

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 7 MARCH 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2006/00477/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/1200824  
Appellant: Mr. P. Mackie,  
**Location: 1, Sycamore Crescent, Barry**  
Proposal: Demolish existing single storey garage and rebuild  
double extension.  
Start Date: 29 January 2007

L.P.A. Reference No: 2005/01143/OUT  
Appeal Method: Hearing  
Appeal Reference No: 07/1200873  
Appellant: Andton Properties  
**Location: Land at Higher End, St. Athan**  
Proposal: Residential development.  
Start Date: 5 February 2007

L.P.A. Reference No: 2006/01184/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 07/1200882  
Appellant: Mr. Gus Saunders,  
**Location: Field east of Parkside and south of A48 at Lower  
Greenway Farm, Bonvilston**  
Proposal: Retention of hardcore agricultural track from existing  
field entrance off A48 to field which is leased for stock  
rearing to avoid mud on the road and improve safety.  
Start Date: 6 February 2007

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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: 2005/01695/FUL  
Appeal Method: Hearing  
Appeal Reference No: 06/1199696  
Appellant: Mr. & Mrs. A. Evans,  
**Location: Land opposite Llandow Caravan Site, Llandow**  
Proposal: Proposed caravans storage compound, new CCTV Pole and access alterations.  
Decision: Appeal Dismissed  
Date: 19 January 2007  
Inspector: Mr. T. J. Morgan  
Council Determination: Committee

**Summary**

The main issue in the appeal concerned the effect of the proposal on the character and appearance of the locality.

The appeal site was noted to form part of a disused former airfield that has been redeveloped with a variety of industrial, warehousing, leisure and recreational uses. Although the site is partially screened from the road by a hedgerow, the Inspector considered its open character to be apparent from both the roadside and other parts of the surrounding area, including the industrial estate to the north, with extensive views across the site, not only of built development but also of undeveloped countryside to the south and west.

Although the site could be regarded as 'brownfield' in the sense that it is a tarmac runway and thus previously developed land, its openness and proximity and position in relation to other open and farmed land was such that it relates more to open countryside than the industrial and commercial sites in the vicinity. Moreover, while close to the existing caravan park and storage area, it is distinctly separated from them by the intervening road, and has a far more open aspect than these areas.

Within this context, the Inspector considered that the use of the site for the storage of caravans would represent a significant incursion into an area of land that is not only defined as countryside in the Unitary Development Plan (UDP), but also makes a significant contribution to the countryside element of the broader landscape. The proposed screening and the necessary security fencing would erode the openness of the views over the appeal site and harm the open character and appearance that it currently exhibits.

Accordingly, he was convinced that the proposal would result in unacceptable harm to the character and appearance of the locality and conflict with the Policy ENV27 of the UDP, would not be permissible in the countryside under Policy ENV1, and given its countryside location does not comply with the first criterion in Policy EMP2.

The contribution of the business to the local economy of the area and aid to farm diversification were noted, but would be outweighed by the harm identified above. Furthermore, employment sites allocated in the UDP in the vicinity, while not as convenient or beneficial in operational and security terms as the proposal, could cater for any necessary expansion of the present business.

## Comments

This is a fine decision which fully supports the Council's objections to the expansion of commercial use onto the airfield, which is both allocated as countryside and contributes to the character of the locality by means of its openness.

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L.P.A. Reference No:	2006/00118/OUT
Appeal Method:	Hearing
Appeal Reference No:	06/120028
Appellant:	Mr. M.H.R. Reynolds,
<b>Location:</b>	<b>Land at Gilbert Lane, Dinas Powys</b>
Proposal:	Proposed Farmhouse with garage.
Decision:	Appeal Allowed
Date:	1 February 2007
Inspector:	Mr. D. Sheers
Council Determination:	Committee

## Summary

The Inspector noted that the enterprise has been established for some 19 years, with the first farm building being erected 10 years ago, the second 5 years ago and the central part being completed in 2003. During the last 5 years the farm had switched over from being a conventional unit to an organic farm.

The Inspector considered the submitted evidence, and arguments from the Council's agricultural consultant, with respect to matter of financial viability. He considered, however, that the evidence demonstrated that the farming enterprise is economically viable and that the relevant criteria, at paragraph 41 (c) of TAN 6 had been met. This requires that *the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.* He considered that there could be no doubt that it is currently financially sound, while he had no reason to believe that it will not remain so, given current stocking levels, a stable subsidy regime and the fact that the changeover to organic status has been achieved.

On the basis of the above, he considered a dwelling in the order of 140m<sup>2</sup> could be supported which is the equivalent of a modest 3 bedroomed house, which would be appropriate in this case.

In respect of the appropriate siting of the proposed dwelling, the Council maintained that it would be in a relatively prominent location, open to close views from the adjoining highway and footpath and in wider views from the south. The Inspector considered, however, the proposed siting of the house, adjacent to and at the rear of the existing substantial farm buildings, would be appropriate for this location, being viewed in the context of the agricultural buildings and yard, slightly down slope of the buildings so enabling a lower profile to that of the existing buildings.

