

Appeals

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

APPEAL NO.	2020
APPLICATION NO	P/24/2/OUT
APPELLANT	MR P EVANS
SUBJECT OF APPEAL	Outline planning application for one block of 2 bedroom apartments (with approval for access) and highway improvement works: Parcel B Land North of Underhill Cottages Tondu Road Bridgend
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The appeal is against the non-determination of this planning application.

APPEAL NO.	2019
APPLICATION NO	P/23/647/FUL
APPELLANT	MR T CADOGAN
SUBJECT OF APPEAL	PARTIAL DEMOLITION OF GARAGE AND CONSTRUCTION OF TWO STOREY REAR EXTENSION TO PROVIDE A FAMILY ROOM AND UTILITY TO THE GROUND FLOOR AND 2NO. BEDROOMS TO THE FIRST FLOOR; CREATE 1NO. ADDITIONAL PARKING SPACE TO FRONT AND EXTEND DROPPED KERB: 98 YR YSFA MAESTEG
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its siting, scale and design, would constitute an inappropriate and unsympathetic form of development that would unbalance and dominate the appearance of the established pair of semi-detached properties resulting in an unacceptable impact on the character of the host dwelling to the detriment of the existing visual amenities of the locality. As such, the proposal is considered contrary to Policy SP3 of the Bridgend Local Development Plan (2024), the principles of SPG2 - Householder Development (2008) and Technical Advice Note 12 Design (2016), and advice contained within Planning Policy Wales (Edition 12, 2024).
2. The proposed two-storey side/rear extension, by reason of its siting, scale and design, would have an unreasonably overbearing impact on the neighbouring residential property, 96 Yr Ysfa to the detriment of the residential amenities enjoyed by the occupiers of that property. The proposal is therefore contrary to Policy SP3 of the Bridgend Local Development Plan (2024) and the principles of Supplementary Planning Guidance 02: Householder Development (2008) and Planning Policy Wales (Edition 12, 2024).

APPEAL NO.	2021
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APPLICATION NO	P/24/21/FUL
APPELLANT	CARHYS
SUBJECT OF APPEAL	1NO. SINGLE STOREY BUNGALOW: LAND TO THE SIDE OF 1 GER Y BONT BRIDGEND
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its siting and design, represents an inappropriate form of development, which fails to provide future occupants with an appropriate and acceptable level of amenity, in terms of the outlook from the proposed dwelling, contrary to Policy SP3 of the Bridgend Local Development Plan, 2024, the principles contained within Supplementary Planning Guidance 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 12, February 2024).
2. The proposed fencing adjacent to the access of the development, by reason of its scale, orientation and design, would have an excessively dominating impact on the outlook of 1 Ger Y Bont, resulting in a significant loss of residential amenity contrary to Policy SP3 of the Local Development Plan (2024), Supplementary Planning Guidance Note 02 Householder Development and Paragraph 2.7 of Planning Policy Wales (Edition 13, February 2024).

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

APPEAL NO.	2012
APPLICATION NO	P/24/93/FUL
APPELLANT	MR & MRS A EVANS
SUBJECT OF APPEAL	RETENTION OF EXISTING DETACHED OUTBUILDING FOR JOINT USE AS ANCILLARY USE TO EXISTING DWELLING AND PART-TIME USE AS HAIR & BEAUTY SALON: 9 PYLE ROAD PYLE
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

The Appeal decision is attached as **APPENDIX A.**

APPEAL NO.	2018
APPLICATION NO	P/24/489/OUT
APPELLANT	R HILL
SUBJECT OF APPEAL	OUTLINE APPLICATION FOR A PAIR OF SEMI-DETACHED

DWELLINGS: LAND AT SYCAMORE CLOSE LITCHARD
BRIDGEND

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

The Appeal and costs application decisions are attached as **APPENDIX B.**

APPEAL NO.	2017
APPLICATION NO	P/22/651/RLX
APPELLANT	SUNNYVALE HOLIDAY PARK
SUBJECT OF APPEAL	REMOVAL OF CONDITION 3 (OCCUPATION LIMITS) OF P/19/911/RLX: LAND AT MOOR LANE PORTHCAWL
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.

The Appeal decision is attached as **APPENDIX C.**

APPLICATION NO	CAS-03529-X4T0G9 (2013)
APPELLANT	M BACON
SUBJECT OF APPEAL	RETENTION OF OUTBUILDING TO SIDE OF DWELLING: 3 LLWYN COCH BRIDGEND CF31 5BJ
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	COMMITTEE
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

The joint Appeal decision is attached as **APPENDIX D.**

APPLICATION NO	CAS-03530-T4G6Q9 (2014)
APPELLANT	M BACON
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED EXTENSION: 3 LLWYN COCH

BRIDGEND CF31 5BJ

PROCEDURE

WRITTEN REPRESENTATIONS

DECISION

ENFORCEMENT NOTICE

DECISION

THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO
DETERMINE THIS APPEAL DIRECTED THAT THE
ENFORCEMENT NOTICE BE UPHELD.

