

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 31 JANUARY, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2017/1012/BN	A	72, Clos Yr Wylan, Barry	2 Storey side extension
2018/1232/BN	A	3 Petrel Close, Cosmeston	Double storey front extension
2018/1233/BR	AC	29, West Terrace, Penarth	Loft conversion and rear extension adaptations
2018/1244/BR	AC	79, Broadway, Cowbridge	Single storey garage extension and alteration including complete re-roofing works
2018/1253/BN	A	36, Barons Close, Llantwit Major	Change bathroom into wet room
2018/1257/BN	A	Pleasant View Farm, Sigingstone	Erection of a four bedroom dwelling
2018/1262/BN	A	2, Heol Corswigen, Barry	Balcony off first floor kitchen
2018/1264/BR	AC	Coed y Bryn, Nash, Cowbridge	Single storey rear side flat roof extension
2018/1269/BN	A	8, St. Nicholas Close, Dinas Powys	Installation of W.C. and change conservatory extension to through kitchen (including knock through)
2018/1270/BN	A	7, Church Avenue, Penarth	Proposed garage and first floor storage space.
2018/1272/BN	A	10, Earl Road, Penarth	Knock two rooms into one

2018/1274/BN	A	13, Porth Y Castell, Barry	Knock through - removal of load bearing wall
2018/1276/BN	A	54, St. Lukes Avenue, Penarth	EWI Insulated render
2018/1277/BN	A	53, St. Lukes Avenue, Penarth	EWI
2018/1278/BN	A	52, St. Lukes Avenue, Penarth	EWI
2018/1279/BN	A	70, Cedar Way, Penarth	EWI
2018/1280/BN	A	51, St. Lukes Avenue, Penarth	EWI
2018/1281/BN	A	50, St. Lukes Avenue, Penarth	EWI
2018/1282/BN	A	68, Cedar Way, Penarth	EWI
2018/1283/BN	A	49, St. Lukes Avenue, Penarth	EWI
2018/1284/BN	A	66, Cedar Way, Penarth	EWI
2018/1285/BN	A	48, St. Lukes Avenue, Penarth	EWI
2018/1286/BN	A	60, Cedar Way, Penarth	EWI
2018/1287/BN	A	47, St. Lukes Avenue, Penarth	EWI
2018/1288/BN	A	58, Cedar Way, Penarth	EWI
2018/1289/BN	A	46, St. Lukes Avenue, Penarth	EWI
2018/1290/BN	A	45, St. Lukes Avenue, Penarth	EWI
2018/1292/BN	A	5, Coed Criafol, Barry	Rear double storey extension
2018/1293/BN	A	44, St. Lukes Avenue, Penarth	EWI
2018/1294/BN	A	43, St. Lukes Avenue, Penarth	EWI

2018/1295/BN	A	42, St. Lukes Avenue, Penarth	EWI
2018/1296/BN	A	41, St. Lukes Avenue, Penarth	EWI
2018/1297/BN	A	40, St. Lukes Avenue, Penarth	EWI
2018/1298/BN	A	39, St. Lukes Avenue, Penarth	EWI
2018/1299/BN	A	38, St. Lukes Avenue, Penarth	EWI
2018/1300/BN	A	37, St. Lukes Avenue, Penarth	EWI
2018/1301/BN	A	36, St. Lukes Avenue, Penarth	EWI
2018/1302/BN	A	35, St. Lukes Avenue, Penarth	EWI
2018/1303/BN	A	34, St. Lukes Avenue, Penarth	EWI
2018/1304/BN	A	33, St. Lukes Avenue, Penarth	EWI
2018/1305/BN	A	32, St. Lukes Avenue, Penarth	EWI
2018/1306/BN	A	31, St. Lukes Avenue, Penarth	EWI
2018/1307/BN	A	30, St. Lukes Avenue, Penarth	EWI
2018/1308/BR	A	93, Cedar Way, Penarth,	Alterations to existing first floor WC/bathroom including structural alterations, plus new external mobility scooter store with electrical connection and all associated works
2018/1309/BN	A	29, St. Lukes Avenue, Penarth	EWI
2018/1310/BN	A	28, St. Lukes Avenue, Penarth	EWI

2018/1311/BN	A	27, St. Lukes Avenue, Penarth	EWI
2018/1312/BN	A	2, Main Avenue, Peterston Super Ely	Internal alterations to form vaulted ceiling. Balcony over flat roof
2018/1313/BR	AC	22, Britway Road, Dinas Powys	Single storey rear extension
2018/1314/BN	A	26, St. Lukes Avenue, Penarth	EWI
2018/1315/BN	A	25, St. Lukes Avenue, Penarth	EWI
2018/1316/BN	A	24, St. Lukes Avenue, Penarth	EWI
2018/1317/BN	A	23, St. Lukes Avenue, Penarth	EWI
2018/1318/BN	A	22, St. Lukes Avenue, Penarth	EWI
2018/1319/BN	A	21, St. Lukes Avenue, Penarth	EWI
2018/1321/BN	A	11, Cwrt y Vil Road, Penarth	Single storey rear extension to open up the kitchen and dining rooms into a large family living space
2018/1322/BN	A	20, St. Lukes Avenue, Penarth	EWI
2018/1323/BN	A	19, St. Lukes Avenue, Penarth	EWI
2018/1324/BN	A	18, St. Lukes Avenue, Penarth	EWI
2018/1325/BN	A	17, St. Lukes Avenue, Penarth	EWI
2018/1326/BN	A	16, St. Lukes Avenue, Penarth	EWI
2018/1327/BN	A	15, St. Lukes Avenue, Penarth	EWI

2018/1328/BN	A	14, St. Lukes Avenue, Penarth	EWI
2018/1329/BN	A	13, St. Lukes Avenue, Penarth	EWI
2018/1330/BN	A	12, St. Lukes Avenue, Penarth	EWI
2018/1331/BN	A	11, St. Lukes Avenue, Penarth	EWI
2018/1332/BN	A	10, St. Lukes Avenue, Penarth	EWI
2018/1334/BN	A	8, St. Lukes Avenue, Penarth	EWI
2018/1335/BN	A	7, St. Lukes Avenue, Penarth	EWI
2018/1336/BN	A	57, Cedar Way, Penarth	EWI
2018/1337/BN	A	56, Cedar Way, Penarth	EWI
2018/1338/BN	A	55, Cedar Way, Penarth	EWI
2018/1339/BN	A	52, Cedar Way, Penarth	EWI
2018/1341/BN	A	6, St. Lukes Avenue, Penarth	EWI
2018/1342/BN	A	5, St. Lukes Avenue, Penarth	EWI
2018/1343/BN	A	4, St. Lukes Avenue, Penarth	EWI
2018/1346/BR	AC	Scout Hall, Highwalls Road, Dinas Powys	Two storey extension to the rear of the existing hall
2018/1347/BN	A	7, Woodlands Road, Barry	Knock through
2018/1349/BN	A	3, St. Lukes Avenue, Penarth	EWI
2018/1350/BN	A	2, St. Lukes Avenue, Penarth	EWI
2018/1351/BN	A	1, St. Lukes Avenue, Penarth	EWI

2018/1352/BN	A	36, St. Pauls Avenue, Penarth	EWI
2018/1353/BN	A	35, St. Pauls Avenue, Penarth	EWI
2018/1354/BN	A	34, St. Pauls Avenue, Penarth	EWI
2018/1355/BN	A	33, St. Pauls Avenue, Penarth	EWI
2018/1356/BN	A	32, St. Pauls Avenue, Penarth	EWI
2018/1357/BN	A	31, St. Pauls Avenue, Penarth	EWI
2018/1360/BN	A	30, St. Pauls Avenue, Penarth	EWI
2018/1362/BN	A	29, St. Pauls Avenue, Penarth	EWI
2018/1363/BN	A	28, St. Pauls Avenue, Penarth	EWI
2018/1364/BN	A	27, St. Pauls Avenue, Penarth	EWI
2018/1365/BN	A	26, St. Pauls Avenue, Penarth	EWI
2018/1366/BN	A	25, St. Pauls Avenue, Penarth	EWI
2018/1367/BN	A	12, St. Pauls Avenue, Penarth	EWI
2018/1368/BN	A	11, St. Pauls Avenue, Penarth	EWI
2018/1369/BN	A	10, St. Pauls Avenue, Penarth	EWI
2018/1370/BN	A	9, St. Pauls Avenue, Penarth	EWI
2018/1371/BN	A	8, St. Pauls Avenue, Penarth	EWI
2018/1373/BN	A	6, St. Pauls Avenue, Penarth	EWI

2018/1374/BN	A	5, St. Pauls Avenue, Penarth	EWI
2018/1375/BN	A	4, St. Pauls Avenue, Penarth	EWI
2018/1376/BN	A	3, St. Pauls Avenue, Penarth	EWI
2018/1377/BN	A	2, St. Pauls Avenue, Penarth	EWI
2018/1378/BN	A	1, St. Pauls Avenue, Penarth	EWI
2018/1379/BN	A	5, St. Peters Road, Penarth	EWI
2018/1380/BN	A	3, St. Peters Road, Penarth	EWI
2018/1381/BN	A	2, St. Peters Road, Penarth	EWI
2018/1382/BN	A	24, St. Pauls Avenue, Penarth	EWI
2018/1383/BN	A	23, St. Pauls Avenue, Penarth	EWI
2018/1384/BN	A	22, St. Pauls Avenue, Penarth	EWI
2018/1386/BN	A	20, St. Pauls Avenue, Penarth	EWI
2018/1387/BN	A	19, St. Pauls Avenue, Penarth	EWI
2018/1388/BN	A	18, St. Pauls Avenue, Penarth	EWI
2018/1389/BN	A	17, St. Pauls Avenue, Penarth	EWI
2018/1390/BN	A	16, St. Pauls Avenue, Penarth	EWI
2018/1391/BN	A	15, St. Pauls Avenue, Penarth	EWI
2018/1392/BN	A	14, St. Pauls Avenue, Penarth	EWI

2018/1393/BN	A	13, St. Pauls Avenue, Penarth	EWI
2018/1394/BN	A	50, Cedar Way, Penarth	EWI
2018/1395/BN	A	7, Castle Avenue, Penarth	EWI
2018/1396/BN	A	40, Castle Avenue, Penarth	EWI
2018/1397/BN	A	42, Cedar Way, Penarth	EWI
2018/1398/BN	A	51, Castle Avenue, Penarth	EWI
2018/1400/BN	A	37, Cedar Way, Penarth	EWI
2018/1401/BN	A	68, Castle Avenue, Penarth	EWI
2018/1402/BN	A	21, Cedar Way, Penarth	EWI
2018/1403/BN	A	86, Castle Avenue, Penarth	EWI
2018/1404/BN	A	19, Cedar Way, Penarth	EWI
2018/1406/BN	A	16, Cedar Way, Penarth	EWI
2018/1407/BN	A	5, Cedar Way, Penarth	EWI
2018/1409/BN	A	3, Cedar Way, Penarth	EWI
2018/1410/BN	A	100, St. Davids Crescent, Penarth	EWI
2018/1412/BN	A	1, Vale Court, Dinas Powys	Replace roof covering
2018/1413/BN	A	2, Vale Court, Dinas Powys	Replace roof covering
2018/1414/BN	A	3, Vale Court, Dinas Powys	Replace roof covering
2018/1415/BN	A	4, Vale Court, Dinas Powys	Replace roof covering
2018/1416/BN	A	5, Vale Court, Dinas Powys	Replace roof covering
2018/1417/BN	A	6, Vale Court, Dinas Powys	Replace roof covering
2018/1418/BN	A	7, Vale Court, Dinas Powys	Replace roof covering

2018/1419/BN	A	8, Vale Court, Dinas Powys	Replace roof covering
2018/1420/BN	A	9, Vale Court, Dinas Powys	Replace roof covering
2018/1421/BN	A	57, St. Davids Crescent, Penarth	EWI
2018/1424/BN	A	31, St. Davids Crescent, Penarth	EWI
2018/1425/BN	A	26, St. Davids Crescent, Penarth	EWI
2018/1426/BN	A	23, St. Davids Crescent, Penarth	EWI
2018/1427/BN	A	21, St. Davids Crescent, Penarth	EWI
2018/1431/BN	A	15, St. Davids Crescent, Penarth	EWI
2018/1432/BN	A	53, Elfed Avenue, Penarth	EWI
2018/1433/BN	A	39, Hinchsliff Avenue, Barry	Roof Replacement
2018/1434/BN	A	30, Elfed Avenue, Penarth	EWI
2018/1435/BN	A	22, Elfed Avenue, Penarth	EWI
2018/1437/BN	A	13, Elfed Avenue, Penarth	EWI
2018/1438/BN	A	12, Elfed Avenue, Penarth	EWI
2018/1439/BN	A	57, Masefield Road, Penarth	EWI
2018/1440/BN	A	41, Masefield Road, Penarth	EWI
2018/1441/BN	A	40, Masefield Road, Penarth	EWI
2018/1445/BN	A	1, Burdonshill Cottages, Wenvoe	Dormer bedroom above existing garage
2018/1447/BN	A	18, Dochdwy Road, Llandough	Remove load bearing wall
2019/0001/BN	A	69, Salisbury Road, Barry CF62 6PD	Renovation of a thermal element - replace rear half of roof

2019/0002/BN	A	19, Heol Broadland, Barry	Single storey extension to form dining room to match existing
2019/0004/BN	A	35, Masefield Road, Penarth	EWI
2019/0005/BN	A	23, Masefield Road, Penarth	EWI
2019/0006/BN	A	19, Masefield Road, Penarth	EWI
2019/0007/BN	A	27, Churchill Terrace, Barry	Single storey extension less than 10m2
2019/0008/BN	A	9, Masefield Road, Penarth	EWI
2019/0009/BN	A	3, Masefield Road, Penarth	EWI
2019/0010/BN	A	1, Masefield Road, Penarth	EWI
2019/0011/BN	A	98, Shakespeare Avenue, Penarth	EWI
2019/0013/BN	A	79, Shakespeare Avenue, Penarth	EWI
2019/0014/BN	A	78, Shakespeare Avenue, Penarth	EWI
2019/0015/BN	A	35, Andrew Road, Cogan	Loft bedroom
2019/0016/BN	A	73, Shakespeare Avenue, Penarth	EWI
2019/0017/BN	A	72, Shakespeare Avenue, Penarth	EWI
2019/0019/BN	A	59, Shakespeare Avenue, Penarth	EWI
2019/0020/BN	A	57, Shakespeare Avenue, Penarth	EWI
2019/0021/BN	A	51, Shakespeare Avenue, Penarth	EWI
2019/0022/BN	A	50, Shakespeare Avenue, Penarth	EWI
2019/0023/BN	A	47, Shakespeare Avenue, Penarth	EWI

2019/0024/BN	A	38, Shakespeare Avenue, Penarth	EWI
2019/0030/BN	A	12, Llanmead Gardens, Rhoose	Archway knocked through between kitchen and dining room
2019/0032/BN	A	Crofta (formerly Fernhill), St. Quentins Close, Llanblethian	Rear and side extensions, new access point, porch, windows and other minor alterations
2019/0033/BN	A	25, Cross Street, Barry	Replace timber floor with concrete. Remove wall between reception rooms
2019/0034/BN	A	The Moorings, 1, Cold Knap Way, Barry	Detached garage with white rendered walls and dual pitched roof.
2019/0036/BN	A	38, Greenacres, Barry	Proposed 1st storey extension above existing garage to side of dwelling
2019/0038/BN	A	23, Porthkerry Road, Barry	New Roof
2019/0040/BN	A	21, Marine Walk, Ogmore By Sea	Conversion of attached garage to habitable space
2019/0042/BN	A	17, Belle Vue Close, Penarth	Renew kitchen, wet room, re-wire. Remove Artex coating (Asbestos) and plaster
2019/0043/BN	A	2, Loveluck Court, Llantwit Major	Supply and fit a fire door and frame
2019/0044/BN	A	40, Edward Street, Barry	Supply and fit a fire door and frame. Remove bathroom ceiling Artex (Asbestos) and renew ceiling

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

2018/1275/BN	R	27, Althorp Drive, Cosmeston	Rear single storey extension and garage conversion
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(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2018/0188/AI	A	1-3, Winston Road, Barry	Fire protection works
2018/0189/AI	A	Unit 1, Hayes Park, Hayes Road, Sully	Construction of new build warehouse (shell only)
2018/0190/AI	A	93, Queens Road, Penarth	Loft conversion
2018/0191/AI	A	21, Grove Place, Penarth	Loft conversion
2018/0192/AI	A	22, Meadow Court, St. Brides Major	Proposed single storey side extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0193/AI	A	The Bungalow, Foxhollows, Sion Lane, Ogmere By Sea	Proposed first floor extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0194/AI	A	94, Redlands Road, Penarth	Loft Conversion and associated works
2018/0195/AI	A	Danyrallt, Corntown Road, Corntown	Proposed material alterations to structure (knock through), controlled services, fittings and thermal elements
2019/0001/AI	A	4, Canon Walk, Llandough	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0002/AI	A	8, Seaview Drive, Ogmere by Sea	Proposed two storey rear/side extension, works to include material alterations to structure, controlled services, fittings and thermal elements

2019/0003/AI	A	Arcadia, Port Road West, Barry	Proposed two storey front extension and two storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0004/AI	A	15, Augusta Crescent, Penarth	Dormer loft conversion and associated works

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 31 JANUARY, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A	-	Approved	O	-	Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C	-	Unclear if permitted (PN)	B	-	No observations (OBS)
EB	-	EIA (Scoping) Further information required	E	-	Split Decision
EN	-	EIA (Screening) Not Required	G	-	Approved the further information following "F" above (PN)
F	-	Prior approval required (PN)	N	-	Non Permittal (OBS - objections)
H	-	Allowed : Agricultural Condition Imposed : Appeals	NMA	-	Non Material Amendments
J	-	Determined by NAFW	Q	-	Referred to Secretary of State for Wales (HAZ)
L	-	Approved <u>AND</u> refused (LAW)	S	-	Special observations (OBS)
P	-	Permittal (OBS - no objections)	U	-	Undetermined
R	-	Refused	RE	-	Refused (Enforcement Unit Attention)
			V	-	Variation of condition(s) approved

2014/00282/3/C D	A	Land North of Caerleon Road, Dinas Powys	Residential development for up to 70 dwellings and associated works - Approval of revised delivery times under condition 9 (CTMP)
2017/00564/5/C D	A	Land East of B4265 between Boverton and Eglwys Brewis, St. Athan	Discharge of Conditions 24 - Assessment under the Noise Insulation Regulations and 25 - Noise Mitigation Measures.
2017/00766/FUL	A	20, Fontygary Road, Rhose	Proposed summer room/home office in garden
2017/01011/1/N MA	A	Flat 3, 4, Marine Parade, Penarth	2 no. additional rooflights (side and rear)

2017/01213/1/N MA	A	12, Murch Crescent, Dinas Powys	Non Material Amendment to change the build of complete extension from brickwork to breeze block and render finish. This will match the existing render finish :Planning permission 2017/01213/FUL:- Single storey side and rear extension and extension to front of the property
2018/00441/1/N MA	A	26, Pontypridd Road, Barry	Non-Material Amendment - Additional small non-opening window to side of French doors. Planning Permissions ref. 2018/00441/FUL: Proposed single storey sitting room, utility and bathroom extension
2018/00501/1/N MA	A	27, Ceri Avenue, Rhoose	Non Material Amendment to Planning Application: 2018/00501 for a loft conversion of existing bungalow incorporating front and rear dormers, with Juliet balcony to the rear. Single storey extension to rear
2018/00561/ADV	A	15, High Street, Cowbridge	Existing signage replaced with new business sign, in relation to change of use
2018/00677/FUL	A	28, Heol Eyr Mor, Nells Point, Barry	Replace polycarbonate roof on existing conservatory with a warm roof construction
2018/00703/FUL	R	9, Bradenham Place, Penarth	Change of use of existing offices to 3 no. one bedroom flats and 1 no. new build as extension single storey one bedroom residential unit

2018/00745/FUL	R	Ash Cottage, 5, Cardiff Road, Cowbridge	To convert part of front garden to gravel driveway
2018/00832/1/C D	A	The Croft, Llangan	Discharge of Condition 4 - Highways requiring bound material up to carriageway
2018/00864/FUL	A	148, Windsor Road, Penarth	Completion of garden shed
2018/00894/FUL	A	38, Greenacres, Barry	Proposed 1st storey extension above existing garage to side of existing dwelling
2018/00929/FUL	A	Hillrise, 100, Crompton Way, Ogmere By Sea	Existing flat roof glass house attached to the property to be extended to 4.1 m. wide with bi-fold door x 3m deep in glass and 3m high as a pitched tile roof with 2 Velux windows in a vaulted ceiling
2018/00987/FUL	A	Barry Yacht Club, The Pierhead, Barry Docks, Barry	Construction of cesspool for the disposal of sewerage from Barry Yacht Club and adjoining former lifeboat station
2018/01000/FUL	A	11, Dyfrig Street, Barry	Proposed single storey extension to rear to replace existing lean-to new extension to side of house (single storey) and dormer loft conversion (to rear)
2018/01016/ADV	A	48A, Eastgate, Cowbridge	New business signage to the front of building
2018/01026/FUL	R	1, Oakfield Road, Barry	Proposed new dwelling and erection of new double garage to the rear
2018/01037/FUL	A	Badgers Hollow, Graig Penllyn	Extend existing agricultural outbuilding

