

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15<sup>TH</sup> NOVEMBER, 2006

REPORT OF THE DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2006/00432/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1199923  
Appellant: Ms. L. V. Wright  
**Location: 7, The Broadshoard, Cowbridge**  
Proposal: Provide ground floor bathroom/WC for use by registered disabled person, also extend house to relocate living accommodation  
Start Date: 16 October 2006

L.P.A. Reference No: 2006/00118/OUT  
Appeal Method: Hearing  
Appeal Reference No: 06/1200028  
Appellant: Mr. M.H.R. Reynolds,  
**Location: Land at Gilbert Lane, Dinas Powys**  
Proposal: Proposed Farmhouse with garage  
Start Date: 16 October 2006

L.P.A. Reference No: 2006/00256/FUL  
Appeal Method: Hearing  
Appeal Reference No: 06/1200142  
Appellant: Dr. M. L. Ham,  
**Location: Elm Grove House, 12, Elm Grove Road, Dinas Powys**  
Proposal: Demolition of Elm Grove House and construction of two new apartments built to footprint and height of existing building. Construction of two storey extension of two apartments. Construction of 1800mm high boundary wall  
Start Date: 18 October 2006

L.P.A. Reference No: 2006/00106/CAC  
Appeal Method: Hearing  
Appeal Reference No: E/06/1200141  
Appellant: Dr. M. L. Ham,  
**Location: Elm Grove House, 12, Elm Grove Road, Dinas Powys**  
Proposal: Full demolition of existing two storey house and single storey extension together with existing single storey detached garage  
Start Date: 18 October 2006

L.P.A. Reference No: 2006/00640/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1200177  
Appellant: Andrew Gwatkin,  
**Location: 4, Tan Y Fron, Barry**  
Proposal: Replace existing rock face wall, which is unstable, with new rock face wall with pillars and lattice style fence panels  
Start Date: 20 October 2006

L.P.A. Reference No: 2006/00162/OUT  
Appeal Method: Written Representations  
Appeal Reference No: 06/1200208  
Appellant: A.G. Williams,  
**Location: East of 4a, Geraints Close, Cowbridge**  
Proposal: Erection of retirement bungalow and domestic garage  
Start Date: 24 October 2006

L.P.A. Reference No: 2005/01880/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1200245  
Appellant: Mr. and Mrs. H. Ginn,  
**Location: White Wells Farm, Peterston Super Ely**  
Proposal: Proposed demolition of existing dwelling and construction of new dwelling  
Start Date: 2 November 2006

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(b) Enforcement Appeals Received

None received during reporting period.

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2005/01392/LAW  
Appeal Method: Written Representations  
Appeal Reference No: 06/1198438  
Appellant: Mr. G.A. Brookfield  
**Location: 19, Lake Hill Drive, Cowbridge**  
Proposal: Rear porch extension  
Decision: Appeal Allowed  
Date: 18 October 2006  
Inspector: Mr T. J. Morgan  
Council Determination: Delegated

**Summary**

The Inspector stated that the permitted development rights under the GPDO allow for the enlargement, improvement or other alteration of a dwellinghouse.

The appellant provided details of the original lease of the property from the developer to the first owner in which a plan shows the outline of the house and that outline corresponds to the outline of the house at the present time and includes the footprint of the garage. A letter from the neighbouring occupier further confirms that No. 19 was constructed with the garage and carport forming part of the original purchase and construction.

On his inspection, the Inspector was satisfied, on the balance of probabilities, and as a matter of fact and degree, that the garage and car port were constructed as part of, and at the same time as, the original dwellinghouse.

The Inspector considered that the Council's reliance on the perception that the garage is 'not integral' was mistaken or misconceived, and that regard had not been had to the fact that it was constructed at the same time and as part of the overall development. The Inspector noted that the definition of 'original' relates to a *building... as built* and that, in this case, the garage and car port are not detached, free standing structures but are part of the single building that was originally constructed. They cannot, therefore, be regarded as having extended the original dwelling house or as having used up any permitted development rights.

Since the property has not been extended in any way since it was originally built, the proposed porch would fall within development permitted by Class A.

**Comments**

The Inspector in this appeal has clarified the fact that attached (as opposed to detached) elements of a dwelling, when built as part of the original dwelling, cannot be considered to amount to extensions to the original building.

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L.P.A. Reference No: 2005/01230/FUL  
Appeal Method: Public Local Inquiry  
Appeal Reference No: 06/1198462  
Appellant: A. N. & M. J. Quick  
**Location:** **The Greendown Inn, St. Georges Super Ely**  
Proposal: Conversion and alteration of existing buildings to create five dwellings  
Decision: Appeal Dismissed  
Date: 31 October 2006  
Inspector: Mr. Gwynedd P. Thomas  
Council Determination: Committee

## **Summary**

The main issues were noted to relate to whether the proposal would preserve or enhance the character or appearance of the St. Georges Conservation Area; the effect the proposal would have on the character or appearance of the surrounding area; and the effect the proposal would have on the provision of community facilities in the area.

