



PLANNING & DEVELOPMENT COMMITTEE

7 OCTOBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

1. PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

Application No: **21/0058** - Detached house with integral double garage, Former Glen Transport Site, Penycoedcae Road, Penycoedcae, Pontypridd

2. RECOMMENDATION

That Member consider this report and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Development Control Committee on 2nd September 2021 (A copy of the original report is attached as Appendix A). Following consideration of the application, Members resolved to approve planning permission, contrary to the recommendation of the report. Members reached this conclusion as they considered that the site would be acceptable for residential use and the development would have a beneficial impact on the site.

Whilst it is acknowledged that the proposal appears to be acceptable in terms of its potential impacts upon, the character and appearance of the area, amenity of neighbouring occupiers and highway safety; from a planning policy perspective, the scheme proposes the construction of new residential development on land outside of settlement limits, in an unsustainable location. Therefore, in the absence of an appropriate justification, it is considered that the development is contrary to the policy framework within the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.

In the assessment of any application for residential development, the first consideration must be the location of the site in planning policy terms. In this case the plot is clearly located outside of the defined settlement limits, in a location where planning policy aims to restrict new residential development. Whilst planning policy does make provision for certain exceptions, it is not considered that the current proposal represents such an exception. Although it is located at the periphery of the village of Penycoedcae, the site is outside and separate from the settlement boundary. Whilst the site is served by public

transport, this is a very low frequency bus route, generally passing the site once every two hours. It is also noted that the site has very poor access to key services and facilities within the local vicinity. The site, therefore, cannot be considered a sustainable location for development as it does not accord with policy AW 2 or indeed national policy.

Member's attention is drawn to the fact that several policies in the Local Development Plan deter against development outside the settlement boundary, including CS 2, AW 1, AW 2 and SSA 13. Policy SSA 13 explicitly states "*in order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss, development will not be permitted outside the defined settlement boundaries*". It is for this reason, that the development proposal would be contrary to policies CS 2.2, AW 1.3, AW 2.1 and SSA 13.

It is also reiterated that the planning history of the site illustrates a number of refusals of earlier planning applications on the same site, for the same reason; that being the scheme proposes unjustified development, outside of settlement limits in an unsustainable location. The most recent of these decisions was in 2010 (10/1048/10). Not only was this application refused planning permission, but it was subsequently dismissed at appeal. The Inspector's decision is reproduced in full as Appendix B, however the arguments presented by the current applicant, are the same as those presented by the applicant in support of the 2010 application and appeal. These being that, the site is served by public transport, that there are neighbouring properties in the vicinity of the site and that the land has previously been developed.

In response to the fact that the site is served by public transport the Inspector commented that;

'Although there are some bus services, I would not regard the site as being accessible by a range of sustainable modes of transport. Accordingly, I find that the proposal would be contrary to LDP Policies CS2 and AW2. It would conflict also with Planning Policy Wales (PPW) which says that new building in open countryside away from settlements or areas allocated for development in development plans must be strictly controlled.'

In response to the fact that there are existing neighbouring properties in the vicinity of the site the Inspector commented that;

'PPW says that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, may be acceptable though much will depend upon the character of the surroundings and the number of small groups in the area. Whilst there are dwellings further south of the appeal site on the opposite side of the road, the proposed development would extend the line of buildings further into open countryside on the eastern side of the road. The proposal would thus not be considered infill development and given the distance between the appeal site and the neighbouring bungalow to the north, it could not reasonably be described as a minor extension to a group of houses.'

And finally, in response to the fact that there is an existing garage on the site, the Inspector commented that;

'It is not disputed that the site is previously developed land. Nonetheless, PPW makes clear that there is no presumption that previously developed land is necessarily suitable for development.'

Therefore, it is not considered that the current application presents any new arguments or evidence, which would lead to a conclusion that differs to that of the earlier applications for residential development at the site, which were refused planning permission.

As such, to conclude, whilst the development may be acceptable in terms of its appearance, potential impacts upon residential amenity and highway safety, it is considered that scheme is contrary to the requirements of the Local Development Plan and Planning Policy Wales, representing unjustified residential development, outside of settlement limits, in an unsustainable location.

