

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 19<sup>TH</sup> OCTOBER, 2005

REPORT OF THE DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L. P. A. Reference No: 05/00903/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 05/1188185  
Appellant: Mr. M. L. O'Brien,  
**Location: The Acorns, Maendy Road, Aberthin**  
Proposal: Demolition of existing agricultural building and replace  
with building for storage of tractor, agricultural machinery,  
tools, workshop and working area  
Start Date: 15<sup>th</sup> September, 2005

L. P. A. Reference No: 05/00069/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 05/1189012  
Appellant: Mr. C. Duddridge,  
**Location: Side/rear garden of 8, Stanton Way, Penarth**  
Proposal: Erection of 3 bedroom house  
Start Date: 19<sup>th</sup> September, 2005

L. P. A. Reference No: 05/01144/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 05/1189511  
Appellant: Mr. and Mrs. J. H. Newark,  
**Location: Old Factory House, Factory Road, Llanblethian**  
Proposal: Conversion and extension of residential annexe into new  
detached dwelling  
Start Date: 21<sup>st</sup> September, 2005

L. P. A. Reference No: 05/00383/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 05/1189558  
Appellant: Jackie Barratt,  
**Location: No. 341, Barry Road, Barry**  
Proposal: Two storey side extension to kitchen and bedroom, single  
storey conservatory and utility rear extension  
Start Date: 21<sup>st</sup> September, 2005

L. P. A. Reference No: 05/00629/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 05/1190153  
Appellant: Mrs. E. Webb,  
**Location:** **Land directly behind Annwyl Fan, St. Brides Road, Wick**  
Proposal: Change of use of land used for grazing horses for use as a garden  
Start Date: 28<sup>th</sup> September, 2005

L. P. A. Reference No: 04/01966/FUL  
Appeal Method: Hearing  
Appeal Reference No: 05/1190190  
Appellant: Mr. and Mrs. D. Harris,  
**Location:** **Old Froglands, Llanmaes**  
Proposal: Extension to existing barn conversion to provide leisure facilities and accommodation ancillary to the main residential property  
Start Date: 28<sup>th</sup> September, 2005

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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: 04/00917/OUT  
Appeal Method: Hearing  
Appeal Reference No: 05/1178708  
Appellant: David Evans Agricultural Ltd.,  
**Location:** **Old Middlehill, Llancarfan**  
Proposal: Residential plot  
Decision: **DISMISSED**  
Date: 9<sup>th</sup> September, 2005  
Inspector: Mr. P. MacDonald  
Council Determination: Planning Committee

**Summary**

The proposed dwelling was sought in connection with an agricultural contracting business located in the countryside. The issue concerned whether, bearing in mind local and national policies in respect of restraint of development in rural areas, sufficient justification had been demonstrated to allow a new dwelling in the countryside.

The Inspector noted that the proposed dwelling was specifically expressed as being for the primary purpose of the security of the adjoining business, particular reference having been made to break-ins in October and November 2003, when 7 quad bikes, with a total value of some £21,500, were stolen.

National policy, as set out in TAN6, states that, in respect of agricultural dwellings, security considerations relating to livestock may form part of the case for a dwelling, but cannot in themselves justify one. Against that background, the Inspector considered it very difficult to see how a non-agricultural dwelling in the countryside can be justified on the grounds of the security needs of a commercial use. In this respect, security considerations must have been one of the matters taken into account in deciding to locate the business in a somewhat isolated rural setting some seven years ago.

Since the business obviously serves quite an extensive local area, the Inspector considered there to be no over-riding reason to locate in this position rather than any other, thus reinforcing the view that, if livestock security alone cannot justify a dwelling, commercial security can hardly be expected to do so.

Although quad bikes were targeted, he noted officer's submissions that such sales may be in breach of the conditions attached to the original consent. They could not therefore be given too much weight. In any respect, he concluded that, serious as the 2003 thefts undoubtedly were, they did not justify the provision of a new dwelling in the countryside as an exception to policy, and to allow such an exception on the grounds advanced would set an unfortunate precedent for the future.