The buildings were accepted to be structurally sound, while the Inspector agreed that, if considered as separate elements, each of the proposed alterations would improve the appearance of the buildings. However, he considered it necessary to consider the impact the scheme as a whole would have on its surroundings.

### *Impact On Conservation Area*

The Inspector saw that the St. Georges Conservation Area comprises a 13<sup>th</sup> Century Church, some five nearby dwellings, the Greendown Inn and open farmland, with the dense screen of mature trees around the churchyard visually and physically separating the northern and southern parts of the conservation area. With the exception of the substantial two storey element that forms part of the Greendown Inn complex, he considered the buildings in the vicinity of the appeal site to have a generally low profile, which makes a significant contribution to the character and appearance of the conservation area.

The area of open land between the Greendown Inn and the remainder of the dwellings in the small settlement also results in the appeal site being seen as a distinct group of buildings within the settlement and is an important element in the character and appearance of the conservation area.

The two storey development (Plot 2) that would replace a large single storey extension would significantly increase the bulk and massing of the development in this prominent part of the appeal site. Furthermore, increasing the roof height of the building on Plot 4 would also increase the bulk and massing of the development as a whole. Whilst he accepted that the removal of the numerous flat and pitch roofed extensions at the Greendown Inn would enhance the character and appearance of the conservation area, on balance he did not consider this to be sufficient justification to allow this substantial development.

Moreover, whilst the conversion of the buildings to residential use would be acceptable within a conservation area, he did not consider the scheme would reflect the scale, character and setting of those buildings which establish the character of the area. The proposal would result in an unacceptably prominent development that would unbalance the relationship between the appeal site and the remainder of the conservation area.

Although the appellants argued that the proposed layout would reduce the dominance of the car parking areas, introduce more planting and provide more appropriate landscaped space within the site, the Inspector, whilst agreeing, considered that such action is not dependant on the outcome of this appeal and could be carried out in any case.

#### *Effect on Surrounding Area*

The Inspector noted that unsympathetic extensions and additions dominate the simple lines of the original building, that the site includes a separate single storey annex that provides hotel accommodation, and that the buildings are in a variety of styles and lack a cohesive design. The development thus has limited architectural merit and contributes little to the visual quality of its surroundings.

He noted that the church and its tower are the dominant structures in the open rural landscape of this part of the Ely Valley and Ridge Slopes Special Landscape Area.

He stated that the proposed conversion cannot be achieved without substantial extension to some parts of the building involving additional two storey development and increasing the height of the existing two storey element to the rear of the original building. The scale, bulk and massing of the proposal would, he considered, increase the prominence of this group of buildings in this rural setting, and would be particularly prominent in the landscape when viewed from the public footpaths to the north, south and west. In his judgement, the development would have an adverse impact on the setting of this small settlement within this attractive and sensitive rural landscape.

Noting that PPW indicates that where a building is unsuitable for conversion without extensive alteration, rebuilding or extension similar control to that over new house building in the open countryside will apply, he considered the dwellings would not be required in connection with agriculture or forestry, while the proposal would represent double the number of houses in this small settlement which is not identified in the Unitary Development Plan as an area where further housing development should take place. The visual harm that would be caused by this development also outweighed the arguments in favour of re-using previously developed land.

#### *Loss of Community Facility*

Local residents argued that the Greendown Inn is an important social facility in the area and a petition in support of retaining the public house was raised. The Inspector accepted that other public houses are some distance away from the small groups of houses that are scattered throughout this rural area and that the loss of this public house would reduce the range and choice of such facilities in the area.

Notwithstanding this, evidence of the trading situation at the Greendown Inn produced by the appellant indicated that the business is not presently viable, and outlined the difficulties that the operation would encounter in the future. The Council did not produce convincing arguments to counter this expert evidence or to support the assertion that the facility could continue to function given different circumstances.

In view of the current trading pattern and the lack of evidence to show that the customer base would significantly improve in the future, the Inspector was not convinced that there is sufficient justification to refuse planning permission for this proposal on the basis that to do so would ensure the continued trading of the Greendown Inn. Whilst acknowledging that the UDP seeks to retain community facilities in rural settlements, he concluded that it would be unreasonable to dismiss this appeal on the basis that the community facility should be retained.

## Comments

Although the argument concerning the unjustified loss of the community facility is regrettable, this demonstrates the importance of supporting such objections at appeal with expert evidence. The dismissal of this appeal on all matters concerning the visual impact of the scheme on the area and conservation area is, however, very satisfying, and clearly demonstrates the need for any development at the site to respect such character.