Notwithstanding the above, if Members are still minded to approve permission, the following conditions are considered appropriate.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - Drawing no. 2013 PL-01 Location plan
 - Drawing no. 2013 PL-02 Proposed site plan
 - Drawing no. 2013 PL-03 A Ground and first floor plans
 - Drawing no. 2013 PL-04 Proposed roof plan
 - Drawing no. 2013 PL-05 A Proposed west and south elevations
 - Drawing no. 2013 PL-06 A Proposed East and North Elevations

and documents received by the Local Planning Authority on 18/01/21, 08/02/21 and 15/02/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The proposed driveway indicated on submitted drawing no. "2013.PL-02" shall be constructed in permanent materials and together with the proposed integral garage shall remain for the purpose of vehicular parking only.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety.

4. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
 - a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,
 - c) the management of vehicular and pedestrian traffic,
 - d) loading and unloading of plant and materials,
 - e) storage of plant and materials used in constructing the development,
 - f) wheel cleansing facilities,
 - g) the sheeting of lorries leaving the site.

Reason: The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

5. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
 1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 3. A written method statement for the remediation of contamination affecting the site
Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.
6. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 5) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person 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. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the LPA. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Building operations shall not be commenced until details/ samples of the construction materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be

completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

PLANNING & DEVELOPMENT COMMITTEE

2 SEPTEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0058/10 (EL)
APPLICANT: Mr G Israel
DEVELOPMENT: Detached house with integral double garage.
LOCATION: FORMER GLEN TRANSPORT SITE, PENYCOEDCAE ROAD, PENYCOEDCAE, PONTYPRIDD
DATE REGISTERED: 04/02/2021
ELECTORAL DIVISION: Graig

RECOMMENDATION: Refuse

REASONS: The principle of the proposed development is unacceptable as the proposal represents unjustified residential development outside of settlement limits in an unsustainable location. Therefore, the proposal is considered to be contrary to both local and national planning policy.

Reason Application Reported To Committee

A request has been received from Councillor Brencher for the application to come to Committee for the reason that Members may consider the impacts of the development upon highway safety (use of the site for residential rather than commercial purposes would result in fewer vehicular movements) and the visual amenity of the area (resulting from the removal of the existing blockwork commercial building).

Application Details

Full planning permission is sought for the construction of a detached dwelling on a parcel of land to the west of Penycoedcae Road, Penycoedcae, Pontypridd.

The parcel of land upon which the proposed dwelling would be situated is broadly rectangular in shape, measures approximately 2100m² and is located to the south of Menger Bungalow, Penycoedcae Road. The site is known as the 'former Glen Transport Yard', with access from Penycoedcae Road to the west.

The plans which accompany the application indicate that the proposed dwelling would be located toward the east (rear) of the site, with a large driveway and area of off-street parking positioned to the front of the property, connecting with Penycoedcae Road. Garden areas would then be formed to the south (side) of the proposed dwelling.

The property would have an irregular footprint, when viewed in plan, extending to a maximum of 17 metres in depth (including a projection which would accommodate an integral garage) and maximum of 14 metres in width. Living accommodation would be arranged over the ground floor, with 4 bedrooms at first floor level. The design would incorporate a number of projecting gables and dormer additions, with a proportion of the first floor space being accommodated within the roof space of the property. It is proposed that elevations being finished in a combination of render with cedarwood/ cedral cladding, with grey cement roof tiles and zinc sheets to the dormers.

Site Appraisal

The application site consists of a parcel of land that is broadly rectangular in shape and extends to approximately 2100 sqm. The plot, which is known as the 'former Glen transport site', is positioned to the east of Penycoedcae Road and benefits from an access from this highway. To the north the site is bounded by Menger Bunglaow, with residential properties also being located to the west, on the opposite side of Penycoedcae Road. To the east and south the site is bounded by open countryside. The site itself is mainly level and laid as hard-surface, with a detached garage building being positioned broadly within the centre of the site. The garage is a single storey blockwork construction with a flat roof, and access via a roller shutter door to the front elevation.