## Comments

Although located in the countryside, and therefore clearly contrary to local and national policy, the Inspector has given detailed consideration to the merits of justifying such a new house on security grounds alone for a commercial property. It will therefore be useful in assisting the Council to preclude other similar proposals where insufficient justification exists.

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L. P. A. Reference No:	05/00428/FUL
Appeal Method:	Written Representations
Appeal Reference No:	05/1182790
Appellant:	Vodafone Limited,
<b>Location:</b>	<b>Off Clive Place, Penarth</b>
Proposal:	Erection of telegraph pole style communication streetworks pole with adjoining apparatus cabinet
Decision:	<b>ALLOWED</b>
Date:	15 <sup>th</sup> September, 2005
Inspector:	Mr. John Davies
Council Determination:	Planning Committee

## Summary

Although the Inspector accepted that the short section of Clive Place from the appeal site up to the junction with Church Place South is clear of street furniture, he considered that, in looking at the impact, it is unrealistic to look only at a short section of the street. The impact must therefore be judged in the wider context and, he stated, this is an area where street lighting columns and wooden telegraph poles are an accepted feature of the street scene. As such, he considered them to be part of the existing character and appearance of the Conservation Area.

Although the proposed pole, reaching a total height of 11.4 metres including the antennas, would be several metres higher than any existing telegraph poles in the locality, he did not consider this height difference in itself would imply that the pole would detract from the area. He considered the pole would not have the clutter of overhead telephone wires associated with the existing poles, and would be a simple, slender feature that would look sufficiently similar to the other poles in the area as to soon become an accepted part of the street scene.

Although recognising that it would be in an elevated position, it would not be close to any street trees, but those on the western side of Clive Place would screen the mast in many views from the lower parts of the street to the south. When seen from the north the impact of the mast would be greatly reduced because of its lower level.

He thus concluded that the proposed mast would be in keeping with and would preserve the surrounding area, in which wooden telegraph poles, overhead wires and street lighting are commonplace and part of the existing character and appearance of Clive Place and the conservation area. He similarly concluded that the proposed apparatus cabinet, although bulky, would be an accepted feature of the street scene and the Conservation Area, in the same way that the existing sub-station, telegraph poles and streetlights are.

Other matters relating to the impact on residential amenity, health concerns and the need for the mast in question were considered by the inspector, but not considered to be of sufficient weight to justify refusal.

## Comments

This appeal has generated a significant amount of public interest, and in this respect the decision will not be popular locally. The Inspector has, however, considered in detail the proposal and concluded that no harm would result. In this respect, it is to be noted that the Inspector has stated that locating a mast within a Conservation Area does not, in itself, make such a location unacceptable.

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L. P. A. Reference No:	05/00247/OUT
Appeal Method:	Written Representations
Appeal Reference No:	05/1183430
Appellant:	Mr. Arthur Reed,
<b>Location:</b>	<b>Land adjacent to The Cottage, Railway View, St. Brides Major, Bridgend</b>
Proposal:	New detached domestic dwelling
Decision:	<b>DISMISSED</b>
Date:	15 <sup>th</sup> September, 2005
Inspector:	Mr. John Davies
Council Determination:	Planning Committee

## Summary

Contrary to the appellant's claim, the Inspector stated that the proposal did not comply with Policy HOUS2, since this only permits housing within the defined settlement boundary. Since the appeal site is part of the countryside as defined in the Unitary Development Plan it was also contrary to Policies HOUS3 and ENV1 since it is not required for agriculture or forestry.

The appeal site was seen to be surrounded on all sides by open countryside and physically separated from the village, such that any new dwelling, in this isolated and elevated position, would be visible from many of the footpaths in the surrounding rural

area. In his opinion, a new dwelling on the site would be seen as an intrusive development that would consolidate the scatter of dwellings along this lane in an unacceptable manner and detract from the attractive rural character of the surrounding area.