2018/01067/FUL	A	8, Georges Row, Dinas Powys.	Conservatory to the rear of the property with glass roof
2018/01071/LBC	A	Parish Hall, 2 Britway Road, Dinas Powys	Installation of internally mounted secondary glazing
2018/01081/FUL	A	25, Laburnum Way, Penarth	Two storey extension to form new kitchen/dining area at ground floor level and 2 no. bedrooms at first floor level
2018/01084/FUL	A	16, Heol Draenen Wen, Culverhouse Cross, Cardiff	Two storey side and rear extension
2018/01095/FUL	A	2, Hellas Drive, Barry	Alterations to existing conservatory to form flat roof and balcony area
2018/01099/FUL	R	22, Plas Pamir, Portway Marina, Penarth	Installation of first floor balcony
2018/01100/FUL	A	Bellavista Nursing Home, 106-108 Tynewydd Road, Barry	Single and two storey extensions and external alterations
2018/01101/FUL	A	The Willows, 29A, Park Road, Barry	Rear garden renovation - Create new path to access rear gate and build new raised platform to create a level and usable rear garden
2018/01102/FUL	A	3, Campbell Court, St. Nicholas	Conversion of garage to habitable room, with new wall to front elevation. Single storey rear extension, and a new outside dining area to the rear, complete with canopy
2018/01105/FUL	A	5, Victoria Avenue, Penarth	Single storey side extension, Juliet balcony, terrace and associated works

2018/01114/FUL	A	16, Oyster Bend, Sully	Provision of new detached garage. Replacement of existing conservatory with new orangery
2018/01117/FUL	A	Barnclose, 103, Boverton Road, Llantwit Major	Single storey rear extension to incorporate kitchen. First floor extension to front elevation to increase size of front bedroom and garage extension
2018/01118/FUL	A	Ty Gwyn, Castle Hill, Llanblethian, Cowbridge	Front and rear ground floor house extension
2018/01126/FUL	A	23, Robins Lane, Barry	Rear ground floor store extension
2018/01131/FUL	A	Westward Ho, Church Close, Ogmore By Sea	Change of use from dwelling to a crafts centre
2018/01132/FUL	A	Greystones, Factory Road, Llanblethian, Cowbridge	Extensions/alterations including, entrance lobby/toilet to kitchen; dining room; removal of roof gables; removal of dormer windows to bedroom and replace with flat roof dormer.
2018/01136/FUL	A	16, Bron Awelon, Barry	Proposed single storey rear extension
2018/01137/FUL	R	Greendown, Bonvilston	Construction of various extensions and remodelling of existing dwelling, including new entrance gates, driveway, swimming pool enclosure and external works
2018/01142/FUL	A	24, Gadlys Road West, Barry	Two storey extension to side and single storey extension to the rear of existing domestic dwelling
2018/01146/FUL	A	35, Romilly Park Road, Barry	First floor balcony to front elevation

2018/01148/FUL	A	16 Cook Road, Barry	Erection of single storey side extension. Front elevation to include new garage space, with the rear to be used for a kitchen / diner extension. Internal alterations and external alterations to windows and doors
2018/01149/FUL	A	78, Stanwell Road, Penarth	Demolition of existing utility, WC and side conservatory. Construction of rear and side single storey flat roof extension in place of the demolished structures
2018/01150/FUL	A	7, Romilly Park Road, Barry	Proposed roof alteration to a gable end, rear dormer extension and repositioning of window on North facing elevation
2018/01151/FUL	A	Ty Aroha, St. Mary Church	Single storey extension to the rear/side elevations for indoor swimming pool and plant room
2018/01162/FUL	A	18, Borough Avenue, Barry	2 storey side extension
2018/01166/FUL	A	Ivy Cottage, Colwinston	Two storey side extension for lounge and bedroom, to replace existing single storey conservatory. Replace kitchen window with bi-fold doors
2018/01169/FUL	A	The Manse, Bethel Baptist Church, Commercial Street, Llantwit Major	Remove existing garage door to the manse, block up and render to the same original state of wall, convert to a storage room
2018/01170/FUL	A	12, Francis Road, Woodfield Heights, Barry	Garage (store area) to side elevation with WC

2018/01176/ADV	A	Co-Operative Food, Gileston Road, St. Athan	2 X Sets of non-illuminated "Welcome to" text; 1 X Internally illuminated Co-Op logo; 1 X Non Illuminated wall mounted flat aluminium panel; 6 X Non illuminated post mounted flat aluminium panels and 1 X Internally illuminated 3.5M totum
2018/01177/FUL	A	Maesnewydd, Buttrills Road, Barry	Erection of a new four bedroom dwelling
2018/01178/FUL	A	Sunshine House, Southerndown	Proposed indoor swimming pool and replacement garages
2018/01181/FUL	A	Horeb English Baptist Chapel, Ewenny Road, St. Brides Major	Conversion of disused religious building to commercial premises and associated signage
2018/01182/FUL	A	Pen Bryn Barns, Llanmaes	Replacement of existing shipping container in driveway with wooden double garage/ workshop, wood store and recycling centre
2018/01183/FUL	A	2, Boverton Court, Boverton	Demolition of garage and construction of 2 storey side extension
2018/01184/LAW	A	Church Farm Barns, Clemenstone	Conversion of four listed single storey pitched roof stone barns into residential accommodation to be used for holiday letting purposes only
2018/01186/FUL	A	Tudor Lodge, A48, Bonvilston	Erection of a proposed free standing wall

2018/01189/LBC	A	Church Farm Barns, Clemenstone, Cowbridge	Conversion of four listed single storey pitched roof barns into residential accommodation to be used for holiday letting purposes only
2018/01190/FUL	A	46, Arlington Road, Sully	Two storey side extension for new kitchen, living and bedroom accommodation
2018/01194/FUL	A	30 Golwg y Coed, Barry	Single storey rear extension
2018/01195/FUL	A	Great House, High Street, Llantwit Major	Change of use of dwellinghouse (C3) to Bed and Breakfast (C1)
2018/01203/FUL	R	34, Longmeadow Drive, Dinas Powys	New detached dwelling at the side of property
2018/01212/RG3	A	St. Josephs Primary School, Sully Road, Penarth	Construction of a new standalone building to provide a nursery and early intervention base. External works to create new hard play areas, alteration to existing car park to provide additional parking spaces and alteration to surface water drainage system
2018/01215/FUL	A	6, Westgate, Cowbridge	Rear extension to existing coach house/garage
2018/01218/FUL	A	22, Augusta Road, Penarth	Single storey extension and entrance porch
2018/01219/FUL	A	10, Southesk Place, Barry	Single storey rear extension and new door and window to existing side elevation
2018/01230/ADV	A	Horeb English Baptist Chapel, Ewenny Road, St. Brides Major	Signage associated with conversion of disused religious building to commercial premises

2018/01234/FUL	A	57, St. Brannoeks Close, Barry	Proposed two storey side extension with associated external works
2018/01238/FUL	A	Southcot, Cog Road, Sully	Variation of Condition 5 of Planning permission ref. 2017/00738/FUL to provide appropriate screening between property and neighbours to improve privacy
2018/01240/FUL	A	5, Conway Close, Dinas Powys	Garage conversion and extension
2018/01241/FUL	A	7, St. Dyfrig Close, Dinas Powys	Proposed single storey extension to side of existing domestic dwelling
2018/01242/FUL	A	14, Gaskell Close, Boverton	Two storey extension to front elevation of dwelling
2018/01244/FUL	A	33, Conybeare Road, Sully	Two storey rear extension for new extended kitchen and new bedroom accommodation
2018/01245/FUL	A	32, Westbourne Road, Penarth	replacement of 16 no windows with white UPVC double glazed windows, 9 no. to the front as sliding sash windows and 7 no. to the side and rear as shown on accompanying photographs
2018/01247/FUL	A	2, Robinswood Close, Penarth	Ground floor rear extension, two storey front extension and front dormer
2018/01254/FUL	A	19, Dyserth Road, Penarth	Hip to gable loft conversion with rear dormer and new window to side elevation
2018/01257/FUL	R	25, Field View Road, Barry	Two storey side extension and alteration works

2018/01258/FUL	A	7, Badgers Brook Close, Ystradowen	Proposed two storey garage and bedroom extension
2018/01271/FUL	A	Land at Bron Y Mor Car Park, Barry	Installation of a radio base station comprising a 20m slim-line column supporting 3 no. shrouded antennas, 2 no. transmission dishes. 2 no. equipment cabinets and ancillary development thereto
2018/01272/FUL	A	41-42, Park Crescent, Barry	Conversion of existing single storey storage extension and garage to Post Office - A1 usage
2018/01276/FUL	A	18, Vale View Crescent, Llandough, Penarth	Demolition of existing rear conservatory and construction of two storey side/front extension and a single storey rear conservatory
2018/01296/FUL	A	The Granary, St. Marys Well Bay Road, Swanbridge	Retention of double garage with games room to first floor

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **31 JANUARY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2018/00641/FUL
Appeal Method: Written Representations
Appeal Reference No: D/18/3218803
Appellant: Mrs. Charlotte Cope
Location: 3, Norman Cottages, Michealston Le Pit Road, Michaelston Le Pit
Proposal: Application to retain the property as built - Fully render the property due to damage to existing finish during building works which meant we were not able to retain the existing finish and replace existing roof tiles with different tiles due to a roof leak and no availability of roof tiles to match the existing roof
Start Date: 8 January 2019

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2018/00654/FUL
Appeal Method: Written Representations
Appeal Reference No: 18/3210713
Appellant: Mrs. Ida Kennedy
Location: 17, Borough Close, Cowbridge
Proposal: Removal of Condition 2 from Planning Permission ref. 2010/00485/FUL to allow granny annexe to be used as a separate dwelling
Decision: Appeal Dismissed
Date: 17 December 2018
Inspector: Joanne Burston
Council Determination: Delegated

Summary

The appeal sought the removal of condition No. 2 of the 2010 planning permission that restricts the 'granny annex' to being used as ancillary accommodation to the host dwelling. The removal of the disputed condition would in practice allow the 'granny annex' to be occupied and sold as a stand-alone dwelling. Accordingly, the main issue was considered to be whether the condition is reasonable and necessary in the interests of: the character and appearance of the area; highway safety; and on the living conditions of any future occupiers of the proposed dwelling.

Character and appearance:

The Inspector noted that the 'granny annex' is perceived in the street scene as a side extension to 17 Borough Close and that when the annex is no longer required the accommodation would be incorporated within the main dwelling and the whole would be used as a single dwelling.

The Inspector accepted that such extensions are not uncommon in the local area and the scale and design of it were found acceptable to the Council when it granted planning permission in 2010. Nevertheless, she noted that this was founded on the development being a 'granny annex' and not a separate unit of accommodation. She was of the view that the site is prominently located and readily apparent in the street scene and that, because of its scale, proposed parking layout and the subdivision of the garden areas, the unit would appear separate to No. 17. As such, the inspector was of the view that the development would have a cramped and contrived appearance and would be uncharacteristic of the generally more spacious setting to the surrounding dwellings.

Highway safety:

The Inspector noted that, whilst the proposal allowed for two parking spaces outside No. 17 and one car to be parked outside the 'granny annex', the arrangement relies on a shared drive and all users parking in an orderly fashion. In this regard the Inspector agreed with the Council, that the cramped parking arrangement would lead to conflict and increase the likelihood of vehicles being parked on the street. She noted that there is high demand for on-street parking along Borough Close, which would be exacerbated if this appeal were to succeed. She was of the view that this may lead to additional congestion and illegal parking, which would be detrimental to highway safety.

Living conditions:

The inspector found the privacy distances to be tight and that the proposal would involve two-way views between the existing conservatory and the lounge window of the annex. She considered that the degree of overlooking would lead to an unacceptable loss of privacy for future occupiers.

With regard to overlooking of private garden areas, the Inspector commented that, in urban areas, some degree of overlooking of garden areas is to be expected. She said that this is the case with the existing properties where views of neighbouring gardens are available from first floor windows. As such, she did not find this aspect unacceptable.

The Inspector conclusion on the matter of living conditions and found that “the future occupiers of the annex would not experience unacceptable living conditions in terms of privacy in outdoor living areas” and that there would be “significant harm in relation to the living conditions of future occupiers with reference to privacy within the ‘granny annex’”.

Other matters:

The inspector considered the Appellant’s comments with regard to the Council Tax demands which refer to No. 17 and the ‘Granny Annex’ as two separate dwellings. The Inspector quoted the Council where it stated “that a separate Council Tax fee is payable for any extension or other part of a dwellinghouse or any detached outbuilding in the garden of a dwellinghouse that contains facilities that would accommodate independent living, regardless of whether or not that accommodation is, in planning terms, a separate unit of residential accommodation.” She agreed with the Council that the Tax system operates under separate legislation and therefore I can give very limited weight to this evidence.

Conclusion:

In conclusion the Inspector considered it necessary to continue to impose a restriction that the annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 17 Borough Close, as set out in condition 2 of permission 2010/00485/FUL. She said that “to allow the proposal to become a separate unit of accommodation would, on the evidence before me, result in harm to the character and appearance of the area, highway safety and living conditions of future occupiers. It would therefore be contrary to the Vale of Glamorgan Local Development Plan Policies SP1, SP10, MD2 AND MD5, which aim to, amongst other matters: create high quality development, which positively contributes to the context and character of the surrounding area; have no unacceptable impact on highway safety; and safeguard existing residential amenity”.

L.P.A. Reference No:	2018/00754/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/18/3214895
Appellant:	Mr. Stuart Pyman
Location:	Ishton Barn, Lon Cwrt Ynyston, Leckwith
Proposal:	Rear extension and front hall extension
Decision:	Split Decision - DISMISSED - see file
Date:	19 December 2018
Inspector:	Mr. A. B. Nixon
Council Determination:	Delegated

Summary

The Inspector considered the main issues to be the applicability of policies relating to the conversion and renovation of rural buildings, and the proposal’s effect on the character and appearance of the area.

Applicability of Policies relating to the conversion and renovation of rural buildings

The appeal concerned a rural dwelling whose origins lie in planning permissions granted in 1994 for the conversion to five residential units (later amended to four units) of a range of former agricultural stone barns in the style of a mid-19th model farm. However, the works to the application barn were carried out contrary to the approved plans and without discharging all conditions. Permission was granted retrospectively for the works as carried out, thereby regularising the position.

The appellant contended that, given the almost total demolition of the original building, the building was no longer a converted building falling within the ambit of policies applicable to such developments but in fact constituted the erection of a new-build dwelling, albeit one resembling the former barn it replaced.

The Inspector concluded that this view took an overly narrow view and disregarded the context in this case of the dwelling unit's origins and identity as an integral element of the fabric of the range of buildings forming part of the former model farm layout. With this in mind, the Inspector considered that policy guidance relating to proposals to extend or enlarge traditional rural buildings in connection with their conversion or renovation and re-use were relevant to the determination of the appeal.

It was noted that much of the policy guidance concerning the conversion and renovation of traditional rural buildings was on its face directed at schemes for initial conversion, but concluded that it was sensible that the same design principles should be applied to subsequent proposals for further alteration or adaptation, including later proposals for extension. If this were not so, then initial efforts to preserve the character and integrity of the original buildings and their contribution to a locality could be all too easily undermined by subsequent unsympathetic development.

Character and appearance:

The Inspector then turned to the submitted design of the rear extension, he noted that the existing building had a linear form that reflected the original design of a series of bays side by side, each having a similar depth.

The Inspector concluded that the overall size of the proposed extension, coupled with its divergence from the simple U-plan of the existing range of buildings, would result in a disproportionate and unsympathetic addition which would significantly detract from the appearance, character and setting of the former model farm-style buildings.

It was noted that the rear of the barn would not be open to wider general public view, however he considered that the impact of such a large extension, was clearly at odds with the historical plan form of the parent buildings, which would unacceptably harm the integrity of the building grouping, the merits of which formed the basis for permitting the original scheme of conversion to residential use.

The Inspector also considered that the predominantly cement-render finish of two elevations of the proposed extension would be inconsistent with the stone-built elevations of the host buildings.

The proposal also included a single storey porch-style front hall extension. The Inspector noted that whilst front porches are not usually associated with buildings of agricultural origins, in this case he considered that the enlarged porch would address a practical shortcoming in the existing internal layout, concluding that the addition would not significantly alter the current character and appearance of the building. As such, the Inspector granted permission for the porch, whilst refusing permission for the extension; hence the split decision.

In conclusion the Inspector stated as follows:

“I have had regard to all other matters raised, but find nothing of such weight as to alter my overall conclusions and decision. I dismiss the appeal insofar as it relates to the rear extension, but allow it in respect of the proposed front hall extension”.

(d) Enforcement Appeal Decisions

None

(e) April 2018 – March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	14	6	20	-
	H	2	1	3	-
	PI	-	-	-	-
Planning Total		16 (70%)	7 (30%)	23	-
Committee Determination		-	2 (100%)	2	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	-	-	-	-
	H	1	-	1	-
	PI	-	-	-	-
Enforcement Total		1	-	1	-
All Appeals	W	14	7	21	-
	H	3	1	4	-
	PI	-	-	-	-
Combined Total		17 (68%)	8 (32%)	25	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

2018/01209/TCA	A	Pear Tree Cottage, Windsor Terrace Lane, Penarth	Work to trees in Penarth Conservation Area. Re-pollarding of two Sycamore trees - T1 and T2
2018/01210/TCA	A	Stepaside, Pendoylan Road, Peterston Super Ely	Work to trees in Peterston Super Ely Conservation Area. Removal of two Leylandii trees - T1 and T2 and removal of one Spruce tree - T3
2018/01224/TCA	A	Y Berllan, Llysworney	Removal of Ash T1 to make way for new drive way. Removal of dead Spruce T2 and removal of Ash T3 infected by ash die back
2018/01236/TCA	A	N. East corner of the old tennis courts within the Memorial Fields, Peterston Super Ely	Work to Tree in Peterston-Super-Ely Conservation Area - Access facilitation pruning to one single evergreen conifer
2018/01265/TPO	A	St Marys Church, Bonvilston	Work to trees covered by TPO No.8 of 1973 - Prune and Crown Lift two Horse Chestnuts
2018/01269/TCA	A	New House, Llancarfan	Work to Tree in Llancarfan Conservation Area - Reduction of 25-30% of one semi-mature beech tree
2018/01282/TCA	A	West Cross House, Llysworney	Works to trees in Llysworney Conservation Area - T1 Birch - removal of limb and crown reduction T2 Birch - removal of limb and crown reduction T3 Sycamore = removal of limb and crown reduction
2018/01305/TCA	A	5, Tower Hill, Penarth	Work to a Pittosporum in the Penarth Conservation Area

2018/01310/TPO	A	Access road in front of 12, Ger Y Llan, St. Nicholas	Works to trees covered by Tree Preservation Order No. 01 2005
2018/01325/TCA	A	Hillbrow, Colhugh Street, Llantwit Major	Work to trees in Llantwit Major Conservation Area - Crown lift Maple and remove Scots Laburnum

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 31 JANUARY, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

ENFORCEMENT ACTION

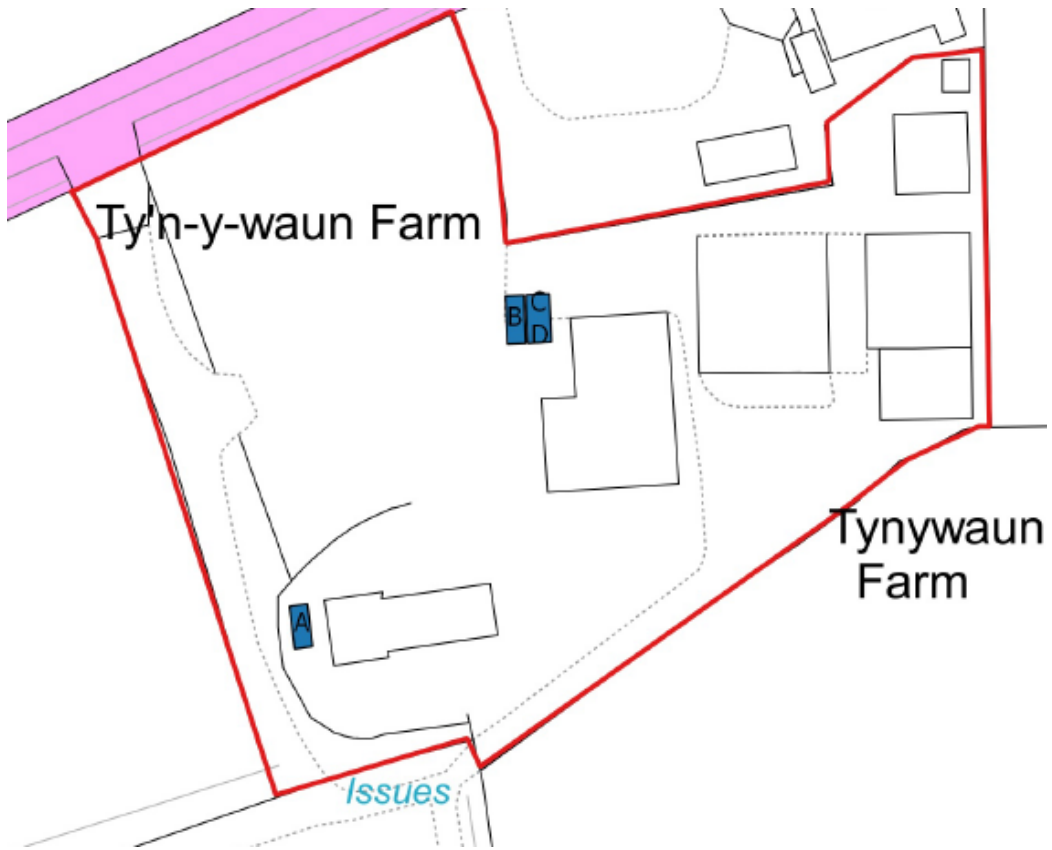
LAND AND BUILDINGS AT TINYWAUN FARM, NEWTON

Background

1. A complaint was received by the Local Planning Authority on 28 November 2018, regarding the placing of Portacabins on land at Tynywaun Farm, Newton.
2. The site lies to the north of Cowbridge, in the open countryside and well outside of any settlement boundary. It is within the Thaw Valley Special Landscape Area. The site contains an agriculturally tied dwelling as part of a farm unit.
3. The dwelling has been granted planning permission under planning reference 2015/00368/FUL for single storey front and rear extensions. An increase to the height of the roof was also approved under application 2018/00637/FUL. These works are currently on-going.