The joint 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)



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/01/2025

Appeal reference: CAS-03571-Q7N2B2

Site address: 9 Pyle Road, Pyle, Bridgend CF33 6AE

- 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. and Mrs. A Evans against the decision of Bridgend County Borough Council.
 - The application P/24/93/FUL, dated 19 February 2024, was refused by notice dated 22 April 2024.
 - The development is described as the 'retention of an existing detached outbuilding within the residential curtilage of the 9 Pyle Road dwelling for joint use as (1) ancillary use to existing dwelling and (2) part-time use as a hair and beauty salon operated by an occupier of the 9 Pyle Road dwelling'.
 - A site visit was made on 29 November 2024.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on: the character and appearance of the surrounding area; and highway safety with particular regard to parking provision and the safe and efficient operation of the highway network in the vicinity of the appeal site.

Procedural Matter

3. The development has been completed; therefore, retrospective planning permission is sought under Section 73A(2)(a) of the Town and Country Planning Act 1990.

Reasons

Character and Appearance

4. The appeal site is a semi-detached property located along Pyle Road. It occupies a prominent corner plot with significant frontage, next to the busy road junction with Marlas Road and Ffald Road and near to several commercial uses. The properties on the same side of Pyle Road as the appeal site share a consistent architectural style and building line. The appeal property's corner position together with its side garden, enclosed by a hedge, provides a gap in the built form which disrupts its visual continuity with these

properties, and it is seen more readily as part of the built form framing the road junction. Due to the mix of commercial and residential properties with varying architectural styles and building lines around the junction, it lacks a cohesive character and has a fragmented and varied streetscene.

5. The outbuilding has an irregular shape and, although positioned within the side garden, it sits partially forward of the appeal property. It is in close proximity to the public footway along Pyle Road, separated from it by a limited set back and the boundary conifer hedge. Due to its significant width, it results in built form almost spanning the entire frontage, filling the gap, stopping just short of the driveway. Whilst it is single storey, it projects above the existing boundary gates and wall. Due to the outbuilding's width, height and position, it is a substantial structure that dominates the appeal property plot and is prominent when viewed from Pyle Road in both directions. As a result, and notwithstanding the diverse local context, it appears as a disproportionately large domestic outbuilding which is a discordant feature in the streetscene. Whilst I note the appellants intend to retain the hedge which I acknowledge offers some screening of the outbuilding, its obtrusive form nonetheless remains visible from the public realm through gaps either side of it.
6. I note the appellants made a pre-application enquiry, initially considering the proposal was permitted development and it may well be that the Council were aware of the outbuilding prior to the planning application. Neither of these factors, however, are relevant to the planning merits of the proposals, nor do they imply it is acceptable.
7. I conclude the proposal would be harmful to the character and appearance of the surrounding area contrary to the Bridgend Local Development Plan (LDP) Policy SP3 which, amongst other things, requires developments to have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and being appropriate to its local context. The proposal would also be contrary to the Supplementary Planning Guidance 02: Householder Development which advises that outbuildings should not normally be in front of the house, nor should they dominate the existing property.

Highway Safety

8. There is limited information relating to how the hairdressing and beauty salon (the salon) would operate, e.g. the number of appointments and whether they would overlap, amongst other things. The salon would, however, have limited floorspace and I note that it is intended to be run solely by the appellants' daughter. As such, I consider that the intensity of the use would be low and the number of clients at the salon at one time would be limited. Furthermore, the proposed operating hours could be subject to a condition, compliance of which could be monitored from the public highway, if necessary.
9. In addition to this, the appeal property is in a sustainable location, directly adjacent to the Pyle District Centre as defined by LDP Policy ENT6. I observed bus stops along Pyle Road and Marlas Road a short walking distance from the appeal property and there is satisfactory footway infrastructure in the local area. This persuades me that there is a reasonable prospect that some clients would choose sustainable modes of transport to travel to the salon rather than rely on the private car. Taking these factors together with the intensity of the use, and in the absence of evidence to the contrary, I find that the demand for car parking would be limited. This would be consistent with the Council's Supplementary Planning Guidance 17: Parking Standards which broadly supports lower parking provision in sustainable locations.

