

Appeals

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

APPEAL NO.	2049
APPLICATION NO.	P/24/514/FUL
APPELLANT	MR A CARTER
SUBJECT OF APPEAL	CONVERSION OF DETACHED GARAGE FOR USE AS COMMERCIAL PHYSIOTHERAPY CLINIC/GYM
LOCATION OF APPEAL	2 BRYNTIRION COTTAGES BRIDGEND
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed use of the garage as a clinic, by reason of its type and location within this predominantly residential setting, fails to maintain and enhance the vibrancy, vitality and attractiveness of Town Centres, where such a use would be more appropriately located being highly accessible and served by all modes of sustainable transport. Therefore, the proposal is contrary to Policy SP12 of the Bridgend Replacement Local Development Plan (2024), Policy 6 of Future Wales: The National Plan 2040 which confirms a 'Town Centre First' approach to new retail, health and leisure facilities and guidance contained within Planning Policy 12 (Feb. 2024).
2. The proposed use, by reason of its type, scale, form and siting, would introduce a non-conforming commercial use that could cause a significant source of nuisance and disturbance to the detriment of the residential amenities of neighbouring properties, contrary to Policies SP3 and DNP7 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Planning Policy Wales 12 (Feb. 2024).
3. The residential private drive leading to the site is not suitable to cater for the amount of commercial traffic that would be generated by the proposed development, with the proposed development likely to generate extraneous traffic into what is a mainly residential shared use private drive to the detriment of highway and pedestrian safety. The proposal is therefore contrary to Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Planning Policy Wales 12 (Feb. 2024).
4. The proposed development, by reason of its type, scale, form and siting, fails to provide adequate visibility splays in both directions, thereby generating vehicular reversing movements to and from the highway and additional demand for on-street parking in close proximity to the nearby road junction, to the detriment of highway safety contrary to Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Planning Policy Wales 12 (Feb. 2024).

APPEAL NO.	2057
APPLICATION NO.	ENF/314/24/ACK
APPELLANT	W VIDEAN
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED BUILDING AND EXCAVATION WORK
LOCATION OF APPEAL	23 LLAN ROAD MAESTEG
PROCEDURE	WRITTEN REPRESENTATION

DECISION LEVEL **ENFORCEMENT NOTICE**

APPEAL NO. 2059
APPLICATION NO. P/25/494/FUL
APPELLANT MRS A DAVIES
SUBJECT OF APPEAL REMOVE EXISTING LAWNED AREA TO REPLACE WITH TWO PARKING SPACES
LOCATION OF APPEAL KING FISHER HOUSE MAESTEG ROAD LLANGYNWYD MAESTEG
PROCEDURE HOUSEHOLDER
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its design, siting and form, will generate additional on-street parking to the detriment of highway safety and the free flow of traffic on the A4063 contrary to Policies SP5 and PLA11 of the Bridgend Replacement Local Development Plan, Note 9 of Supplementary Planning Guidance 02: Householder Development and advice contained within Supplementary Planning Guidance Note 17: Parking Standards.
 2. The proposed development, by reason of its design, siting and form, will increase the number of off-street parking spaces beyond the maximum requirement, contrary to Policies SP5 and PLA11 of the Bridgend Replacement Local Development Plan (2024), Note 9 of Supplementary Planning Guidance 02: Householder Development and advice contained within Supplementary Planning Guidance Note 17: Parking Standards and Planning Policy Wales 12 (Feb. 2024).
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APPEAL NO. 2060
APPLICATION NO. P/25/569/FUL
APPELLANT MR M JAMES
SUBJECT OF APPEAL PROPOSED EXTERNAL STAIRCASE TO SIDE ELEVATION WITH NEW DOORWAY AT FIRST FLOOR LEVEL AND BALCONY TO FRONT ELEVATION
LOCATION OF APPEAL 82A BEACH ROAD PORTHCAWL
PROCEDURE WRITTEN REPRESENTATION
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed external staircase, by reason of its siting and design, would be a prominent feature that would appear visually obtrusive and out of keeping in the street scene, failing to reflect the established character of the area to the detriment of the visual amenities of the area, contrary to policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within SPG02: Householder Development and Planning Policy Wales 12 (Feb. 2024).

