

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 28 MARCH 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2006/01172/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1200907
Appellant: Mr. S. Wilkins,
Location: **Garage area, side of 56, Court Road, Barry**
Proposal: Change of garage use into a lock up shop for
hairdressing
Start Date: 14 February 2007

L.P.A. Reference No: 2006/01075/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1200968
Appellant: Mr. G. Crandon,
Location: **Land adjacent to Llangan Primary School, Llangan**
Proposal: Proposed conversion of redundant stables to offices
and associated works
Start Date: 15 February 2007

L.P.A. Reference No: 2006/00124/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1200983
Appellant: E. R. & D. L. Jenkins,
Location: **Land at Trehill, St. Nicholas**
Proposal: 2 No. detached residences
Start Date: 19 February 2007

L.P.A. Reference No: 2006/01735/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1201009
Appellant: Mr. & Mrs. Baston,
Location: **13, Britway Road, Dinas Powys**
Proposal: Side extension
Start Date: 21 February 2007

L.P.A. Reference No: 2006/00846/FUL
Appeal Method: Hearing
Appeal Reference No: 07/1201054
Appellant: Mr. P. Martin,
Location: **Land adjacent to 7, Stacey Road, Dinas Powys**
Proposal: Erection of new dwelling
Start Date: 26 February 2007

L.P.A. Reference No: 2005/01501/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1201055
Appellant: Mr. K. G. Broad,
Location: **Building to the rear of Broadacres, Cog Road, Sully**
Proposal: Continued use as dwelling
Start Date: 26 February 2007

L.P.A. Reference No: 2006/00143/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/1201101
Appellant: Mr. P. Khehra,
Location: **Land at Twyn yr Odyn, Wenvoe**
Proposal: Erection of stables (horses)
Start Date: 6 March 2007

(b) Enforcement Appeals Received

None received during reporting period

(c) Planning Appeal Decisions

L.P.A. Reference No: 2005/01236/OUT
Appeal Method: Hearing
Appeal Reference No: 05/1195276
Appellant: Hamlett Enterprise
Location: **Land adjoining the former Golden Hind Public House, St. Mary's Well Bay, Swanbridge**
Proposal: 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
Decision: Appeal Dismissed
Date: 15 February 2007
Inspector: Mr. C. I. Cochrane
Council Determination: Committee

Summary

See summary for application ref. 2006/00092/FUL below.

L.P.A. Reference No: 2006/00092/FUL
Appeal Method: Hearing
Appeal Reference No: 06/1198904
Appellant: Hamlett Enterprises Limited
Location: Land adjoining the former Golden Hind Public House and Bay Caravan Park, Lavernock
Proposal: Change of use involving formal incorporation of land into Bay Caravan Park and provision of site access road and concrete bases
Decision: Appeal Dismissed
Date: 15 February 2007
Inspector: Mr. C. I. Cochrane
Council Determination: Committee

Summary

The main planning issues in these joint appeals (two planning, one enforcement) concerned whether the proposals constitute appropriate development in the countryside and whether they would adversely affect the character and appearance of the countryside and the coastal zone.

The two appeals were seen to be linked in that they seek approval for the construction of a total of 14 No. hardstandings or bases for caravans, of which four have already been constructed without planning permission (Site B), together with an access road that links them to the rest of the existing caravan park. The alleged unauthorised development in the Enforcement Notice concerned the same development that is the subject of Appeal B, i.e. the construction of four concrete bases, an access roadway, lighting stanchions and gabion wall.

Policy TOUR4 of the Unitary Development Plan does not permit caravan, chalet or tent developments or caravan site extensions in the coastal zone, because they have a harmful effect on the appearance of the coastline. This policy applies to both Sites B and C, which fall within the defined coastal zone, and are quite close to the coastal edge.

The appellants argued that the whole area, excluding the former Golden Hind lease land, formed part and parcel of the caravan park, as there is common ownership of the area with the Bay Caravan Park, who has maintained this land for a considerable number of years. However, the Inspector stated that the original caravan park permission did not include the pub car park (Appeal Site B), while there is no documentary evidence to show whether or not it included Site C, which was traditionally the beach car park with a separate vehicular access and a stone surface.