10. Although some identified parking locations in the appellant's case do not offer realistic long-term parking opportunities, there is some unrestricted on-street parking identified a short walking distance from the appeal site. Whilst only a snapshot, I observed on my site visit that Marlas Road had ample unrestricted parking capacity due to its carriageway being split by a green space as well as many properties having off-street parking. This indicates to me that any parking demand generated by the appeal scheme could be adequately accommodated on street a short distance away. I therefore find it unlikely that clients would spend considerable time searching for a space in the time restricted commercial bays on Pyle Road or choose to pavement park when alternative parking on a less heavily traffic road is available nearby.
11. Notwithstanding the Welsh Government's response to the Pavement Parking Task Force report, I do not find the two photographs presented by the Council, one from over ten years ago, each indicating one vehicle parked on the pavement near the commercial bays on Pyle Road, to be compelling evidence there is a significant pavement parking issue in the area which would be exacerbated by the proposals. I note the parking related complaints received by the Council and their assertions that there are alternative vacant business premises with off-road parking, however, limited information in this regard has been provided. I have, therefore, given these factors limited weight in my assessment.
12. The appellants do not dispute that the existing appeal property driveway access is unauthorised. The proposal does not seek planning permission for the access; therefore, its acceptability is not before me and the appellants state it would not be used in conjunction with the salon. Notwithstanding my findings on car parking, the appeal property driveway is likely to be the preferred location for clients to park, being immediately adjacent to the salon and off-road. I have not, however, seen anything to suggest meaningful measures would be implemented to prevent salon clients attempting to access the driveway, aside from the appellants stating they would turn them away, which could have highway safety implications.
13. I have reservations relying on the Council's road traffic accident data given the limited details provided and the significant time period it covers. Notwithstanding this, the main parties agree Pyle Road is a busy route which aligns with my observation of continuous vehicular and pedestrian activity during my mid-morning, weekday site visit outside of peak times. Any vehicles turned away from the appeal property would need to reverse onto Pyle Road. Notwithstanding traffic flows, this would be particularly hazardous given the proximity of the signal-controlled junction as well as drivers' attention having to consider cars potentially turning towards the commercial parking bays opposite. Noting the access has no dropped kerb, it would also pose a risk to pedestrians who would unlikely be expecting cars to mount the pavement to gain access to the appeal property. Given parking demand would be limited I accept access attempts would not transpire frequently, particularly by returning customers. Nonetheless, if they were to occur, the potential risk of conflict between vehicles and pedestrians would be significant due to existing conditions on this part of Pyle Road together with its considerable traffic and pedestrian movements. This risk could not be overcome by a personal planning permission, since this would not satisfactorily prevent potential access attempts. A condition requiring the gates to remain closed would be challenging to enforce because if vehicles did access the driveway, it would be difficult to ascertain if they were related to the salon or the appeal property.
14. Whilst I am satisfied that parking demand could be adequately accommodated on-street in accordance with LDP Policy PLA11 which requires all development to be served by appropriate levels of parking in accordance with the adopted SPG on parking standards, I

conclude the proposal would have a harmful impact on the safety and efficient operation of the highway network in the vicinity of the appeal site. This would be in conflict with LDP Policy SP3 which, amongst other things, requires development to promote connections within and outside the site to ensure efficient access for all.

Other Matters

15. I recognise the proposal's benefits to the appellants, including enabling their daughter to run the home salon business and the ancillary accommodation the outbuilding provides to them and their family, including their grandson. Nevertheless, I consider that the scope of these benefits would be limited and not reliant on the scheme design before me. These factors do not, therefore, outweigh the identified harm.

Conclusion

16. I have had regard to the other matters raised, including in relation to the site's position outside a defined retail or commercial centre, but none alters my conclusions. For the reasons given above I therefore 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. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

L. Hughson-Smith

INSPECTOR



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/02/2025

Appeal reference: CAS-03742-Y0C1L1

Site address: Land at Sycamore Close, Litchard, Bridgend, CF31 1QS

- 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 Richard Hill against the decision of Bridgend County Borough Council.
 - The application Ref P/23/489/OUT, dated 24 July 2023, was refused by notice dated 9 August 2024.
 - The development proposed is a pair of semi-detached dwellings.
 - A site visit was made on 15 January 2025.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal relates to an application for outline planning permission with all matters reserved. The submitted drawings are indicative and set out the scale and parameters of the proposal. I have determined the appeal on that basis.

Application for Costs

3. An application for costs has been made by Richard Hill against Bridgend County Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - ecology and biodiversity;
 - whether the proposal makes adequate provision for surface water drainage;
 - whether the development would pose a potential hazard arising from ground instability;
 - highway safety, having particular regard to construction traffic; and

- the living conditions of future occupiers.

Reasons

Character and appearance

5. The appeal site is located within the urban boundary in a residential area where development is generally considered acceptable. It comprises a steeply sloping area forming part of a wider woodland adjacent to the head of a cul-de-sac. The trees within the site are subject to a Tree Preservation Order. Owing to the number of trees within the site, and as it forms part of a wider area of woodland, the appeal site significantly contributes to the pleasant verdant character of the cul-de-sac, in an otherwise built-up area.
6. Planning Policy Wales (PPW) recognises that trees make, amongst other things, an essential wider contribution to landscape character and states that trees that contribute to the character or amenity of a particular locality must be protected. PPW also advises that the permanent removal of trees should only be permitted where it would achieve significant and clearly defined public benefits.
7. Although the application is in outline with all matters reserved, the indicative plans show a development that would be similar in scale and appearance to the existing properties in the cul-de-sac and would have comparable site levels with the garden of the adjacent dwelling, No. 22. Nevertheless, a group of protected trees would be lost to make way for the proposed development. This, together with the introduction of built form and the potential substantial retaining structures, would significantly erode the verdant character of the site and would harm the character and appearance of the area. Whilst the harm I have identified would be limited to the end of the cul-de-sac, this would not lessen the harm and is not a reason to allow an unacceptable development.
8. Although the indicative plans show that scale and appearance of the proposed building may be acceptable, this does not represent a significant public benefit and does not outweigh the harm that would be caused through the loss of these trees. Further, I do not consider that replacement planting or the submission of a landscaping scheme as part of the reserved matters would mitigate the visual impact of the proposed development.
9. The appellant states that the proposed development has addressed the Inspector's concerns in the previous appeal for a single storey split level dwelling and double garage (Ref: APP/F6915/S/15/3140007). Whilst this may be the case in relation to the likely scale and appearance of the proposal, in dismissing the appeal, the Inspector also stated that the proposal would intrude harmfully into an attractive area of woodland, an issue which, having regard to my findings, has not been overcome.
10. I conclude that the proposed development would be harmful to the character and appearance of the area, contrary to the placemaking objectives of Policy SP3 of the Bridgend County Borough Local Development Plan (LDP) and PPW.