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

APPEAL NO.	2041
APPLICATION NO	P/24/701/FUL
APPELLANT	CARHYS
SUBJECT OF APPEAL	ONE NEW SINGLE STOREY BUNGALOW WITH 1 BEDROOM
LOCATION OF APPEAL	LAND ADJACENT CYM Y COED, I GER Y BONT 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 decision is attached as **APPENDIX A**

APPEAL NO.	2041
APPLICATION NO	P/25/397/FUL
APPELLANT	D2 PROPCO LTD
SUBJECT OF APPEAL	CHANGE OF USE FROM RESIDENTIAL DWELLING TO HOUSE IN MULTIPLE OCCUPATION HMO (USE CLSS C4) MAXIMUM 4 PERSONS.
LOCATION OF APPEAL	22 MACKWORTH STREET 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 ALLOWED SUBJECT TO CONDITIONS.

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

There was also an application for costs made by the Appellant of which was refused.

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 C D Sweet MPlan MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19/03/2026

Appeal reference: CAS-04634-B5T1S5

Site address: Land Adjacent Cwm y Coed, 1 Ger y Bont, Bridgend CF31 1HZ

- 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 Carhys against the decision of Bridgend County Borough Council.
 - The application Ref P/24/701/FUL, dated 1 November 2024, was refused by notice dated 9 April 2025.
 - The development proposed is one new single storey bungalow with one bedroom.
 - A site visit was made on 11 March 2026.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address from the Council's decision notice and the appeal form as it more accurately reflects the appeal site's location.
3. The appellant raises issues regarding the Council's handling of their applications, the taking of enforcement action and potential conflicts of interest at the Council. They also refer to land ownership issues relating to part of the appeal site. However, such matters are not before me, and I therefore make no comment on them.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area.
 - ii) the effect of the proposal on the living conditions of nearby and future occupiers.
 - iii) the effect of the proposal on biodiversity interests.
 - iv) whether the proposal makes appropriate provision for foul water disposal.
 - v) the effect of the proposal on highway safety.

Reasons

5. The appeal site is an irregular area of land comprising part of a former railway cut, to the rear of properties along Castle View.

Character and Appearance

6. The street scene along this part of Castle View and Ger y Bont is largely characterised by bungalows and low-level properties with modest front parking areas and mature planting, which results in a pleasant degree of openness and a verdant appearance, contributing positively to the character of the area.
7. The parking spaces to serve the proposal, which would be located to the front of 2 Ger y Bont (No 2) would, in combination with the spaces to serve the existing property, result in up to 4 vehicles at a time being parked within its limited frontage.
8. Whilst it may satisfy the Council's parking requirements in terms of numbers, the proposal would therefore result in a cramped, cluttered appearance that would appear incongruous when viewed in context with the more open frontages of properties nearby.
9. Moreover, based on the submitted plans, to accommodate the proposed parking arrangements it would be necessary to remove at least one sizeable laurel tree to the front of No 2, reducing its contribution to the verdant appearance of the street scene.
10. The proposal would therefore cause unacceptable harm to the character and appearance of the area and conflicts with policies SP3 and DNP7 of the Bridgend County Borough Local Development Plan (2018-2033) (LDP) which, among other things, require that all development must contribute to creating high quality, attractive places, be appropriate to local context and should not adversely affect trees of public amenity value.