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L.P.A. Reference No:	2005/01698/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1199002
Appellant:	Mrs. Jane Fraser-Brown
<b>Location:</b>	<b>Oakways Farm (currently Maes Saeson), Peterston Super Ely</b>
Proposal:	Placing on site 3 No. caravans as temporary living accommodation for applicant and staff
Decision:	Appeal Allowed
Date:	25 October 2006
Inspector:	Mr. Roger Clews
Council Determination:	Committee

**NOTE THAT THERE ARE THREE DECISIONS REPORTED INDIVIDUALLY BELOW, ALL RELATING TO OAKWAYS FARM.**

## Summary

The main issue concerned whether or not agricultural and equestrian business needs justify the provision of one or more temporary dwellings in the open countryside.

The Inspector noted the appellants history in terms of the ownership of the nearby Gwern-y-Gedrych Farm, and the personal circumstances which resulted in the sale of that dwelling. Following the sale of that house, three caravans were placed on the appeal site and occupied by the appellant, her son and two farm helpers who previously lived at Gwern-y-Gedrych, two of which have since been removed from the land.

The Inspector considered that the caravan appears out of place in this rural landscape and detracts from the appearance of the surrounding countryside and Special Landscape Area.

The Inspector noted that agricultural activity on the appellant's holding is related to sheep-rearing and a small number of store cattle, with the appellant estimating that care of these animals, together with general land husbandry, involves between 60 and 70 Standard Man Days (SMDs) a year. Plainly this does not amount to a full-time requirement. Moreover, while essential and immediate care of the sheep is needed day and night during the lambing season, this is stated to last only for some four weeks and so does not require accommodation to be provided on the site throughout the year. Accordingly he found that no essential agricultural need for a dwelling on the site has been demonstrated, as required by UDP Policy and advise in Planning Policy Wales / TAN6.

As it appears that on at least one occasion the Council has permitted a new dwelling based on the needs of an equestrian business, the Inspector considered it relevant to consider the present appeal on this basis, using the same policy criteria as for agricultural dwellings. However because of the lack of explicit policy support for this approach, evidence of equestrian business need must carry less weight in the decision than would evidence of agricultural need.

The daily tasks in respect of horses on the Oakways Farm holding are stated to be feeding and grooming, exercising, training, attendance at stud and to visiting mares, administration and haymaking. It may well be that, in combination with the agricultural activities, these tasks amount to a requirement for one full-time worker. In his view, however, they do not require a presence on the holding day and night to provide essential care at short notice. Such a presence may be necessary at foaling times for the seven brood mares, but even if the lambing season is also taken into account, these times do not add up to a functional requirement for one or more workers to be accommodated on the site day and night for all or most of the year. Security issues are not considered sufficient to justify such a presence.

Taking this and all the foregoing points into account, he found that the evidence did not demonstrate a functional need for a temporary dwelling on the site throughout the year, let alone for the three dwellings which were the subject of the original planning application. Since no functional need has been established, sound financial planning, even if proven, would not be sufficient by itself to justify the provision of a temporary dwelling on the site all year round.

The Inspector then turned to consider the circumstances which led to the current appeal proposal. In this respect he noted that the sad death of the appellant's husband created unforeseen financial difficulties for which he offered every sympathy. At the same time, however, the appellant's decision to sell the house and outbuildings at Gwern-y-Gedrych led directly to the present situation in which her home is the remaining caravan on the appeal site. However compelling the reasons for that decision, the fact is that it ran directly counter to advice in paragraphs 40 and 43 of TAN6 on the sale of dwellings separately from the farmland which they serve. Whatever the situation of Gwern-y-Gedrych farmhouse in 1991, it is clear that by the time the appellant sold it, she had been living in it while farming and keeping horses on the adjacent land.

The difficulties of the appellant's position have been compounded by her failure to appeal against the relevant enforcement notice within the deadline. As a result, the Inspector was conscious of the potential consequences of dismissing this appeal outright in the light of the fact that, as she says, she has nowhere else to live.

Accordingly, he considered this to be a situation where the advice on personal permissions in paragraph 93 of Circular 35/95 applies, with there being strong compassionate grounds for allowing the appellant to continue to live in the caravan on the appeal site for a temporary period while she makes alternative living arrangements. Although she suggested that this period should extend to two years, he concluded that one year should be adequate to make the necessary arrangements. To allow any longer period would unjustifiably prolong the harm which the caravan causes to the character and appearance of the surrounding countryside.

He thus concluded that, although the agricultural and equestrian business needs do not justify the provision of one or more temporary dwellings in the open countryside, a personal planning permission for a single caravan, for a temporary period of one year, should be granted because of the compelling personal circumstances of the appellant.

## Comments

Although this appeal has been allowed, in most respects this amounts to the successful defence of this proposal at appeal since the inspector has concluded that there is no functional justification for a permanent dwelling to exist at the site.

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L.P.A. Reference No:	2005/01744/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1199011
Appellant:	Mrs. Jane Fraser-Brown
<b>Location:</b>	<b>Oakways Farm (currently Maes Saeson), Peterston Super Ely</b>
Proposal:	Change of use of existing lean-to from sheep handling to accommodate dual purpose for sheep and stud horses and farm office, tea room, whelping room, disabled WC, etc. Proposed sand pit and horse walker
Decision:	Split Decision - ALLOWED - see file
Date:	25 October 2006
Inspector:	Mr. Roger Clews
Council Determination:	Delegated

## Summary

The main issue concerned the effect of the proposed developments on the character and appearance of the surrounding countryside.

The Inspector noted that the lean-to to which this appeal refers is an L-shaped extension to a modern agricultural-style building, which itself was approved in 2003 under the agricultural prior notification procedure as a stock shed for sheep and cattle. The lean-to extension was approved in July 2005 under the same procedure. The application for change of use to both agricultural and non-agricultural purposes was made four months later, in November 2005.

The Inspector noted that permitted development rights are granted to meet farming and forestry needs and not for purposes of diversification, and that they should not be abused, for example, to circumvent normal planning policies on new building in the open countryside. He also noted that the Council consider the change of use for which permission is sought to be an abuse of the planning system, and that an enforcement notice requiring the dismantling of the stable enclosures inside the lean-to and the discontinuance of its use for stabling horses had been served. He also noted, however, that there is no evidence before me that they intend to take action to have the lean-to removed.

While the appellant states that the stables within the lean-to are used for agricultural purposes for part of the time, she conceded that they are largely used in conjunction with the breeding of horses. Similarly, the other uses of the lean-to listed in the planning application appear to be principally related to the appellant's equestrian business and other non-agricultural activities. Nonetheless, horse-related developments, including stables, are permitted by UDP policy ENV9 if they would not (among other things) unacceptably affect the character and appearance of the locality.

The lean-to wraps around two sides of a previously-existing large agricultural building which itself has a substantial visual impact when seen from within the appellant's holding. The lean-to is constructed in a similar style and materials and although it self-evidently increases the size of the building, he considered that when the impact of the original building is taken into account, the extension does not cause unacceptable harm to the character of the locality, nor unacceptably affect its appearance. On the evidence before him, he also concluded that the change of use of the lean-to would not conflict with the other criteria of Policy ENV9.

Although the Inspector noted that the sandpit was significantly greater in size than that shown on the submitted plans, he considered that, in its position next to the agricultural building, and with its unobtrusively-coloured wooden fencing, it would have no unacceptable impact on the character or appearance of its surroundings.

On the other hand, the horse-walker which has also been erected on the site stands in a more prominent position forward of the agricultural building and is clearly visible for some distance to visitors approaching the farm. It is a tall, roughly circular metal structure measuring some 10m in diameter, such that he considered that because of its pronounced mechanical character it appears distinctly out of place in this attractive rural setting. As a result, it harmfully detracts from the character and appearance of the surrounding countryside.

Consequently, the Inspector issued a split decision, granting permission for the change of use of the existing lean-to and the sand-pit, but refusing permission for the horse-walker.

## Comments

Irrespective of whether they were justified in the first instance, clearly the Inspector has taken great note that the buildings as they stand would remain on site irrespective of his decision. In this respect their use for equestrian purposes was considered not to cause any greater harm. Notwithstanding this, it is good that the Inspector has refused permission for the horse walker, which clearly causes harm in this sensitive location.

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L.P.A. Reference No:	2005/01756/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1199018
Appellant:	Mrs. Jane Fraser-Brown
<b>Location:</b>	<b>Oakways Farm Stud, Peterston Super Ely</b>
Proposal:	Enlarge storage/haylage. Sheepfeeding area. Replace existing gates including concrete support
Decision:	Appeal Dismissed
Date:	25 October 2006
Inspector:	Mr. Roger Clews
Council Determination:	Delegated

## Summary

The main issue concerned the effect of the proposed developments on the character and appearance of the surrounding countryside.

The Inspector noted that a large area next to the drive leading to the Oakways Farm buildings has been surfaced in hardcore and road planings. The appellant states that it is used to store imported hay and agricultural implements, and that in particularly inclement weather sheep are brought onto it to feed, so as to avoid churning up fields. Application Drawing No 05/28/1:002 indicates that the hard-standing area is also intended to provide extra car-parking space for staff.

Despite its occasional use for sheep-feeding, the Inspector considered the evidence before him to indicate that the hard-standing is principally used for activities linked to the appellant's equestrian business and that it is not essential to the agricultural activities carried out on the farm.

The hard-standing area was seen to lie a considerable distance away from any of the existing farm buildings and, notwithstanding the presence of an adjacent electricity pylon, presents an artificial appearance which contrasts with and detracts from the rural character of its surroundings. The hard-standing is clearly visible to visitors to the farm and while the appellant suggests that its visual impact could be ameliorated by screening or landscaping, no details of how this could be achieved were submitted.

The Inspector at his site visit saw the gates which it is proposed to install at the entrance to the farm drive, where they would be clearly visible from the public highway. They each take the form of a row of metal railings with fleur-de-lys finials, and while I understand that it is intended to clad them in wood, he nonetheless considered that they would present an overly ornate and suburban appearance, wholly out of keeping with the character of this rural area.

Accordingly, he concluded that both the proposed storage / haylage and sheep-feeding area and the proposed entrance gates would detract from the character and appearance of this area of countryside.

## Comments

This successful appeal decision will assist in protecting against insensitive new development at this location, with the hardstanding being the subject of an extant Enforcement Notice which will now be enforced.

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L.P.A. Reference No:	2006/00376/FUL
Appeal Method:	Hearing
Appeal Reference No:	06/1199029
Appellant:	Fitz Project Management
<b>Location:</b>	<b>Brooklands, Brook Lane, St. Nicholas</b>
Proposal:	East wing extensions to dining room and bedroom
Decision:	Appeal Dismissed
Date:	26 October 2006
Inspector:	Mr. Roger Clews
Council Determination:	Delegated

## Summary

The main issue in this appeal concerned the effect of the proposed development on the character and appearance of the existing dwelling and of the surrounding countryside, which lies within a Special Landscape Area.

The original dwelling was noted to be a two-storey rendered house under a tall gabled roof, extended by a "sun-room" extension may at some point before the 1993 alterations, but which is no longer discernible as such. The two-storey annexe permitted in 1993 was seen to be quite a different style, and being considerably lower in height than the original dwelling, appearing appropriately subordinate to it. He also noted that there is a substantial gap between the original dwelling and the annexe at roof and first-floor level, so that although they are joined by an unobtrusive ground-floor link, they appear largely as separate structures. This gap would be maintained by the rear first-floor extension permitted in 2005.

Although, in itself, the two-storey extension now proposed would represent only a relatively small addition to the original dwelling, because it would close the existing gap between the upper parts of the original dwelling and the annexe, and indeed would overlap the annexe's western edge, it would have the effect of visually merging the two elements into a single building mass, notwithstanding the differences in their external materials and the fact that the southern elevation of the annexe is set well back from that of the original dwelling.

In place of the existing linked but individually-proportioned structures, he thus found that the overall bulk of the extended dwelling would appear disproportionate when considered in relation to the size of the original dwelling.

Looking at criterion (v) of Policy HOUS7, which requires that (among other things) the scale, design and external appearance of the extension are compatible with existing related structures and the surrounding landscape, the Inspector shared an earlier Inspector's view that the original farmhouse is of a pleasant, unassuming appearance and I consider that in these respects it is appropriate to its attractive rural surroundings.

The more formal style of the 1993 additions sits much less comfortably in this setting, as well as contrasting with that of the original dwelling. By substantially increasing the physical linkage between the original house and the annexe, however, the proposed development, would blur the distinction between them, to the extent that the scale and proportions of the original dwelling would be far less discernible within the overall bulk of the extended dwelling, such that in these respects the appeal proposal would be incompatible with the existing structure.

By increasing the overall mass of the building and detracting from the scale and proportions of the original building, he also concluded that the proposed extension would detract from the character and visual amenities of this attractive area of countryside.

#### *Application for an Award of Costs against Appellant*

Officers made an application for an award of costs against the appellant, largely on the basis that the appellant had demonstrated a disregard for the previous appeal decisions on the property and for adopted UDP policies, and has provided little substantive evidence to support the appeal.

The Inspector noted that, while there are some similarities between the current appeal proposal and the scheme which was dismissed on appeal in April 2005, there were also a number of significant differences.

Consequently he did not consider that the current appeal could be said to concern the same, or a very similar, development proposal as one previously dismissed at appeal. On the contrary, despite the fact that he concluded that the proposal should not be permitted, he accepted that it is an attempt on the appellant's part to reduce the impact of previously refused proposals.

Although the appellant's expressed views on whether previous extensions to the appeal property should be taken into account for the purposes of criterion (i) of UDP Policy HOUS7 were somewhat inconsistent, that did not in itself render the appeal unreasonable. Nor did he find evidence that he had disregarded Policy HOUS7 or other relevant planning policies.

Accordingly, he concluded that the appellant did not act unreasonably in pursuing the appeal and that the Council were not put to wasted or unnecessary expense as a result, such that no award of costs should be made.

## Comments

Although the Council were unsuccessful in their attempts to claim costs against the appellant, the dismissal of what was the third appeal on this dwelling is highly encouraging, and it is hoped will bring an end to the continued attempts to extend this dwelling contrary to the objectives and spirit of Policy HOUS7.

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L.P.A. Reference No:	2005/01817/FUL
Appeal Method:	Hearing
Appeal Reference No:	06/1199067
Appellant:	Ms. S. M. Bassett
<b>Location:</b>	<b>Liege Manor Equestrian Centre, Bonvilston</b>
Proposal:	Extension to dwelling
Decision:	Appeal Allowed
Date:	25 October 2006
Inspector:	Mr. Roger Clews
Council Determination:	Delegated

## Summary

The main issue concerned the effect of the proposed extension on the character and appearance of the original building and of the surrounding countryside, which lies within a Special Landscape Area.

The Inspector agreed with the Council that Policy ENV8, the objective of which is to ensure that a converted rural building retains its character, must be considered not just at the time of the original conversion but also when dealing with proposals for later extensions.

The Inspector noted that, in order to construct the proposed extension, a number of the existing stables and barns next to the dwelling are to be demolished, each of which are generally in a somewhat poor state of repair. As a result, despite the fact that they are of agricultural appearance, he considered they could not be said to contribute positively to the setting or character of the converted barn. Any future proposals for barn or stable buildings to replace those to be demolished would be subject to planning control.

In place of the demolished buildings it was proposed to construct a single-storey extension projecting from the north-eastern gable end of the barn, in external materials to match those of the original building. He considered that the original scale and proportions of the barn would remain clearly apparent, and that the proposed extension would appear subordinate to the barn when seen from the courtyard, with the barn's gable end remaining as a dominant feature for visitors approaching the building complex along the driveway. While the detailed design of some of the doors and windows as shown on the application drawing would be out of keeping with the plain vernacular character of the barn itself, a planning condition could provide for amended details to be submitted to and approved by the Council.

Because of its lower height, the new extension would also appear subordinate to the barn when viewed from the north, and in views from the footpath to the west, and would allow the barn's original scale to be appreciated.

Although mindful of the fact that UDP Policy ENV8 requires that the conversion of a rural building should be achieved without extension to the building, nevertheless he noted that the existing extension permitted in 1989 already has an impact on the character of the converted barn, not least by concealing a significant proportion of its south-eastern elevation. In this context, he found that, even after allowing for the difficulty of finding an exact match for the external materials, the extension which is now proposed would not harmfully detract from the character or appearance of the original barn.

In terms of Policy HOUS7, taking into account its position, design and external materials, and its subordinate relationship to the original converted barn, the Inspector considered the new extension would not appear incongruous, nor result in a dwelling which would be disproportionately large when compared to its existing size. For similar reasons he found that it would be compatible with the existing dwelling and the other buildings in the farm complex, and would not have an adverse visual impact on the surrounding countryside within the Nant Llancarfan Special Landscape Area.

Although noting the Council's concern that the proposed extension could result in a dwelling which would exceed the functional requirement of the equestrian centre, he considered that it would not be of an excessive size for a family home. He also noted that the enterprise appears as a thriving and successful business, such that he had no reason to suppose that the resulting dwelling would be hard to sustain as a tied dwelling in the long term.

## **Comments**

Given that the dwelling on site was a barn conversion, this proposal for significant extension is somewhat regrettable. In this instance, however, the specific circumstances of the original approval (which included an extension) and the improvement resulting from the demolition of the existing buildings, were each considered to outweigh any objections on Policy ENV8 grounds. In this respect, the decision is not considered to have any adverse effect on the council's ability to resist other extensions to such conversions in the future.

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L.P.A. Reference No:	2005/01956/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1199137
Appellant:	T. & S. Karim
<b>Location:</b>	<b>The Beeches, St. Nicholas</b>
Proposal:	Proposed stables and garages to replace existing ruins
Decision:	Appeal Dismissed
Date:	5 October 2006
Inspector:	Ms. P. Davies
Council Determination:	Committee

## **Summary**

The appeal site was noted to lie outside any defined settlement in an area that is prevalingly open and rural in character, having a natural undeveloped appearance that contributes to its countryside setting. That the site is physically segregated from the existing dwelling and its defined curtilage by an access way to a field reinforces its strong rural connotations. Although there was some evidence of former structures on the site, these are largely covered in established vegetation and considered to blend comfortably into the landscape.

Given its private domestic nature, the Inspector did not regard the proposal as an appropriate recreational use in the context of Policy ENV 1. Rather, by reason of its substantial scale and the large extended courtyard which would clearly affiliate the proposal with the existing dwelling, the proposal would fundamentally change the rural character of the site appearing as a significant intrusion of urban form into the countryside.

Because the site is slightly elevated to the main road and due to its scale, the urbanising effects of the proposal would be visible through the existing entrance to the dwelling and in glimpsed views from the A48, especially in the winter months when the trees would offer less protection. In such views, the harmful effects would be readily apparent and would detract from the scenic qualities of the Special Landscape Area which stretches to the south.

Although UDP Policy ENV9 provides for horse related development, this is not where, amongst other things, it would unacceptably affect the character and appearance of the locality, as the Inspector found in this case.

## **Comments**

Given the substantial scale of the development, its clear domestic intensity of use, and its countryside location, this decision is not unexpected. It does, however, emphasise that such development remains unacceptable even where it is put forward as 'horse-related development'.

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L.P.A. Reference No: 2006/00475/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1199201  
Appellant: Mr. E. Oliver  
**Location:** **29, Porthkerry Road, Rhoose**  
Proposal: Kerb lowering and part removal of existing wall to make access to front garden for one car. Existing area converted to decorative gravel  
  
Decision: Appeal Dismissed  
Date: 5 October 2006  
Inspector: Ms. P. Davies  
Council Determination: Delegated

### Summary

The Inspector noted that Porthkerry Road is a main route into and out of Rhoose, and that the road would be expected to be busier at peak times.

Owing to the lack of space within the site, drivers using the proposed parking space would have to reverse into or out of the access using the main road for manoeuvring, such that this would impede the free flow of traffic. Moreover, she noted that there is limited visibility to the west where the road bends, which is further impeded by parked cars and an adjoining hedge. Approaching traffic and emerging vehicles would therefore have little warning of each other causing unacceptable hazards to road safety. That there are other accesses nearby was not a good reason for allowing unsafe development.

### Comments

This is another good example of the Inspectorate supporting the Council's objection to the creation of new accesses onto classified roads, even where many other historical accesses already exist.

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L.P.A. Reference No: 2004/01532/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 06/1199342  
Appellant: Executors of D.T. Jones,  
**Location:** **Barns opposite Great House, Llantwit Major**  
Proposal: Conversion of stone barns to residential and associated commercial/homeworker use  
  
Decision: Appeal Dismissed  
Date: 30 October 2006  
Inspector: Mr. P. Macdonald  
Council Determination: Committee

### Summary

The Inspector noted that the appeal buildings are part of the rural setting of the Conservation Area and the listed 'Great House', and that they have a rural aspect themselves, being of modest size and unassertive appearance, Barn B being shrouded in greenery, and the intensity and nature of use being appropriate to a rural setting. The fact that the main facade of the Great House is hard against the road with no intervening land, and with the appeal site immediately opposite, means that the appeal site and its buildings forms a closely related part of its immediate setting.

The appeal proposals, however, would be likely to result in a substantially increased use of the appeal site, with the yard area in front used for parking. He also noted that, whilst the extent of activity and traffic resulting from the residential use may be predicted with some certainty, there is no way of knowing the impact of the commercial use, and how much traffic and parking demand it might generate. Nor was there any way of controlling it by condition, to ensure that it does not reach a level inimical to the rural nature of this part of the Conservation Area, and to the immediate setting of the Great House.

Some of the agricultural land to the north-west would be turned into garden area to serve both the converted barns. Whilst the Inspector considered the conversion proposals, in themselves, to be generally acceptable in physical terms, he considered the replacement of the timber infilling to the northern gable of Barn B by glazed doors and windows would introduce a discordant feature seen when approaching along High Street from the north, with the internal commercial use being visible, particularly with the use of lighting after dark.

The Inspector thus concluded that the result of the appeal proposals would be to blur the clear distinction being historic urban core and rural setting which is presently an important feature of both the Conservation Area and the setting of the Grade II\* Listed Building, by introducing a more suburban character into the area. The end result would neither preserve nor enhance the character and appearance of the Conservation Area, nor that of the setting of the highly-graded listed building.

## Comments

This is a fine decision which emphasises the significant importance of this part of the Conservation Area and of the Grade II\* Listed Great House/ Ty Mawr, while effectively concluding that any residential conversion of these barns would be insensitive in such a location.

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### (d) Enforcement Appeal Decisions Received

L.P.A. Reference No:	ENF/2002/0373/E
Appeal Method:	Public Local Inquiry
Appeal Reference No:	C/06/1198244
Appellant:	Mrs. Elaine Robinson,
<b>Location:</b>	<b>The Garlands, formerly The Talbot Liveries, Walterston, Llancarfan</b>
Proposal:	Without the benefit of planning permission, making a material change of use of the land and buildings sited thereon, by the part conversion from a single approved use as a stables, riding school and livery yard to a mixed use which now includes an element of residential and which use itself includes the siting of a caravan and its use for residential purposes
Decision:	ENF appeal ALLOWED
Date:	19 October 2006
Inspector:	Mr. T. J. Morgan

## Summary

The Inspector heard evidence from the appellant, and from a number of other local people who had personal knowledge of the use of the property in question.

The Inspector was satisfied that the combination of the furniture, fittings and services in the dayroom, the touring caravan and the separate toilet, as a matter of fact and degree, afforded the facilities for day to day private domestic existence.

The degree of use by the appellant and others also meant that after 1994, and certainly before 1996, a mixed use was taking place which included a residential element and that use has continued up to and beyond the date of the issue of the Enforcement Notice.

Accordingly, he was satisfied on the evidence that the breach of planning control alleged in the notice has become immune from enforcement as it continued for a period of more than 10 years up to the issue of the Enforcement Notice.

## Comments

The legal technicalities surrounding enforcement cases relating to alleged residential use are clearly tricky and, in this case, the appellants were able to provide a number of local witnesses to corroborate the appellants evidence. This, and the absence of personal knowledge from the Council, together with legalities surrounding what constitutes a 'residential' use, were such that the appeal regrettably succeeded in this instance.

### (e) April 2006 – March 2007 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl.tree appeals)	WR	27	8 <sup>1</sup>	35	2
	H	1	3	4	1
	PI	1	-	1	1
<b>Planning Total</b>		29 (72.5%)	11 (27.5%)	<b>40</b>	
Enforcement Appeals	WR	11	7	18	2
	H	-	1	1	-
	PI	1	2	2	1
<b>Enforcement Total</b>		12 (54.5%)	10 (45.5%)	<b>22</b>	
All Appeals	WR	38	15	53	4
	H	1	4	5	1
	PI	2	2	4	2
<b>Combined Total</b>		41	21	<b>62</b>	7

<sup>1</sup> Includes Split Decision on Oakways Farm

(f) List of Forthcoming Hearings and Public Inquiries

<u>DATE</u>	<u>Site and Proposal/ Breach</u>
<b>10<sup>TH</sup> AND 11<sup>TH</sup> OCTOBER 2006</b>	<b>PUBLIC LOCAL INQUIRY - PLANNING APPEAL</b> Sealawns Hotel, Ogmore By Sea <i>Demolition of existing buildings on site and construction of 24 flats, parking on existing car park and disabled parking at high level together with hard &amp; soft landscaping</i>
<b><u>7 NOVEMBER 2006</u></b>	<b>HEARING - PLANNING APPEAL</b> 66, Victoria Road, Penarth <i>Demolition of existing house and garage block. Construction of new two/three storey apartment block with basement, associated landscaping and car parking</i>
<b>12 DECEMBER 2006</b>	<b>HEARING - PLANNING APPEAL</b> Land adjoining the former Golden Hind Public House, St. Mary's Well Bay, Swanbridge <i>Change of use from former public house car park to become part of caravan site - retention of four concrete bases, access roadway, lighting stanchions and gabion wall</i>
<b>12 DECEMBER 2006</b>	<b>HEARING - ENFORCEMENT APPEAL</b> Land at The Golden Hind & The Bay Caravan Park, St. Marys Well Bay, Lavernock <i>Unauthorised construction of concrete hardstandings and an access road</i>
<b>12 DECEMBER 2006</b>	<b>HEARING - PLANNING APPEAL</b> Land adjoining the former Golden Hind Public House and Bay Caravan Park, Lavernock <i>Change of use involving formal incorporation of land into Bay Caravan Park and provision of site access road and concrete bases</i>
<b><u>28 NOVEMBER 2006</u></b>	<b>HEARING - PLANNING APPEAL</b> Land opposite Llandow Caravan Site, Llandow <i>Proposed caravans storage compound, new CCTV Pole and access alterations</i>
<b><u>29 NOVEMBER 2006</u></b>	<b>HEARING - PLANNING APPEAL</b> GM2 House, Plymouth Road, Penarth <i>Demolition of the existing two storey pitched roof GM2 house. Erection of a residential building of 25 apartments with associated undercroft car park and ground floor with split level residential unit and commercial unit</i>
<b>17<sup>TH</sup> JANUARY 2007</b>	<b>HEARING - PLANNING APPEAL</b> Land at Gilbert Lane, Dinas Powys <i>Proposed Farmhouse with garage</i>
<b>TO BE CONFIRMED</b>	Greenfields, Llanblethian (Inquiry)

Background Papers

Relevant appeal decision notices and application files (as detailed above).

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