Although taking account of, and sympathising with, the personal and medical circumstances of the appellant, he stated that it does not follow that they can only be met by a new dwelling on the appeal site. These needs did not justify the construction of a new dwelling in this countryside location, where it would "so fundamentally conflict with both the policies of the recently adopted Unitary Development Plan and the national policies of the Assembly Government that seek to protect the countryside".

## Comments

Given the location of the site in a prominent, and isolated location outside of the village of St. Brides, this decision is not unexpected. It does, however, indicate that personal health concerns are rarely sufficient to outweigh the presumption against such development in the countryside.

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L. P. A. Reference No:	03/01532/FUL
Appeal Method:	Hearing
Appeal Reference No:	05/1180137
Appellant:	Mr. & Mrs. D. Archer,
<b>Location:</b>	<b>Redland House, Maes y Ffynon, Bonvilston</b>
Proposal:	Proposed timber gate from land to the rear of Redland House onto adjacent lane
Decision:	<b>ALLOWED</b>
Date:	20 <sup>th</sup> September, 2005
Inspector:	Mr. D. N. Wilks
Council Determination:	Officer Delegated

## Summary

The main issue concerned whether the siting, design and layout of the proposal would have an unacceptable impact on the features, character and appearance of its rural landscape setting.

In terms of the loss of the hedge, the Inspector considered that, provided the new hedge was a mixture similar to that existing and the verges seeded with a suitable flora/grass mixture, then there would not be any unacceptable long term harm to the wildlife and landscape value of the hedge as a whole. Although the proposal would disrupt the existing continuity of the hedgerow, he considered the result would be a scene which would still be visually acceptable in its own right and in the context of its wider surroundings.

Although the Council had raised "a fundamental objection" to the proposed close boarded gates shown on the application plan, at the hearing the appellant made it clear that she would accept some other form of design if necessary, such as a conventional '5 bar' farm gate. This was conditioned as part of the approval.

## Comments

It is regrettable that the style of gate, previously unchanged despite requests, was changed at the hearing, thus adversely affecting part of the Council's submissions at appeal stage. Such a change will, however, at least partially mitigate the impact of the development.

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L. P. A. Reference No: 04/01526/OUT  
Appeal Method: Written Representations  
Appeal Reference No: 05/1181538  
Appellant: Mr. D. Michael Thomas,  
**Location: Land adjacent New Parc Farm, St. Donats**  
Proposal: Erection of one dwelling  
Decision: **ALLOWED**  
Date: 21<sup>st</sup> September, 2005  
Inspector: Robert Gardener  
Council Determination: Planning Committee

## Summary

The Inspector noted that Policy HOUS3 explains that other settlements are not included in the Policy HOUS2 list because they are considered not to have sufficient physical form or capacity to assimilate further new residential development without harm being caused to their existing character and environment. Notwithstanding this, however, he considered St. Donats to be a 'settlement', albeit not subject to Policy HOUS2.

Looking at Planning Policy Wales (PPW), he noted that Policy HOUS2 follows its advice that development in the countryside should be located at those settlements where it can best be accommodated in relation to several factors, but also that it suggests that infilling or minor extensions to settlements or even isolated groups of dwellings in the countryside may be acceptable. He thus considered that it would not be appropriate to treat the UDP as placing an embargo on new residential development here. In line with PPW, the Inspector thus looked at the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.

The Inspector considered the appeal site, despite its manicured appearance, to be farmland, adjoined by an extensive complex of farm buildings, and conspicuous to those travelling from the south-east, from where it would have been perceived as part of the rural edge and setting of the settlement rather than within it. The recent barn conversions adjacent, however, had, in his opinion, led to the settlement edge being perceptibly moved, with such conversions having the character of roadside dwellings within an overtly domestic residential setting. The proposal would therefore effectively be in the gap in the road frontage, ostensibly within the main body of St. Donats.

In this respect, he concluded that the appeal site, while contributing importantly to the open structure of the settlement, is sufficiently large to accommodate the single dwelling sought without unduly detracting from it. Careful attention to design and external appearance, which remain reserved matters, should thus ensure that it would fit acceptably into the local scene.