Living Conditions

11. Despite the separation distances, due to the proposed raising of ground levels and the height of the existing boundary fence, the proposal would introduce a notable degree of overlooking of the rear garden at 1 Ger y Bont (No 1) by users of the proposed access and living and dining spaces at the proposed bungalow. This would significantly reduce the privacy and enjoyment of their garden for occupiers of No 1.
12. Although suggested as being 'existing' on the submitted plans, I saw at my site visit that a fence of some 2m in height has recently been erected along the initial part of the proposed access where it adjoins the boundary with No 1. That fence, in combination with proposed planting along the shared boundary, would serve to reduce overlooking and disturbance to occupiers of No 1 to some degree.
13. However, the use of such fencing close to windows serving a living room and bedroom at No 1 and high-level planting close to its shared garden boundary would introduce visually intrusive features that would create an unpleasant and oppressive sense of enclosure for users of those spaces. As such, I do not consider that those measures would provide an acceptable privacy solution. Whilst the appellant suggests the fence may benefit from permitted development rights, I have no compelling evidence of a lawful fallback position.
14. Moreover, irrespective of the fact that it is currently owned by the appellant, the proposed parking spaces at No 2 would introduce a degree of additional noise and disturbance from among other things, comings and goings, vehicular movements and the shining of headlights close to the front door and a bedroom window at that property.
15. Though the Highway Authority may not object in terms of parking provision, the regular use of the proposed parking spaces by occupiers of and visitors to the proposed bungalow, who may often be unknown to the occupiers of No 2, would also result in a loss of privacy and a distinct sense of intrusion. In combination, these factors would significantly reduce the enjoyment of their home for occupiers of No 2.
16. I acknowledge the distances from associated parking spaces suggested by the Centre for Accessible Environments, referred to by the appellant. However, the location of the

proposed spaces, along with the narrow, partially enclosed pedestrian footway, would nonetheless result in a poor standard of access for occupiers of the proposed bungalow that would be inconvenient for day-to-day activities such as loading and unloading vehicles, particularly so for those with limited mobility.

17. I have considered the examples of other developments brought to my attention by the appellant, but I have limited details and, in my view, they serve to indicate the potential issues that can arise from such arrangements. As such, I do not consider those examples weigh in favour of the appeal scheme.
18. I note concerns raised by interested parties regarding disturbance during construction, but such effects would be time limited and could be effectively controlled by condition, such that they would not cause unacceptable harm in this respect.
19. Nonetheless, irrespective of the fact that the LDP does not seek to protect views, taking the above factors together I find that the proposal would result in unacceptable harm to the living conditions of nearby and future occupiers and therefore conflicts with LDP policy SP3 which, among other things, requires that development aligns with the principles of good design and ensures that the amenity of neighbouring uses and their users / occupiers will not be adversely affected.

Biodiversity Interests

20. Planning Policy Wales (PPW) sets out a stepwise approach for proposals to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits by ensuring that adverse effects are firstly avoided, then minimised, mitigated and finally, compensated for. Paragraph 6.4.16 makes clear that all development must provide a net benefit for biodiversity and ecosystem resilience.
21. LDP policies SP3, DNP6, DNP7 and DNP8 require, among other things, that developments protect and increase the resilience of ecosystems, maintain, protect and enhance biodiversity and ecological networks, and integrate and protect trees and green infrastructure assets.
22. A Preliminary Ecological Appraisal (Acer Ecology - November 2022) (PEA), carried out to inform earlier applications on the appeal site, identified, among other things, habitats of value within the site including scrub habitat and broadleaved woodland, along with potential roosting features for bats and woodland habitat suitable for dormice. The proposal before me would encroach into those areas, potentially resulting in a considerable loss of habitats and impacts on protected species.
23. The PEA states that if works were not commenced within 18 months to 2 years of its production, an update survey would likely be required to establish whether site conditions have changed. Despite the appellant's suggestion that no change has occurred, given the age of the PEA and my observations on site, I am not persuaded that the submitted information provides an accurate and up to date assessment of the appeal site's biodiversity value.
24. Moreover, the appellant suggests that the appeal site's levels would be raised using earth from land immediately to the southeast which is within their ownership. Doing so would require significant clearance and disruption of that land, which is also overgrown and which, given its proximity to the appeal site, is likely to contain similar habitats. The potential impacts of such works on biodiversity have not been assessed.
25. Notwithstanding the measures set out in the submitted Green Infrastructure Statement, the available information does not provide an effective baseline against which the proposal's potential effects on biodiversity interests and compliance with the stepwise approach can be assessed.