Details of the Breach

4. Following an initial site inspection it was noted that four Portacabins had been placed on the Land. One Portacabin (reference A on plan below) is located adjacent to the dwelling and has been on site for some time. The other three (reference B, C and D) are located away from the dwelling, next to a barn. Two of the three Portacabins next to the barn are stacked on top of each other (reference C on the ground and D above).
5. The site and approximate layout of the Portacabins is shown on the following plan extract.



Photograph – Portacabin A



Photographs – Portacabin B, C and D

6. Schedule 2, Part 4, of The Town and Country Planning (General Permitted Development) Order 1995, permits temporary buildings and uses. Class A permits the provision on land of moveable structures (such as a Portacabin) required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land, providing planning permission has been granted for the operations.
7. Portacabin A is on land which benefits from planning permission for development works to the dwelling, and Portacabins B, C and D are on land adjoining this. However, for the permitted development rights for temporary building and uses to apply, any moveable structure needs to be required, therefore, there needs to be a justification for the Portacabins provided by the approved development works.
8. Portacabin A is next to the dwelling and contains a toilet/kettle/table in one part and storage in another. This provides shelter for the builders undertaking the approved works to the dwelling. Portacabin A can therefore be justified as being required to support the on-going building operations, so benefits from permitted development rights.
9. The owner of the site has stated that Portacabins B, C and D are being used to store items for use in the on-going building operations (e.g. kitchen, underfloor heating system, windows etc.). During a site visit on 30/11/2018, access was provided only to Portacabin C, which at the time was almost empty and contained 2 broken chairs and some scrap wood.

10. The owner has been given the opportunity to provide evidence which would justify the need for all of the Portacabins, but has failed to do so. Two photographs were provided by the owner on 14/12/2018, which show some insulation being stored in part of one Portacabin and a small amount of wood in another. The photographs do not enable the location of these Portacabins to be established nor the time or date when the photographs were taken.



11. One Portacabin (in addition to the welfare unit/storage Portacabins A next to the dwelling) could be justified as being required for storage to support the on-going approved development works. However, the remaining 2 Portacabins cannot be justified as being required to support a modest extension and refurbishment of an agriculturally tied bungalow.
12. The Portacabins are not connected to any agricultural activity so they cannot be considered to be incidental to the agricultural use of the land. The agricultural operations are well served by the barns on the site, none of which were being fully utilised at the time of the site visit.
13. Therefore, Portacabin A and one of Portacabin B, C or D can be considered to benefit from permitted development rights under Class A of Schedule 2, Part 4, of The Town and Country Planning General Permitted Development Order 1995. Two of Portacabins B, C and D do not benefit from permitted development rights.

14. The land on which Portacabins B, C and D are sited is outside of the residential curtilage so is in agricultural use. Any Portacabins which are not justified to support the on-going development, or incidental to the lawful agricultural use, are considered to be being stored on the land. The storage of Portacabins on agricultural land is considered to be a material change of use of the land from agriculture to a mixed use of agriculture and storage of Portacabins. This change of use does not benefit from planning permission so is unauthorised and in breach of planning control.

Action Pursued to Date

15. A site visit was undertaken on 30/11/2018 at which the issue was discussed with the owner. The owner was then sent a letter dated 30/11/2018 which set out that a breach of planning control was considered to have taken place (as set out above) and that 2 of the Portacabins next to the barn should be removed from the site by no later than 15/12/2018.
16. The owner responded by letter dated 4/12/2018 stating that all of the Portacabins were required for worker welfare and storage and so benefited from permitted development rights. The owner was written to again in a letter dated 5/12/2018 to restate that the position set out in the first letter and again offered the opportunity to provide evidence to justify the need for 4 Portacabins.
17. Letters from the owner received on 12/12/18 and 14/12/2018, supported by 2 photographs, stated that 2 of the Portacabins were used for welfare and 2 for storage. However, again no evidence to substantiate the claim that the Portacabins were required and justified to support a modest extension to an agriculturally tied bungalow was provided. The owner did state that 2 of the Portacabins would be removed from the site once the materials in them had been used, but no date was provided for this.
18. Several attempts have therefore been made to secure voluntary removal of the breach by removing 2 of the Portacabins from the Land, but this has been unsuccessful, and as of January 10th 2019, all 4 of the Portacabins remain on the Land.

Planning History

19. The site has the following planning applications history.
 - 1988/00436/FUL, Address: Tyn-y-Waun, Cowbridge. Proposal: Proposed resiting of single storey dwelling., Decision: Approved
 - 2014/00111/FUL, Address: Tynywaun Farm, Newton, Cowbridge, Proposal: Single storey extensions to front and rear of existing single storey dwelling, Decision: Refused
 - 2014/00957/PNA, Address: Tynywaun Farm, Newton, Cowbridge, Proposal: Alterations to hay barn, Decision: Approved
 - 2015/00368/FUL, Address: Tynywaun Farm, Newton, Proposal: Single storey extensions to front and rear of existing single storey dwelling (resubmission of application reference 2014/00111/FUL), Decision: Approved

- 2018/00637/FUL, Address: Tyn-y-Waun, Cowbridge. Proposal: Variation of Condition 2 of Planning Permission 2015/00368/FUL to increase the height of the building by 750mm, decision: Approved
20. Tynywaun Farm also has an enforcement history, including a Stop Notice and an Enforcement Notice, dated 16 December 2009 (reference ENF/2009/0310/PC) relating to unauthorised excavations and the creation of a lake, and unauthorised stockpiling, importation and exportation of subsoil/stone/rubble. The Notices have been complied with.

Policy

Local Development Plan:

21. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

Managing Growth Policies:

POLICY MG17 – SPECIAL LANDSCAPE AREAS

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

POLICY MD14 - New Employment Proposals

Planning Policy Wales:

22. National planning guidance in the form of Planning Policy Wales (Edition 10, 2018) is also of relevance to the determination of this application.

Section 3.5.6 states that any new development in the open countryside should be 'strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area'.

Technical Advice Notes:

23. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
 - Technical Advice Note 12 – Design (2016)

Other relevant evidence or policy guidance:

- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

24. The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Reasons for Serving an Enforcement Notice

25. As stated above, the land has an established agricultural use. The storage of Portacabins cannot be considered as incidental to this established lawful use and does not benefit from permitted development rights. Consequently, the use of the land at Tynywaun Farm for the storage of Portacabins is considered to be an unauthorised change of use, from agriculture, to a mixed use, involving agriculture and the storage of Portacabins, and is therefore a breach of planning control.
26. The main issues to consider are, therefore, the principle of the use of the land for the storage Portacabins, as well as the impact the use has on the character and appearance of the site in this countryside and special landscape area location.
27. The land is within the countryside and a special landscape area, so LDP policies MD1 (Location of new developments); MD2 (Design of new development); MD7 (Environmental protection); and MG17 (Special landscape areas), are of particular relevance, as is the PPW principle of strictly controlling new development in the open countryside. Furthermore, policy MD14 relates to proposals for B1, B2 and B8 uses. The storage use is considered to fall within use class B8 of the Town and Country Planning (Use Classes) Order 1987.
28. The relevant criteria of LDP policies MD1, MD2, MD7 and MG17 require that new development should:
- have no unacceptable impact on the countryside
 - be of a high standard of design that positively contributes to the context and character of the surrounding natural and build environment

- respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.
 - only be permitted within a special landscape area where it can be demonstrated that they would cause no unacceptable harm to the landscape character of the area
 - safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance
 - not result in the loss of the best and most versatile agricultural land.
29. The land contains a small dwelling (currently being extended) and a series of agricultural barns. To the east is a small group of residential dwellings, but the land to the north, west and south is countryside, predominantly fields in agricultural use. The character of the area is very open, with any non-residential structures being agricultural in their design, scale and form.
30. The Portacabins are highly visible from the public highway and adjoining fields and are a prominent, unsightly and incongruous feature in this otherwise agricultural and residential context. Though located adjacent to a barn the Portacabins do not have an agricultural appearance and have the effect of making the site look industrial rather than agricultural. This detrimental visual impact is exacerbated by the stacking of Portacabins C and D.
31. The Portacabins are also highly visible from the neighbouring residential dwellings and are visually incongruous within a residential and agricultural setting. The use of the site for the storage of Portacabins is also considered to have the potential to impact unacceptably on neighbouring residential amenity. Should a use for the storage of Portacabins become established, the movement of Portacabins onto and off the site and the loading and unloading of materials into the Portacabins is likely to create noise and disturbance which is uncharacteristic of either a residential or an agricultural use, and detrimental to residential amenity.
32. The use of the land to store Portacabins also results in the loss of land which is classed as good quality agricultural land. It is noted that the area in which the Portacabins are located is currently part of an agricultural yard, rather than cultivated land, so the net impact on usable agricultural land is negligible. However, if a use for the storage of Portacabins were to become established at the land this could potentially impact on cultivated areas elsewhere, in the future. This would be contrary to LDP policy which seeks to prevent the loss of the best and most versatile agricultural land.
33. With regard to principle of a B8 use in this location, policy MD14 states that new employment uses away from existing or allocated employment sites will be permitted where they are within or adjacent to existing settlements; the use is for a Rural Enterprise where a rural location is necessary; or where there is a need for the business to be located away from existing settlements or employment sites. The site is neither within nor close to an existing settlement. Furthermore, the storage use is not understood to be required for a rural enterprise. As for its location, the storage of containers is not a use that justifies a remote location away from existing settlements or other

employment uses. Accordingly, there is no justification for the use outside of an existing or allocated employment site and, as such, there is conflict with policy MD14.

Conclusions

34. The use of the land to store Portacabins is considered to be an unauthorised change of use of the land from agriculture to a mixed use of agriculture and storage of Portacabins. This unauthorised change of use is considered to have an unacceptable visual impact on the countryside and the special landscape area; to detract from the prevailing open countryside context and character of the surrounding natural and built environment; and is a use which is uncharacteristic of the area, which impacts unacceptably on neighbouring residential amenity. The use of the land to store Portacabins is therefore contrary to LDP policies MD1, MD2, MD7, MD14 and MG17.
35. In view of the issues identified above, it is considered expedient to pursue action and serve an enforcement notice in respect of the breach of planning control identified at the site.

Resource Implications (Financial and Employment)

36. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

37. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
38. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

39. None.

Wellbeing of Future Generations (Wales) Act 2015

40. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
41. The development is considered to cause unacceptable harm for the reasons

set out above. The overarching public interest to protect the amenity of the area and to promote sustainable development principles, is not considered to be outweighed by the land owners personal interest.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The cessation of the use of the Land for the storage of Portacabins
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The use of the Land for the purpose of the storage of Portacabins is considered to have an unacceptable visual impact which is detrimental to the character of the surrounding countryside and special landscape area; to detract from the prevailing context and character of the surrounding natural and built environment; and is a use which is uncharacteristic of the area, which impacts unacceptably on neighbouring residential amenity. There is also no justification for the rural location of this storage use. As such, the use is considered to be contrary to policies MD1 (Location of new developments); MD2 (Design of new development); MD7 (Environmental protection); MD14 (New Employment Proposals) and MG17 (Special landscape areas), of the Vale of Glamorgan Local Development Plan, and national planning guidance in the form of Planning Policy Wales (Edition 10, 2018).
- (2) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2018/0354/PC

Contact Officer - Helen Davies, Tel: 01446 704651

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **31 JANUARY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

2016/01160/OUT Received on 15 December 2017

Applicant: Mr. Nicholas Rubenstein OOTA Property Ltd, 102, Wareham Road, Lytchett Matravers, BH16 6DT

Agent: Mr. Simon Morgan Morgan Design Studio Ltd, 36 Badbury Drive, Blandford Forum, Dorset,, DT11 7UJ

Woodside Hamlet, Ham Manor, Llantwit Major

Proposed tourist (Tree Tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Gwyn John due to the significant level of neighbour representation, potential wildlife impacts and the justification for holiday let accommodation in the area.

EXECUTIVE SUMMARY

This is an outline planning application to use the woodland for tourism accommodation including details of access and appearance for 11 tree tents and associated structures to be used as seasonal tourist accommodation.

The main issues to consider in this application is the principle of the change of use, access and parking, visual impact, effect on the ancient woodland, impact upon protected species and habitats, and impacts upon the amenities of neighbouring properties.

Approximately 124 representations have been received raising concerns with respect to the use not being in character with the residential area, visual impact, the impact on the nearby residential amenity from increases in traffic, noise and disturbance, impact upon ecology as well as highway safety implications.

The application is recommended for approval subject to appropriate conditions.

SITE AND CONTEXT

The application relates to an area of mixed woodland to the south of Llantwit Major with access gained from the Ham Manor Park residential park to the south.

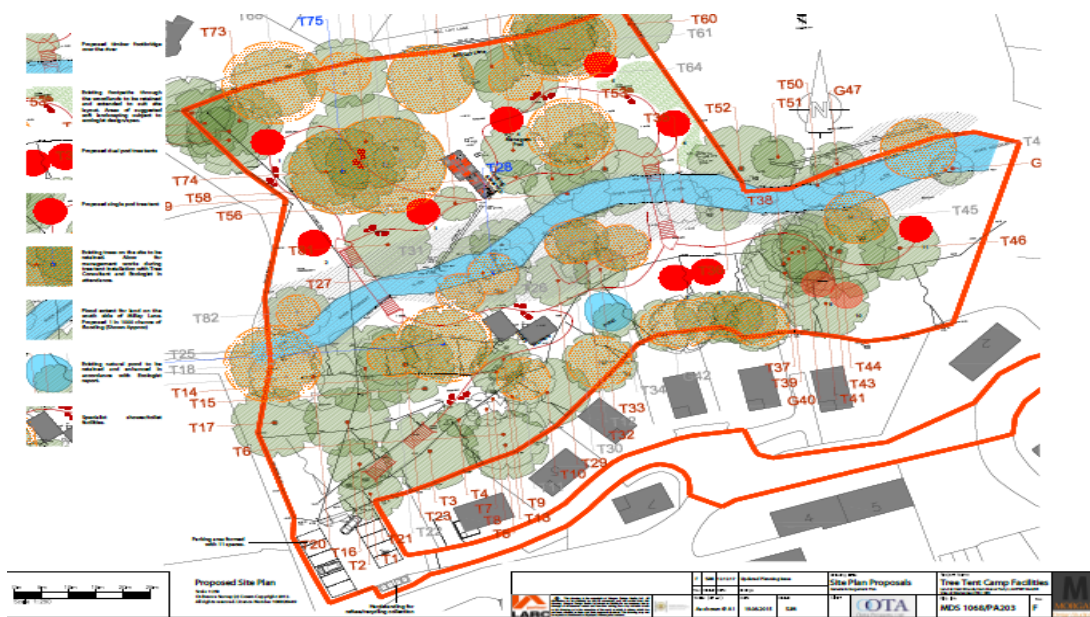
The site lies just outside of the settlement of Llantwit Major as defined by the Vale of Glamorgan Local Development Plan 2011-2026 and, as such, the site is located in the countryside. There are significant site levels differences at the site, which mean that the woodland floor is approx. 5m lower than the adjacent land. The River Hoddnant runs centrally through the site and as a result part of the site also sits within Flood Zone C2. The site lies adjacent to but not within the Glamorgan Heritage Coast. The site is also situated within Sand & Gravel and Limestone mineral safeguarding location.

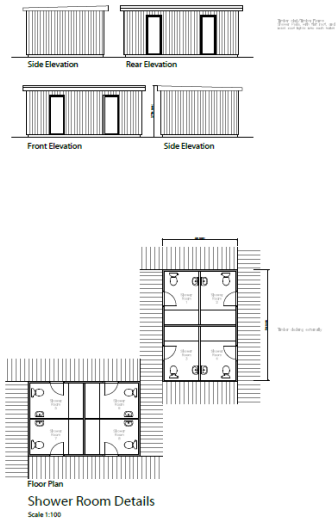


DESCRIPTION OF DEVELOPMENT

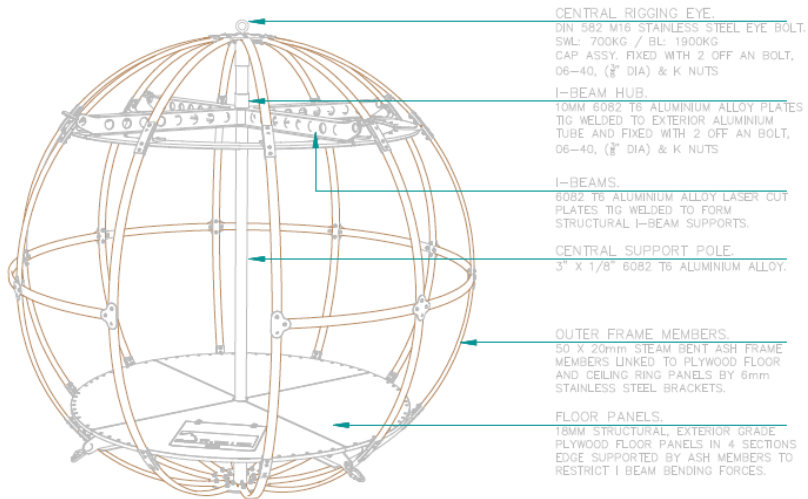
This is an outline planning application to use the woodland for tourist accommodation in the form of ‘tree tents’. The application seeks consent for access and appearance with other matters including scale, layout and landscaping reserved for future consideration. The proposal is for 11 tree tents and associated structures to be sited within the woodland to be used as seasonal tourist accommodation between March and October.

The indicative plans show accommodation for 11 no. tree tents and ancillary infrastructure, including shower/toilet facilities and 2 no. bridges to provide pedestrian access across the River Hoddnant from the proposed car parking area to the south-west of the site.





TREE TENT STRUCTURAL DETAIL.

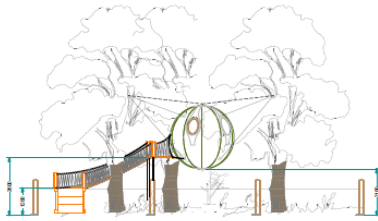


ALL FIXINGS IN NON-CRITICAL
LOCATIONS M8 STAINLESS STEEL
WITH NYLOC NUTS UNLESS
SPECIFIED.

Tree Tent Construction Details

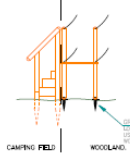
Scale 1:50

TREE TENT INSTALL INSTALLATION OVERVIEW

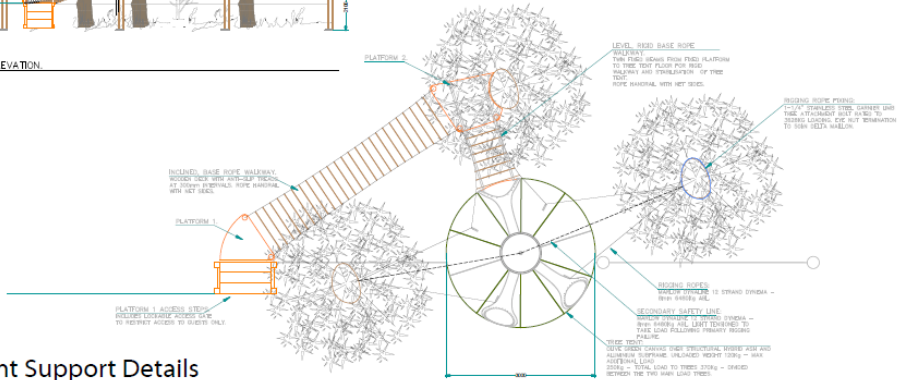
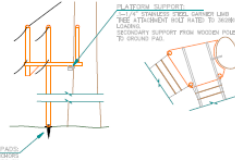


ELEVATION

PLATFORM 1 DETAIL



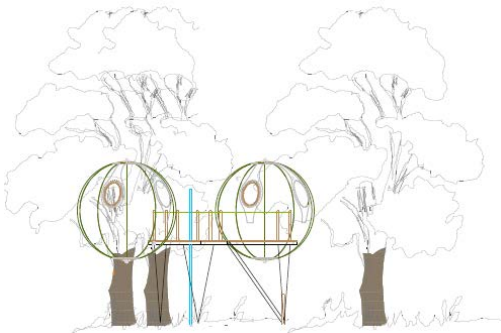
PLATFORM 2 DETAIL



Tree Tent Support Details

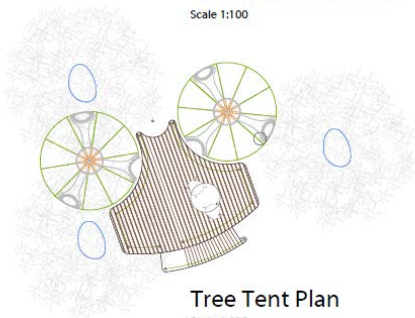
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PLAN VIEW



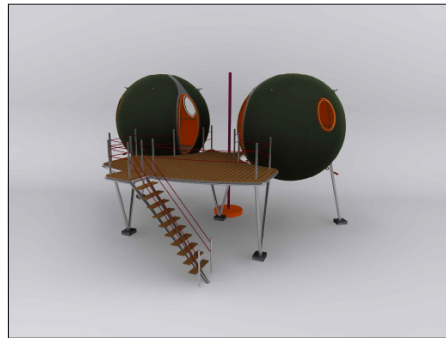
Tree Tent Elevation

Scale 1:100



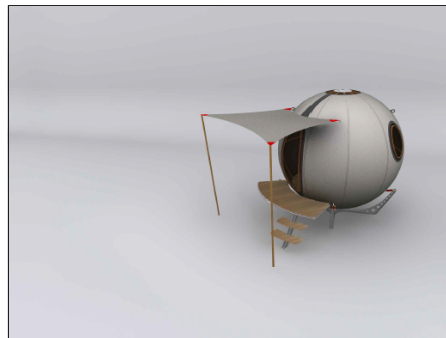
Tree Tent Plan

Scale 1:100



Tree Tent Stilt Detail

Scale NTS



Tree Tent Ground Cradle Detail A

Scale NTS

The application also includes the following supporting documents: -

- Tree Survey
- Design & Access Statement
- Ecology appraisal
- Bat Survey

PLANNING HISTORY

No relevant planning history on the site.