It was also accepted that the beach car park was always separated from the caravan park by a security fence. Consequently, there is no evidence to substantiate the appellants' claim that Site C is really part of the original caravan park, while its use for public car parking over many years had clearly superseded any possible caravan use. For those reasons, he concluded that the proposed development of both areas for a further fourteen caravan plots represents an *extension* of the existing caravan park.

Accordingly, UDP Policies ENV6 and TOUR4, effectively rule out caravan site extensions in the undeveloped coastal zone, such uses not being permitted in order to protect the coastal landscape.

The development of this whole area of land for fourteen caravans would also encroach further along the coastline, and expand the Bay Caravan Park nearer to the

sea onto land that has not been developed as such in the past, apart from car parking for the adjoining pub and beach access. The development would therefore have a harmful effect on the character and appearance of this open coastal location, contrary to Policy ENV1, while also failing to meet Policy ENV5 which only permits development within the undeveloped coastal zone if a coastal location is necessary and it does not cause unacceptable environmental effects.

Visual Impact on the Surroundings

Whilst the appellants claimed that the replacement of the tarmac car park with four caravan bases has the effect of introducing more soft landscaping around the plots, the Inspector considered there little doubt that the introduction of concrete bases, kerbing, lighting and the gabion-supported retaining wall, together with four static caravans and other paraphernalia, would further detract from the rural character of this coastline location. Although there is now a tall wooden fence along the lane to screen this site, he considered it would be fully visible in an elevated position in views from the coastal footpath.

The provision of an additional ten caravan bases on the intervening area linking to the main caravan site would also be very prominent from the coastal footpath around St. Mary's Well Bay. The appellants offer to continue the existing screen fencing down to the coastal footpath would only serve to increase the harmful visual impact of the new development in close proximity to the cliff edge.

Even with a fence in position, the caravans would be seen from the coastal footpath in the form of a substantial and visually damaging extension of a large site of some 250 static caravans, encroaching into an area that has gone back to nature through lack of use over recent years.

He therefore concluded that the development of both sites would be unacceptable in terms of the harmful impact on the coastal landscape of this rural location.

Comments

This is an excellent decision which offers firm support for the Council's resistance of the expansion of the caravan park in this sensitive location, as well as to the objectives of Policy TOUR 4 which precludes such development in coastal locations.

NB: Also see related Enforcement Notice appeal decision below.

L.P.A. Reference No:	2006/00467/FUL
Appeal Method:	Written Representations
Appeal Reference No:	06/1200351
Appellant:	Mr. Ewart Needham,
Location:	West Farm, Southerndown
Proposal:	Alterations to windows - revision to planning consents Nos. 05/00402/FUL and 05/01529/FUL
Decision:	Appeal Allowed
Date:	7 March 2007
Inspector:	Mr. P. G. Horridge
Council Determination:	Delegated

Summary

The main issue concerned the effect of the amended fenestration on the appearance of the building and its surroundings, having regard to its location within the designated Heritage Coast.

The Inspector noted a previous approval for new openings, and saw that the main difference between the scheme as approved and as now proposed is that an already approved first floor window would be carried down to ground floor level. He also noted that the Council had already approved a wholly new opening, while there was some evidence that its downward extension would be in the general location of a former cart door, since blocked up.

The window would be on the south elevation of the building, facing away from the road but towards the coast, with views towards the building from the coastal footpath. However, those views would be mainly of the fenestration that has already been approved, such that the continuation of the window down to ground floor level would not be prominent, nor look out of place given that an opening of this size and depth can be a feature of buildings of this nature and may well have been an original feature of this barn.

Subject to the use of hardwood, which was addressed by a condition reserving full details of the windows for subsequent approval, he thus concluded that the proposal would not cause harm to the appearance of the building or the wider Heritage Coast.

Comments

This is an unfortunate decision, but is a by-product in part of the Council's earlier pragmatic decision to allow the property to have a new opening to service the upper floor where no such window previously existed to afford views of the coast.

L.P.A. Reference No:	ENF/2004/0012/M
Appeal Method:	Hearing
Appeal Reference No:	C/06/1200531
Appellant:	Mr. M. N. W. England,
Location:	The Hawthorns, Argoed, Llansannor
Proposal:	Breach of agricultural occupancy condition
Decision:	Appeal Withdrawn
Date:	15 February 2007
Council Determination:	Committee

Comments

The appeal was withdrawn following discussions with the appellants agent, given that the Council has been very reasonable in allowing a three year period for compliance, during which time the appellant will be able to market the property and, if desired, apply for the removal of the condition towards the end of such period.