26. I have considered whether a condition requiring further survey work or a scheme of biodiversity enhancement would be appropriate. However, given the lack of information I have outlined, a condition would not provide sufficient certainty, such that granting planning permission would be justified.
27. Given the above, it has not been demonstrated that harm to biodiversity interests would be avoided, that the proposal would maintain and enhance biodiversity and ecological networks, or that a net benefit for biodiversity and ecosystem resilience would be achieved.
28. I therefore find the proposal would be harmful to biodiversity interests, contrary to LDP policies SP3, DNP6, DNP7 and DNP8 and fails to accord with PPW.

Foul Water Disposal

29. PPW (paragraph 6.6.21) states that development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible. That position is reflected in Welsh Government Circular 008/2018, which states that the first presumption must always be to provide a system of foul drainage discharging into a public sewer, unless by taking account of the cost and/or practicability it can be shown to the satisfaction of the planning authority a connection to a public sewer is not feasible.
30. LDP policies SP3 and DNP9 require that developments incorporate appropriate arrangements for the disposal of foul sewage and demonstrate that they would not cause risk to health, among other things.
31. The exact location of the nearest public sewer is unclear. The appellant suggests that it is more than 30m from the appeal site and potentially unadopted. Natural Resources Wales (NRW) states that it is within 11m. In either case it is likely to be situated at a level above the proposed bungalow.
32. I have not been provided with any specific details to indicate the potential works or costs involved in making a connection to a public sewer and the appellant states that they would be willing to connect to a public sewer if necessary, which suggests that doing so may be possible.
33. Given the uncertainties and the lack of information provided, it has not been demonstrated that a connection to the public sewer would not be feasible, and I am therefore not persuaded that the proposal would make appropriate provision for foul water disposal.
34. In this instance I have not provided an opportunity for the parties to submit further information, as I have found the proposal unacceptable on other substantive grounds. Moreover, even were I to find the proposal acceptable in terms of its foul drainage provision, this would not outweigh the other harms I have identified.
35. I note that the appellant has registered an exemption for the proposed treatment plant and that NRW states that exemption may be incorrectly registered based on its view as to the nearest sewer. Regardless, this does not have any bearing on the feasibility of a public sewer connection.
36. I find that the proposal conflicts with LDP policies SP3 and DNP9 and the advice set out in PPW and Circular 008/2018.

Highway Safety

37. The Council's concerns in relation to highway safety arise from the limited information provided at the application stage regarding the proposed raising of site levels and the

associated potential for large vehicle movements through the nearby residential highway network.

38. The Council did not seek further information in this respect, and the appellant now states that they would not intend to import materials into the appeal site by road but would instead raise ground levels using earth from their adjacent land. That approach would still require the use of heavy machinery and smaller construction and delivery vehicles which would present a potential risk to highway safety if not properly controlled.
39. However, I am satisfied that a condition requiring the submission of and adherence to a Construction Method Statement, as proposed by the Council, would be sufficient to control such operations and ensure that no harm would occur in this respect.
40. Based on the appellant's stated approach and subject to such a condition, the proposal would comply with LDP policy SP5 which, among other things, requires that development must not have a negative impact on the safe and efficient operation of the transport network.

Other Matters

41. The appellant suggests that the appeal site is brownfield land. I have limited information as to its history, but even if that were the case the benefits of the proposal in this respect would be slight. I have found no harm to highway safety and the proposal would make a small contribution to the local housing supply. However, these factors do not outweigh the significant harms identified.

Conclusion

42. Irrespective of whether the appellant intends to develop more of their land, for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.
43. 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.

C D Sweet

INSPECTOR



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/04/2026

Appeal reference: CAS-04717-N0L2D6

Site address: 22 Mackworth Street, Bridgend, CF31 1LP

- 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 D2 Propco Limited against the decision of Bridgend County Borough Council.
 - The application Ref P/25/397/FUL, dated 25 June 2025, was refused by notice dated 15 September 2025.
 - The development proposed is change of use from residential dwelling to HMO C4. Maximum 4 persons.
 - A site visit was made on 12 March 2026.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from residential dwelling to HMO C4. Maximum 4 persons at 22 Mackworth Street, Bridgend, CF31 1LP, in accordance with the terms of the application, Ref P/25/397/FUL, dated 25 June 2025, subject to the conditions set out in the schedule to this decision letter.