CONSULTATIONS

Llantwit Major Town Council - The Town Council want to encourage tourism and development to the town, however, the concerns of local residents must be considered and therefore the Town Council object to the application on the following grounds:

- 1) The difficult access to the site via the narrow lanes of both Ham Manor Park and Mill Lay Lane.
- 2) The development is considered unsuitable for the area.
- 3) The proposed development encroaches on the surrounding countryside which is part of a conservation area.
- 4) The ecological impact to the area.
- 5) The increase in noise, pollution and light from the proposed development to the residents of Ham Manor Park and Mill lay Lane.

Highway Development - No objections subject to conditions on cycle parking and the car parking provision being provided.

Council's Public Rights of Way Office - No comments have been provided to date.

Tourism & Marketing- No objection to the proposal in principle.

Shared Regulatory Services (Pollution) - No objection but has made comments with respect to the wood burning stoves shown in the tree tents. Due to the topography of the land and height of the flue outlet, unless the 'correct fuel' were to be used, any smoke and odour generated through use of a wood burning stove would not be able to dissipate so as not to have a detrimental effect on residential amenity. To help alleviate any smoke/odour from having a detrimental impact, all fuel must be controlled and supplied by the 'Manager' of the site. In addition, this department advised that the applicant should be mindful that there are residential premises surrounding the site. This development will be attracting tourists and it would be important to consider the future Management of the site.

Shared Regulatory Services (Licensing) - The site would require a licence under Section 269 of the Public Health Act 1936. The campsite would be subject to a number of conditions including items such as period of use, spacing, boundaries, fire precautions, WC facilities and waste disposal. Conditions are based on the Model Standards for Holiday Sites. Should planning be approved an application for a site licence must be made before the site operates and an inspection will be required before any licence is granted.

Council's Ecology Officer - The Council's Ecologist initially sought further information and ecology reports in relation to impacts upon bats resulting from tree works. Following these submissions the Council's Ecologist states: We remove our objection to this application, however, we recommend that the issues regarding 1) tree removal for Health and Safety reasons, 2) exact positioning of tree pods, 3) lighting and 4) Japanese Knotweed treatment be addressed at Reserved Matters. We recommend that this consent includes two Advisory notices for the applicant relating to Japanese Knotweed and a Bat licence, if required.

Natural Resources Wales – Protected Species- No objections subject to the following conditions: -

Condition 1: European Protected Species (bats, dormice)- Construction phase method statement setting out the measures to mitigate potential effects to European Protected Species, to be agreed with the Local Planning Authority and implemented as agreed.

Condition 2: European Protected Species (bats, dormice)- a lighting plan for the development limiting lighting to the insides of the proposed tree tents and cabins, with no lighting of the wider woodland habitat, watercourses or trees with potential for bat roost provision, to be agreed with the Local Planning Authority and implemented as agreed

Natural Resources Wales – Flooding-The proposed accommodation appears to be located outside of DAM Zone C and our flood map outlines, and therefore we have no significant concerns regarding flood risk. However, as we advised in our previous letter, the proposed river crossings will require a Flood Risk Activity Permit.

Llantwit Major Ward Member - Councillor Gwyn John- Objection- Councillor John has indicated that the development would not comply with the relevant development policies, lack of waste management, impact upon nearby residential amenity by virtue of noise and disturbance, loss of trees, lack of good access would exclude the less mobile and impact upon crime. He has also indicated that the use would not complement the surrounding residential use, impact upon wildlife and visual impact as well as indicating the site is within a flood zone.

Llantwit Major Ward Member - Councillor Sally Hanks- Objection on the grounds that there are too many holiday rentals in this area already. The narrow lanes are too small to take all the extra traffic and pedestrians will be put in more danger as access is very difficult. Trees and shrubbery will be damaged and it will have a major detrimental ecological impact on local wildlife and many birds. Tree tents are going to appeal to youngsters, so many local people are worried about more noise and rubbish, and how this site will be managed.

Woodlands Trust- The Woodland Trust objects to this planning application on the basis of damage, loss and deterioration to Ham Wood (grid ref: SS972680), an area of ancient woodland designated on Natural Resources Wales' Ancient Woodland Inventory as Restored Ancient Woodland Site (RAWS).

REPRESENTATIONS

The neighbouring properties were consulted on 20 December 2017 and a site notice was also displayed on 3rd January 2018.

Approximately 124 letters of representation have been received. The issues are summarised below: -

- Impact upon Countryside.
- Loss of trees and impact upon ancient woodland
- Impact upon wildlife.
- Danger to pedestrians from increased traffic and lack of lighting and walkways.
- Increasing traffic to the detriment of highway safety and congestion within the Ham Manor estate.
- Flooding from the river.
- Tents would be visible in winter months.
- Impact upon privacy.
- Impact on residential amenity by virtue of noise, disturbance, litter and increased vermin.
- Cesspit located within woodland, which raises concerns regarding fire safety when camping.
- Not enough information submitted with the application.
- Loss of value to adjacent houses.
- Infringing on Glamorgan Heritage Coast.
- Overdeveloped commercial tourist activity in quiet location.
- Sets a precedence for other applications.
- No Waste Management for the site.
- Tents not suitable for disabled persons.
- Lack of management details.
- This development should not be served by a private road.
- Unclear how many trees need to be destroyed as part of the scheme.
- No demand for this type of development.
- Too close to residential properties.
- Detract from nearby tourist services and existing accommodation.
- Light pollution.
- The use could increase activity out of season, which could result in an increase of crime.
- If this proposal is approved, there could be the potential for the business to expand and impact upon the woodland and wildlife to a greater extent.

Jane Hutt AM has expressed concerns regarding the impact on ecology, access to the site, and noise pollution. Further correspondence received in January 2019 relayed concerns from her constituents including the ecological threat to ancient woodland of increased human activity, in particular with regards vegetation and various fauna such as bats, otters and birds, access and noise pollution both in the construction and, later, the operation of the site.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species.
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

Section 5- Productive and Enterprising Places

- A Resilient Wales is supported by our agriculture and tourism industries and through the beauty of our natural, built and historic environment. Tourism development, which can finance preservation activities, needs careful management to ensure continued enjoyment by future generations. Sustainable agricultural practices can also assist in nature conservation and enhancement. Wales' topography also lends itself to renewable energy generation.

- A Vibrant Culture and thriving Welsh Language are supported by the provision of jobs and economic activity which needs to be strategically planned and managed. The Welsh language and culture makes a distinctive contribution to the viability of communities. Our tourism offer also needs promotion to capitalise support activities which reflect our distinctiveness.

Productive and Enterprising Linkages

The policy topics of the Productive and Enterprising Places theme can collectively work together to create sustainable places through development plan strategies, policies and allocations and development management decision making. In particular:-

- Capitalising on our existing natural and historic assets and new transportation infrastructure to maximise opportunities for tourism-related economic development;

5.5 Tourism

5.5.1 Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. Tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection.

5.5.2 The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place of an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors.

5.5.3 In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.

5.5.4 Much of the existing provision of facilities and accommodation for tourism occurs in urban locations, including historic and coastal towns and cities. There will be scope to develop well-designed tourist facilities in urban areas, particularly if they help bring about regeneration of former industrial areas. The sensitive refurbishment and re-use of historic buildings also presents particular opportunities for tourism facilities in all areas

5.5.5 Long-distance routes, rights of way, disused railways, waterways and other green infrastructure are important tourism and recreation facilities, both in their own right and as a means of linking attractions.

5.5.6 Planning authorities should provide a framework for maintaining and developing well-located, well designed, good quality tourism facilities. They should consider the scale and broad distribution of existing and proposed tourist attractions and enable complementary developments such as accommodation and access to be provided in ways which limit negative environmental impacts as well as consider the opportunities to enhance biodiversity

Trees, Woodlands and Hedgerows

- 6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.
- 6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.
- 6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- Draft Tourism and Leisure Development (Jan 2019)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Having assessed the provisions of the policies listed above it is considered that the main issues to consider are the principle of the tourism development in this location, the visual impact of the proposals, impact upon amenity of neighbouring residential properties, ecological issues, impact upon trees, parking provision and highway safety as well as mineral safeguarding.

Principle of the use

The site lies just outside the defined settlement boundary of Llantwit Major as identified within the Council's Adopted Local Development Plan 2011-2026. LDP policies SP1, SP11, MD1 and MD13 are all relevant and seek to secure sustainable development, protect the character of the open countryside and restrict new development to appropriate development in the countryside, including low impact sustainable tourism. In particular, Policy MD 13 states that proposals for the development of new tourism facilities will be permitted where the proposal involves sustainable low impact tourism in the countryside.

The Council's Draft Tourism and Leisure Development SPG has been developed to support and provide additional detail to the relevant LDP policies and is currently out to public consultation. It provides further information and guidance on low impact tourism in the Vale of Glamorgan. Paragraph 7.11.4 indicates that examples of low impact tourism development include visitor accommodation in the form of semi-permanent structures such as yurts, tepees or bell tents which can be easily removed and have a minimal impact on the locality. Where a proposal also requires some ancillary infrastructure such

as amenity blocks, the preference is for such facilities to be provided in existing rural buildings. Having regard to this, it is considered that the development would be a form of low impact tourism for the purpose of Policy MD 13.

The development would consist of temporary and semi-permanent, structures, including the structured sphere shaped tents and the associated platforms along with small bridges and shower/toilet facilities. The indicative plans shows that the spherical tree tents are to be spread across the woodland area, with some in pairs and mounted above the ground by aluminium supports, rather than suspended from the trees. The aluminium supports will be fixed to ground plates attached to small concrete blocks or screw in ground anchors. The tents will then sit just above ground level and will be linked by small paths and two wooden footbridges across the River Hoddnant. The tree tent company have designed the rigging, attachment and mounting of the tents to be as non-evasive to the trees and surroundings. The associated amenity buildings are proposed as single storey, timber frame construction, set on simple raised stone setts or slabs with no permanent foundations. The use is proposed seasonally (March to October), as such, the impact of the use and its intensity will differ throughout the year.

In terms of sustainability, the site is located next to the settlement of Llantwit Major. There are regular bus and train services from Llantwit Major. The bus services would be a 5 to 10 minute walk from the site while it would be a 10-15 minute journey (0.8 miles) on foot to the train station, which provides links to Cardiff and Bridgend. A certain number of car trips are an inevitable by-product of a semi-rural tourism site such as this, however, it would be possible for persons to access the site via train and bus and it is not so remote to dissuade persons from using public transport when visiting other locations from this site.

As the proposal is a sustainable low impact tourism development, it is considered to comply with Planning Policy Wales and LDP policies and is therefore the type of use that is acceptable in principle in this location.

Impact on Trees

A tree report was prepared by Julian Wilkes of Treescene Ltd., which indicated that a number of the trees on site are classified as dead or of a poor value that they would mean that they could not be retained for more than 10 years (55 out of 83 trees surveyed). However, the applicant has outlined in the Design & Access statement that no trees would be removed to enable the development as they form an important backdrop to the tree tent scheme, but some works may be required on trees nearest the proposed tree pods.

As the application is in outline at this stage, the exact siting of the tree pods is not yet known and any works to the trees (if necessary) would have to be considered at Reserved Matters stage when detailing the exact siting of the pods and any potential works to the trees. As such, despite concerns raised by residents and objections from the Woodland Trust, the use of the site for the tourist development would potentially only result in some minor works to trees that would be located close to the tree pods and would have limited visual impact upon the site and its surroundings. In addition, works to any trees could also be avoided, if needed, by amending the specific location of the pods during the reserved matters stage.

No objection has been received from NRW in terms of the impacts on trees and the Council's ecologist has indicated that the development will introduce management of the

woodland that will be an improvement compared to the existing situation where little or no woodland management has been undertaken and public access has not been managed.

Visual Impact

The site is an identified area of mixed ancient woodland and is currently not being used for any specific use. The land is privately owned but it would appear that the land is currently used informally by members of the public for walking. The applicant has indicated that the woodland has been left unmaintained for many years and consequently has become neglected and somewhat overgrown, a view which is supported by the Council's ecologist. The woodland along with the river habitats are considered to be of County level importance in their own right, while the site is of a local level importance for some protected species. The woodland currently provides a contribution to the rural and undeveloped character of the area. The site can be seen from close proximity from Mill Lay Lane and from around 250m to the west on a public right of way.

As set out above, the proposal does not involve significant loss of trees that could have an overall adverse visual impact upon the site and its surroundings. Details of precise work to trees and landscaping will be a matter for later consideration in the Reserved Matters application.

With respect to the tree pods and associated structures, the indicative plans shows that the spherical tree tents are to be spread across the woodland area, with some in pairs and mounted above the ground by aluminium supports, rather than suspended from the trees. Tent structures would be lightweight, hybrid aluminium and steam bent ash airframes. The spherical structure is enclosed by a cotton canvas. The shower/toilet facilities are shown as being housed in more traditional (proprietary) timber frame/log cabin structures in clearings fairly central to the site.

Depending on the height of the tent above the platform (not yet indicated) and the relative ground level in the woodland, the tents would be partially visible from the public highway on Mill Lay Lane and Raglande Court but views would be obscured by the distance and the woodland screening. Furthermore, the size and appearance of the tents including appropriate finishing colours will limit their visual impact outside the site.

The shower/toilet facilities, cooking and washing areas are shown as being housed in typical utilitarian style timber frame/log cabin structures in clearings fairly central to the site along with the footways bridges across the river. As these buildings and bridges would be located fairly centrally at a much lower level to the road, the buildings would have very little visual impact.

When taking the above into account and the possible public viewpoints of the woodland, it is considered that the visual impact of the tents and associated shower/toilet and kitchen facilities from outside the site would not have a significant impact upon the character and appearance of the woodland or the wider visual amenities.

The initial application did propose the access directly from Mill Lay lane, however, due to significant concerns being raised in respect to highway safety and potential visual impact of forming the access in this location, the application has been amended in order to access the site from the Ham Manor estate.

The access would be to the West of the Oaklodge (no. 5) Woodside Hamlet lodges. The proposed parking area is currently an area of grass to the West of the lodges. The vehicle

access would be formed at the higher level adjoining the lodges and only proposes pedestrian access into the woodland from this point. As the parking area would adjoin the Ham Manor estate and would only alter the character of the garden land near to the lodges, it is considered that the visual change to the character of the land would not be significant. Moreover, the new access would only be visible from inside the private Ham Manor estate and it is considered that the change would not unacceptably impact upon the appearance of the land at this location adjoining the existing holiday park.

It is therefore considered that the visual impact of the proposals would not be significantly harmful to the character and appearance of the site, complying with the requirements of Criteria 1 of LDP Policies MD1 and MD2.

Impacts on Ecology

The woodland is ancient and along with the river habitats are considered to be of County level importance in their own right, while the site is of a local level importance for protected species. Otters are also thought to use the river habitat for foraging.

Policies MG20, MG21 and MD9 indicate that new development proposals should not have adverse impact upon priority habitats and protected species and should conserve and where appropriate enhance biodiversity interests. The application is supported by a Phase 1 habitat survey and a series of species specific surveys and assessments to determine the presence and importance of the habitat to those species on the application site. The ecology report and its findings are detailed below: -

Amphibians

In respect to the proposed development, the updated ecology report indicates that the proposals would not be likely to affect Great Crested Newts and the likelihood of them being located within the woodland is low.

Birds

Birds are found within the woodland but are only likely to be effected by the proposals if significant numbers of the trees are to be removed. In this instance, any works to the trees in order to accommodate the specific location of the pods (not yet known) can be carried out outside the bird nesting season (March - August) (**condition 13 refers**).

Dormice

Although no substantial evidence of Dormice was found on site, their presence cannot be ruled out. The development would not result in works that are likely to affect the potential Dormice habitat other than the amenity buildings, which would result in a loss of a small area of the woodland ground flora. As such, any clearance of the land for this part of the development would take place with the supervision of an ecologist and at a time when Dormice are active (April to October) (**see Condition 12**). Therefore the proposed development would not have a significant impact upon Dormice.

Otters and Badgers

Evidence of Otters was present along parts of the River Hoddnant that runs through the site but no resting places were identified. As the river would not be affected by the

proposals, the potential Otter habitats would not be disturbed by the development. Similarly Badgers are not considered to be adversely affected by the proposal.

Notwithstanding this, consideration of the protected animals would have to be taken into account during the construction period and with respect to lighting during the operational period. NRW have indicated that a condition would need to be attached to the outline consent requiring a scheme outlining protection during construction as well as lighting of the woodland when the use has commenced (**see condition 14**).

Bats

From the initial survey, 26 of the trees surveyed (grade 1* and 1) were thought to hold potential for bat roosts. A further tree climbing inspection survey was carried out in July, August and September 2018 in order to inspect the trees with likelihood for bat roosts and these were cross referenced with those identified as ones with health and safety concerns and also those near to the indicative location of the tree pods.

Following the tree climbing survey, the 26 trees that were thought to hold potential for bat roosts was reduced to 13 trees. Of the 13 trees only T3 and T8 lie within close proximity of the development and could potentially require some work in order to facilitate the development.

The Ecology report indicates that although T3 is close to the path, it no longer has a top and therefore no limbs would need to be removed for safety reasons. T8 also lies close to the path and it is indicated that if any limb removal is thought to be necessary then ecological supervision would be required. Tree surgeons would be directed away from any trees where bat roost features have been found and where this is not possible and works must be carried out to the tree then a further tree climbing survey would be carried out and an application would be made to NRW for a licence if the bat roost does need to be destroyed. Mitigation of the loss of any bat roost would consist of artificial roost replacements.

Enhancement

The report also sets out biodiversity enhancements. Various enhancements are proposed to increase the plant species diversity of the woodland itself and open the canopy when necessary. Wildlife boxes for three different species groups will be installed throughout the woodland while at least one otter holt and brush piles will be added to provide additional resting sites for birds, bats, dormice, otters and amphibians.

The Council's Ecologist along with Natural Resources Wales (NRW) were consulted on the updated Ecology Appraisal and have not raised any objection to the proposed use, subject to conditions regarding a method statement for the protection of species during the construction phase of the development (see condition 11), a lighting plan (see condition 14) and a treatment plan for the Japanese Knotweed found on the site (see condition 16).

Having regard to the information contained within the Ecology appraisal, it is considered that the proposal would not have an adverse impact upon the priority habitat or the protected species and will conserve and enhance the biodiversity interests on the land. Where the development is likely to have any impact upon the protected habitats and species, the report has set out appropriate mitigation measures.

As a consequence, the development is considered acceptable in this regard and complies with the requirements of LDP policies MG20, MG21 and MD9 as well as the Council's Biodiversity and Development SPG.

Impact upon neighbouring amenity

The proposal has attracted substantial local objections in respect of the impact upon the nearby residences by virtue of noise and disturbance, litter, fire safety and crime from the use of the site and the potential traffic movements to and from the site.

The site is located within relatively close proximity to Woodside Hamlet (tourist lodges) and the Ham Manor estate (retirement park) with static park homes as well as some converted buildings to the South West. To the North is a modern residential estate at Raglande Court and Whitewell Drive. A further dwelling, Ham Lodge, is located to the East. Woodside Hamlet lodges along with 1 and 2, The Green and 20a and 21, Ham Manor Estate directly adjoin the site. A paddock of land within Ham lodge ownership does adjoin the site but it is understood that it is not garden. As such, it is separated by approximately 40m distance. The nearest dwellings, Raglande Court (no 14 and 17) and 25, Whitewell Drive, are approximately 10m from the woodland edge across Mill Lay lane and approximately 10m higher than the woodland base.

While the tents would be elevated on platforms, the indicative site layout sets out that the tents are all situated within the woodland. The nearest tree tent would be within 14m of No. 1 Woodside lodge, however, there is a significant difference in level between the tent and the lodge (5m difference). All the other tents and associated structures would be located in excess of approximately 21m from the nearest neighbours. As such, given the location, the level differences and the distance there are no significant concerns over the proposals being overbearing or impacting upon light or privacy.

The noise that could potentially be generated by the use relates to the possible volume of multiple voices, movements and activities of those attending the site at different times of the day and night. While it would be expected that levels of noise may increase with the change of use and type of accommodation proposed, it is considered that the number of tents proposed is relatively modest.

While the nearby properties may be affected without adequate management and controls, the Environmental Health Officer has raised no objections to the principle of the development but indicates that consideration would need to be taken on the potential impacts of the wood burning stoves smoke /odour (proposed within the tents) and the noise associated with the use.