In terms of accessibility and sustainability, the Inspector stated that "PPW recognises that opportunities to achieve sustainable objectives may be more limited in rural areas. While the majority of new development should be in settlements accessible to non-car modes of travel, it follows that some new development may not be. PPW advises that the level of such accessibility should be 'relatively' good".

The Inspector agreed that St. Donats is not well provided with services and facilities and is not itself a sustainable settlement. However, he noted that it is connected to Llantwit Major and beyond by a regular 2-way bus service at approximately one and two-hourly intervals at different times of the day and in 2 directions. He considered that this is not an unusually low level of rural service, such that it did not dictate against allowing otherwise acceptable instances of infilling and so on anticipated by PPW.

In terms of the loss of good quality agricultural land, the inspector found it to be a small area of land projecting from the main farmland, which is accessed separately. He did not, therefore, consider its loss would unduly prejudice the Council's policy objectives.

## Comments

This is a very disappointing decision, in which it is considered the Inspector has failed to appropriately consider the effect of the proposed development on the established pattern of development, and upon the accessibility of St. Donats, in accordance with the requirements of Planning Policy Wales. Indeed, his conclusions on accessibility are somewhat perplexing. On consideration, however, while his conclusions on character are harsh, it is nevertheless considered that the Inspector has not erred in law, nor are his conclusions sufficiently distant from the policies of the adopted Unitary Development Plan such that a legal challenge would be warranted.

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L. P. A. Reference No:	03/01320/FUL
Appeal Method:	Written Representations
Appeal Reference No:	05/1181980
Appellant:	M. Boland
<b>Location:</b>	<b>St. Hilary, St. Maryswell Bay Road, St. Maryswell Bay, Swanbridge</b>
Proposal:	Restoration of St. Hilary House
Decision:	<b>DISMISSED</b>
Date:	27 <sup>th</sup> September, 2005
Inspector:	Mr. Hywel Jones
Council Determination:	Planning Committee

## Summary

Given the issues of 'abandonment', the Inspector considered it necessary to establish the planning status of the site before considering the planning merits of the scheme.

He noted that there was consensus between the parties that the property suffered severe fire damage a number of years ago (estimated by the Council to be during the 1970's) and that subsequent vandalism and theft has exacerbated its physical decline.

The Council drew attention to the case of the *Trustees of the Castell-y-Mynach Estate v Secretary of State for Wales in 1984* and a decision of the Court of Appeal in 2000 (*Hughes v Secretary of State for the Environment, Transport and the Regions*) which dealt with the issue of abandonment.

He stated that these indicate that the test must be the view to be objectively taken , with 4 relevant criteria, which he examined in turn:

#### Physical Condition of the Building

Although much of the stone walls of the structure and the chimney stacks remain, significant sections of walling are missing. No elements of the roof, floors, or window or door openings have survived. A building engineer's report, commissioned by the appellant, accepts that parts of the present walls would need to be taken down prior to re-building. He considered it evident that the structure has not provided even the most basic facilities for cooking, eating, or sleeping that is reasonably expected of a dwelling for many years. He concluded that, in its present state, its appearance does not resemble a dwelling.

#### Length of Time that the Building Has Not Been Used for Residential Purposes

There has been no substantive residential use of the structure since it was fire-damaged in the 1970's.

#### Use of Building for Any Other Purpose

There was no evidence to suggest that the structure has been used for any other purpose since it was last used as a dwelling.

#### Owners' Intentions

The Inspector noted that there were no clear indications that the owners intended to renovate the structure in order to re-commence the previous residential use. Furthermore, despite the incidence of vandalism and theft that have lead to the deterioration of the structure since the fire, there appears to have been no significant steps taken to secure the site from unauthorised entry or to protect the structure from the effects of weathering.