Planning History

10187 & 10748	Filling station and repair garage.	Granted 10/08/71
79/1746	Use of land for parking of articulated vehicles	Refused 23/01/80
84/1206	House or bungalow. Outline permission	Refused 26/1/1984
06/1985/10	Dwelling house, 2 storey 4 bedroom detached	Refused 14/05/07
07/1869/10	Dwelling house (Re-submission)(amended location plan received 21/01/08).	Refused 01/07/08

08/0624/10

Re-grading of site and erection of gabion baskets to sloping boundary to South and East (part only).

Granted
14/01/09

Publicity

The application was advertised by direct neighbour notification and site notices. No representations have been received.

Consultation

Planning Policy – objections raised. The proposal for a new dwelling outside the settlement boundary in the southern strategy area is contrary to policies CS 2, AW 1, AW 2, SSA 13 and national policy. Therefore, there are a number of policy objections to the principle of residential development at the site.

Transportation Section – no objections subject to conditions.

Natural Resources Wales – no objections raised, informative notes recommended.

Public Health & Protection – no objections raised, subject to conditions.

The Coal Authority – no objections raised, sufficient information has been provided to demonstrate that the site is safe, stable and suitable for the development proposed.

Countryside, Landscape & Ecology – Given the characteristics of the building, bat roost potential is negligible, and as such no survey work is required, however informative notes are recommended.

Dwr Cymru – no objections raised.

Land Drainage – no objections raised, informative notes suggested.

Policy Context

Rhondda Cynon Taf Local Development Plan

Indicates that the site is outside defined settlement limits, within a sandstone minerals resource area.

CS 2 places the policy emphasis is on sustainable growth in the southern strategy area, to be achieved by focusing development within settlement boundaries and promoting residential development which respects the character and context of the surrounding area.

CS 10 addresses mineral planning and safeguards areas of mineral resources from unnecessary development.

AW 1 this policy outlines the strategies used to meet the housing land requirement, and does not include the development of unallocated land outside the defined settlement boundary.

AW2 promotes development in sustainable locations and ensures that development proposals are only supported when located in sustainable locations. Such locations: 1) are within a defined settlement boundary; 2) would not unacceptably conflict with surrounding uses; 3) have good accessibility by a range of sustainable transport options; and 4) have good access to key services and facilities.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

AW 8 sets out the criteria for Protection and Enhancement of the Natural Environment.

AW 14 refers to the safeguarding of Minerals

SSA 11 requires residential development in the south to meet a minimum residential density of 35 dwellings per hectare.

SSA 13 explicitly states that only housing development within the defined settlement boundaries will be supported.

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is not considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; nor is it consistent with the Well-being of Future Generations (Wales) Act's

sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is not considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- (i) Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- (ii) Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

Reasons for Reaching the Recommendation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues

The application proposes the construction of one residential dwelling, associated vehicular access and parking areas, on a parcel of land that is located outside of the defined settlement limits. As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition, it will also be necessary to consider whether the site is capable of accommodating the dwelling, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the area. The implications of the development upon highway safety in the vicinity of the site are a further consideration.

Principle of Development

In the assessment of any application for residential development, the first consideration must be the location of the site in planning policy terms. In this case the plot is clearly located outside of the defined settlement limits. As identified within the policy context detailed above, planning policy aims primarily to restrict development in countryside locations. Whilst planning policy does make provision for certain exceptions, it is not considered that the current proposal represents such an exception. As such, following consultation with the Council's Spatial Plans Team, a policy objection to the proposed development of the site for residential purposes has been raised.

In their observations, the Council's Planning Policy Team comment that although being located at the periphery of the village of Penycodcae, the site is outside and separate from the settlement boundary. Whilst the site is

served by public transport, this is a very low frequency bus route, generally passing the site once every two hours. It is also noted that the site has very poor access to key services and facilities within the local vicinity. The site, therefore, cannot be considered a sustainable location for development as it does not accord with policy AW 2 or indeed national policy.