(d) Enforcement Appeal Decisions Received

L.P.A. Reference No: ENF/2005/0227/M
Appeal Method: Hearing
Appeal Reference No: C/05/1195275
Appellant: Hamlett Enterprises Ltd.,
**Location: Land at The Golden Hind & The Bay Caravan Park,
St. Marys Well Bay, Lavernock**
Proposal: Unauthorised hardstanding & service lines laid
Decision: ENF appeal DISMISSED
Date: 15 February 2007
Inspector: Mr. C. I. Cochrane

Summary

In connection with the planning appeal Refs. 2005/01236/OUT and 2006/00092/FUL detailed above, the Inspector also determined an enforcement notice appeal on grounds (b), (f) and (g).

The basis for the appeal on ground (b) was that the alleged breach of planning control occurred in a smaller area than that shown within the red boundary line on the enforcement notice plan. However, the Inspector noted that a ground (b) appeal. Given that the alleged operational development had clearly taken place, and the appellants did not claim to the contrary, accordingly, the appeal on ground (b) failed.

With respect to ground (f), the appellants argued that the requirements of the notice went beyond what is necessary to restore the land to its former state, as this was a hard surfaced car park. Similarly, the access road was already a tarmac area, and it is excessive to require it to be grassed over. The gabion wall is considered to be necessary to retain residential curtilages at its northern end, and it would have to be replaced by forming a graded slope, which could be done simply by placing material against the existing gabion wall and grading it down to form a bank, thereby concealing the structure.

The Inspector considered, however, that in order to remedy the harm to the rural landscape, the requirement to demolish and remove the concrete hardstandings and associated services from the land would not be excessive because these are hard man-made features that intrude visually into the rural setting. While he did consider it would be unreasonable to require the land to be reinstated to its former condition as a tarmac area, the notice required the minimum necessary to reinstate the area of the removed bases with grass to match the surroundings.

With regard to the requirement to remove the new access road from the land and reinstate with grass to match the surrounding land, the Inspector said it was clear that this area was the original tarmac access to the old car park, which has simply been cleared of vegetation and edged. He therefore stated that the notice should only require the removal of the new kerbstones, with some remedial top-soiling and seeding along the edge of the road.

The stone gabion retaining wall was seen to present a substantial feature in the grounds, having a new and raw appearance, albeit that it would undoubtedly weather and naturalise with vegetation over time. In the absence of any static caravans on the unlawful bases, however, he considered it unnecessary to demolish and remove from the land these retaining works, because they could be planted and re-landscaped to assist their assimilation into the grounds. He therefore varied the requirements to require some landscape works to the front face and foreground of the gabions.

Ground (g) Appeal : In view of the Inspector's amended requirements, the need to have a landscape scheme prepared and agreed with the local planning authority, and for a contractor to be instructed to carry out the works, the Inspector considered the period of 12 weeks in the notice to be unreasonably short, and instead varied the period to 9 months

Comments

In light of the successful defence of each of the planning appeals, the above decision is not considered to detract from the overall protection of this area from insensitive new development.

(e) April 2006 – March 2007 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	35	10 ¹	45	2
	H	6	4	10	2
	PI	2	-	2	2
Planning Total		43 (76%)	14 (24%)	57	
Enforcement Appeals	WR	11	7	18	3
	H	1	1	2	-
	PI	1	2	3	1
Enforcement Total		13 (57%)	10 (43%)	23	
All Appeals	WR	46	17	63	5
	H	7	5	12	2
	PI	3	2	5	3
Combined Total		56	24	80	10

¹ Includes Split Decision on Oakways Farm

(g) List of Forthcoming Hearings and Public Inquiries

Date	<u>Site and Proposal/ Breach</u>
15 May 2007	<u>HEARING - PLANNING APPEAL</u> Land at Higher End, St. Athan <i>Residential development</i>
19 June 2007	<u>HEARING - PLANNING APPEAL</u> Land adjacent to 7, Stacey Road, Dinas Powys <i>Erection of new dwelling</i>

Background Papers

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

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Officers Consulted:

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