Application for Costs

2. An application for costs has been made by D2 Propco Limited against Bridgend County Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the future and neighbouring occupiers.

Reasons

4. The appeal relates to a modest 2 bedroom mid-terraced dwelling with a rear garden, situated within a predominantly residential area, close to Bridgend Town Centre. The proposal is for a 4 bedroom house in multiple occupation (HMO) in the C4 Use Class, with a maximum number of 4 occupants. Internal alterations are proposed to subdivide one of the bedrooms and the lounge to create an additional 2 bedrooms for single occupants.
5. Policy COM7 of the Bridgend County Borough Local Development Plan (LDP) permits proposals to convert an existing building into a HMO where, amongst other things, the

proposal's scale and intensity of the use would be compatible with the existing building and adjoining and nearby uses, and it would not have an unacceptable adverse impact on residential amenity. The Council's recently adopted 'Houses in Multiple Occupation' Supplementary Planning Guidance (SPG) provides guidance on how to interpret and apply Policy COM7 and includes a guide to appropriate room sizes.

6. In terms of the living conditions of future occupants, the Council state in their Delegated Report that the level of amenity and standard of the proposed accommodation, including the outdoor space, would be acceptable. However, in contradiction, they also state that the cramming of an additional 2 bedrooms would provide small, poor quality and congested living conditions for future occupiers. Nevertheless, the proposed layout shows that the room sizes and the kitchen and bathroom facilities would be in accordance with the guidance in the SPG. Each room would have adequate natural light, outlook and ventilation from the windows. I am therefore satisfied that the proposed development would provide adequate living conditions for future occupiers.
7. As the existing dwelling hosts 2 bedrooms, I accept that the conversion to a 4 person HMO would likely intensify the property's use. However, the existing dwelling could accommodate a family with one or 2 children, one of which could be an adult child. Therefore, such an increase in the intensity of the use would unlikely be significant. Furthermore, there is no compelling evidence that any related increase in the level or nature of noise and disturbance generated from within the HMO or its shared garden, or from residents' comings and goings, would be of a magnitude that would harm the living conditions of neighbouring occupants. In these circumstances, the proposal's scale and intensity would be compatible with the existing building and the adjacent residential dwellings and would not have an unacceptable adverse impact on the residential amenity and character of the area.
8. I note the concerns raised in relation to tensions and conflicts between residents over access to parking spaces on the street. Nevertheless, the proposal would not significantly increase the intensity of the use of the dwelling. Furthermore, owing to the proposal's sustainable location close to shops, facilities and public transport routes, it would likely be attractive to non-car owning residents. Therefore, the proposal would not materially increase the demand for on street parking above the existing use and would not exacerbate any existing conflicts and tensions between residents relating to this matter.
9. I conclude that the proposed development would provide adequate living conditions for future occupiers and would not harm the living conditions of the occupiers of the neighbouring dwellings. This complies with LDP Policy COM7, the good design and placemaking objectives of LDP Policy SP3, and the objectives of policy DNP9 which seeks to, amongst other things, protect local amenity.

Other Matters

10. I note the local representations in relation to the potential impact on the community. However, I have no cogent evidence that there are any other HMOs in the immediate vicinity of the appeal property or that it would breach the 10% threshold. Neither do I have any evidence to suggest that the proposal would adversely affect the social cohesion of the community of the area.
11. I have had regard to resident's concerns regarding the potential for anti-social behaviour/security issues. However, whilst fear of crime or perceived fears can be a material consideration, these fears need to be justified objectively. In this case, I have no cogent evidence to support local concerns. There is also no evidence to suggest that the presence of a HMO would pose a risk to the safety and well-being of any residents.

