

## **APPEALS**

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

<b>APPEAL NO.</b>	CAS-01997-N2P6M0 (1955)
<b>APPLICATION NO.</b>	P/22/143/FUL
<b>APPELLANT</b>	MR R DAVIES
<b>SUBJECT OF APPEAL</b>	CONSTRUCT GARDEN ROOM TO REAR GARDEN: 16 SHELLEY DRIVE BRIDGEND
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The development, by reason of its scale, siting, design and elevated form, represents an incongruous and overly prominent addition to the property having a detrimental impact on local visual amenities, contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 11, 2021).
2. The development, by reason of its siting, scale and design, has an unreasonably dominant, overlooking and imposing impact on neighbouring residential properties, particularly No. 14 Shelley Drive, to the detriment of the residential amenities enjoyed by the occupiers of neighbouring properties. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), the principles of Supplementary Planning Guidance 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 11, 2021).

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<b>APPEAL NO.</b>	CAS-02071-B9C1R9 (1960)
<b>APPLICATION NO.</b>	P/22/195/FUL
<b>APPELLANT</b>	MR G MORGAN
<b>SUBJECT OF APPEAL</b>	REMOVAL OF EXISTING ROOF; ROTATION OF ROOF PITCH; INCREASE OF ROOF PITCH; TWO NEW PITCHED ROOF DORMERS TO FRONT; FLAT ROOF DORMER EXTENSION TO REAR: 15 ANGLESEY WAY PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed extension, by reason of its design, scale and siting, results in an incongruous and highly prominent alteration to the appearance of the dwelling that is not in keeping with the character of the residential area to the detriment of the visual amenities of the street scene. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within SPG02: Householder Development (Notes 11 and 14).

<b>APPEAL NO.</b>	CAS-02071-B9C1R9 (1970)
<b>ENFORCEMENT NO.</b>	ENF/186/20/ACK
<b>APPELLANT</b>	MR G MORGAN
<b>SUBJECT OF APPEAL</b>	UNTIDY LAND: FORMER PUMP HOUSE HEOL FAEN MAESTEG
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT

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**The following appeal has been decided since my last report to Committee:**

<b>APPEAL NO.</b>	CAS-01667-X6V3G0 (1943)
<b>APPLICATION NO.</b>	P/21/772/FUL
<b>APPELLANT</b>	C SHILLIBIER
<b>SUBJECT OF APPEAL</b>	RETENTION OF NEW AGRICULTURAL TRACKWAY USING WIDENED ACCESS: TY ISAF FARM, SHWT
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED

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

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**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 07/07/22

gan C MacFarlane BSc(Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion  
Cymru

Dyddiad: 23/09/2022

## Appeal Decision

Site visit made on 07/07/22

by C MacFarlane BSc(Hons) MSc  
MRTPI

an Inspector appointed by the Welsh  
Ministers

Date: 23/09/2022

**Appeal Ref: CAS-01667-X6V3G0**

**Site address: Ty Isaf Farm, Shwt, Bettws CF32 8UD**

**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 C Shillibier against the decision of Bridgend County Borough Council.
- The development proposed is new agricultural trackway using widened access.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have used the address given in the appeal form as accurately and concisely describing the site location.
3. The access has been widened and the trackway laid out, with the exception of a grassed central strip indicated on the cross-section plan and the proposed translocation of a section of hedgerow. I have therefore considered the appeal as partly retrospective.

### Main Issues

4. The main issues are:
  - i) Whether the proposal would be acceptable with regard to local planning policies restricting development in the countryside;
  - ii) The effect of the proposal on the character and appearance of the area;
  - iii) The effect of the proposal on highway safety; and
  - iv) The effect of the proposal on ecology.

## Reasons

### *Development in the countryside*

5. The appeal site forms part of a field in the countryside, as identified by the Bridgend Local Development Plan 2006-2021 (LDP). The proposal utilises an existing field access and the majority of the length of the track is positioned near to, and generally following, the field boundary that adjoins the highway. A cluster of properties is located to the east on the opposite side of the highway, with the land generally rising from the access point towards the farm complex at the northern end of the track. The surrounding area has a pleasant rural character, typified by agricultural land, hedgerows and trees, narrow highways and a scattered pattern of development.
6. In seeking to protect and maintain the integrity of the countryside, LDP Policy ENV1 restricts development in these areas to certain exceptions where it is necessary, including for agricultural purposes. The proposal is presented as being necessary for the efficient running of Ty Isaf Farm, by providing suitable access for larger, modern machinery and delivery vehicles. Reference is also made to the use of the access and track by other local farmers to access their land, and in facilitating wood deliveries to supply consented biomass boilers associated with the farm.
7. I observed during my site visit the constrained nature of the highway, due to its narrow width and geometry around the entrance to Ty Isaf Farm. Visibility is also restricted in places as a result of the road alignment and gradient. As such, I have little doubt that the proposal allows for easier manoeuvring of large vehicles and therefore represents a more convenient alternative for the appellant than the existing arrangements. However, the test in Policy ENV1 is whether the development is necessary.
8. Appendix 2 of the appellant's Grounds of Appeal outlines vehicle movements utilising the proposed track and access. However, it is unclear from the wording used whether this reflects movements that have already occurred or are anticipated to occur, or a combination of both. Also, the movements outlined as 'throughout year' have not been quantified, resulting in a lack of clarity around the exact number of vehicle movements. In any case, it is apparent that although the majority of vehicles listed have been identified as too large to use the existing highway and entrance, the function of most of these journeys has, to date, been carried out through the use of smaller vehicles making multiple trips, meaning most of the business requirements have been, or are, able to be fulfilled.
9. Whilst the appellant refers to economic efficiencies arising from the use of larger vehicles, and their importance in the future development of the farm and fuel security, there is a lack of detailed information provided to substantiate these comments. As such, it is not possible to ascertain the scale and importance of such matters in ensuring the ongoing running of the farm business. I note a letter has been provided by a feed supplier outlining the challenges in using the current highway and access but there is little to indicate that the current arrangement of delivering smaller loads could not continue in practice. I also note the letter from a neighbouring farmer who is using the access and track to gain entry to their land. Again, there is an absence of information to explain the necessity of such activity to the functioning of this other farm. Comments regarding difficulties faced by emergency services in using the existing highway are also general in nature, with a lack of evidence to indicate this is a realistic issue of concern.
10. Potential methods of improving the existing highway have been put forward by the Council, which the appellant considers are impractical or unachievable. Given the absence of detailed proposals and technical information, it is not possible to ascertain the