Given the small scale of the accommodation, it is considered that effective site management would address many of the amenity concerns raised by residents with respect to noise, odours, operating times, waste disposal and litter etc. In terms of management of the site, as the application is in outline, the applicant has not submitted any specific details and indicated that this would be set out within any subsequent reserved matters application. Condition 15 is recommended requiring a management plan to be submitted prior to the beneficial use of the site. In addition, a site license would be required which would place further control over such issues.

Accordingly, while there would be a degree of impact from the use, it is considered that the small scale of the accommodation proposed (11 pods) along with the seasonal operational times, coupled with appropriate management would mean that the use could be carried out without impacting significantly upon nearby residential amenity.

Accordingly, subject to conditions on the specific management of the site, it is considered that the proposal will not detrimentally impact upon the amenity of adjoining neighbours, complying with the requirements of LDP policies MD2 and MD7.

Parking and Highway Safety

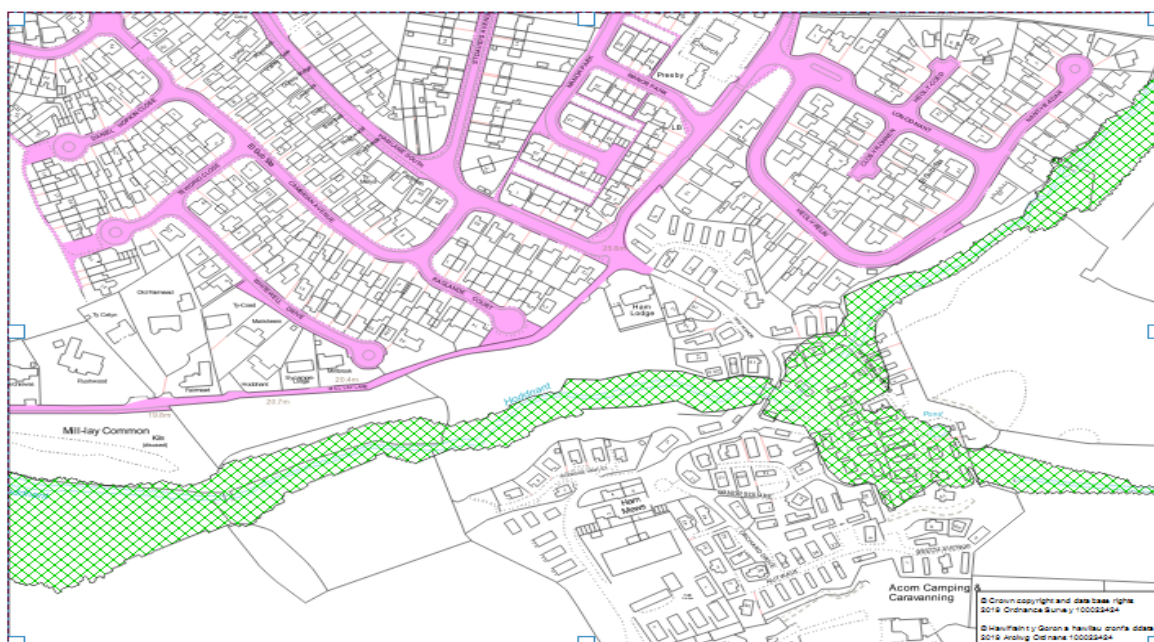
In respect of access to the site, this will be along the existing internal access road serving the residential park. There is no pavement along this road but traffic calming (speed reduction) measures have already been installed. The application also proposes 11 parking spaces (including one disabled space) for the proposed development.

The area immediately adjoining the site is in a mix of residential and tourism use. Whilst the creation of 7 single and 2 double pod units would add to the traffic along the route it is considered that the number of units would not result in a significant amount of traffic and the increased use of the adopted highway for the development proposed would be acceptable.

The Council's Highways Officer has been consulted and has not raised any objections regarding the increase of traffic to the site or the number of parking spaces proposed. As such, the proposal complies with the requirements of LDP policies MD1 and MD2.

Flooding

The proposed development site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Hoddnant.



The proposed accommodation would be located outside of DAM Zone C and, therefore, National Resource Wales have no significant concerns regarding flood risk. However, the proposed river crossings will require a Flood Risk Activity Permit and the applicant would have to seek consent for the permit from National Resource Wales.

As such, the proposal complies with the requirements of policy MD7 of the Adopted LDP 2011-2026 and the advice and guidance contained within. TAN15.

Drainage

The planning application indicates that the surface water will be disposed of via soak away while the toilets are eco-toilets that would compost the waste. Although the principle of dealing with surface water and foul waste appears acceptable, no formal details have been submitted regarding drainage at the site.

As such, it is recommend that any consent should include a drainage strategy (see Condition 10) which should explore all opportunities for sustainable surface water management, its adoption and maintenance as well as disposing of foul waste.

Mineral Safeguarding

The site is also situated within a Sand & Gravel and Limestone mineral safeguarding location. Policies SP9 and MG22 of the LDP relate to minerals safeguarding areas and significant weight are given to safeguarding these resources. However, given the location of the development on ancient woodland and within close proximity of residential dwellings, it is considered that the extraction of the resource on the application site would have a significant impact on the amenity of the residential dwelling as well as the sensitivity of its location at an ancient woodland and adjoining the Glamorgan Heritage Coast. Therefore, it is considered the proposal would not impact upon the potential future extraction of the mineral, complying with Policies SP9 and MG22 of the LDP.

RECOMMENDATION

APPROVE subject to the following conditions(s):

1. Details of the siting, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the following approved plans and documents:

Tree Survey received 27 September 2016

Site Survey 1068_PA201 C received 7 November 2016

Design and Access Statement received 1 December 2017

Site Location Plan draw ref 1068_PA200 received 1 December 2017

Email with additional Ecology Matters received 15 December 2017

Site Plan Proposals draw ref 1068_PA203 received 15 December 2017

Tree Tent Facilities 1068_PA205

Bridge, wash, shower and refuse details 1068_PA206

Received 11 January 2018

Updated Ecological assessment received 25 October 2018

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

5. The consent hereby granted shall only permit the use of the site for up to, and no more, than 11 tree tents and shall only be operational between 1st March and 31 October in any one year. No tree tent associated buildings shall be used or occupied on the land outside the approved operational period.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the use of the site, in accordance with Policy MD1 and MD2 of the Local Development Plan

6. The toilet/shower and wash up and refuse facilities buildings shall be carried out in accordance with the scale parameters set out on the supplementary site details drawing MDS 1068/PA206 :

-Maximum height 2.75 metres

- Maximum width 4 metres
- Maximum length 6 metres

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

7. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

8. The use shall not be brought into beneficial occupation until the car parking spaces have been laid out within the site in accordance with Drawing No. MDS1068/PA203 Rev F and that space shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason:

To ensure that satisfactory vehicle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

9. The development shall not be occupied until facilities for the secure storage of 5 No. cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

10. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a drainage strategy which should explore all opportunities for sustainable surface water management. The scheme shall be completed in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

11. No development shall take place until a details of the construction phase and a method statement setting out the measures to be taken to minimise the impact of any works on protected species are submitted to and agreed in writing by the Local Planning Authority. The construction phase and method statement details shall thereafter be implemented in accordance with the approved scheme.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species)] of the Local Development Plan.

12. Any removal of ground flora and leaf litter shall be carried out between the months of April and October.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species)] of the Local Development Plan.

13. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) / MD9 (Promoting Biodiversity) / MG19 (Sites and Species of European Importance) / MG20 (Nationally Protected Sites and Species) / MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species)] of the Local Development Plan.

14. Prior to the erection of any lighting, a lighting plan for the development, which shall limit lighting to the insides of the proposed tree tents and cabins, with no lighting of the wider woodland habitat, watercourses or trees with potential for bat roost provision shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in accordance with the approved lighting plan.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) / MD9 (Promoting Biodiversity) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species)] of the Local Development Plan.

15. Prior to the first beneficial use of the site as a campsite approved under this planning permission, a site management plan shall be submitted to and approved in writing by the Local Planning Authority. The site shall at all times thereafter be managed in accordance with the approved management plan.

Reason:

To control the precise nature of use and protect residential amenity and the surrounding wildlife, complying with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species)] and MD2- Design of New development of the Local Development Plan.

16. No development shall commence until a detailed management plan for the treatment of Japanese Knotweed on site is submitted to and approved by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) / MD9 (Promoting Biodiversity) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species] of the Local Development Plan

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to policies SP1 – Delivering the Strategy, SP9 – Minerals SP10 – Built and Natural Environment, SP11 – Tourism and Leisure, MG22 – Development in Minerals Safeguarding Areas, MG19 – Sites and Species of European Importance, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD7 - Environmental

Protection, MD9 - Promoting Biodiversity, MD13 - Tourism and Leisure it is considered that the proposed tourist development would not unacceptably impact upon the character of the woodland or the wider area, the residential amenities of neighbouring properties, the safety or free flow of traffic, flooding, drainage or any protected habitats or species. It is also considered that the development represents a positive tourism use which would support the local rural economy, in accordance with the aims of the above policies and guidance.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

NOTE:

- 1. The use of the site for camping would require a licence under Section 269 of the Public Health Act 1936 which must be sought before the site operates and an inspection will be required before any licence is granted.**
- 2. The proposed river crossings will require a Flood Risk Activity Permit. Further advice should be sought from Natural Resources Wales.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



Google Earth Image
5-MINUTE



Site Location Plan
Scale 1:500
Outdoor Survey (c) Crown Copyright 2012. All rights reserved. Licence Number 100020449



Scale 1:500
100m METRIC SCALE
ORANGE ORANGE SIZE 841 x 384



Site Block Plan
Scale 1:250
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<p>© The British & Irish Society of Arboriculture (BISA) Ltd. All rights reserved. This document is the property of BISA and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of BISA.</p>	<p>LABC Landscape Architecture British & Irish Society of Arboriculture</p>	<p>Project Name Tree Tent Camp Facilities Level 41 Ham News, Ham Manor Park, Llanwrtyd Island, Gwynedd, LL55 2JG MDS 1068/PA200</p>	<p>Client COTA Cota Property Ltd</p>
<p>Drawn By Site Location Plans</p>	<p>Checked COTA</p>	<p>Project No. MDS 1068/PA200</p>	<p>Rev. E</p>
<p>Scale 1:500</p>	<p>Scale 1:250</p>	<p>Updated Planning Issue Change</p>	<p>Drawn Date 24.09.2016</p>
<p>Drawn Date 01.12.17</p>	<p>Drawn Date 01.12.17</p>	<p>Drawn Date 01.12.17</p>	<p>Drawn Date 01.12.17</p>
<p>As shown @ A1</p>	<p>As shown @ A1</p>	<p>As shown @ A1</p>	<p>As shown @ A1</p>

2018/00996/FUL Received on 6 September 2018

Applicant: Mr. & Mrs. Graham-Wride c/o Agent

Agent: Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan, CF5 6TR

Clawdd Coch, Pendoylan

Proposed demolition of agricultural barn and outbuildings. Proposed new dwelling with detached garage with hobby room over

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Peterston Super Ely Ward Member, Cllr M J Morgan because he wishes the issue of sustainability and new housing in rural areas to be explored by Committee

The application was first reported to Planning Committee on 3 January 2019. At that meeting Members determined to defer a decision with a view to approve the application contrary to officer recommendation, and to allow the consideration of the following:

- Relevant necessary planning conditions;
- Receive confirmation from the applicant that they will enter into a S106 for affordable housing/self-build exemption; and
- Consider any other outstanding matters relevant should the application be approved.

In relation to the planning conditions, it has been suggested to the agent that details of materials, levels, boundary treatments, etc., could be submitted to avoid the need to condition these matters and the submission of subsequent applications to discharge them. To date no such information has been provided and therefore these matters have been included in the suggested conditions at the end of this report.

The agent has confirmed that a S106 will be entered into for affordable housing/self-build exemption, and this has been included along with the suggested conditions at the end of this report.

In relation to any outstanding issues, the agent was requested to clearly define the residential curtilage of the plot separate from the paddock to the south, and identify how the paddock will be accessed for continued agricultural use. An amended site edged red location plan has been agreed which defines a more acceptable residential curtilage. The agent was also requested to clarify whether or not the site is in a sewered area, as Welsh Water have queried the use of a septic tank noting NRW may have an interest in this form of drainage. The agent has confirmed that the foul drainage will be to a klargester bio disc unit with sub soil irrigation and surface water drainage to soakaway to building regulation approval. Notwithstanding this, the drainage details of the proposal can be conditioned.

Whilst the proposal will have limited impact on the wider character of the SLA, it is argued that the loss of the existing agricultural buildings would detract from the rural character of

the hamlet. Whilst the buildings are in a poor state of the repair, they nevertheless serve to maintain the historical rural character of the hamlet.

In respect of its immediate context, the application site (as amended) still represents a large residential curtilage. The wide (circa 37m) frontage, together with the siting of the detached double garage (with dormer accommodation over) and the proposed two storey dwelling, would fill the width of the plot. As such when viewed from the lane, the proposed dwelling and associated detached garage would be significantly larger and more prominent than the farmhouse at Ty Cadno to the east (a rural enterprise dwelling). The proposed dwelling would also be higher than the single storey barn conversion (to the west) and much larger in scale than the dwellings opposite the site (Clawdd Coch Cottages).

Therefore the proposed dwelling, due to its siting, design and scale would be both a dominant and prominent form of development and result in a marked change to the character of the hamlet. Planning Committee should therefore give consideration, if minded to grant planning permission for the development, as to whether officers should negotiate further amendments to siting and rationalisation to the scale and form of dwelling and garage, to ensure that any new dwelling is in keeping with the scale of the dwellings in the hamlet.

EXECUTIVE SUMMARY

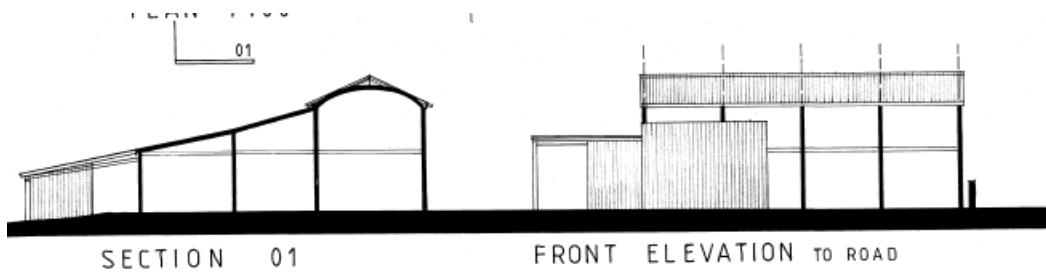
The application site comprises an area of approximately 0.4 ha, which is occupied by a number of dilapidated agricultural buildings and associated yard area to the north, with pasture land beyond. The site is located in the countryside in the small hamlet of Clawdd-Coch, some 900 metres to the north of the village of Pendoylan. The site lies in the countryside and the Ely Valley and Ridge Slopes Special Landscape Area as defined in the Local Development Plan.

This is an application for full planning permission for the demolition of the existing agricultural buildings and the construction of a detached dwelling and associated garage.

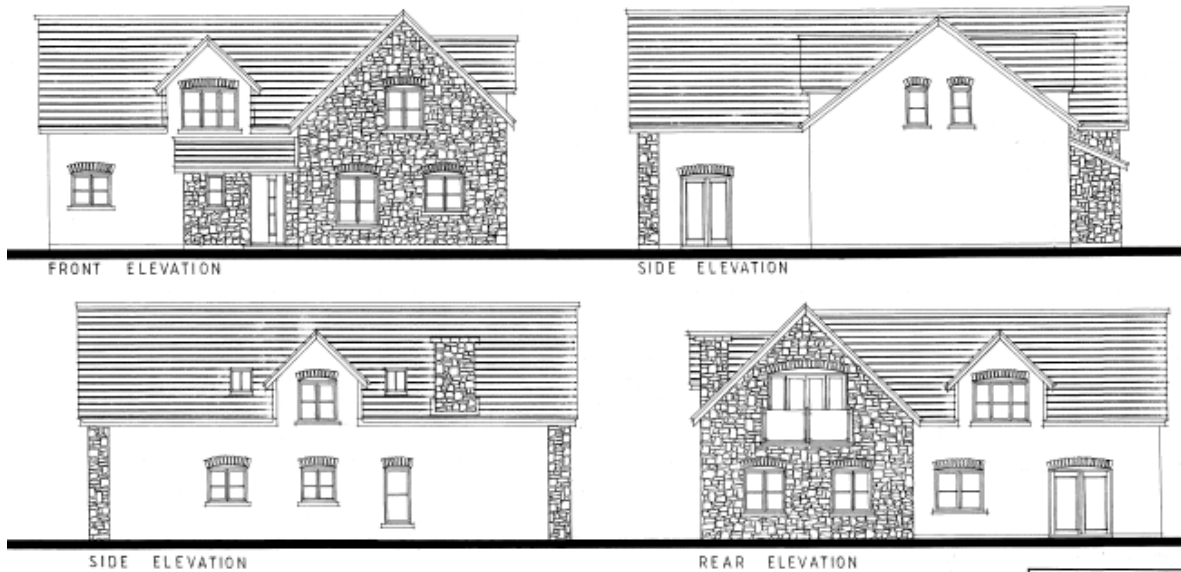
To date no objections to the proposal have been received. Representations of support have been submitted by the occupiers of 'Bryn Bach', 'Clawdd Coch Guest House', 'Chapel View Barn' and 'Duffryn Mawr Farm'; plus local Ward Member Cllr Morgan.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application include: the principle of new residential development in this location; design and visual impact on the surrounding rural landscape, including the Special Landscape Area; the effect on neighbouring and general residential amenities; any detriment to highway safety; and S106 planning obligations. The planning history of the site is also material to the determination of the application.

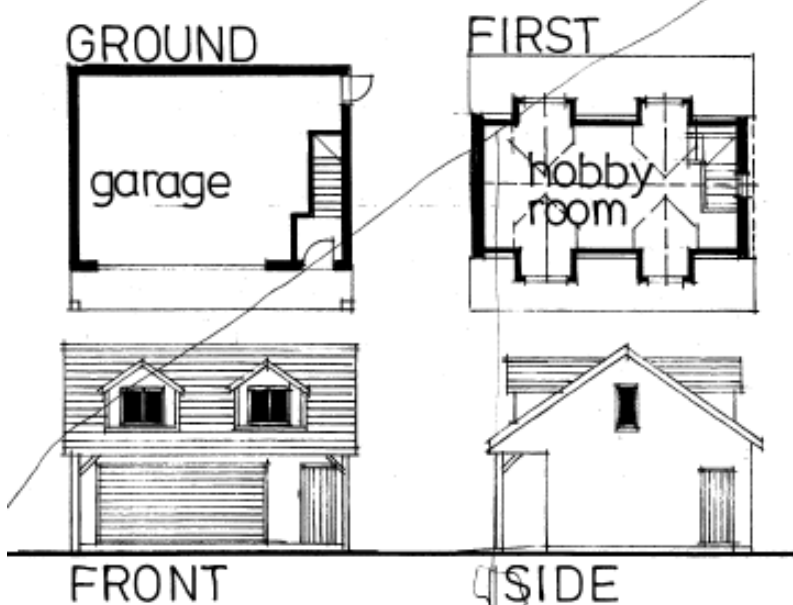
It is recommended that the application be REFUSED on the grounds that the proposal represents an unsustainable form of residential development, in the hamlet of Clawdd-Coch, which is not included within the settlement hierarchy of the Local Development Plan. As such the proposal would be reliant on private transport to access services and facilities, contributing to climate change, and placing additional burdens on existing services, contrary to Policies SP1-Delivering the Strategy, and MD1-Location of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; and national guidance contained in Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.



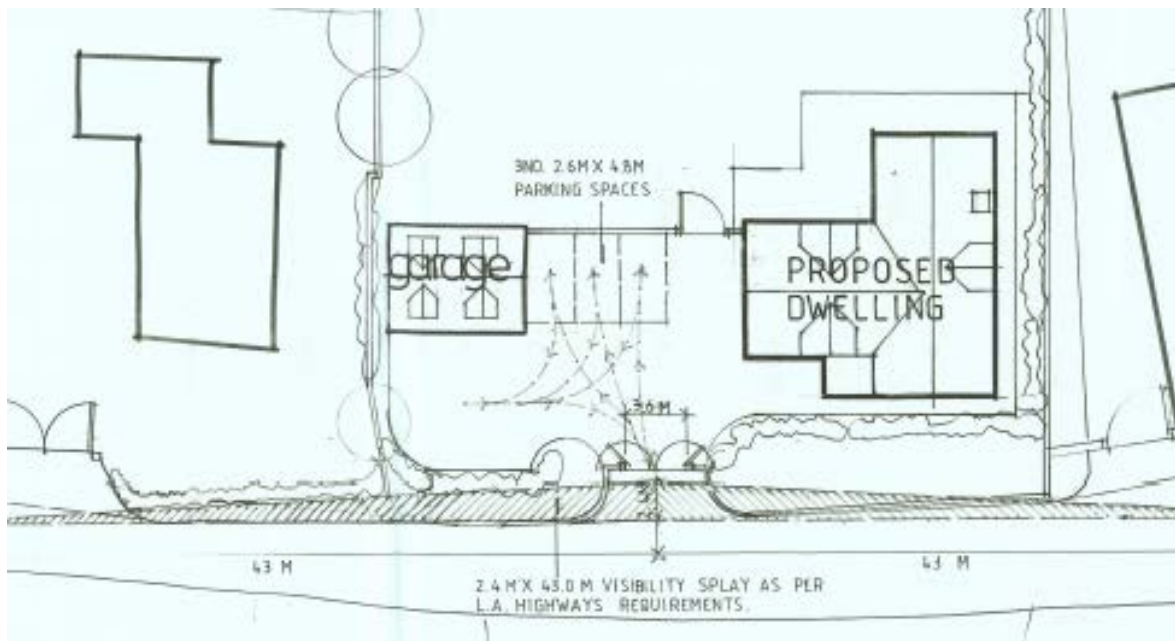
- Construction of a detached, two storey, pitched roof, five bedroom dwelling. The proposed dwelling will be sited within the north-western corner of the plot, close to the boundary with 'Chapel View Barn', and with a frontage to the road. The dwelling will be traditional in design with external finishes of natural stone and render to the walls and a slate roof.