Ecology and biodiversity

11. PPW aims to protect and enhance habitats and biodiversity and to improve the overall resilience of ecosystems through a step-wise approach, and by ensuring the delivery of net benefits for biodiversity. It recognises the importance of trees and woodlands for biodiversity. In this regard it requires at least 3 trees of a similar type and size for every one lost. Policy 9 of Future Wales (FW) also seeks to ensure that developments provide a net benefit in biodiversity. Policies DNP6, DNP7 and DNP8 of the LDP are consistent with the objectives of PPW and FW.

12. As stated above, the proposed development would result in the loss of a number of mature trees within a wider broadleaved woodland. I note that some of the trees to be felled are subject to Ash-dieback. Nevertheless, the Tree Constraints Plan categorises the woodland within the appeal site, and beyond its boundaries, as having moderate quality and value (category B). The Tree Survey also recognises that as a whole it provides a valuable arboricultural feature and wildlife habitat within an otherwise densely populated residential area. Furthermore, the Site Survey Assessment (SSA) states that the trees are considered to be of at least local value for biodiversity.
13. The Arboricultural Impact Assessment shows some additional native ornamental tree planting, some on land within the appellant's control, and some outside. However, only 9 replacement trees are proposed and owing to the small area of land in the appellant's control, and as it forms part of a woodland, I am not persuaded that the compensatory tree replacement as required by PPW could be achieved. Consequently, I do not consider that a condition to require a scheme of compensatory tree planting would be appropriate and therefore the proposal fails to demonstrate that it would provide appropriate compensatory planting in line with PPW.
14. In these circumstances, I cannot be sure that a scheme of improvements or further enhancements to the land within the appellant's control or the proposed biodiversity enhancements as set out in the SSA, would secure a net benefit in biodiversity. As such, a condition securing the proposed biodiversity enhancements would not be sufficient to overcome the harm caused by the felling of the trees.
15. I note the Inspector's comments in relation to the site's wildlife habitat in the previous appeal. Nevertheless, this decision was prior to the changes to national policy relating to the requirement for all developments to provide a net benefit in biodiversity.
16. I conclude that the proposed development would be harmful to ecology and biodiversity interests, contrary to Policies DNP6, DNP7 and DNP8 of the LDP and the objectives of PPW and FW.

Surface water drainage

17. The Council are concerned about the ability of the development to meet sustainable drainage (SuDS) requirements due to the constrained nature of the site and the ground conditions. PPW advises that the provision of SuDS should be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. It advises that in guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area.
18. Although the appellant states that they are proposing a SuDS system which would be submitted at the reserved matters stage, no information has been submitted indicating how they envisage a SuDS scheme could be designed on the site. I recognise that the application is submitted in outline only, nevertheless, given the topographical and geological constraints of the site, and in the absence of any evidence to the contrary, I cannot be certain that the site could be adequately drained in accordance with sustainable development principles without harm to the consideration of design and tree retention. It would therefore be contrary to the objectives of Policy SP3 of the LDP.

Ground instability

19. Owing to the site's characteristics and the indicative cross sections, it is likely that a significant amount of earthworks would be required to facilitate the development. I note the content of the Geotechnical Assessment of Ground Conditions, which includes the

conclusion that there are no signs of slope instability and that there are no geotechnical problems that would hinder the development. It also concludes that the bedrock will be largely self-supporting and the retaining walls required in the design are entirely feasible. It also addresses the Inspector's concerns in the previous appeal in relation to potential previous use of the site as a landfill.

20. Whilst the report makes it clear that further work is required for the detailed design of retaining structures, I am satisfied that, in the absence of any evidence to the contrary, a suitably worded condition could require the submission of full details and structural calculations for approval to ensure that the stability of the site, and surrounding land including Heol-Y-Groes, is not compromised.