feasibility, or otherwise, of such suggestions. In any event, this would not address the lack of convincing argument presented to demonstrate that the use of the existing highway to access the farm, as has been occurring for a considerable length of time, could not realistically continue.

11. Overall, due to the lack of information before me, I consider that inadequate justification has been presented in support of the proposal, as required by Policy ENV1.

#### *Character and appearance*

12. Due to the considerable length of the track, its siting across rising ground and hard-surfaced design, along with the substantial increased width of the access, the proposal appears as a significant and highly visible addition to the landscape when viewed from the highway to the south. Although the inclusion of a grassed central area would break up the width of the track, the overall effect is the formalisation and urbanisation of the site, with the resultant erosion of its natural and undeveloped appearance that positively contributes to the attractive rural character of the area. Although the appellant states that such tracks are increasingly commonplace within the countryside, I have not been provided with any specific examples, nor did I note any of a similar design that influence the visual context of the appeal proposal, during my site visit.
13. In conclusion, the proposal results in significant harm to the character and appearance of the area, thereby failing to comply with LDP Policies SP2 and ENV1 which seek to ensure development respects and enhances local character and distinctiveness and landscape character, and, where located in the countryside, has an appropriate scale, form and detail for its context.

#### *Highway safety*

14. The access point is located on a bend, with the highway rising and curving to the north, resulting in very limited visibility for vehicles using the access. Although the removal of approximately 15 metres of hedgerow is proposed in order to improve visibility, the drawings submitted lack sufficient technical detail to be confident that this would provide adequate visibility splays. I acknowledge the information provided that points to the highway being lightly trafficked, and that the proposal would result in some vehicles being displaced from the section of highway beyond the access point. However, given its wider and formalised nature, and intended use by other farms in the area, the proposal would also result in a greater level of use of the access when compared to its previous nature as a standard field access that would typically accommodate a small number of vehicle movements. As such, the proposal would create an intensification of vehicle use within an area of constrained visibility, with a consequential risk of conflict between vehicles, pedestrians and other road users. I note that visibility for drivers of larger vehicles may be greater than for other types of vehicles due to their raised position. However, the use of the track and access would not be restricted solely to those larger vehicles, therefore this would not be a reliable or suitable means of ensuring adequate visibility.
15. I therefore conclude that the proposal would cause significant harm to highway safety and would not comply with LDP Policy SP3, which seeks to ensure all development promotes safe, sustainable and healthy forms of transport, and improves road safety. The Council also refers to Policy SP2, although the nature of this conflict is unspecified. In any case, this does not alter my finding that the proposal would conflict with the development plan due to its failure to accord with Policy SP3.

## *Ecology*

16. The widened access has resulted in some loss of hedgerow, with further removal of approximately 15 metres required to achieve the necessary visibility splays. Whilst the Council did not request further information on ecological impacts due to its objections to the principle of the proposals, this concern has been articulated through its officer report and reasons for refusal.
17. Given the lack of detailed information on the methods and effect of the removal and proposed translocation of a substantial length of hedgerow, I consider a precautionary approach to be appropriate in this instance. I do not consider the use of a planning condition to secure these details to be appropriate, as to do so would prevent proper consideration of matters that could be determinative in the acceptability of the proposal.
18. I am therefore unable to conclude that the proposal would not cause significant harm in respect of ecology and would fail to comply with LDP Policy ENV6, which requires developments to retain, conserve, restore and enhance hedgerows wherever possible, and where not possible to provide suitable mitigation or compensatory measures.

## **Other Matters**

19. The Council's final reason for refusal refers to surface water drainage. Schedule 3 of the Flood and Water Management Act 2010 makes the provision of Sustainable Drainage Systems (SuDS) a mandatory requirement for all new developments, with the majority of new developments requiring SuDS approval. SuDS Schemes must be approved by the SuDS Approval Body (SAB) before construction work begins. The appellant contends the proposal would not require SAB consent based on another development that has taken place. However, the limited details I have been provided with appear to indicate fundamental differences in the type of development considered. As such I am unable to conclude that this provides an example against which meaningful comparisons could be drawn. Therefore, from the evidence before me, it appears that the scheme would require SAB consent. As matters relating to providing a sustainable drainage system are controlled under other statutory provisions, it would not be appropriate for me to these duplicate controls, and I am satisfied that the matter can be addressed by these other provisions.
20. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

## **Conclusion**

21. For the reasons given above, the appeal is dismissed.

*Claire MacFarlane*

INSPECTOR