Several policies in the Local Development Plan deter against development outside the settlement boundary, including CS 2, AW 1, AW 2 and SSA 13. Policy SSA 13 explicitly states *“in order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss, development will not be permitted outside the defined settlement boundaries”*. It is for this reason, that the development proposal would be contrary to policies CS 2.2, AW 1.3, AW 2.1 and SSA 13.

In support of their submission, the applicant raises the case of a new dwelling, recently permitted at the former Beechtree club house site, opposite the application site (app ref. no. 16/0889/10). The application in question was allowed at appeal, with the Inspector concluding that the proposal accorded with paragraph 3.56 of PPW, regarding infilling in existing settlements in the open countryside, as the proposed dwelling was located within a small group of existing properties. It is important to note however, that in their assessment of the appeal, the Inspector also had regard to an earlier appeal decision at the former Glen Transport site (the current application). The appeal in question related to the refusal of an application in 2010 for residential development at the site (app. ref. no.10/1048). In their consideration of the two cases, the Inspector concluded that the circumstances of each appeal were fundamentally different, with the 2016 (16/0889) proposal being considered an acceptable infill while the 2010 (10/1048) case was considered an unacceptable extension of development further into the open countryside. Since there has been no notable change in circumstance since the consideration of the 2016 appeal, the policy objections regarding the former Glen Transport site therefore remain.

A further point raised by the applicant in support of their application relates to the fact that there is currently a (former) commercial garage on the site and as such, the replacement of this with a dwelling would represent a visual improvement. Having considered this point the Planning Policy Team agree that there is no disputing the fact that the site is brownfield land. However, they also clarify that Planning Policy Wales is clear that not all brownfield land is suitable for development, with one such exception being brownfield sites in unsustainable locations:

Paragraph 3.55 - Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable

location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated.

Therefore, although the site is brownfield, it is not considered that this carries sufficient weight over the issue that the site is contrary to local and national policy objectives.

Character and Appearance

In terms of physical area, the site measures approximately 2100 sqm, representing a development plot which is physically large enough to accommodate a dwelling with associated parking and amenity space.

The plans which accompany the application indicate that the proposed dwelling would be located toward the east (rear) of the site, with a large driveway and area of off-street parking positioned to the front of the property, connecting with Penycoedcae Road. Garden areas would then be formed to the south (side) of the proposed dwelling. The dwelling would be orientated in order that its primary elevation addressing the road which fronts the site.

The design would incorporate a number of projecting gables and dormer additions, with a proportion of the first floor space being accommodated within the roof space of the property. This approach would ensure that the visual mass and bulk of the dwelling is limited and the varying roof line adds interest to each of the elevations. It is proposed that elevations being finished in a combination of render with cedarwood/ cedar cladding, with grey cement roof tiles and zinc sheets to the dormers.

Overall, it is considered that scale, proportions and design of the dwelling are appropriate and would not appear out of keeping with the appearance of the area, which is characterised by dwellings of varying scale and design. As a consequence, this aspect of the submission accords with policies AW5 and AW6 of the Local Development Plan.

Residential amenity

As set out above, the site is located to the south of an existing residential bungalow, that being Menger Bungalow. However, the proposed dwelling would be set back within the site and located sufficient distance from this dwelling, so as not to result in any overshadowing to the neighbouring property. Furthermore, whilst there are two windows located in the proposed first floor north elevation, these would serve a bathroom and en-suite so would not result in overlooking or a loss of privacy to the occupiers of the neighbouring dwelling.

As such, it is not considered that the proposals would result in any adverse amenity impacts, therefore, this aspect of the submission accords with policy AW5 of the Local Development Plan.

Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, no objections to the proposal have been raised.

Their assessment comments that the proposed dwelling would utilise the existing access that previously served the Glen Transport site. Given that the proposal is for a single residential dwelling, the proposal is not considered to result in an intensification of use. Therefore, on this basis, the access is considered acceptable to serve a single residential dwelling.