- A detached, two storey, pitched roof garage with hobby room above. The garage will be sited towards the north east corner of the plot close to the boundary with 'Ty Cadno'. The garage will include pitched roof, gabled dormers to front and rear.



- A gated vehicular entrance will give access onto the adopted highway. This will be positioned centrally within the front boundary and will measure approximately 3.6m wide and with a set-back of around 2.4m.



The application is supported by a Planning and Design Statement.

PLANNING HISTORY

2002/01335/OUT - Two pairs of semi-detached cottages – Refused 21 November 2002 for the following reasons:-

- “1. The proposal represents unjustified residential development in a countryside location which would detract from the undeveloped, unspoilt rural character of the area contrary to Policies EV3 and H10 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989 and Policies ENV1, HOUS3 and HOUS14 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.
2. The application site cannot provide for adequate visibility to access the proposed dwellings and the proposal will therefore serve to intensify the use of a substandard access all to the detriment of highway safety and the free flow of traffic on the adjacent highway.”

2005/01073/OUT - Construction of one dwelling – Refused 1 September 2005 for the following reason:-

- “1. The proposal, by reason of its location and significant size of site, would represent an unacceptable form of infill development in the countryside outside an identified settlement, that cannot be justified in the interests of agriculture and forestry and would cause demonstrable harm to the established rural character of the locality, which is designated as part of the Ely Valley and Ridge Slopes Special Landscape Area. Accordingly, the proposal would be contrary to Policies ENV1, ENVXXX (Special Landscapes Area), ENV9 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2002).”

CONSULTATIONS

Pendoylan Community Council were consulted and responded with no objection.

Peterston Super Ely Community Council were consulted on 18 September 2018 and no comments have been received to date.

Peterston Super Ely Ward Member (Cllr M Morgan) was consulted and has made the following comments “The proposed residential development would be an improvement on the current derelict buildings. Provided that there are no objections from immediate neighbours I would support this application.” In a further comment he stated: “It seems to me that development of this nature is essential to the sustainability of our rural communities. Clawdd Coch is a small hamlet but a strong community. It is the mutual support of neighbours for one another in rural communities that keeps those communities sustainable. I have previously raised concerns at Homes and Safe Community Scrutiny Meetings about the approach to planning in the Rural Vale and in particular the needs of older residents. This current application will bring a young family back into a community where they can support their parents and neighbours. I have read The Council’s guidance on Sustainable development and refer to the “definition” of Sustainable development: “Development which meets the needs of the present without compromising the ability of future generations to meet their own needs” This application raises important issues about how the question of sustainability is addressed in our rural communities and it will be of benefit to all for the matter to be aired in the Planning Committee.

Dwr Cymru/Welsh Water were consulted and have stated that as the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

The Council’s Housing Strategy Team were consulted and have stated that there is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA) which determined that 576 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the council’s Homes4U waiting list in the area in the ward of Peterston Super Ely.

PETERSTON S ELY	
1 BED	14
2 BED	4
3 BED	4
4 BED	1
	23

The unit will be a net gain of 1 and therefore we would expect an off-site contribution of AHC x 0.4 of a one bedroom property in zone 5 i.e. £27,770.40.

The Council’s Ecology Team were consulted and have responded with no comments to make on the application.

The Council's Highway Development Team were consulted and initially requested additional information, including, a plan of the proposed garage and access to a scale of 1:200; details of on-site turning facilities and appropriate track runs; details to show visibility splays of 2.4m x 43m at the access to scale of 1:200 in order to prove the appropriate visibility is achievable.

Further to the receipt of the above information, no objection is raised.

The Council's Drainage section were consulted and have stated that no details have been submitted with regard to surface water drainage for the proposed development. For all new developments, infiltration should be the primary method of surface water disposal, prior to any other method being considered and evidence of on-site infiltration testing should be submitted prior to approval of a surface water drainage system. In addition, no details on the management and maintenance of the proposed drainage system have been included with this application. As such, a condition is requested on any planning permission requiring a detailed scheme for the surface water drainage of the site.

The Council's Shared Regulatory Services (Environmental Health) were consulted and have advised of the use of the 'unforeseen contamination' condition and informative and conditions relating to importation of soils and/or aggregates.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 18 September 2018. In addition a site notice was posted on 28 September 2018.

Letters of support for the application have been submitted by the occupiers of 'Bryn Bach', 'Clawdd Coch Guest House', 'Chapel View Barn', and 'Duffryn Mawr Farm'. These are all available on record to view in full, however, in summary, the main reasons for supporting the proposal relate to:-

- The dwelling would be in keeping.
- Represents an improvement to a derelict site.
- Positive use of the site to provide a family home to maintain the village.
- A refusal would not be justified in light of proposed new road.
- Would prefer a central positioning of dwelling on the plot.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 - Delivering the Strategy.
POLICY SP3 - Residential Requirement.
POLICY SP4 - Affordable Housing Provision.
POLICY SP10 - Built and Natural Environment.

Managing Growth Policies:

POLICY MG1 - Housing Supply in the Vale of Glamorgan.
POLICY MG4 - Affordable Housing.
POLICY MG17 - Special Landscape Areas.

Managing Development Policies:

POLICY MD1 - Location of New Development.
POLICY MD2 - Design of New Development.
POLICY MD4 - Community Infrastructure and Planning Obligations.
POLICY MD7 - Environmental Protection.

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 3 - Strategic and Spatial Choices

- Promoting Healthier Places, in particular paragraph 3.21.
- Placemaking in Rural Areas, in particular paragraphs 3.34, and 3.35.
- Spatial Strategy and Site Search Sequence, in particular paragraph 3.37.
- The Best and Most Versatile Agricultural Land, in particular paragraph 3.54.
- Development in the Countryside, in particular paragraph 3.56.

Chapter 4 - Active and Social Places

- Transport, including Active Travel, in particular paragraph 4.1.36, and Car Parking, paragraph 4.1.51.
- Living in a Place, in particular 4.2.25 and 4.2.26-affordable housing.
-

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places, including Landscape, in particular paragraphs 6.3.3 and 6.3.11.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- TAN1 - Joint Housing Land Availability Study (2015).
- TAN2 - Planning and Affordable Housing (2006).
- TAN6 - Planning for Sustainable Rural Communities.
- TAN 12 - Design, including paragraphs 2.6, 4.3, 4.5, 4.8, 5.8-rural areas and 5.11-housing design and layout.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2018).
- Design in the Landscape.
- Parking Standards.
- Planning Obligations (2018).
- Residential and Householder Development (2018).
- Trees, Woodlands, Hedgerows and Development (2018).

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response).
- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2017.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).

- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).
- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Sustainable Settlements Appraisal Review (2016).

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Office Circular 13/97 - Planning Obligations.
- Development Management Manual - Revision 2 - May 2017.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include, the principle of new residential development in this location; design and visual impact on the surrounding rural landscape, including the Special Landscape Area; the effect on neighbouring and general residential amenities; any detriment to highway safety; and S106 planning obligations. The planning history of the site is also material to the determination of the application.

Principle and background

In policy terms the site is located in the countryside, outside of any settlement boundary defined within the LDP. As such, relevant policies include, SP1-Delivering the Strategy, and MD1-Location of New Development. Policy MD1 seeks to emphasise the importance

of protecting the countryside from unacceptable and unjustified new development, and ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities. The policy allows for new development subject to the following criteria:-

"1. HAVE NO UNACCEPTABLE IMPACT ON THE COUNTRYSIDE;

2. REINFORCE THE ROLE AND FUNCTION OF THE KEY SETTLEMENT OF BARRY, THE SERVICE CENTRE SETTLEMENTS, PRIMARY SETTLEMENTS OR MINOR RURAL SETTLEMENTS AS KEY PROVIDERS OF COMMERCIAL, COMMUNITY AND HEALTHCARE FACILITIES;

3. WHERE APPROPRIATE PROMOTE NEW ENTERPRISES, TOURISM, LEISURE AND COMMUNITY FACILITIES IN THE VALE OF GLAMORGAN;

4. IN THE CASE OF RESIDENTIAL DEVELOPMENT, SUPPORT THE DELIVERY OF AFFORDABLE HOUSING IN AREAS OF IDENTIFIED NEED;

5. HAVE ACCESS TO OR PROMOTE THE USE OF SUSTAINABLE MODES OF TRANSPORT;

6. BENEFIT FROM EXISTING INFRASTRUCTURE PROVISION OR WHERE NECESSARY MAKE PROVISION FOR NEW INFRASTRUCTURE WITHOUT ANY UNACCEPTABLE EFFECT ON THE NATURAL OR BUILT ENVIRONMENT;

7. WHERE POSSIBLE PROMOTE SUSTAINABLE CONSTRUCTION AND MAKE BENEFICIAL USE OF PREVIOUSLY DEVELOPED LAND AND BUILDINGS;

8. PROVIDE A POSITIVE CONTEXT FOR THE MANAGEMENT OF THE WATER ENVIRONMENT BY AVOIDING AREAS OF FLOOD RISK IN ACCORDANCE WITH THE SEQUENTIAL APPROACH SET OUT IN NATIONAL POLICY AND SAFEGUARD WATER RESOURCES; AND

9. HAVE NO UNACCEPTABLE IMPACT ON THE BEST AND MOST VERSATILE AGRICULTURAL LAND."

This approach is supported by national guidance, including PPW which suggests that development in the countryside may be appropriate in certain circumstances. However, this is subject to full consideration of all factors, including the landscape context and the character of the area. Paragraph 3.56 states:-

"Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area."

It will be noted from the planning history of the site that there have been earlier applications for the residential re-development of the site, which have been refused. These include, 2002/01335/OUT for two pairs of semi-detached cottages, refused in 2002, and a single dwelling under 2005/01073/OUT, refused September 2005. The reasons for refusal have included, unjustified residential development in the countryside; harm to the established rural character of the area; and detriment to highway safety due to lack of adequate visibility and intensification of use of a substandard access.

Since these earlier decisions the policy context has changed both nationally, and locally with the adoption of the LDP. Despite this, the site remains an unsustainable one, outside of any identified settlement. PPW notes at paragraph 3.35:-

"For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development

should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.”

The LDP settlement hierarchy, which was informed by the Sustainable Settlements Appraisal Background Paper (Feb 2016 update), identifies sustainable settlements which are considered to be capable of accommodating additional development during the Plan period. The Study identified 4 main categories of settlements grouped according to their size, role and characteristics, including the key settlement of Barry; service settlements of Cowbridge, Llantwit Major and Penarth; primary settlements of Dinas Powys, Llandough (Penarth), Rhose, St Athan and Wenvoe; and minor rural settlements of Aberthin, Bonvilston, Colwinston, Corntown, Culverhouse Cross, East Aberthaw, Ewenny, Fferm Goch, Graig Penllyn, Llancafán, Llandow, Llanmaes, Llysworney, Ogmere by Sea, Pendoylan, Penllyn, Peterston Super Ely, Sigingstone, Southerndown, St Brides Major, St Nicholas, Treoes, Wick and Ystradowen.

Clawdd-Coch has not been included within the settlement hierarchy due to its isolated location and lack of basic services and facilities, similar to many other small hamlets and rural settlements within the Vale of Glamorgan. The lack of amenities, employment opportunities and limited public transport services means that inhabitants are more likely to be reliant on private cars for travel, making them unsuitable and unsustainable locations for further additional residential development.

It is acknowledged that Clawdd-Coch does have a bus service which operates every 2 hours Mondays to Saturdays (320 service). It is noted that the nearest village identified within the LDP settlement hierarchy is the Minor Rural Settlement of Pendoylan, which is located some 925m away. Pendoylan includes a primary school, public house and post box.

Whilst the road linking Clawdd-Coch to Pendoylan is a classified road, it is not served by any footways or lighting. As such it is considered that the road is not suitable as a safe walking route, which together with the distance of the site to Pendoylan, would highly likely result in the dependence on private vehicles to access basic shops, services and facilities needed on a regular basis from the site.

It must therefore be concluded that due to the isolated position outside of any defined settlement boundary and given the distance and general absence of comprehensive pedestrian/alternative modal links to the nearest settlement, the site is considered to be in an unsustainable and unsuitable location where the proposed dwelling would be remote from day to day amenities/services and any future occupiers would be over-reliant on the private car.

In policy terms, new residential development outside of the settlement hierarchy can be considered acceptable in certain circumstances, in particular where they meet the requirements of either policy MD10-Affordable Housing Developments Outside Settlement Boundaries, or MD11-Conversion and Renovation of Rural Buildings. This follows national guidance contained in PPW, which states at paragraph 3.56:-

“Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity.”

However, even in such cases, such sites still need to be accessible and sustainable and have a relationship to a settlement. The proposal does not entail the conversion of an existing rural building, neither does it relate to affordable housing.

Thus, it is considered that the current proposal for market housing would be contrary to the LDP and national guidance set out in Planning Policy Wales.

Agricultural Land

Another issue in relation to the acceptability of the principle of the proposed development is that would have no unacceptable impact/loss of the best and most versatile agricultural land, as set out under criterion 9 of Policy MD1 and Policy MD7. This is in line with national guidance, including paragraph 3.54 of PPW which states:-

“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.”

The Council's Agricultural Land Classification records shows the land classified as Grade 3, although, with no survey work undertaken, it is not clear whether this is the higher Grade 3a. Although the application site extends to the south, and includes the currently undeveloped pasture land, the proposed built development is restricted to the frontage of the site in the existing yard area. The application is accompanied by a Planning and Design Statement, which includes a Supporting Statement from the applicant at Appendix F, which outlines the farming background to the proposal. This identifies that the yard is now redundant to the current farming operations, which have shifted from a dairy herd and chickens to beef cattle and barley. The farm buildings are now located at The Paddocks on the opposite side of the crossroads, where movement of animals is easier in relation to passing traffic. Although it is not clear how the southern paddock would be accessed following development of the frontage, it is accepted that an alternative could be made available. As such, it is not considered that a refusal of the application on the grounds of the loss of high quality agricultural land would be justified.

Personal circumstances of the applicant

It is also noted that the supporting statement makes reference to the personal circumstances of the applicant. Section 38 of The Planning and Compulsory Purchase Act 2004, requires that the Council determine an application in accordance with the development plan unless material considerations indicate otherwise. The Development Management Manual (DMM) provides guidance on the nature of material considerations, noting that factors taken into account must be planning matters, i.e. they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The DMM notes at paragraph 9.4.3:-

“Material considerations must also be fairly and reasonably related to the development concerned. The Courts are the final arbiters of what may be regarded as material considerations in relation to any particular application, but they include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.”

In addition, under the requirements of the Human Rights Act 1998, the Council must protect an individual's rights and paragraph 9.4.18 of the DMM states:-

“The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the LPA to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.”

The DMM notes that the weight to be attached to material considerations is a matter of judgement. However, as paragraph 9.4.5 points out:-

“... the LPA must demonstrate in the planning officers or committee report that, in reaching its decision, they have considered all relevant matters.”

Thus in considering the personal circumstances put forward, it is noted that the applicant outlines a wish to live in the village of her childhood, which is currently not possible due to house prices in the area, and the limited availability. The land would be gifted by the applicant's parents. The proximity to the parents would also allow for their care in old age and failing health. Whilst sympathetic to the personal circumstances outlined, such a situation is by no means unusual, and a similar case for new dwellings in inappropriate and unacceptable locations could be made many times over by other families, undermining local policies and national guidance.

A further reference to the personal circumstances of the case is highlighted in chapter 6, the summary section of the Planning and Design Statement. This indicates:-

“That the applicant wishes to be able to live close by to allow them to continue to work on the farm and other nearby housing is too expensive.”

It is acknowledged that TAN6-Planning for Sustainable Rural Communities allows for sustainable housing, including affordable housing and rural enterprise dwellings. In relation to rural enterprise dwellings TAN6 states at paragraph 4.3.1:-

“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.”

A rural enterprise dwelling can include a second dwelling on an established farm which is financially sustainable, where there is a functional need for a further 0.5 or more of a full time worker and at least 50% of a Grade 2 Standard Worker salary, as defined by the latest version of the Agricultural Wages Order, is obtained from the farm business.

Notwithstanding the above, the current application does not propose either an affordable dwelling, or a rural enterprise dwelling, and no evidence to support such development has been submitted. As such the application has been assessed as a proposal for new market housing.

Thus it is considered that the principle of the development of a new market house on the site is considered unacceptable, as it does not meet the requirements of policy MD1, in particular criterion 5, access to or promotion of the use of sustainable modes of transport.

Design and visual impact

In policy terms, criterion 1 of policy MD1 requires that new development on unallocated sites should have no unacceptable impact on the countryside. Furthermore, criteria 1 and 2 of policy MD2 requires new development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment; and responds appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density. National guidance within TAN12-Design states at paragraph 5.8.2:-

“Design is relevant to rural settlements, urban fringe, steep sided valleys, mountain top plateaus and broad agricultural areas vary significantly. Policies and guidance should take account of the need to steer activity to avoid negative impact on distinctive rural landscapes and the best agricultural land and to conserve and enhance diversity of species and habitats. Managing change by means of a landscape strategy based on a thorough landscape assessment is one means of safeguarding a rural sense of place. This should analyse key issues and put forward guidelines for design themes, palettes of materials, and briefs for specific sites.”

Furthermore the Council’s Supplementary Planning Guidance on Design in the Landscape contains guidance on landscape impact, with one of the aims of DG13-Rural Settlements, being to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation.

It is noted that the letters submitted in support of the application highlight how the proposal will improve the current situation with the removal of the existing dilapidated structures. In addition the Planning and Design Statement outlines how the new dwelling will sit comfortably within the existing residential development, and be commensurate with the existing dwellings in the hamlet.

“The scale, siting, design, materials, landscaping and external appearance are all appropriate in the context of the hamlet of Clawdd Coch.”

It is agreed that the proposal will not extend the built form of the hamlet into the surrounding countryside. In addition the traditional design of the proposed dwelling would reflect many of the original properties.

In relation to the wider landscape impact, including the Ely Valley and Ridge Slopes SLA, relevant policies include SP10-Built and Natural Environment, and MG17-Special Landscape Areas. Policy MG17 allows for new development where it is demonstrated that it would cause no unacceptable harm to the important landscape character of the area. The accompanying Planning and Design Statement indicates that the use of the site for a dwelling will not materially alter the character of the SLA.

“The site is currently occupied by unsightly dilapidated corrugated iron and timber barns and outbuildings. It is a natural in fill site with other residential properties on three sides and its configuration allows the natural line of houses along the lane to be respected.”

It is agreed that the proposal will have a limited impact on the wider character of the SLA. It could be argued that the loss of the existing agricultural buildings would detract from the rural character. However, the more recent agricultural buildings to the west would serve to maintain the historical character of the hamlet.

Thus it is considered that the loss of the existing buildings, and the introduction of a new dwelling in this location will not result in any detriment to the character and appearance of Clawdd-Coch and its rural setting, including the SLA.

Neighbouring and residential amenity

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 of the LDP seeks to safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

It is noted that, to date, no objections have been received, only support for the proposal. However, the neighbour at 'Chapel View Barn' has expressed a preference for the dwelling to be sited away from their boundary, more centrally within the plot.

In relation to any overshadowing or overbearing effect, it is considered that, compared to the existing agricultural barn, the proposed dwelling would have less impact due to its smaller size.

As regards any impact on the current levels of privacy, although there are some windows at first floor level in the side elevations facing the neighbours at 'Chapel View Barn' and 'Ty Cadno', these serve non-habitable landing and en-suite facilities.

In relation to the residential amenity of the proposed dwelling itself, the Council's SPG on Residential and Householder Development requires a minimum of 20 sqm of amenity space per person, which in this case, would be a minimum of 80 sqm. Although the current layout shows a relatively restricted area of private amenity space, it is acknowledged that this can be improved with a reduction in the number of on-site parking spaces proposed from five to the maximum three spaces required by the Parking Standards.

Access and Parking

Criterion 6 of MD2 of the LDP requires that new development has no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.

There is an existing vehicular access to the site to serve the existing agricultural use. This is proposed to be modified to provide a 3.6m wide double gated entrance, set back to provide visibility splays of 2.4m x 43m along the adjacent highway. Following a request for additional information relating to garage access, on-site turning facilities, and visibility splays, the Council's Highway Development team have advised that there is no objection to the proposal.

As such it is considered that there should be no detriment to highway safety. Indeed, as the supporting information notes, the removal of the agricultural use of the land, with the potential to move animals along the adjacent highway at the crossroads, should serve to improve highway safety.

S106 planning obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

In this case, policy MG4-Affordable Housing is relevant to the proposal. This requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing. The Council's Affordable Housing SPG requires that residential development within the Rural Vale housing market area resulting in a net gain of one dwelling or more should deliver 40% affordable housing.