Highway safety

21. Although the cul-de-sac is narrow, it has sufficient width for vehicles to pass each other. It also has a turning circle at the end to enable vehicles to easily turn. The cul-de-sac is accessed off the spine route of Heol-Y-Groes which provides good access to the wider highway network beyond.
22. I have no doubt that increase in vehicle movements from the construction phase of the development would cause some disruption within the cul-de-sac and the wider highway network. Nevertheless, such disruption would be temporary, and I am satisfied that any such disruption could be minimised to an acceptable level by a condition requiring the submission of a Construction and Environmental Management Plan (CEMP) to control matters including sizes of construction vehicles, their potential routes, and the times of construction vehicles accessing the site.
23. For these reasons, I conclude that, subject to an appropriate condition requiring the submission of a CEMP had I allowed the appeal, the proposed development would be unlikely to result in significant harm to highway safety and would comply with the objectives of Policy SP3 of the LDP.

Living conditions

24. The Council does not have any advice in relation to minimum garden sizes, but they state that they encourage garden lengths of 10.5m. They acknowledge that this measurement is derived from the distance required to achieve back-to-back privacy. However, there are no dwellings to the rear of the appeal site and thus no privacy issues from the rear. Having regard to the indicative site layout and sections, I am satisfied that appropriately sized gardens could, with careful consideration to the detailed design of the proposal, be achieved without resulting in a confined living environment.
25. As the trees within the site would be removed, including some on the northern boundary, and owing to the orientation of the remaining trees, it is unlikely that the proposed dwellings and their gardens would be subject to such an extent of overshadowing that it would harm their living conditions. Similarly, whilst the steep bank in the rear garden would limit the amount of sunlight reaching the rear of the properties at certain times of the day, this would not be such that it would result in poor living conditions.
26. I note that in dismissing the previous appeal, the Inspector considered that the outside space for that proposal was substandard owing to the sloping nature of the site and the overshadowing by trees within the site. However, the appeal scheme differs from the previous scheme in that the proposal would result in the removal of the trees from within the site and there is the potential for appropriately sized gardens to be provided.
27. For these reasons, I find no reasons to believe that a scheme could not be designed in such a way that it would not have an unacceptable impact on the living conditions of

future occupiers. This would comply with the objectives of Policy SP3 of the LDP. However, although it would be possible to create satisfactory living conditions, this would be done at the expense of losing trees and this does not represent good design.

Other Matters

28. I have had regard to local representations raising issues including privacy, sewage and parking. However, I have no cogent evidence to suggest that the proposal would be unacceptable for any of these reasons.

29. I have had regard to the need to increase the supply of housing in the area. Nevertheless, any such contribution to the shortfall would be limited given that the proposal would only increase provision by two dwellings.

Conclusion

30. Although I have concluded that the site could be developed without having unacceptable impacts on ground instability, highway safety and the living conditions of future occupiers, this does not outweigh the harm to the character and appearance of the area, ecology and biodiversity and surface water drainage. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

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

H Smith

INSPECTOR



Costs Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/02/2025

Costs application in relation to Appeal Ref: CAS-03742-Y0C1L1

Site address: Land at Sycamore Close, Litchard, Bridgend, CF31 1QS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Richard Hill for a full award of costs against Bridgend County Borough Council.
 - The appeal was against the refusal of outline planning permission for a pair of semi-detached dwellings.
 - A site visit was made on 15 January 2025.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant raises procedural and substantive issues. From my reading of the submissions, these mainly focus on failure to seek additional information and refusing permission on a ground clearly being capable of being dealt with by way of condition. They also state that the Council failed to produce evidence to substantiate the impact of the proposal, not acted in a consistent manner, and refused a scheme that a Planning Inspector has previously indicated or determined to be acceptable.
4. In accordance with Article 3 of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012 (DMPO), as all matters were reserved, the application submissions included indicative plans showing information in relation to layout, scale and access. I agree with the Council that the submitted indicative plans and scale and parameters were sufficient to allow for determination of the application separately from all of the reserved matters, and therefore there was no need to seek additional information under the provisions of Article 3 (2) of the DMPO.
5. Outline planning permission is 'the planning permission' and therefore the Council needs to be satisfied that any matters relating to future considerations subject to conditions

could be adequately addressed. Although I disagreed with the Council and considered that matters relating to construction traffic and ground instability could be appropriately addressed by a condition, the reasons for refusing planning permission are clearly explained by the Council.

6. In any event, as the appeal submissions have not included additional evidence in relation to construction traffic, ground stability and surface water drainage, the applicant fails to demonstrate that they were subject to further expense to rebut these reasons for refusal. While costs may be claimed for the period before an appeal is made, those costs must be directly related to the appeal, such as preparing evidence and producing statements. Therefore unnecessary or wasted expense has not been demonstrated.
7. The Council have in the past permitted developments on sloping sites but there is no evidence to suggest that the cited developments have the same circumstances as the appeal proposal. The previous appeal decision was for a different scheme for full planning permission on a larger site and, as set out in my decision, the appeal scheme failed to address relevant issues raised by my colleague, such as the harmful intrusion into the woodland.
8. Whilst Councils are expected to determine applications in a timely manner, there is no evidence that the delay in the determining of the application resulted in any unnecessary or wasted expense for the applicant. Whilst other allegations have been made, there is no compelling evidence to substantiate these claims.
9. The applicant has drawn my attention to a court judgement *Paul Evans v Bridgend County Borough Council* [2024] EWHC 2607. However, as this case primarily relates to how the Council acted in declining to determine two separate planning applications, I do not consider it particularly relevant to this case.

