

Appeals

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

APPEAL NO.	CAS-03313-V4X5J4
APPLICATION NO	P/22/700/FUL
APPELLANT	MR M WALDRON
SUBJECT OF APPEAL	Change of use and conversion of the existing barn to a single residential property: Land off Dyffryn Madoc Maesteg
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposal, by reason of its countryside location, constitutes an unjustified and inappropriate form of development outside of the defined settlement boundary, which would detract from the site's rural appearance and the character of the surrounding countryside. The proposal is therefore contrary to Policy ENV1 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
2. The proposed development, by reason of its design, scale and materials, would be out of keeping with what would be expected of a traditional dwelling house design in the open countryside, having a detrimental visual impact on the landscape character of this countryside and rural location contrary to Policies ENV1 and SP2 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance SPG02: Householder Development together with and advice contained within and Technical Advice Note 12: Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
3. The proposed development is situated in a remote, unsustainable location that is not accessible by a range of different transport modes and will overly rely on the use of the private motor vehicle. The proposal is therefore contrary to Policy SP2 and Policy SP3 of the Bridgend Local Development Plan (2013), and advice contained within Technical Advice Note (TAN) 18 – Transport (2007), Planning Policy Wales (Edition 11, February 2021), Future Wales – the National Plan 2040 (Feb 2021), Active Travel (Wales) Act 2013 and Wellbeing of Future Generations (Wales) Act 2015.
4. Insufficient information has been submitted with the planning application to allow a full and comprehensive assessment of the impact of the development on the biodiversity and ecology characteristics of the site contrary to Policies ENV6 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

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

APPEAL NO.	CAS-02897-L2J7K9 (1992)
APPLICATION NO.	ENF/97/20/ACK
APPELLANT	MR GARETH RICHARDS
SUBJECT OF APPEAL	UNAUTHORISED USE OF LAND: LAND ADJACENT TO BRYN LLEFRITH FARM MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHELD.

The Appeal Decision is attached as Appendix A.

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Appeal Decision

by Vicki Hirst BA(Hons) PG Dip TP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/06/2024

Appeal reference: CAS-02897-L2J7K9

Site address: Land at Bryn Llefrith Farm, Maesteg, Bridgend, CF34 0TN

- The appeal is made under section 217 of the Town and Country Planning Act 1990 as amended (the Act).
 - The appeal is made by Mr Gareth Richards against a maintenance of land notice issued by Bridgend County Borough Council.
 - The maintenance of land notice was issued on 19 June 2023.
 - The requirements of the notice are: Remove and keep removed the containers including but not limited to the two containers at the entrance to the caravan storage area, the two containers within the caravan storage area, the green container in the field adjacent to the caravan storage area from the land shown red on the plan; Remove and keep removed, the vehicles including but not limited to the cars, vans, lorries, abandoned caravans and trailers currently in the caravan storage area and the digger/dumper from the land shown red on the attached plan; Remove and keep removed, the waste materials including but not limited to tyres, aggregates / road planings, metal and plastic barrels, slates, slabs, skips, wood, plastics, builder's rubble, traffic cones, tarpaulin, plastic fencing, household waste, plastic buckets, builder's bags, window frames, plastic sheeting, plastic boxes, bags of concrete, children's play equipment, cooker, ladders, motorbikes, wooden boards, push bikes etc. from the land shown red on the attached plan.
 - The period for compliance with the requirements is within 2 months of the day on which the Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 217 (d) of the Town and Country Planning Act 1990 as amended.
 - A site visit was made on 21 May 2024.
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Decision

1. The appeal is dismissed, and the maintenance of land notice is upheld.

Procedural Matter

2. The Council issued the maintenance of land notice, under Section 215 of the Act on the basis that the amenity of a part of their area is adversely affected by the condition of the

land/ building in question. The appellant has only appealed on ground (d), that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed. I have therefore confined my considerations to the ground (d) appeal only.

The appeal on ground (d)

3. The appellant's case under this ground is that due to his various health issues the period of 2 months is insufficient to meet the requirements of the notice. Furthermore, he would like to submit a planning application to regularise some of the concerns identified in the notice. 2 months is not considered sufficient to achieve this and a period of 6 months is sought.
4. From the photographic evidence before me and from my own observations on site, it would appear that a number of vehicles, skips and some of the items listed in the notice have been removed. However, a number of caravans, the containers, several vehicles, and a large quantity of waste materials remain on the site.
5. The appellant states that despite the reference to abandoned caravans in the notice, all caravans stored on the site have paid an annual rent and are authorised to be on site by virtue of the planning permission granted for the storage of caravans (LPA Ref: P/07/1038/FUL). Notwithstanding, from my own observations on site, a number of those on the site were in a poor condition and appeared to be in need of considerable repair and maintenance. In my assessment these caravans are contributing to the condition of the land that is adversely affecting the amenity of the area resulting in the issuing of the subject notice.
6. The appellant has not defined the planning application he would be making although the Council states that an application for an access track has been received (but is on hold) and no application for the caravan site to regularise the imported materials has been received. It appears from the history of contact with the Council which commenced during the pandemic and has been ongoing that there have been opportunities for further discussions and applications to be made. Whilst I am sympathetic to the appellant's ongoing health conditions, I am not persuaded that action could not have been taken to progress matters further through, for example, engaging others to assist with planning applications.
7. It is also not clear what purpose many of the items listed in the notice would be used for in the event that a further planning application was forthcoming. It seems to me that many of the items would be superfluous to any access track or other works in association with the storage of caravans.
8. In respect of clearance of the site, and taking account of the appellant's health conditions, I have no reason to believe that a contractor with the necessary machinery and vehicles could not be arranged to clear the site within the 2 months specified for compliance. No other grounds of appeal have been made and the requirements to clear the land have been known to the appellant for some time.
9. I conclude that the specified timeframe is an adequate amount of time for compliance to address the identified harm and the appeal on ground (d) therefore fails.

Conclusion

10. I have taken into account all other matters raised. For the above reasons I dismiss the appeal and uphold the notice.
11. 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. I consider that this decision is in

Ref: CAS-02897-L2J7K9

accordance with the Act's sustainable development principle through its contribution towards one of more of the Welsh Minister's well-being objectives.

VK Hirst

INSPECTOR