12. Residents also raise concerns regarding increase in parking demand in an already congested area and potential access issues by the emergency services. However, the Council's Highway Officer has raised no objections given the site's sustainable location. As stated above, I'm satisfied that the proposal would not exacerbate any existing parking pressures in the street and I have no evidence that it would result in any access issues for the emergency services. Similarly, there is no evidence that the proposal would result in any additional strain on local services.
13. I acknowledge concerns about the loss of a small family home, but no evidence has been provided to show a specific local need for such accommodation. In terms of monitoring the HMO, it would be subject to the Council's HMO licensing regime.

Conditions

14. Although not suggested by the Council, the standard time limit condition is necessary to comply with Section 91 of the Town and Country Planning Act 1990. Any future change of use from a C4 HMO, other than back to a C3 dwelling, would require planning permission. Therefore, a condition limiting its use to a C4 HMO is unnecessary. I agree that a condition restricting the number of occupants to 4 is necessary in the interest of the living conditions of future occupants. In the interests of conciseness, I have amended the wording of some conditions without changing their overall aim.

Conclusion

15. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.
16. 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

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans:
Drawing 3035 C - CHANGE OF USE FROM RESIDENTIAL DWELLING TO HMO C4
MAXIMUM 4 PERSONS
Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.
- 3) The use of the HMO hereby approved shall be limited to a maximum of 4 residents occupying the HMO at any one time.
Reason: For the avoidance of doubt and to ensure that a suitable level of internal and external amenity space is retained for future occupiers to use, in accordance with Policy COM7 of the Bridgend County Borough Local Development Plan.

- 4) Prior to the occupation of the HMO, the cycle store shown on the approved plan shall be provided and retained for as long as the development exists.

Reason: In the interests of promoting sustainable means of travel to / from the site, in accordance with policies SP3 and SP5 of the Bridgend County Borough Local Development Plan.

- 5) Notwithstanding the details shown on the approved plans, prior to the occupation of the HMO, an artificial nesting site for birds shall be erected at the site in accordance with one of the following specifications and shall be retained as such for as long as the development exists:

- Nest Box Specifications for House Sparrow Terrace: Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings. Entrance holes: 32mm diameter. Dimensions: H310 x W370 x D185mm; or
- Swift Nest Box Specification: Wide box with small slit shaped entrance hole placed under or close to roofs. Dimensions: H150 x W340 x D150mm.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Policy 9 of Future Wales, and Policies SP17 and DNP6 of the Bridgend County Borough Local Development Plan.



Costs Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/04/2026

Costs application in relation to Appeal Ref: CAS-04717-N0L2D6

Site address: 22 Mackworth Street, Bridgend, CF31 1LP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by D2 Propco Limited for a full award of costs against Bridgend County Borough Council.
 - The appeal was against the refusal of planning permission for change of use from residential dwelling to HMO C4. Maximum 4 persons.
 - A site visit was made on 12 March 2026.
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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. According to the applicant, the Council has acted unreasonably in that the application should have been clearly permitted having regard to its accordance with the development plan, national policy and any other material consideration, and that it failed to produce evidence to substantiate the reason for refusal.
4. In referencing the impacts of 4 individuals using the property, my reading of the Council's case is that this was in relation to the use of the property by 4 unrelated individuals, a C4 use, as opposed to the use of the dwelling as a family home and was not a prejudicial opinion relating to unknown individuals, as suggested by the applicant. It is clear that their assessment was based on the potential increase in the intensity of the use of the property and not the potential occupants.
5. In terms of substantiating the reason for refusal, I recognise that the Council's analysis of the potential impacts on residential amenity could have been more thorough and the resultant impacts could have been better articulated. However, whilst I disagreed with the Council on this matter, such an assessment often involves a degree of subjectivity. As an element of subjectivity was involved, it was not the case that the application should have been clearly permitted. I am satisfied that the Council provided reasonable planning grounds for reaching its decision, having regard to the development plan policies and

other material considerations and that the reason for refusal was sufficiently substantiated.

6. I do not consider that the Council's brief reference to LDP policies SP3 and DNP9 has caused the applicant to incur unnecessary or wasted expense in the appeal process as the objectives of these policies relate to general good design, placemaking and amenity, which overlap somewhat with the objectives of Policy COM7.

Conclusion

7. 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