#### Conclusions

The Inspector took into account that the site has not been used for any other purpose since it was last used residentially. However, bearing in mind the available information regarding the owner's intention, he concluded that the building's physical condition and the period of non-occupation are compelling indicators that lead him to find that the use of the building has been abandoned.

On the basis that the residential use of the property has been abandoned, it followed that the scheme is tantamount to the erection of a new dwelling. Thus the main issue concerned the effect of the proposed dwelling on the character and appearance of the surrounding area, having regard to the Council's rural housing restraint policies.

The Inspector noted that the appeal site lies within an area of generally undeveloped coastline, which contains some sporadic development. Given its location outside the designated limits of any settlement as defined in the UDP, for the purposes of planning policy it is within the countryside. He thus considered whether the appeal scheme represented an exception to the restrictive local and national planning policies relating to new housing in the countryside.

Despite recent re-painting, he considered the structure's visual impact to be relatively modest, especially as a consequence of the screening effect of adjacent, mature trees, such that it appears as the ruinous remnants of a former building and sits comfortably within its rural setting. In contrast, the rebuilding of significant sections of demolished walls, the provision of a roof and the insertion of windows would markedly increase its prominence in the landscape.

He further opined that, were the site to remain undeveloped, its assimilation into the landscape is likely to continue as a result of the growth of vegetation within and surrounding the site and the further deterioration of the structure through weathering. In contrast, the appeal scheme would result in a significantly greater visual impact, bearing in mind the greater physical presence of the extended building, together with the likely domestication of the site through, for instance, the creation of a garden and the associated paraphernalia. Accordingly, he considered that such development would be at odds with the natural setting of the site.

In addition, the close proximity of mature trees to the envisaged dwelling would be likely to lead in the future to pressure from prospective occupiers to lop or fell the trees, as they seek to improve their living conditions or to reduce the risk of damage to the property. In practice, he said that such pressure may prove difficult to resist, despite the protection offered by the tree preservation order. Such an effect on these attractive trees would thus be harmful, not only in that it would diminish the trees amenity value, but also since it would open up seaward views of the building.

Finally, as the site is remote from local services, the proposal would also not align with the aim of providing more sustainable forms of development, which is a cornerstone of national planning policy, which reinforced his findings on the unacceptability of the proposal.

## Comments

Members will no doubt be aware of this prominent site in the East Vale Coast, and to the condition of the existing structure, which has deteriorated over the last 30 years or so. This decision, therefore, has not only given a detailed conclusion that such residential use has been abandoned, but also offered firm support for the Council in resisting any future development on the site.

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L. P. A. Reference No:	04/01586/FUL
Appeal Method:	Written Representations
Appeal Reference No:	05/1182710
Appellant:	Haydn Anthony Brown,
<b>Location:</b>	<b>Single storey barn at entrance driveway to garden of Westfield House, West Street, Llantwit Major</b>
Proposal:	Conversion and extension of disused barn to form a two bedroom single storey dwelling
Decision:	<b>DISMISSED</b>
Date:	26 <sup>th</sup> September, 2005
Inspector:	Mr. D. Sheers
Council Determination:	Officer Delegated

## Summary

The main issues concerned, firstly, the impact on the character or appearance of the conservation area and, secondly, whether it would unduly harm the residential amenities of the neighbouring property.

The appeal building was seen to be in a highly prominent location set above road level, and also at the entrance to a large and attractive house set very well back from the road and approached, past the outbuilding, via a drive through sweeping lawns. The Conservation Area in the immediate vicinity was noted to be characterised by a wide mixture of dwelling types in a semi-rural setting with large gardens, open areas and stone walls, hedges and grass verges bordering narrow roads.

The proposal to extend the existing outbuilding to the rear, and at a higher ridge height, was noted to be substantially larger than the original, small-scale traditional styled rural building, such that it would, in effect, almost entirely subsume it in terms of scale and bulk.

Furthermore, he considered it would radically alter the character of the entrance to the main house, significantly encroaching on its current open nature and harming the fine approaches to the property. As a result the setting of Westfield House and the semi-rural character and appearance of this part of the conservation area would be detrimentally affected.