In terms of circulation, it is noted that the submitted layout plan indicates that there is sufficient space within the site to enable vehicles to enter and exit in a forward gear. As such, the proposal gives no undue cause for concern on this matter. Similarly, in terms of car parking, in accordance with the Council's adopted Supplementary Planning Guidance, the proposed 4 bedroom dwelling has a maximum off-street parking requirement 3 spaces. The submitted proposed site plan indicates that there is ample off-street parking provision to meet this requirement. As such, the proposal gives no undue cause for concern regarding off-street parking provision.

As such, the proposal is considered acceptable in highway safety terms and therefore accords with the requirements of policy AW5 of the Local Development Plan.

Ecology

As the application involves the demolition of an existing garage on site, it is necessary to consider the potential for bats at the site. However, having assessed the building, its construction and condition, the Council's Ecologist has concluded that any bat potential would be negligible and therefore not bat survey is required. As such, the proposal complies with the requirements of policy AW 8 of the Local Development Plan.

Coal Mining Risk

As the application is located within a high-risk coal mining area, the application is accompanied by a Coal Mining Risk Assessment. Having reviewed the report, the Coal Authority concluded that they consider that the applicant has demonstrated to the Local Planning Authority that the site is safe, stable and suitable for the development proposed (Planning Policy Wales para. 6.9.23 – 28) and therefore they raise no objections to the application in this regard.

Community Infrastructure Levy (CIL) Liability – Outline applications

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £32,912.07

Conclusion

Having taken account of all of the issues outlined above, it is acknowledged that the proposal appears to be acceptable in terms of its potential impacts upon, the character and appearance of the area, amenity of neighbouring occupiers and highway safety. However, from a planning policy perspective, the scheme proposes the construction of new residential development on land outside of settlement limits, in an unsustainable location. Therefore, in the absence of an appropriate justification, it is considered that the development is considered to be contrary to the policy framework within the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales. As such, the proposal is recommended for refusal for the reasons set out below.

RECOMMENDATION: Refuse

1. The proposed development would be contrary to Policies, CS 2, AW 1, AW 2 and SSA 13 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales, in that it would represent unjustified development in an unsustainable location, outside of the established settlement boundaries.

APPENDIX B

Appeal Decision for application 10/1048/10

APPLICATION No.: 21/0058/10

APPLICANT : Mr G. Israel

LOCATION: Former Glen Transport Site, Penycoedcae Road, Penycoedcae, Pontypridd

PROPOSAL: Detached house with integral double garage.

APPENDIX B – Appeal Decision for application 10/1048/10

Penderfyniad ar yr Apêl Appeal Decision

Gwrandawriad a gynhaliwyd ar 21/06/11

Ymweliad â safle a wnaed ar 21/06/11

Hearing held on 21/06/11

Site visit made on 21/06/11

**gan R Phillips BA (Hons) MSc DipM MCIM MRTPI
by R Phillips BA (Hons) MSc DipM MCIM MRTPI**

Arolygydd a benodir gan Weinidogion Cymru an Inspector appointed by the Welsh Ministers

Dyddiad: 26/07/11 Date: 26/07/11

Appeal Ref: APP/L6940/A/11/2149851

Site address: Glen Transport, Penycoedcae Road, Penycoedcae, Pontypridd, CF39 1PU

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr Paul Glastonbury against the decision of Rhondda Cynon Taf County Borough Council.

The application Ref 10/1048/10, dated 24 September 2010, was refused by notice dated 25 November 2010.

The development proposed is erection of a detached four bedroom dwelling for transport company owner.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues to be whether this is an acceptable location for new housing and the effect of the proposed dwelling on the character and appearance of the surrounding area.

Policy Background

3. The Rhondda Cynon Taf Local Development Plan up to 2021 (LDP) has recently been adopted. It replaces the Rhondda Cynon Taf (Taff Ely) Local Plan and the adopted Mid Glamorgan Replacement Structure Plan which were current at the time the Council considered the planning application. Policies EV1 and H2 of the Structure Plan and policies en1, en2, en3 and en26 of the Local Plan quoted in the reason for refusal are therefore no longer extant, although the thrust of these policies has been maintained in Policies CS2 and AW2 of the adopted LDP which seeks to focus development within defined settlement boundaries.