In addition to the reserved matters, he agreed that the means of enclosure and the precise location of the residential curtilage would need to be defined in order to ensure that the area set aside for domestic residential activities is commensurate with the relatively modest size of the proposed dwelling. In addition it would be appropriate to limit the size of the dwelling, as well as removed PD rights for any extensions to the dwelling and structures within its curtilage, such restrictions being necessary given the location of the site in the open countryside and in order to retain control over the scale of the proposed development.

## Comments

The defence of this case at appeal was made difficult by the introduction of up-to-date financial records at appeal stage, which went a long way to justifying the financial soundness of the business. It is regrettable, however, that the objections to siting were also not supported.

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L.P.A. Reference No:	2006/00162/OUT
Appeal Method:	Written Representations
Appeal Reference No:	06/1200208
Appellant:	A.G. Williams,
<b>Location:</b>	<b>East of 4a, Geraints Close, Cowbridge</b>
Proposal:	Erection of retirement bungalow and domestic garage
Decision:	Appeal Dismissed
Date:	25 January 2007
Inspector:	Mr. Richard Poppleton
Council Determination:	Committee

## Summary

Although there were discrepancies in the submitted plans, the appeal was determined on the basis that the proposed residential curtilage falls within the existing boundary fencing, and that the development would not interfere with the use of the public footpath.

The Inspector first concluded that considered that the development would have little, if any, impact upon the setting of the Cowbridge-with-Llanblethian Conservation Area as a whole, given the surrounding trees. He similarly considered that, whilst it would impact upon a small part of the Area of Special Landscape Value, nevertheless, when in leaf, this foliage would provide a still greater screen to views of or from the land to the south and west.

The central issue concerned the dispute as to whether the appeal site lies within the approved residential curtilage of No. 4A and the settlement boundary. The Inspector considered, however, that he must have regard to the boundary shown on the UDP Proposal Map. He was thus satisfied that the defined settlement boundary crosses the site in a diagonal sweep and does not follow the diverted public footpath alignment.

Therefore as a matter of policy, he concluded that a substantial part of the proposed development would lie outside the settlement boundary and be within its countryside setting, where local policies restrict new housing to specific categories. None of the exceptions to those policies applied in this case and therefore he concluded that the proposal is contrary to UDP Policies HOUS3 and ENV1. Moreover, he did not regard the new alignment of the footpath as being a sufficiently weighty material consideration to justify a decision other than in accordance with the Development Plan.

Notwithstanding the above, he noted that Policies HOUS2 and HOUS8 provide for opportunities to allow development beyond settlement boundaries where this would comprise a 'rounding-off' of the settlement. In this regard, he stated that the presence of the existing fence should be ignored because it pre-judges the relationship of the land to its surroundings. He also stated that, without the fence, there would be a close visual relationship with the tree belt and countryside to the south and west. Moreover, the proposed dwelling would not be in line with neighbouring dwellings but would sit much closer to these important landscape features.

He thus stated that the development would not reflect the layout or character of neighbouring properties and would, in order to avoid enclosing the public footpath, be cramped in terms of amenity space. Therefore, he concluded that the creation of the site would appear as contrived and unrelated to the surrounding development and conflict with the exception provided by Policies HOUS2 and HOUS8(i).

On other matters, he was satisfied that, with appropriate fenestration, the residential amenities of neighbouring residents would not be harmed by overlooking, and that the levels of additional traffic generated by the development would be unlikely to create undue disturbance to the residents of the adjoining dwellings.

The highway safety objection was not accepted, with the Inspector concluding that the low speed of traffic and the small volumes of traffic likely to be generated, meant that the departure from the standard guidelines would not materially erode highway safety in this case.

### Comments

Although the Inspector has not agreed that harm would result to the adjoining conservation area, nevertheless he has satisfactorily concluded that not only is the site part of the countryside, but that any residential development would cause harm by reason of its failure to respect the character of the area, and could not therefore be accepted as 'rounding off'.

#### (d) Enforcement Appeal Decisions Received

None received during reporting period.

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

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	35	9 <sup>1</sup>	44	2
	H	4	4	8	1
	PI	2	-	2	2
<b>Planning Total</b>		41 (76%)	13 (24%)	<b>54</b>	
Enforcement Appeals	WR	11	7	18	3
	H	-	1	1	-
	PI	1	2	3	1
<b>Enforcement Total</b>		12 (54.5%)	10 (45.5%)	<b>22</b>	
All Appeals	WR	46	16	62	4
	H	4	5	9	1
	PI	3	2	5	3
<b>Combined Total</b>		53	23	<b>76</b>	7

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

(g) List of Forthcoming Hearings and Public Inquiries

<b>Date</b>	<b><u>Site and Proposal/ Breach</u></b>
<b>27 February 2007</b>	<b><u>HEARING - PLANNING APPEAL</u></b> Land at Valegate Retail Park, Culverhouse Cross, Cardiff <i>Erection of a class A3 - Drive-through fast food restaurant</i>
<b>13 March 2007</b>	<b><u>HEARING - PLANNING APPEAL</u></b> 124, Windsor Road, Penarth <i>Internal alteration to provide additional flat (resubmission of application 05/01608/FUL)</i>

Background Papers

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

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Officers Consulted:

Head of Planning and Transportation.

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