Conclusion

10. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated. The application for an award of costs is refused.

H Smith

INSPECTOR



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 21/02/2025

Appeal reference: CAS-03713-G9V0Q5

Site address: Land at Moor Lane, Porthcawl, CF36 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Sunnyvale Holiday Park Ltd against the decision of Bridgend County Borough Council.
 - The application Ref P/22/651/RLX, dated 16 September 2022, was approved on 12 February 2024 and planning permission was granted subject to conditions.
 - The development permitted is “change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation and supporting facilities”.
 - The condition in dispute is No. 3 which states that: ‘This consent permits the year round occupation of the timber chalet units but no unit shall be occupied as a person's or persons' place of residence nor shall any unit be occupied by the same person or persons for a period exceeding 42 days between April and September (inclusive) and 42 days between October and March (inclusive)’.
 - The reason given for the condition is: ‘To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.’
 - A site visit was made on 21 January 2025.
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Decision

1. The appeal is allowed and the planning permission, Ref P/22/651/RLX, for change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation and supporting facilities at Land at Moor Lane, Porthcawl, CF36 3EJ, granted on 12 February 2024 by Bridgend County Borough Council is varied by deleting condition 3.

Procedural Matter

2. Since the determination of the planning application, the Replacement Bridgend Local Development Plan (RLDP) 2018 – 2033 has been adopted and now forms the development plan for the purposes of the appeal. Both parties refer to the RLDP and the appeal has been determined on this basis.

Background and Main Issues

3. Planning permission was originally granted for the change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation and supporting facilities in April 2017 (Ref: P/16/497/FUL). Since then, applications for the variation of conditions have been made, including to facilitate an increased provision of

units from 56 to 80, condition 3 of which imposed a control to prevent any unit from being occupied as a place of residence, nor occupied by the same person for a period exceeding 28 days within any 12-month period. In February 2024 the Council permitted an application to remove or vary a condition attached to planning permission ref P/19/911/RLX. The effect of that decision has been to create a new planning permission with the reference P/22/651/RLX. Consequently, in this decision letter I have reverted to the original description of development used in planning permission ref P/16/497/FUL, which more accurately describes the development.

4. Notwithstanding the reason for imposing the condition, the Council contends that it is necessary to control traffic impacts. Consequently, the main issues in this case are whether the condition is reasonable and necessary having regard to policies designed to control development in the countryside, and in the interests of the safety and convenience of highway users.

Reasons

5. The appeal site is a relatively flat area of land roughly rectangular in shape situated to the north east of Nottage and to the north of Porthcawl. The site is accessed from Moor Lane and adjoins the Grove Golf Club to the north and east. The site is situated outside of the defined settlement boundary in the RLDP. As such, it is not unreasonable for the Council to seek to control the occupation and use of the chalet units.
6. Policy DNP1 of the RLDP contains a presumption against development in the countryside, with certain exceptions. Policy ENT16 of the RLDP states new or extended tourist facilities, accommodation and attractions in the countryside will be permitted where it is compatible with and complimentary to the countryside location, with Policy ENT17 seeking to resist the loss of serviced self-catering accommodation. Technical Advice Note (TAN) 13: Tourism refers to the planning system responding to changes in tourism without compromising policies to safeguard the countryside.
7. Circular 016/2014 The Use of Conditions for Development Management notes that most modern self-catering accommodation is capable of occupation all year round and where it is located in areas within which the provision of permanent housing would be contrary to national and/or local policies, it may be reasonable to impose a condition specifying its use as holiday accommodation.
8. Planning permission ref. P/22/651/RLX contains five conditions (Nos 2-6) relating to the chalet units' occupancy as holiday accommodation. The reasoning for each is to ensure effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation. Condition 2 restricts the use of the chalet units to holiday accommodation only. The effect of condition 3 is to limit the occupation of each unit to an average of 1 week per month by the same occupant. Whilst I do not dispute that this establishes a clear benchmark, a breach of condition 3 would not itself demonstrate that a change of use to another form of accommodation had occurred. In the absence of condition 3, the failure of an owner to submit an annual statutory declaration, as required under condition 6, would provide a secure basis for the Council to initiate an investigation if necessary. Whether or not condition 3 was in place, the register required under condition 4 would provide the Council with critical information to ascertain whether a change of use may have occurred, including the names and home addresses of owners, and the dates of arrival and departure of all occupiers. In addition to receiving notification of any change of operator or ownership as required under condition 5, conditions 4 and 6 would therefore provide the Council with a necessary level of control to investigate any occupation beyond holiday accommodation purposes and consequently any potential breach of condition 2. As a similar level of investigation would

be required with the inclusion of condition 3 I am not persuaded that this would be an overly onerous task without condition 3.

9. Whilst the model condition set out in Circular 016/2014 contains provision to specify a maximum stay period by the same person(s), this does not automatically render it suitable for all cases. Paragraph 5.3 of the Circular refers to the careful assessment of the need for each condition. A seasonal occupancy condition is referred to in the Circular and TAN 13 when the accommodation is not suitable for occupation at all times of the year. Although no information on the accommodation standards of the chalet units has been provided, I note that protecting the living conditions of future occupiers was not a reason for the disputed condition. As such, in the absence of any evidence to the contrary, I am not persuaded that the Council's rationale for imposing a limit on the chalet units' occupancy is in accord with the advice in the Circular and TAN 13. Furthermore, conditions such as Nos 2 and 4 are consistent with the advice set out in Circular 016/2014 and TAN 13 and therefore, I am not convinced that condition 3 is also necessary in this case.
10. Condition 3 controls the occupation of the units using a limit on the number of days a person(s) can occupy the accommodation. The Council contend that the removal of this would result in the potential for the units to become second homes and therefore would provide less benefit to the local economy through reduced visits to/spending at local establishments. Reference is also made to the increase in demand on local services if the units were operated as longer term second homes. However, whilst the turnover of visitors to the site may reduce, the greater flexibility it would provide would facilitate a higher or more consistent level of occupation of the units. This would be of benefit to the local economy and the strategic resort of Porthcawl with little effect on the character and nature of the area.
11. Furthermore, whilst the Inspector in the Denbigh decision (ref. APP/R6830/A/10/2125469) refers to a holiday occupancy condition to reduce pressure on local services, given I am satisfied that the removal of the condition would not alter the units' status as holiday accommodation there is little to indicate that there would be any effect on local GPs or schools. Although the site is remote from shops/services, condition 7 requires the proposed convenience shop at the site to be open to guests every day the site is open. Moreover, despite a condition limiting the maximum occupation by the same person(s) being included on a number of previous permissions at the site, there is no specific reference to the need for this level of control within RLDP Policy ENT16 or any other policy of the RLDP.
12. I observed that Moor Lane is narrow with limited vehicular traffic at the time of my visit representative of its 'Quiet Lane' designation. The submitted Transport Assessment (TA) refers to there being no difference in the trip generation of holiday accommodation depending on whether it is occupied by owners or by non-owners. No evidence has been provided to the contrary. Consequently, there is little to indicate that the removal of condition 3 would result in an unacceptable increase in vehicle numbers using the lane or that it would deter walkers, cyclists and equestrians from using the lane. As set out above, conditions 2 and 4 of the permission would ensure that the site remains for holiday accommodation use only. As such, the proposal would have little, if any effect on the nature of online items delivered whilst the units were occupied. Therefore, the removal of condition 3 would not result in harm to the safety or convenience of highway users or conflict with Technical Advice Note (TAN) 18: Transport.
13. The Council's reason for imposing condition 3 is noted. Nevertheless, I am satisfied that the objective of retaining the use for holiday accommodation and resisting the permanent residential occupation of the chalet units at the appeal site would be met via conditions 2

and 4 of planning permission ref. P/22/651/RLX. Consequently, the effect of removing condition 3 would not undermine RLDP Policies DNP1, ENT16 and ENT17 in so far as they relate to controlling permanent residential units in the countryside and compatibility with the countryside location and the aims of TAN 13. It would also cause no concern to the safety and convenience of highway users in accordance with TAN 18.

Other Matters

14. The concerns raised over deliveries to the site, width of the public footpath and disturbance caused by alarms on site are noted. However, these matters are subject to separate conditions on the planning permission which I am satisfied would acceptably address any effects in regard to the matters raised. Concerns regarding a concrete spill on the highway would not be addressed through this appeal. The planning permission would remain to grant consent for the chalet units to be used for holiday accommodation only and would not permit any permanent residential dwellings at the site.
15. Matters raised in relation to negotiations or compromises as part of previous planning applications and theories over the appellant's intentions have little bearing on this appeal and I therefore afford them limited weight.

Conclusion

16. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed. The planning permission is therefore modified by the removal of condition 3.
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. 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.

Zoe Baxter

INSPECTOR



Appeal Decisions

by Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/04/2025

Appeal references: CAS-03530-T4G6Q9 and CAS-03529-X4T0G9

Site address: 3 Llwyn Coch, Broadlands, Bridgend, CF31 5BJ

Appeal A Ref: CAS-03530-T4G6Q9

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. The appeal is made by M Bacon against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice, numbered ENF/222/23/ACK was issued on 21 May 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an outbuilding on the eastern side elevation of the dwelling house on above land.
 - The requirements of the notice are to:
 - i. Remove the outbuilding entirely from land and dwelling house known as 3 Llwyn Coch, Broadlands, Bridgend, CF31 5BJ; and,
 - ii. Remove all resultant materials including base materials from the land.
 - The period for compliance with the requirements is four months after which the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
 - A site visit was made on 7 March 2025.
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Appeal B Ref: CAS-03529-X4T0G9

- 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 M Bacon against a decision issued by Bridgend County Borough Council.
- The application Ref P/23/757/FUL, dated 15 December 2023, was refused by notice dated 4 April 2024.
- The development proposed is described as the retention of outbuilding to side of dwelling.