In this case, as the contribution would relate to the equivalent of 0.4 of an affordable unit, this would require an off-site affordable housing contribution, based upon the following equation:

Acceptable Cost Guidance (£) per unit x % Social Housing Grant x Number of affordable housing units = Financial contribution (£).

The Acceptable Cost Guidance band in this case is based upon band 5. The Council's Housing Strategy Team has been consulted on the application and confirm that Clawdd Coch is in the Peterston Super Ely Ward where the highest need is for one bedroom accommodation. Based on the table at Figure 1 paragraph 5.3.2 of the SPG the ACG is £119,700. As such the required contribution is calculated as £27,770.4.

Although a formal response is still awaited from the applicant's agent, the applicant has verbally indicated that the proposed development is intended to be a 'self-build' scheme. There is an exemption for Self Build Housing Developments in the SPG, and this would be taken into consideration in any subsequent S106 legal agreement that would be required. Notwithstanding this, the proposal remains unacceptable for the reasons outlined above.

Other issues

On the issue of drainage, Welsh Water note that the proposal entails the use of a septic tank facility. As such they advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

The Council's Drainage section note that no details have been submitted with regard to surface water drainage for the proposed development, and no detail on the management and maintenance of the proposed drainage system. As such, a condition is requested on any consent that no development shall commence until a detailed scheme for the surface water drainage of the site, showing how road and roof/yard water will be dealt with, has been submitted and approved in writing by the LPA.

The Council's Environmental Health section indicate that although there is no known contamination at this site, the potential cannot be ruled out. As such, they have requested the use of the 'unforeseen contamination' condition in any consent. In addition, should

there be any importation of soils, or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. Therefore conditions relating to the importation of soils and/or aggregates are also requested.

Finally, it is noted that there are no ecological issues relating to the site. The Council's Ecology team have been consulted on the proposal, and advise that they have no comments to offer on the application.

In view of the above the following recommendation is made.

RECOMMENDATION

REFUSE

1. By virtue of its isolated position outside of any defined settlement boundary and given the distance and absence of safe pedestrian / alternative modal links to the nearest settlement, the proposal represents an unsustainable form of residential development, remote from day to day amenities / services and any future occupiers would be over-reliant on the private car. The proposal would therefore be contrary to Policies SP1-Delivering the Strategy, and MD1-Location of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; and national guidance contained in Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

REASON FOR RECOMMENDATION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Should Committee Members determine to approve the application contrary to officer recommendation, it is considered that this should be subject to the applicant first entering a S106 legal agreement relating to an affordable housing/self-build exemption, and subject to the following conditions:-

Conditions

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan, amended plan received 17 January, 2019;
- Existing Site Layout, Drg. No. 712/P/01, received 29 October 2018;
- Existing Agricultural Buildings, Drg. No. 712/P/02, received 6 September 2018;
- Proposed Site Plan, Drg. No. 712/P/10A, received 29 October 2018;
- Proposed House Plans, Drg. No. 712/P/11, received 6 September 2018;
- Proposed House Elevations, Drg. No. 712/P/12, received 6 September 2018; and
- - Planning Design Statement, received 18 September 2018.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The new vehicular access, vision splays, and on-site parking and turning space, as shown on Drg. No. 712/P/10A, received 29 October 2018, shall be implemented in full before the first beneficial occupation of the dwelling hereby permitted. The access, vision splays, and on-site parking/turning space shall be retained thereafter.

Reason:

In the interests of highway safety in accordance with Policies SP1-Delivering the Strategy, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

4. A schedule of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

To safeguard local visual amenities, as required by Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development and MD2-Design of New Development of the Local Development Plan.

5. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, as required by Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas,

MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

6. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To safeguard local visual amenities, as required by Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

7. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, as required by Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

9. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial occupation of the development hereby permitted and retained in perpetuity.

Reason:

To prevent pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment, in accordance with Policies SP1-Delivering the Strategy, MD1-Location of New Development, and MD7-Environmental Protection of the Local Development Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1-Delivering the Strategy, and MD7-Environmental Protection of the Local Development Plan.

11. Any soils/aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1-Delivering the Strategy, and MD7-Environmental Protection of the Local Development Plan.

12. Notwithstanding the provisions of schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions shall be erected to the building other than those expressly authorised by

this permission and no buildings shall be erected other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

Informatives

1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
2. With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with Natural Resources Wales (NRW). The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with NRW's Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on NRW's website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations.
3. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
 - (i) determining the extent and effects of such constraints;
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or

potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

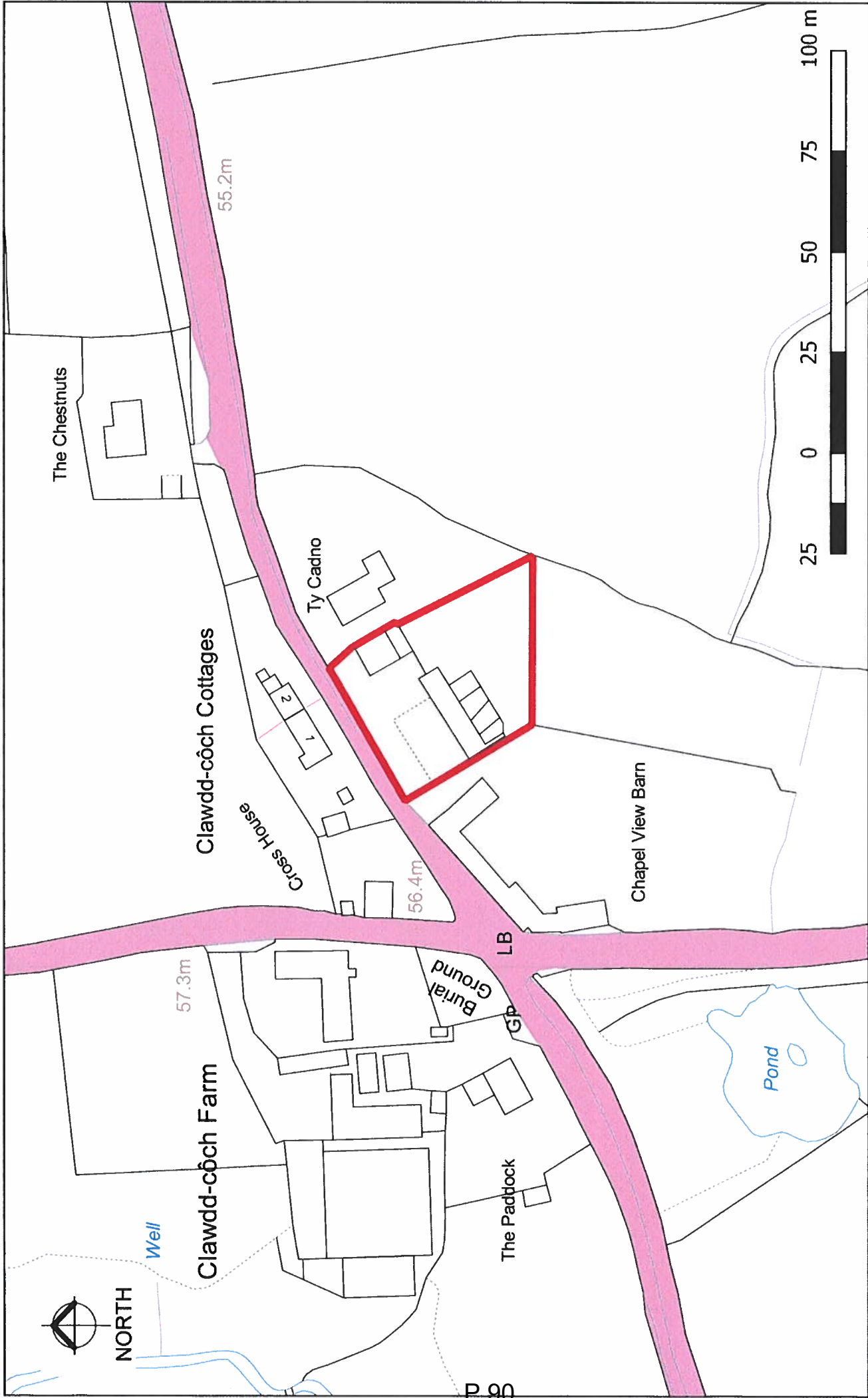
The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

Reason for Granting Planning Permission

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4-Affordable Housing Provision, SP10-Built Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG17 - Special Landscape Areas, MD1-Location of New Development, MD2-Design of New Development, MD4-Community Infrastructure and Planning Obligations, and MD7-Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Affordable Housing, Design in the Landscape, Parking Standards, Planning Obligations, Residential and Householder Development, and Trees, Woodlands, Hedgerows and Development; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning and Affordable Housing, TAN6-Planning for Sustainable Rural Communities, and TAN12-Design, it is considered that the replacement of the derelict farm buildings and yard with a new dwelling, the benefits of which outweigh the unsustainable location of the site. In addition the proposal will have no adverse impact on the character and appearance of the surrounding countryside, including the Ely Valley and Ridge Slopes Special Landscape Area, nor should it detract from neighbouring amenity or highway safety.



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15 January 2019

Site Location Plan

1:1,250

2018/01214/FUL Received on 7 November 2018

Applicant: Mr Paul Scott Ty Isaf, Drope Road, Drope, St Georges Super Ely, CF5 6EP
Agent: Mr Stephen Oakley A and A Property Management, 3, Falfield Close, Lisvane, Cardiff, CF14 0GB

Ty Isaf, Drope Road, Drope

Change of use of agricultural land into garden space. To retain existing shingle/gravel surfacing to motor home enclosure. To retain existing wooden motor home enclosure (open to front entrance). To retain fencing to outer boundary

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning committee under the Council's approved scheme of delegation because the report has a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice which is outside the scheme of delegation.

EXECUTIVE SUMMARY

The application relates to an area of land located to the rear of Ty Isaf, a converted barn within the Drope Conservation Area that is identified as a 'positive building' within the Drope Conservation Area Appraisal and Management Plan.

The application seeks retrospective planning permission for works already carried out. The works included the material change of use of the land to the rear of the dwelling from agricultural land into residential garden space, as well as the laying-down of gravel surfacing, and the erection of a wooden motor home enclosure. The works also included the removal of the existing means of enclosure and the erection of a new post and rail fence around the new boundary of the property. The development is not considered to constitute 'permitted development' and the works were carried out without the benefit of planning permission.

The principal issues to consider in this report are matters of the visual impact and the impact upon the character and context of the site, and the converted rural building, especially given the location of the site within the Drope Conservation Area and the Ely Valley and Ridge Slopes Special Landscape Area.

The extension of the residential curtilage and the construction of the wooden enclosure, as well as the laying-down of a large area of gravel is considered to conflict with Policies SP10, SP10, MG17, MD1, MD2, MD7 and MD8 and the Council Adopted SPG on Conversion and Renovation of Rural Buildings and Design in the Landscape, as well as failing to preserve or enhance the Drope Conservation Area.

It is therefore recommended that the planning application be refused and planning enforcement action be authorised in order that formal action in the form of a planning enforcement notice may be pursued to remedy the breach of planning control.

PRELIMINARY MATTERS

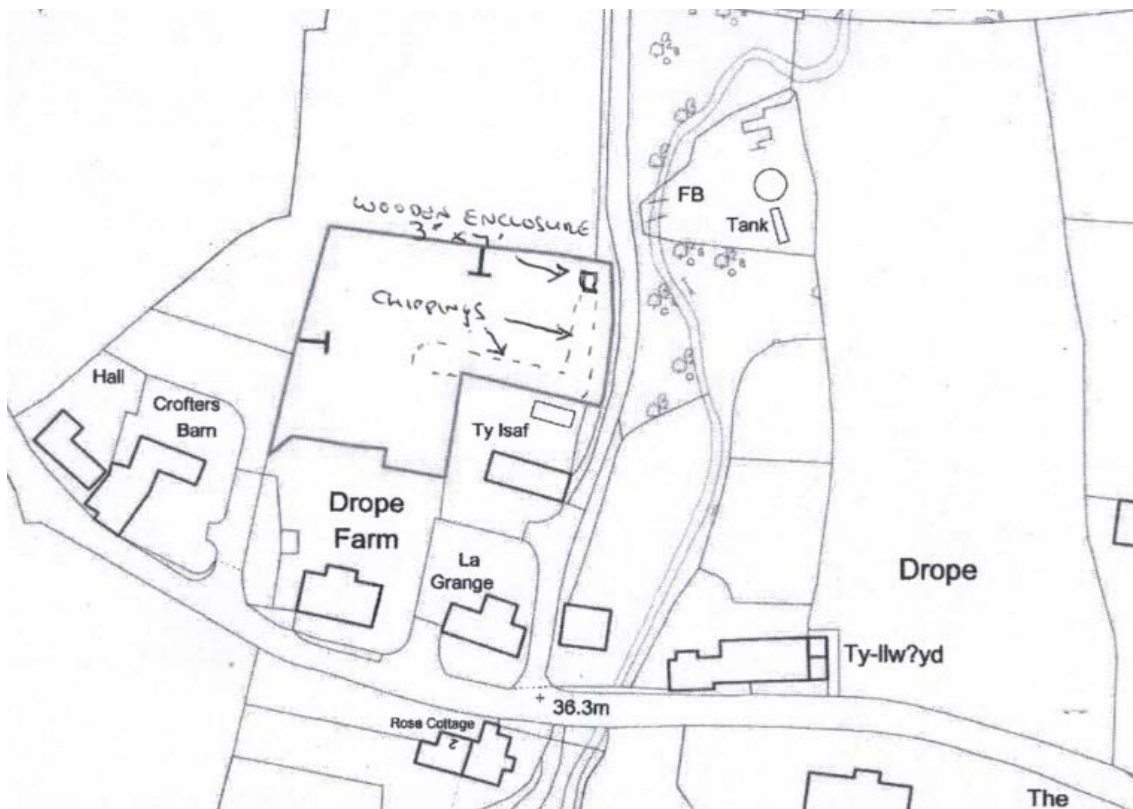
This application relates to a complaint that was submitted to the Council's Planning Enforcement team, which alleged that an outbuilding and area of 'hard standing' had been erected on the land. Following a planning enforcement investigation, it was concluded a material change of use of the land from agriculture to residential garden had occurred, together with the erection of an outbuilding, and the laying down of gravel surfacing leading to the outbuilding.

Planning permission is required for both the material change of use of the land and the operational development. The applicant has been advised that these matters require the benefit of planning permission and has submitted this application accordingly, in an attempt to regularise the works.

SITE AND CONTEXT

The application site relates to a parcel of land to the rear of Ty Isaf, a barn conversion located within the Drope Conservation Area. The site is located outside of any settlement boundary as identified in the LDP, and is therefore considered to be in the open countryside. The property is accessed from a private access lane which is located off the main road running through Drope.

The site is situated within the Ely Valley and Ridge Slopes Special Landscape Area, and is also located within a Sand and Gravel Level 2 Safeguarding Zone. The parcel of land to which this application relates is approximately 0.2 hectares in area.



DESCRIPTION OF DEVELOPMENT

This is a retrospective application, as a result of enforcement investigations into the use of the land at the site.

Within the site, and forming a part of this application, is an existing flat-roof wooden outbuilding measuring approximately 2 metres in width, 4 metres in depth and 2.5 metres in height. The outbuilding is enclosed on three sides, with the south elevation left open to provide access for a campervan.



There is also an area of landscaping in the form of an area of gravel, providing a parking area, and access to the wooden outbuilding. The land subject of this application is enclosed by a new post and rail fence, which separates the land from the adjoining agricultural land to the North and West, and acts as the new boundary treatment.

The previous boundary treatment that existed between the residential curtilage of Ty Isaf and the land to which this application relates has been removed, opening up the area of land to be used as residential garden space.

The application is therefore made to retain the unauthorised elements of the works, including the use of the land as residential garden space, along with the wooden outbuilding, gravel landscaping and the fencing to the outer boundary of the land.

PLANNING HISTORY

Whilst there is no relevant planning history for the area of land that is the subject of this application specifically, the property of Ty Isaf has the following planning history:

- 1996/00302/FUL – Address: Drope Farm, The Drope, St. Georges-Super-Ely, Nr. Cardiff, Proposal: Remove redundant farm buildings, convert 3 barns to create 3 dwellings, construct new car park for community hall, Decision: Approved

CONSULTATIONS

St. Georges and St. Brides-Super-Ely Community Council was consulted on 09.11.18 and comments were received on 26.11.18 and 27.11.18. Summarised, the comments include the following:

- A request that the Vale of Glamorgan Council adheres to ‘their policy on the conversion of agricultural land’.
- An enquiry as to whether the Vale of Glamorgan Council is aware that the application property is ‘used for commercial purposes for the manufacture of fire extinguishers’.

The Peterston-Super-Ely Ward Member was consulted on 09.11.18 and at the time of writing this report, no comments had been received.

REPRESENTATIONS

The neighbouring properties were consulted on 09.11.18 and a site notice was displayed along the public highway next to the entrance to the property on 22.11.18.

To date, responses have been received from the neighbours at Drope Farm and at Crofters Barn. Their comments are summarised below:

- The ‘recent installations’ on the site impact negatively upon the environmental and visual amenity of the Drope Conservation Area.
- The negative impact on the conservation area is exacerbated by the parking and manoeuvring of commercial vehicles on the gravel surfacing.
- Due to the size of the land at the subject of this application, it could ‘hardly’ be considered as an incorporation of an ancillary piece of land to enlarge a garden.
- The current use of the land is out of character with the adjoining properties.
- Allowing this application would set a precedent for other properties in the area to convert agricultural land to residential garden space.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD12 – Dwellings in the Countryside

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 3 - Strategic and Spatial Choices

- The Best and Most Versatile Agricultural Land

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Landscape)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2016)

Paragraph 2.6 states:

“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

Paragraph 4.5 states:

“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

Paragraph 6.6 states:

“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”

- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Conservation Areas in the Rural Vale
- Conversion and Renovation of Rural Buildings
- Design in the Landscape
- Drope Conservation Area Appraisal and Management Plan
- Residential and Householder Development

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Designation of Special Landscape Areas (2013 Update)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

In assessing the application against the above policies and guidance, the principal issues to consider include the principle of the change of use of the field from agricultural land to residential garden and the impact of the wooden outbuilding, gravel, and the general domestication of the land, on the appearance and character of the area, given its location within the open countryside, the Ely Valley and Ridge Slopes Special Landscape Area, and the Drope Conservation Area.

Background

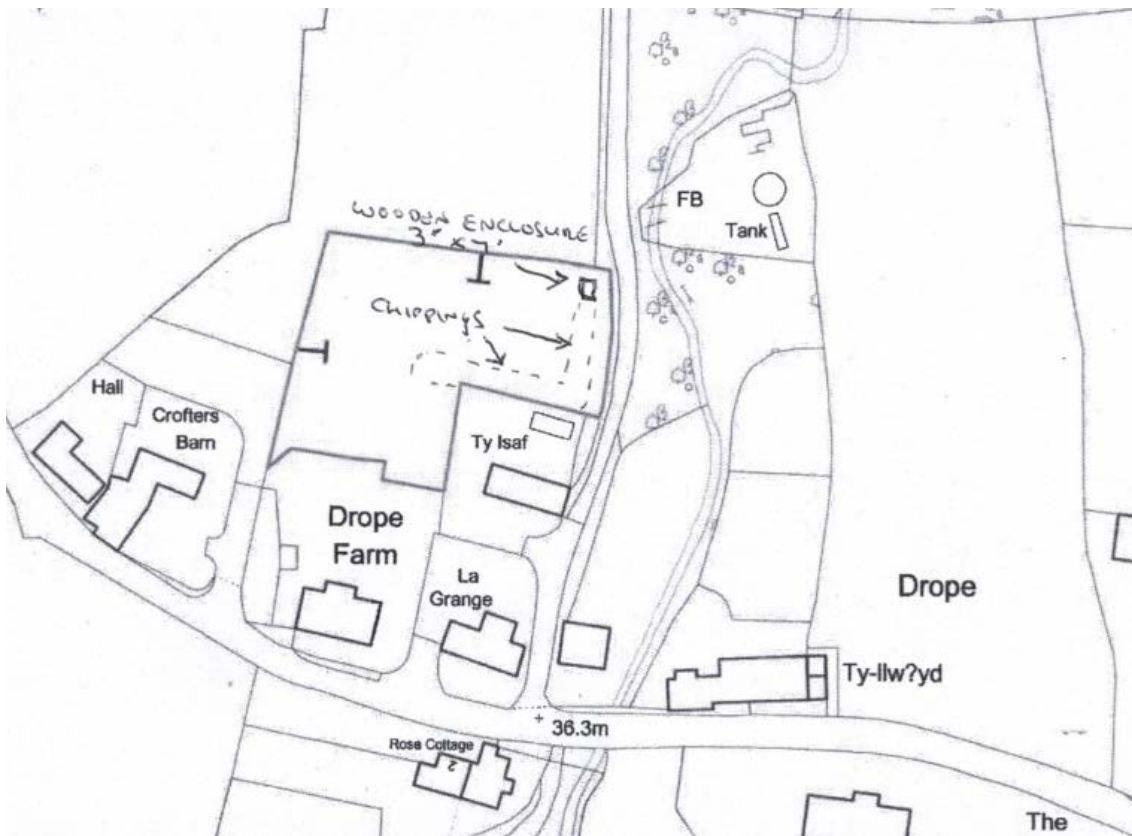
Council Aerial images of the site from 2013 show that at that time, the field subject of this application formed part of an agricultural field, and this was separated from the property of Ty Isaf by a boundary treatment and vegetation.



Aerial Image of Site in 2013

The section of land lying directly to the north of Drope Farm and Ty Isaf has subsequently been subdivided and enclosed by a new post and rail fence, whilst the previously existing boundary treatment enclosing Ty Isaf has been removed.