In terms of the impact on residential amenity, he did not consider that those of the adjoining cottage would be unduly harmed, given that its rear garden is already significantly overshadowed by thick, high vegetation. He did, however, agree that the occupants of the proposed dwelling would be likely to be adversely affected by noise and disturbance from users of the driveway, which would closely adjoin the proposed re-aligned driveway to the main house.

## Comments

Given the prominence of the site in the Conservation Area, and the significant changes proposed to this traditional building, this decision is welcomed, and should ensure that the building continues to contribute significantly to the character of the area.

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L. P. A. Reference No:	04/00849/FUL
Appeal Method:	Public Local Inquiry
Appeal Reference No:	05/1175868
Appellant:	Mr. Paul Grove,
<b>Location:</b>	<b>Salt Barn, St. Athan</b>
Proposal:	Two reduced height two storey dwellings, each with detached double garage. Application also details changes/removal of existing access points
Decision:	<b>DISMISSED</b>
Date:	27 <sup>th</sup> September, 2005
Inspector:	Mr. Gwynedd P. Thomas
Council Determination:	Planning Committee

## Summary

The main issue related to whether the proposal conflicts with policies that protect the countryside, and if so whether the arguments in support of the proposal are sufficient to justify an exception in this case.

The Inspector saw that the appeal site intrudes into an open field and is within a flat open landscape, lying within the Glamorgan Heritage Coast, and separated from the village of St Athan by a busy road. Accordingly, he found that the appeal site was both visually and physically part of the open countryside, seen as part of the rural landscape from surrounding public viewpoints including a public footpath in the adjacent field.

He found the site to lie outside the settlement boundary and not allocated for development purposes, with the dwellings not being required for agriculture or forestry uses or any other activity for which a rural location is essential. Furthermore, he did not consider the development to amount to a "rounding-off of the edge of St. Athan, nor that it would satisfy the provisions of Policy HOUS9 since it would not be closely related to the defined settlement boundary or sympathetic to the environs of the site. Instead, the two dwellings would appear as an isolated and incongruous intrusion in the open countryside.

The appellant argued that material considerations outweighed the presumption against such development in the countryside.

Although the Inspector did not agree with the submissions that the site has blended into the landscape and can reasonably be considered as part of the natural surroundings - and thus considered it to have the characteristics of a brownfield site - he stated that PPW recognises that not all brownfield land is suitable for development. Bearing in mind its rural location outside the settlement boundary and that the site is within the Glamorgan Heritage Coast, he thus did not consider the fact that the land has been in previous use represented sufficient justification to grant planning permission for housing development.

The Inspector was not convinced with the appellant's view that, as a result of the site being contaminated by the salt stored on the site and fly-tipping of the site, that the only suitable solution is to develop the site for housing. He also did not agree that the land could not be put to an appropriate use in this rural setting.

Bearing in mind the significant harm that the development would cause to the surrounding area, the Inspector did not consider these factors to be sufficient to outweigh the strong presumption against sporadic housing development in the open countryside.

### **Summary of Costs Decision**

The Council also made an application for an award of FULL costs against the appellant, on the grounds that he was unreasonable in pursuing the appeal, which had no reasonable prospect of success and clearly flies in the face of the adopted Unitary Development Plan and national planning policies. As a result of this unreasonable behaviour, it was submitted that the Council had incurred significant wasted expenditure in defending the appeal, which was exacerbated by the unreasonable request for the matter to be heard by way of an Inquiry.

The Inspector acknowledged that the appellant "clearly has a strong belief in the merits and significance of the material considerations that, in his opinion, outweigh the policy presumptions against the proposed development".

He noted that Mr. Grove relied upon written opinions from other parties but did not produce any expert witness to enable the assertions to be tested at the inquiry, such that, in his judgement, Mr. Grove failed to substantiate the basis that the material considerations he put forward justified allowing the development in the face of the policy objections.