- A site visit was made on 7 March 2025.
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Decisions

Appeal A Ref: CAS-03530-T4G6Q9

1. The appeal is dismissed, and the enforcement notice is upheld.

Appeal B Ref: CAS-03529-X4T0G9

2. The appeal is dismissed.

Procedural matters

3. I have considered each proposal on its merits, but have dealt with Appeal A, ground (a) and Appeal B together, except as otherwise indicated to avoid duplication. Separate decisions are made on each appeal.
4. In regard to Appeal B I note the description of the proposed development on the submitted planning application form varies slightly to that stated on the Council's decision notice; I have used the latter as it aligns more closely with the description of development relating to the enforcement notice at Appeal A and also is more concise.

Appeals A and B - the ground (a) appeal, the deemed application, and the planning appeal

5. The main issue in both appeals is the effect of the outbuilding to be retained on the character and appearance of the host property and the surrounding area.
6. The development to be retained is located on a corner plot to the side of a modern detached dwelling in a cul-de-sac that forms part of the Broadlands estate. Properties within the estate are characterised by dwellings of varying design utilising primarily brick walls with elements of render, main roofs/extensions/outbuildings being pitched with tiles, with extensions generally set back from property boundaries.
7. Contrary to the appellant's opinion, I consider the outbuilding would form an incongruous development due to its form and appearance and would be at odds not only with the host property but the prevailing character of the area due to its use of materials (timber effect composite cladding), its oblong boxed nature with flat roof design, proximity directly adjacent to the property boundary/footpath, and lack of features that would reflect that existing e.g. brick banding. The fact that the proposal occupies a prominent corner plot, drawing the observer's eye, only serves to magnify the visual harm caused by the outbuilding as a jarring feature within the street scene.
8. I appreciate that the proposal may align with aspects of the Council's adopted SPG 02 Householder Development (SPG). However, the SPG does also states that with extensions great care should be taken to harmonise the form of a new extension with the original dwelling and highlights the quality of an area can be badly affected by the cumulative effect of decisions regarding materials; for the reasons previously stated I have found the outbuilding would not harmonise with the locality.
9. The use of materials such a brick slips, or render would only provide a limited visual improvement and would not overcome the other aspects of harm posed by the structure i.e. its overall boxed flat roof appearance directly adjacent to the property boundary/footpath; the same applies to the colour of the existing cladding.
10. For the above reasons I conclude that the development to be retained would harm the character and appearance of the appeal property and the surrounding area and as a

result would run contrary to policy SP3 of the adopted Bridgend Local Development Plan and the SPG, and advice as contained with Planning Policy Wales Edition 12 and Technical Advice Note 12; Design, which collectively seek to safeguard visual amenity.

Other Matters

11. The appellant refers to the structure's scale and its subservient nature, however these are not determining factors in this appeal. I note the support of neighbours for the outbuilding, however such support or other justification such as maximising the use of the land the structure sits on or arguments related to screening of the 'clutter' associated with the bin store, would not justify its retention for the reasons previously stated.

Overall Conclusions

12. For the reasons given above, the Appeal A on ground (a), and the deemed application is dismissed. In regard to Appeal B, the planning appeal is dismissed.
13. 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 accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns, and villages even better places in which to live and work.

Appeal A - The ground (f)

14. The ground of appeal is that the steps required in the notice to be taken exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The appellant argues that the removal of the lean-to is excessive and that concerns in respect of materials can be overcome by the use of brick slips or smooth render and paint. The appellant's representations in this regard relate to matters of planning merit. I have already considered the merits of the case under the ground (a) appeal. The unauthorised development causes harm to amenity and nothing other than its complete removal from the site would remedy the harm. Consequently, the requirements of the EN are not excessive and the ground (f) appeal must fail.

Appeal A - The ground (g)

15. This ground of appeal is that any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed. The appellant argues more time is needed due to the fact that his valuable belongings currently stored in the outbuilding may be affected by inclement weather whilst he sources out a new storage area. In addition, he maintains as he will be carrying out the works himself and works away from home his time is restricted.
16. In this instance, I must balance the Council's reasons for issuing the EN in the public interest against the burden placed on the appellant. Bearing in mind this decision is being issued in spring/early summer, the issue of inclement weather is not likely to impact materially upon the appellant's storage arrangements. I am mindful the appellant works away from home but the extension's scale and nature is such that its removal from the site within four months should not be unduly burdensome even allowing for the appellant's work situation.
17. For the above reasons I consider the compliance period stated in the EN is reasonable and it follows that the ground (g) appeal must fail.

Conclusions

Ref: Appeal A Ref: CAS-03530-T4G6Q9/Appeal B Ref: CAS-03529-X4T0G9

18. For the reasons given, the Appeal A on ground (a), and the deemed application is dismissed, and the other grounds of appeal fail, and therefore the enforcement notice is upheld. In regard to Appeal B, the planning appeal is dismissed.

Declan K Beggan

INSPECTOR