Reasons

4. The appeal site is located between the village of Penycoedcae and the settlement of Beddau and is thus within open countryside. Since the adoption of the LDP, Penycoedcae village no longer has a settlement boundary. LDP Policy CS2 relates to development in the south of the County, which includes the appeal site, and says that the emphasis will be on sustainable growth. The policy seeks to achieve this by, amongst other things, focusing development within defined settlement boundaries. Therefore to allow a dwelling here would undermine the strategy aimed at generally restricting unsustainable rural development.

5. LDP Policy AW2 says that development proposals will only be supported in sustainable locations. Sustainable locations include sites that are within the defined settlement boundary, have good access to key services and facilities and have good accessibility by a range of sustainable transport options.

6. The nature of the road in the vicinity of the appeal site with limited pedestrian footways and the distance to the nearest settlement may deter walking and cycling to services and facilities. Whilst there are nearby public footpaths, many of these are across fields. The bus stop is some distance away, although it is my understanding that passengers are collected and dropped off near to the appeal site on an informal basis. The new local bus timetable indicates that there has recently been a reduction in the frequency of service from Penycoedcae to Beddau and the main town of Pontypridd and that buses now run on an hourly basis during peak hours. Although there are some bus services, I would not regard the site as being accessible by a range of sustainable modes of transport. Accordingly, I find that the proposal would be contrary to LDP Policies CS2 and AW2. It would conflict also with Planning Policy Wales (PPW) which says that new building in open countryside away from settlements or areas allocated for development in development plans must be strictly controlled.

7. The appeal site forms part of a commercial transport yard comprising a forecourt area, commercial vehicle garage and smaller office building. There are open fields to the south and east of the site and a single storey bungalow to the north of the transport yard. The road slopes down from north to south in front of the site but it is raised above the adjoining field to the south. When viewed from the approach from the south, the proposed two-storey dwelling would appear prominent by virtue of its

scale and elevated position above the adjacent open field. Whilst a large garage occupies the site, this and the smaller commercial building are set well back within the plot, further away from the road. Notwithstanding the topography of the site, the proposed dwelling would be noticeably larger than the neighbouring bungalow to the north. It would lie along the same building line thereby accentuating the difference in scale between the two dwellings.

8. PPW says that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, may be acceptable though much will depend upon the character of the surroundings and the number of small groups in the area. Whilst there are dwellings further south of the appeal site on the opposite side of the road, the proposed development would extend the line of buildings further into open countryside on the eastern side of the road. The proposal would thus not be considered infill development and given the distance between the appeal site and the neighbouring bungalow to the north, it could not reasonably be described as a minor extension to a group of houses.

9. Accordingly, I find that the proposal would be detrimental to the character and appearance of the surrounding area in conflict with LDP Policy AW5 which supports proposals including where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and surrounding area and where it would be accessible by a range of sustainable modes of transport. It would conflict also with LDP Policy AW6 which supports proposals including where they are appropriate to the local context in terms of siting, appearance, scale, height and massing. It would conflict also with PPW.

10. My attention has been drawn to examples of other developments in the area and to a previous appeal decision (Ref APP/L6940/A/09/2097731). However, each case has to be determined on its own particular circumstances. Whilst I have had due regard to the previous decision, I have determined this appeal on its own merits and by reference to the development plan.

11. I have taken into account that the dwelling would be for use by the appellant and his family and that by living at his place of work, the distance that he would have to commute would be reduced. I have considered also that living on site may help to protect commercial vehicles and plant from theft and damage. However, other security measures could be implemented and neither of these considerations would justify an exception to the control over new residential development in the countryside.

12. It is not disputed that the site is previously developed land. Nonetheless, PPW makes clear that there is no presumption that previously developed land is necessarily suitable for development. Consequently, and for the reasons outlined above, I find that the proposal would be contrary to both national and local policy objectives. I have

considered all the other matters raised, but I have not found anything of sufficient weight to change my decision to dismiss the appeal.

Rebecca Phillips
INSPECTOR