In addition, the failure to agree a Statement of Common Ground extended the time spent at the inquiry in dealing with straightforward matters of fact, and required the Council to prepare and submit evidence on matters that could and should have been agreed in advance of the inquiry taking place. He concluded that Mr. Grove's "entrenched attitude" was responsible for the failure to agree such a statement.

Although recognising that Mr. Grove may well not have been fully aware of the procedures involved in a Public Inquiry, and was entitled to opt for the inquiry process as the means to pursue his planning appeal, nevertheless he noted that the Council did advise him of the other options that were available and of the possible cost implications he faced as a result of opting for an Inquiry.

In conclusion, the Inspector found that the appellant's failure to produce substantive evidence to support his arguments that the matters he raised were material considerations that outweighed the clear policy objections to the proposal amounts to unreasonable behaviour. He also found his entrenched position with regard to the production of a Statement of Common Ground to be unreasonable behaviour. These actions thus resulted in the Council incurring unnecessary expense in preparing evidence and attending the inquiry.

A **FULL AWARD OF COSTS** was therefore made on behalf of the Council.

### **Comments**

From the earliest stages of the appeal, and in all dealings with this site prior to that, Officers had provided consistent advice to the appellant that residential development on the site would be both fundamentally contrary to policy, and would cause unacceptable visual harm within the Heritage Coast.

In pursuing the appeal to a Public Inquiry, however, the appellant put the Council to considerable expense in defending such a decision, which was at all times considered to 'fly in the face' of local and national policy, and to be without prospect of success.

In this respect, not only is it satisfying to successfully defend this appeal, but the decision to award the Council its full costs in having to defend this appeal - which are somewhere in the region of £6,000 - is highly encouraging and is considered to justify Officer's consistent advice and actions at all stages in the determination process.

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(d) Enforcement Appeal Decisions Received

None received during reporting period.

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(e)

April 2005 – March 2006 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	14.5	4.5	19	
	H	5	3	8	1
	PI	1	0	0	
<b>Planning Total</b>		20.5 (73%)	7.5 (27%)	<b>28</b>	
Enforcement Appeals *	WR	1	1	2	
	H	0	0	0	1
	PI	0	0	0	2
<b>Enforcement Total</b>		1 (50%)	1 (50%)	<b>2</b>	
All Appeals	WR	15.5	5.5	21	
	H	5	3	8	2
	PI	0	0	0	2
<b>Combined Total</b>		21.5 ** (72%)	8.5 ** (28%)	<b>30</b>	<b>4</b>
<b>This reporting period</b>		5	3	<b>8</b>	

\* Includes all determined appeals where the decision of the Council was 'upheld' (e.g. where an Enforcement appeal succeeds in part, but the Notice is upheld) in accordance with guidance for National Core Indicators.

\*\* Split decision on 18 High Street, Cowbridge shown as 0.5 for clarity purposes.

(f) List of Forthcoming Hearings and Public Inquiries

<u>DATE</u>	<u>SITE AND PROPOSAL/ BREACH</u>
13 <sup>th</sup> December, 2005	<b>PUBLIC INQUIRY</b> Springside, Pen-y-Turnpike Road, Dinas Powys <i>Four detached two storey houses</i>
17 <sup>th</sup> January, 2006	<b>PUBLIC INQUIRY (ENFORCEMENT)</b> 1 Whitewell Cottages, Bonvilston <i>Breach of Agricultural occupancy Condition</i>
In abeyance	<b>PUBLIC INQUIRY (PLANNING &amp; ENFORCEMENT)</b> Ewenny Quarry, Ewenny <i>Breach of operating hours (condition 19 of planning permission 98/01109/FUL).</i>
In abeyance	<b>PUBLIC INQUIRY</b> Land allocated for employment, Rhose Point, Vale of Glamorgan <i>Outline application for residential development.</i>

Background Papers

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

Contact Officer - Steve Ball, Tel: 01446 704690

Officers Consulted:

Head of Planning and Transportation.

ROB QUICK  
DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION