
Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 29/05/14
Ymweliad â safle a wnaed ar 29/05/14

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/06/14

Appeal Decision

Hearing held on 29/05/14
Site visit made on 29/05/14

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27/06/14

Appeal Ref: APP/P9502/A/14/2213204

Site address: Lleuad Newydd, Station Road, Clydach, Abergavenny

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 Ian Pickering against the decision of Brecon Beacons National Park Authority.
 - The application Ref 13/09630/FUL, dated 5 June 2013, was refused by notice dated 9 August 2013.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the hearing an application for costs was made by Brecon Beacons National Park Authority against Mr Ian Pickering. This application is the subject of a separate decision.

Preliminary matters

3. The Brecon Beacons National Park Authority Local Development Plan (LDP) was adopted as the development plan for the area on 17 December 2013. The Authority's refusal of planning permission was in August 2013 and was based on planning policies of the Brecon Beacons National Park Authority Local Plan (LP) adopted in May 1999, and Brecon Beacons National Park Unitary Development Plan (UDP) (2007) which was stopped short of adoption, but was approved for development control purposes.
4. The Authority's decision to refuse was based on character and appearance and the adequacy of the information relating to highway and pedestrian safety. The principle of the development was not at issue. However, since the adoption of the LDP, Clydach is no longer a settlement which supports general market housing and is defined as a Level 4 settlement under LDP Policy LGS LP1, which is identified for limited growth, and criterion 1 of Policy LGS LP2 refers to the creation of new dwellings to meet an identified local need for affordable housing.

5. The Appellant's case is that the appeal should be considered against the Authority's refusal reasons based on the preceding UDP and LP, and the principle of the development should not be considered in this appeal.
6. The start date for the appeal was the 7 February 2014.

Main Issues

7. Having regard to the fore-mentioned circumstances, I consider the main issues are as follows:
 - the effect of the development on the character and appearance of the area having regard to the provisions of the development plan, and
 - the effect of the proposal on highway safety, and
 - whether there are any other material considerations which would outweigh any harm to the character and appearance of the area having regard to the provisions of the development plan.

Reasons

Character and appearance

8. The appeal site forms part of the garden of Lleuad Newydd and slopes down from this dwelling towards the stream to the east and the corner of Station Road to the north. Station Road slopes down from south to north and traverses the western boundary of the appeal site. On the opposite side of Station Road is the Clydach Ironworks Scheduled Ancient Monument (SAM).
9. Planning Policy Wales Edition 6 (PPW) set out in paragraphs 2.1.1-2.1.2 that upon adoption the LDP will be the statutory development plan for the local planning authority area, and it will supersede the existing development plan either the unitary development plan, structure or local plan. LDPs should provide a firm basis for rational and consistent decisions on planning applications and appeals. The guidance refers to Section 38(6) which requires that regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. Although the adoption of the LDP came after the Authority's decision and changed the planning status of the site, PPW advice and the legislative requirement of Section 38(6) provide that the appeal must be considered against the adopted development plan which is the LDP in this case.
10. The Appellant argues that there is no proven local need for affordable housing in the settlement and that the Rural Housing Enabler has indicated there is no identifiable need. The Appellant argues that where there is no proven local need LDP Policies LGS LP2 and SP6 would not allow the possibility of a general market dwelling. The Appellant also points out that Clydach is within the Heads of the Valley and Rural South submarket area where no affordable housing contribution is needed.
11. However, there is no evidence submitted to corroborate the Appellant's claims on local housing need. The Authority consider there is a housing need across the National Park area, but the onus is on the Appellant to demonstrate otherwise, and there is no submitted evidence to indicate a decision contrary to the requirements of LDP Policy LGS LP2. LDP Policy SP6 would only permit affordable housing in a Level 4

settlement, and affordable housing contributions would only be applicable to larger settlements and not to Level 4 settlements as set out in LDP Policy 28.

12. The significant policy change which has occurred in the village mean that the principle of the development is at issue, and a large 4 bedroom dwelling which otherwise would have been accepted in principle under the superseded development plan is now in conflict with the adopted development plan for the area. All proposals for development within limited growth settlements must demonstrate how it will contribute to the strategy in terms of its impact on environmental and community infrastructure as set out in LDP Policy LGS LP2 and linked policy LGS LP3.
13. Turning to the issue of the design in its local context, I do not consider that the proposal would be inappropriate in terms of scale, form, design, layout and materials. The proposal logically addresses the context of the site by its orientation facing down towards the corner position of the plot and taking advantage of the local topography. The scale of the building is large but its visual prominence is lessened by the step-down in levels and height of roofs from Lleuad Newydd to the appeal development, and by the proposed set-back layout and the significant tree screen adjoining the highway boundary. The set-back layout of the recessed wing of the dwelling facing west would not give rise to an unduly complicated appearance, and I therefore consider that the proposal maintains the quality and character of the Park's natural beauty. I consider that the proposal would not conflict with LDP Policies 1 and SP1.
14. The development is some 100m from the SAM and is separated from it by Station Road. I therefore concur with the Authority that the proposal would not adversely affect this historic asset and its setting.
15. Notwithstanding my favourable conclusions in relation to the design of the proposal, it does not outweigh the conflict with LDP planning policy in restricting new residential development in limited growth settlements to meet an identified local need for affordable housing. The proposal is a general market dwelling and no evidence has been submitted to adequately demonstrate that there is no local need for affordable housing. The development would harm the character and appearance of the area having regard to the provisions of the development plan, since it has not been justified in this particular location.

Highway safety

16. The proposal would alter the existing vehicular existing access on the corner of Station Road to provide a pedestrian entrance, and would create a new vehicular access adjoining the existing access to Lleuad Newydd. The Highway Development Engineer did not object to the evidence presented about the adequacy of the vision splays provided they could be achieved since the vision splay south shown as 90m crosses third party land. However, the land in question is part of the frontage of Lleuad Newydd which is in the Appellant's control. I am therefore satisfied that a planning condition could be imposed to ensure that work is carried out to achieve this required visibility and maintained free from obstruction. This issue and the concern about the highway drain are not matters which would impede the development in relation to matters of highway safety.

Conclusions

17. Notwithstanding my favourable conclusion for the Appellant on highway safety this matter does not outweigh my conclusion on the first issue. No other material consideration of significant weight was raised or that has not already been dealt with

under the first issue. The development does not therefore accord with the provisions of the development plan.

18. I therefore conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr G Powell BA (Hons) Appellant's agent

Mr I Pickering Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Greaney MRTPI Principal Planning Officer

Mr C Lowe Civ Eng Highway Development Engineer

DOCUMENTS SUBMITTED AT THE HEARING

1. Notification letter
2. LDP Policies LGS LP2, SP6 and 28
3. LDP Proposal maps
4. Suggested highway conditions