Whilst there is no new aerial photography showing the site with the works at the subject of this application completed, the site plan submitted as part of the application clearly shows the works that have been undertaken. The site plan also shows the location of the unauthorised wooden outbuilding and the area which has been gravelled.

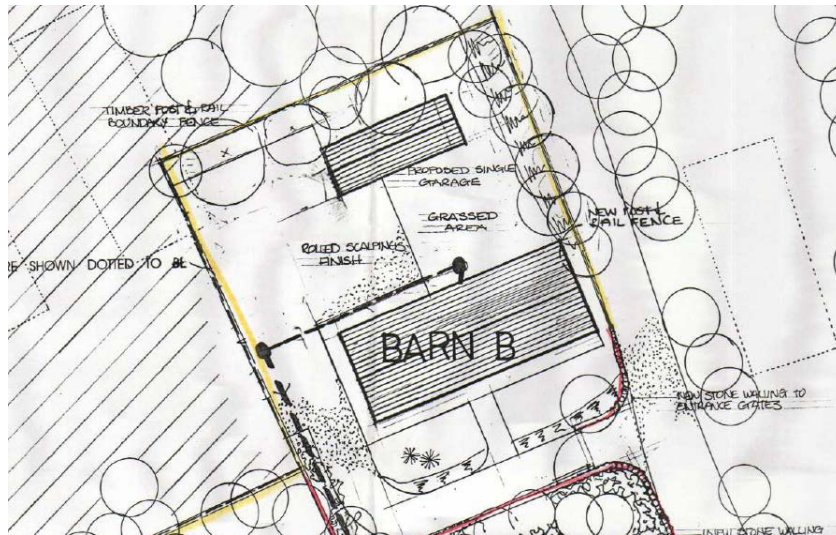


As the site lies outside of any residential settlement boundary, it is considered to be within the open countryside. Policy MD1 of the Vale of Glamorgan Adopted LDP 2011-2026 relates to the Location of New Development, and states that “*new development on unallocated sites should have no unacceptable impact on the countryside.*” The policy seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development. In principle, the change of use from agricultural land to garden space is in stark contrast to the surrounding countryside, as it provides a disproportionately large open garden space, especially when viewed against the gardens of other properties within the complex of barn conversions and dwellings. Therefore in principle the development is considered unacceptable, as it does not protect the countryside, and actively harms the countryside setting around Drope. It is therefore contrary to Policy MD1 of the LDP.

Visual Impact

Despite the subdivision of the land to create the extended garden space, the rest of the field to the north and west of the application site still retains its rural character and is visually similar to the wider countryside which extends northwards from the hamlet of Drope. However it is noted that this rural character has already begun to be eroded with the encroachment of unauthorised domestication of the land with the addition of the wooden outbuilding and the laying down of a significant area of gravel.

The conversion of the former agricultural buildings belonging to Drope Farm, of which Ty Isaf is one, was approved by the Local Planning Authority under application: 1996/00302/FUL. An extent of residential garden was approved for each converted building, with the extent of the approved garden area serving Ty Isaf (Barn B) shown below:



As the approved area of garden to serve Ty Isaf was implemented at the time of the barn conversion works and has been used as garden space for a significant period of time, the character and appearance of the garden was materially different to the area of agricultural land that is now the subject of this application prior to the unauthorised change of use and development (as can be seen from the 2013 aerial photograph). The previous character of the land subject of this report retained an obvious visual link to the wider countryside to the north and west.

In addition to this, the adjoining complex of barn conversions/dwellings (La Grange, Drope Farm and Crofters Barn) each possess a modest garden area that is closely related to the dwellings they serve. This pattern of development defines the character of the immediate context of the site with regard to the built development within which the applications site sits.

In contrast to the character of the site and area defined above, the change of use of the agricultural land to residential garden has resulted in the domestication of the land. Residential activity within the field subject of this application, such as the closely mown grass and defined gravel drive, has wholly changed the character of the site from a part of a wider agricultural field parcel to an expansive open garden. The extent of garden area is uncharacteristic when compared to the existing pattern of development described above and has resulted in an unacceptable encroachment of domestic activity into the rural setting of this barn complex. Any further domestic activity within the site, such as ornamental planting, lighting and paraphernalia such as garden furniture and play equipment would further exacerbate the harm caused to the visual amenity and character of the area and is a matter that cannot be controlled via condition.

This is highlighted in the Council's Conversion and Renovation of Rural Buildings SPG which states: "The Curtilage of a rural building should generally remain open and uncluttered. Proposals should seek to minimise the extent of land required to support the proposed new use to minimise the extent of visual intrusion, particularly in sensitive rural areas. The application should include a plan clearly defining the proposed curtilage and this should respect the position of the established boundaries. The incorporation of agricultural land into the building's curtilage constitutes a change of use and will require planning permission. Proposals which seek to artificially enclose adjacent areas of land within the curtilage of the building could erode the character of the surrounding rural landscape and will be resisted."

In respect of outbuildings associated with rural conversions, the SPG states: “Ancillary structures and outbuildings can cause the domestication or urbanisation of the setting of rural buildings and will therefore be strictly controlled. Such structures include pergolas, garden buildings and garages. The siting of these structures needs to be carefully considered to retain the character of the area and may be resisted.”

Regarding provision for parking, the SPG advises: “All proposals must include satisfactory parking provision within the curtilage of the site. It is important that the parking area does not detract from the rural setting of the building. Parking provision should be in accordance with the Council's Parking Standards.”

The site is visible from the car park and access serving the village hall, which abuts the application site. As such, the harm described above would be fully appreciated from a relatively public vantage point. The changes are visible within the wider landscape and, when viewed from the village hall car park, are considered to be out of keeping with the otherwise undeveloped rural character of the surroundings.

Policy MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 relates to the design of development and clearly states that “*in order to create high quality, healthy, sustainable and locally distinct places development proposals should:*

1. *Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;*
2. *Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.”*

Similarly, Criterion 1 of LDP policy MD1 prohibits development on unallocated sites that have an unacceptable impact on the Countryside.

The change of use of the agricultural land into residential garden space, and the stark contrast between the rural character of the surrounding areas of land to the north and west, and what is now a large parcel (approximately 0.2 hectares) of residential garden space is considered to be out of character with the context of the site and harmful to the visual amenity of the wider area, contrary to Policies MD1, MD2 and MD 11 of the LDP and the SPG on the Conversion and Renovation of Rural Buildings.

Notwithstanding the above, as the whole site lies within both the Drope Conservation Area and the Ely Valley and Ridge Slopes Special Landscape Area, there are further policies of the LDP which are relevant to this application.

Impact on the Drope Conservation Area

Policy SP10 relates to the Built and Natural Environment and states that: “*Development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including:*

1. *The architectural and/or historic qualities of buildings or conservation areas, including locally listed buildings.”*

Policy MD8 also relates to the Historic Environment and states that: *“Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:*

1. *Within conservation areas, development proposals must preserve or enhance the character or appearance of the area.”*

The relatively unspoilt areas of agricultural land form an important setting to the Drope Conservation Area and the use of the land as residential garden curtilage results in changing the character of the land to urban uses such as the introduction of domestic landscaping and outbuildings, which are considered harmful to this important setting.

The Drope Conservation Area Appraisal and Management Plan states that *“...A significant proportion of the Conservation Area is open space and natural landscape. It is this open landscape that give Drope its rural setting and character”*

The Management Plan recognises that the landscape setting of the Conservation Area is very important and is notable for its rural location. For this reason the boundary has been drawn widely to the west of the church and cottages and includes open spaces that are vital to the area’s rural landscape setting.

One of the recommendations within the Management Plan is to ensure that: *“Development which impacts in a detrimental way upon the immediate setting of the Conservation Area will be resisted. The Council will resist applications for change on the edges of the Conservation Area which would have a detrimental effect on the area’s setting.”*

The enclosure of individual areas such as this, within the open countryside is a harmful encroachment onto this agricultural field affecting the immediate setting of the Drope Conservation Area, contrary to the above guidance. Moreover, and as noted above, the dwellings in this part of Drope are served by gardens which are commensurate in size to the dwellings they serve. The size of the garden subject to this application is significantly larger and wholly disproportionate to the established pattern of development in the area.

Having regard to the duty imposed under section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 it is clear that the open space the application site previously provided is part of the setting of the Conservation Area that is recognised as an important characteristic of the Drope Conservation Area. Accordingly, particular regard should be had to its preservation or enhancement. The change of use of this land to residential garden and the accompanying built development, residential activity and domestic paraphernalia, run contrary to the desirability of preserving the unspoilt rural setting of the conservation area and, therefore, fail to preserve or enhance the character of the Drope Conservation Area. Consequently the works carried out are considered to conflict with Policies SP10 and MD8 of the LDP and the advice and guidance within the Drope Conservation Area Appraisal and Management Plan.

Impact on the Special Landscape Area

The site is within the Ely Valley and Ridge Slope SLA. Policy MG17 relates to Special Landscape Areas and specifies that: *“within Special Landscape Areas, development proposals will be permitted where it is demonstrated that they would cause no unacceptable harm to the important landscape character of the area.”*

Having regard to the harm identified above in terms of the visual impact of the

development and the setting of the Drope Conservation Area, it is clear that the development proposed for retention has a harmful impact upon the rural setting and character of the area. This harm would only increase with further domestic activity on the land. This harm inevitably has a negative impact on the special landscape character of the area which, in this location, has an intact pastoral field pattern and traditional settlement pattern. Whilst it is accepted that the landscape impact will be limited to the local area, the development nevertheless causes harm to the rural character of the site and its setting and if repeated elsewhere could incrementally damage the overall quality of the SLA, contrary to the objectives of Policy MG17.

Provision of Amenity Space

Although the barn at Ty Isaf has already been approved for residential use, Policy MD12 (Dwellings in the Countryside) remains relevant to the assessment of this application as it is for the provision of additional garden space and domestic structures to serve the converted barn. Similarly, policy MD 11 is relevant to the application. A specific requirement of this policy is that any rural conversion must not unacceptably affect the appearance and rural character of the building or its setting.

In addition, the Council's adopted Supplementary Planning Guidance on Conversion and Renovation of Rural Buildings states that:

"The Curtilage of a rural building should generally remain open and uncluttered. Proposals should seek to minimise the extent of land required to support the proposed new use to minimise the extent of visual intrusion, particularly in sensitive rural areas... The incorporation of agricultural land into the building's curtilage constitutes a change of use and will require planning permission. Proposals which seek to artificially enclose adjacent areas of land within the curtilage of the building could erode the character of the surrounding rural landscape and will be resisted."

When the barn conversion was approved, the provision of amenity space (i.e. the areas to the north, west and south of the barn) was considered to be of an appropriate size. A change of use of the field subject of this application to provide additional garden area cannot therefore be justified on the grounds of addressing any deficiency of amenity space. The size of the approved garden area would accord with the current standards of amenity space to serve the dwelling as set out in the Residential and Householder Development SPG.

In addition, extension of the existing garden into the field would unquestionably qualify as an unacceptable extension of a residential curtilage, and would therefore be contrary to LDP Policies MD11 and MD12.

Loss of Agricultural Land

The site and the areas around it are all classed as Grade 2 agricultural land, as identified in the agricultural land classification map produced by the Welsh Government; and the change of use would result in the loss of approximately 0.2 hectares of high quality agricultural land. LDP Policies MD1 (Location of New Development) and MD7 (Environmental Protection) along with Planning Policy Wales (Edition 10, 2018) seek to protect the best and most versatile agricultural land, which includes Grade 2 land. Chapter 3 of Planning Policy Wales states that the best and most versatile agricultural land should be *"conserved as a finite resource for the future. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development..."*

In theory, an area of land that has been used as a garden could be returned to agricultural use, as the change is not irrevocable. However, in practice, once a field parcel has become domesticated, with the associated changes in layout, use and potential increases in land value, the likelihood of returning it to agricultural use is very limited.

Therefore the loss of approximately 0.2 hectares of Grade 2 agricultural land, would be contrary to Policies MD1 (Location of New Development) and MD7 (Environmental Protection) and Planning Policy Wales (Edition 10, 2018)

The Impact of the Wooden Outbuilding and Landscaping

The application seeks to retain a wooden outbuilding currently used to house a motorhome and an area of gravel and landscaping leading towards the outbuilding from the dwelling. The outbuilding is located in the north-east corner of the site, and this along with the landscaping is unauthorised development.

Policy MD1 (Location of New Development) states that development should have “*no unacceptable impact on the countryside*”, and the policy seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development. The developments which this application seeks to retain are entirely domestic in nature and the change of use of the field to garden is not considered to be acceptable (as laid out above). Therefore, the developments which this application seeks to retain are unjustified and contrary to the requirements of Policy MD1.

The photographs below show the wooden outbuilding currently used as a shed to house a motorhome. It is considered to be typical in design to a domestic wooden garage or shed, and greatly contributes to the overall sense of domestication of the field.



Policy MD2 of the LDP relates to the design of development and clearly states that “*in order to create high quality, healthy, sustainable and locally distinct places development proposals should:*

- 1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;*
- 2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.”*

Whilst it is accepted that the policy and the guidance contained within the Conversion and Renovation of Rural Buildings SPG and Policy MD11 relates to the conversion of rural buildings and not subsequent development following their conversion, the principles of the policy and guidance are considered to be applicable to subsequent applications to extend or alter rural buildings that have already been converted (ref. para 2.2), particularly as the aim is to retain the rural/agricultural character and setting of the barns.

Section 9.2 of the SPG, detail with setting and states that:

“Proposals for the conversion of rural buildings should pay due regard to the wider landscape and the building’s setting in this context. It is therefore important that rural developments do not result in the domestication or urbanisation of their countryside setting”

In particular, it adds that:

“.....Ancillary structures and outbuildings can cause the domestication or urbanisation of the setting of rural buildings and will therefore be strictly controlled. Such structures include pergolas, garden buildings and garages.....”

When assessing the outbuilding against the above policies and guidance, it is clearly of a relatively poor quality of design and construction, which is wholly out of character with the converted rural building and the wider rural character of the area.

The outbuilding is considered to neither enhance nor preserve the character of the Drope Conservation Area (Policy MD8 refers), being a development that fails to respect its surrounding context and the character of the conservation area.

The outbuilding is located in the far north-east corner of the field, approximately 25 metres away from the existing approved outbuilding located within the former curtilage of the dwelling. This is not considered to be in an appropriate location (even if the principle were to be acceptable and that it was sited with the approved residential garden), as it is located away from other buildings on the site. Consequently due to the poor siting of the outbuilding, and its visual impact it is considered to cause unacceptable harm on the rural setting, contrary to Policy MD2.

The gravel landscaping within the field provides access to the outbuilding from the dwelling, whilst also providing a significant area of parking for vehicles. The photograph below shows the majority of the landscaped area.



Whilst the gravelled area is not widely visible from outside of the site, at approximately 265 square metres it is an extremely large area of surfacing and its purpose is entirely domestic to accommodate the domestic use of the field. Additionally, as shown in the below photograph, domestic features such as bordering of the gravel surface has been completed, which only adds to the domestic nature of the site.



Due to the extent of the landscaping and for the reasons set out above it is not considered to preserve or enhance the Drope Conservation Area, and the works have resulted in unacceptable harm to the landscape character of the area and would fail to pay due regard to the landscape setting of the converted rural building and would result in domestication of its countryside setting. It is therefore considered to be contrary to policies MG17, MD1, MD2, MD8 and MD11 of the LDP and the guidance set out in the Conversion and Renovation of Rural Buildings SPG.

Conclusion

Considering the above, both the change of use of the land and the retention of the domestic structure and landscaping on the land are considered contrary to policy.

In light of this, it is considered necessary to refuse the planning application and expedient to pursue formal enforcement action to remedy the breach of planning control at the site.

The decision to refuse planning permission and recommend the issue of an Enforcement Notice has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is concluded that the change of use of a field, from agricultural land to garden use, and the retention of a domestic structure and associated landscaping within the field is unjustified and would result in the loss of Grade 2 Agricultural land; would be out of character with the converted rural building and the wider rural character of the area; cause unacceptable harm to the special environmental qualities of the Ely Valley and Ridge Slopes Special Landscape Area, and would fail to preserve or enhance the character of the Drope Conservation Area

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

RECOMMENDATION

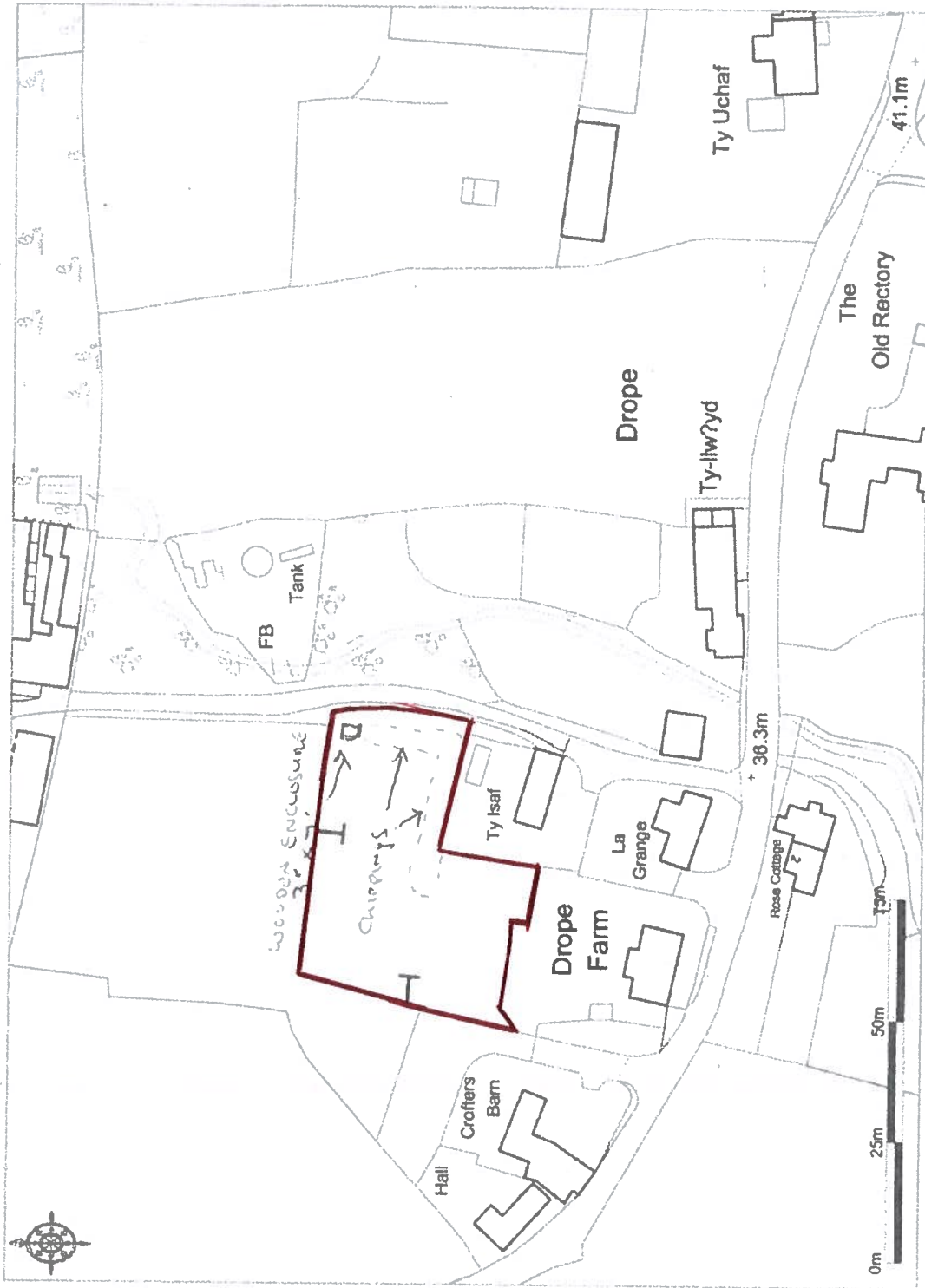
REFUSE

1. The change of use of the land from a use for agricultural a domestic garden use, and the retention of a domestic structure and associated hard landscaping is an encroachment of domestic development and activity that is a out of character with the existing pattern of development and the wider rural character of the area, causing harm to the visual amenities of the area. The development also causes unacceptable harm to the special environmental qualities of the Ely Valley and Ridge Slopes Special Landscape Area and would fail to preserve or enhance the character of the Drope Conservation Area. The proposal is therefore contrary to Policies SP1 (Delivering the Strategy); SP10 (Built and Natural Environment); MG17 (Special Landscape Areas); MD1 (Location of New Development); MD2 (Design of New Development); MD8 (Historic Environment) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10), Technical Advice Note 6 (Planning for Sustainable Rural Communities), Technical Advice Note 12 (Design) and Technical Advice note 24 (Historic Environment), as well as the Council's approved Supplementary Planning Guidance on the Conversion and Renovation of Rural Buildings, Conservation Areas in the Rural Vale and The Drope Conservation Area Appraisal and Management Plan.
2. The change of use of a field, from agricultural land to garden use, and the retention of a domestic structure and associated hard landscaping results in the unacceptable and unjustified loss loss of Grade 2 Agricultural land contrary to policy MD7 (Environmental Protection) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10), and Technical Advice Note 6 (Planning for Sustainable Rural Communities).

REASON FOR RECOMMENDATION

1. That planning permission for the change of use of the land and the retention of the works as completed be refused.
2. That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The cessation of the use of the land as garden.
 - (ii) The removal of the wooden outbuilding and hard surfaced areas within the land.
3. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

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