support raises a query about the reinstatement of the boundary treatment along the northern boundary of the application site. This is addressed in the appraisal section of the report.

Two letters of objection have been received from the occupiers of numbers 6 and 7 Cwrt y Coed, Brackla, as well as from Brackla Community Council. The objections are reiterated below.

Communal Green Space

Concerns are raised that the communal green space to the north of the application site, known locally as 'Lavender Field', is being used by the applicant as part of their private garden space. Access to the static caravan is also gained from the green space, and not from the existing access point to the rear garden.

Brackla Community Council state in their consultation response that the removal of the boundary fence *gives the impression of being an extension of the Applicants property*. It is stated that the boundary fence will need to be *replaced in their original position once the future of the static caravan has been decided*. Concerns are also raised about access to the static caravan, as the users of the caravan are currently using the green space to access the caravan, rather than the access point from the property itself.

Visual Amenities

The caravan is not in keeping with the residential area and is unsightly.

Brackla Community Council state that the introduction of the caravan has *an adverse impact on the local character, distinctiveness, and landscape character especially as this caravan is also visible from Brackla Way*.

History of Application Site

Brackla Community Council raise concerns that the Conditions imposed upon consent reference T/21/45/TPO have not been complied with.

COMMENTS ON REPRESENTATIONS RECEIVED

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 following observations are provided in response to the objections raised by local residents and Brackla Community Council:

Communal Green Space

Having undertaken a site visit, it is clear that the static caravan is sited entirely within the boundary of the property known as 14 Cwrt y Coed, and does not extend into the

communal green space to the north of the site. The objections raised regarding the use of the land to the north by the applicants as part of their private garden space are therefore not addressed further in the determination of this application.

The boundary fence was removed in order to site the caravan, and is yet to be replaced as the applicant is awaiting the outcome of the planning application. To address the concerns raised and if the application is recommended for approval, a condition will be imposed requiring the applicant to reinstate the boundary treatment within 2 months of the date of consent.

Access to the caravan is currently gained from the north of the application site, as the ground is flat and the existing access to the rear garden from the front driveway is a different level to the driveway. Firstly, the reinstatement of the boundary fence will prevent the occupiers of the caravan from entering the site from the north. And secondly, the applicant has confirmed that the existing side access to the property will be the only external access point to the caravan as if planning consent is granted, works will be undertaken to level the access point so that it is wheelchair accessible.

Visual Amenities

The matters raised which relate to visual amenity are addressed in the appraisal section of the report.

History of Application Site

Brackla Community Council have raised an objection to the development on grounds that Conditions imposed upon consent reference T/21/45/TPO have not been complied with. The proposal (T/21/45/TPO refers) comprised the undertaking of a variety of works within the gardens of two adjoining properties at 14 and 15 Cwrt y Coed, Brackla Bridgend. Works at number 14 included the following:

- Reduce the canopy of Ash tree by 25-30% to allow more light into the garden
- Repeat works carried out in application dated 2010 (T/10/34/TPO and T/10/35/TPO refer)
- Fell four Hawthorn trees.

The proposed works were consented on 22 September 2021 subject to the following condition:

Four replacement trees shall be planted at 14 Cwrt y Coed of such a species and in such a position as must first be agreed with the Local Planning Authority and the agreed planting scheme shall be undertaken within the next planting season following the felling of the existing Hawthorn trees. Should the replanted trees either die or fail to thrive within 5 years they are to be replaced with a tree similar to that originally planted.

Reason: In order to ensure the future amenity value of the tree in the landscape and to safeguard the character and appearance of the area.

To date, a scheme has yet to be submitted to the Local Planning Authority for assessment. However, the Condition does not stipulate a timeframe in which the scheme must be submitted to the Authority, only that it must be submitted and agreed prior to undertaking the replanting. The applicant is therefore not considered to be in breach of this condition, and the matter is considered to have been addressed. No further consideration of this matter will be undertaken within the appraisal section of this 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:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health

Supplementary Planning Guidance 2	Householder Development
Supplementary Planning Guidance 7	Trees and Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	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

Planning Policy Wales TAN 5

Nature Conservation and Planning

Planning Policy Wales TAN 10

Tree Preservation Orders

Planning Policy Wales TAN 12

Design

Planning Policy Wales TAN 18

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 two of the neighbouring properties as well as Brackla Community Council.

The key considerations in the determination of this application are the impact of the development on the visual amenities of the area, as well as the impact on residential amenity.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) states that "residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use."

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle. However, whilst the area of land is accepted as an area which is capable of redevelopment in principle in accordance with Policy COM3 of the Local Development Plan (2013), consideration must be given to the importance of placemaking in decision making.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking and considers the development and its associated benefits as a whole, rather than as a physical boundary.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

Having accepted that the land is capable of development in principle, the details of the scheme fall to be 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". Design should be of the highest quality possible, and should be appropriate in scale, size and prominence".

Planning Policy Wales (Edition 11, February 2021) states at paragraph 3.9 that "the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations".

The static caravan is located within the rear garden area of the property known as 14 Cwrt y Coed, Brackla. It lies to the south of a communal green space and is within an area of the rear garden which is heavily wooded with the presence of protected trees. The key consideration in the determination of the acceptability of the caravan's siting is its impact upon the character and appearance of the surrounding residential area.

In general terms, and in consideration of the aforementioned policies, the siting of the static caravan to the rear of the host dwelling is acceptable. When viewing the property from the front, the caravan is not visible, and when viewing from the communal green

space to the north, its presence is minimal, as shown below:



View of Caravan from Communal Green Space to North

Currently, the boundary treatment has been removed. With its reinstatement, the caravan will be less visible from public vantage points and on balance, is not considered to be so detrimental to the character and appearance of the wider area to warrant a refusal of planning permission on such grounds.

In consideration of the scheme as a whole, and with regard to the context of the application site, the proposed retention of the static caravan at the rear of the dwelling is considered to be acceptable in visual amenity terms, and subject to the imposition of a planning condition which requires the retention of the boundary fence, will not detract from the character or appearance of the wider residential area to the extent that would warrant a refusal of planning permission on such grounds. The proposed development is therefore considered to be compliant with Policy SP2 of the Local Development Plan (2013) and is compliant with the guidance contained within SPG02.

SEMI-INDEPENDENT ACCOMMODATION

Notwithstanding the above, regard must also be given to guidance contained within Supplementary Planning Guidance Note 02 *Householder Development* (SPG02), which 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, as Note 5 states that “an extension offering semi-independent accommodation should not form a separate dwelling unit and should be designed so that it can easily re-integrate into the original house”.

Paragraph 4.5.1 of SPG02 notes that a common reason for extensions and annex’ is the need to accommodate elderly relatives in need of care and states that the Authority will try to consider such proposals favourably, provided that the proposed development does not form a separate dwelling.

In this case, the internal layout of the static caravan comprises an open-plan kitchen/dining/living space with two bedrooms, one ensuite shower rooms and a bathroom. It could be lived in as a separate unit of accommodation, given that it provides ample provision for basic living such as cooking, washing and toilet facilities.

In this case, given the personal circumstances of the occupiers (that they cannot live independently of the main dwelling and are reliant upon the occupiers of the main dwelling

for basic day-to-day needs) it is considered that the static caravan is solely used in connection with and with reliance upon the main dwelling. In addition, the owner of the main property has confirmed that the caravan is sharing services such as water and gas with the main dwelling and with the reinstatement of the boundary treatment along the northern boundary of the application site, cannot be accessed separately.

To ensure that the Authority retain effective control over the application site, it is considered necessary to impose planning conditions which restrict the static caravan to being ancillary only. This is to ensure that if the personal circumstances of this case change, and the static caravan is occupied by person/s who are not reliant upon the main dwelling, the Authority must ensure the development does not cause harm to the visual and residential amenities, privacy of neighbouring occupiers and highway safety. It is also considered necessary to restrict the development to being temporary, to ensure that the static caravan does not become a separate unit of accommodation immune from any future enforcement action.

NEIGHBOURING/RESIDENTIAL AMENITY

Notwithstanding the fact that the introduction of a static caravan in this location is generally acceptable and will not cause a significant harm to the visual amenities 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, and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

In respect of the impact of the development on neighbouring properties to the south of the application site, the static caravan is positioned 6.4 metres away from the southern boundary, with a maximum height of 3.4 metres. Whilst there are windows in the side elevation of the caravan, it principally faces the east, towards the rear elevation of the main property. The existing boundary treatments combined with the distance provided between the static caravan and the rear elevations of the properties to the south, are considered, on balance, to protect the privacy of neighbouring occupiers. The retention of the static caravan is not considered to be so detrimental to the existing levels of amenity afforded to neighbouring occupiers to the extent that would warrant a refusal on such grounds and the proposal is considered to be acceptable in this respect.

Note 8 of SPG02 refers to residential amenity, and states at paragraph 5.1.1 that “while an individual may accept a window box as sufficient garden space, the County Borough Council believes that, generally, there should be a reasonable private outdoor area for enjoyment of the present and future households”. All types of development proposals “should leave an adequate garden area for private use around the house”. Whilst the static caravan is positioned in the rear garden area of the property known as 14 Cwrt y Coed, the property benefits from a relatively large amenity space, which is not considered to be compromised as a result of the siting of the caravan. The rear amenity space will be shared and the proposal is therefore considered to be compliant with Note 8 of SPG02.

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 to the extent that would warrant a refusal of planning

permission on such grounds. The scheme is therefore considered to be compliant with guidance contained within SPG02 and criterion (12) of Policy SP2 of the Local Development Plan (2013).

HIGHWAY SAFETY AND PARKING PROVISION

Policy PLA11 of the adopted Local Development Plan (2013) stipulates that all development will be required to provide appropriate levels of parking, in accordance with the adopted parking standards.

Note 9 of SPG02 states that “off-street parking should be available to meet the County Borough Council’s guidelines for a dwelling of the size after extension” and stipulates that the parking requirement for houses equates to 1 space per bedroom, up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space, unless it is within a garage. Supplementary Planning Guidance Note 17 *Parking Standards* (SPG17) stipulates that “garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m”.



Front of Dwelling and Driveway

The property requires provision for three off-street car parking spaces, plus an additional space for the static caravan (annex). As shown in the photograph above, the front driveway provides sufficient space for the provision of three vehicles, together with the integrated garage. It is therefore considered that sufficient off-street car parking provision is provided at the application site, and the scheme is therefore compliant with Note 9 of SPG02 and Policy PLA11 of the Local Development Plan (2013).

CONCLUSION

Having regard to the above, and notwithstanding the objections raised, this application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the existing property, street scene or wider area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities to warrant a refusal on such grounds.

The concerns raised by the neighbours and Brackla Community Council are acknowledged, however, in this case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds, and the application is therefore recommended for approval.

On balance, it is considered reasonable to grant Planning consent in this instance subject to the imposition of a Planning condition which restricts the consent to being temporary and which requires the removal of the static caravan and associated paraphernalia by 31 December 2025.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following plans:
 - Site Location Plan received on 22 March 2022
 - Site Layout Plan received on 8 March 2022

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

2. The static caravan shall only be used for purposes incidental and ancillary to the enjoyment of the dwellinghouse, known as 14 Cwrt y Coed, Brackla, as shown on the Site Location Plan received on 22 March 2022, and for no other purpose whatsoever including the carrying out of a trade, business or holiday accommodation.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retain effective control over the use of the property.

3. The static caravan shall only be occupied by Mrs Beryl Wynn Roblin and Mr Stephen William Roblin.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retains effective control over the use of the land.

4. The caravan hereby permitted shall be removed from the site on or before 31st December 2025 and the land shall be restored to its original condition as part of the garden serving 14 Cwrt y Coed. If the static caravan ceases to be occupied prior to 31st December 2025, the caravan hereby permitted shall be removed from the site within one month of occupation ceasing and the land restored to its original condition.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retains effective control over the use of the land in the interests of protecting the residential amenities of the area.

5. Within 2 months of the date of consent, the boundary treatment along the northern boundary of the application site (2 metre high vertical timber fence) shall be reinstated and the boundary treatment shall thereafter be retained in perpetuity.

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

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

Having regard to the above, and notwithstanding the objections raised, this application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the existing property, street scene or wider area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities to warrant a refusal on such grounds.

The concerns raised by the neighbours and Brackla Community Council are acknowledged, however, in this case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds, and the application is therefore recommended for approval.

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 applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None