

DELEGATED REPORT

Application No:	P/22/0288
Site Address:	Ty Beili Glas 29 Winchfawr Heolgerrig Merthyr Tydfil CF48 1RD
Development:	Change of use of land to garden and construction of new garage/workshop to be ancillary to main dwelling
Case Officer:	Caroline Pulley
Site Visit:	15th December 2022
Application Expiry Date:	2nd January 2023
Consultation reply date expired:	7th December 2022

APPLICATION SITE

The application site relates to a parcel of land which lies to the north of the applicant's dwelling Ty Beili Glas, a detached residential property accessed off the Winchfawr Road. The site is located in a countryside location, with the settlement of Heolgerrig being located to the east of the site. At the time of the site visit it appeared that the land had recently been excavated (further enforcement investigations are necessary).

PROPOSED DEVELOPMENT

This application seeks full planning permission for the change of use of land to garden and the construction of a garage/workshop. The land encompasses an area of approximately 0.08 of a hectare. The proposed garage/workshop would form an 'L' shaped building measuring 21m wide and a maximum of 15m in depth. Its roof would be pitched and would have a maximum ridge height of 6.9m. The garage/workshop would have rendered walls, uPVC windows and concrete roof tiles. It would contain a workshop and garage at ground floor and a storage area at first floor. The building would feature three roller shutter doors and two flat roof dormer windows to its front elevation and an additional roller shutter door to the rear. The eastern side wall of the workshop would contain a pedestrian door and a window.

PLANNING HISTORY

P/09/0263	Erection of 3 dwellings (outline) Refused – 18.08.2011
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CONSULTATION

Head of Engineering and Highways:	No objection.
Planning Policy Officer:	Raises an objection. Advises that the development is outside the settlement boundary and is contrary to Policy SW4 of the LDP.
Environmental Health Manager:	No objection.
The Coal Authority:	Raises an objection due to a lack of information to assess the risks associated by past coal mining activity.
Ecologist:	No ecological survey work is required. However, conditions are recommended for enhancements, which would include landscaping, and bird and bat boxes.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Section 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Section 3.60 states *‘Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure,*

access, habitat and landscape conservation.’ It then goes on to say ‘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.’

Section 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Section 6.9.22 – 6.9.28 advises that planning decisions need to take into account the potential hazard that instability could create to development itself, to its occupants and to the local environment. Paragraph 6.9.27 states that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy CW1 - Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EcW10 – Sustainably Supplying Materials

Policy EcW13 – Minerals Safeguarding

Other Material Considerations

Supplementary Planning Guidance (SPG)

SPG 4 – Sustainable Design, July 2013

SPG 5 – Nature and Development, May 2015

PLANNING CONSIDERATIONS

The main issues in the determination of this application are considered to be:

- Whether or not the proposed development would be acceptable in principle
- The effect of the proposal on the character and appearance of the area
- The impact of the development on surrounding residents
- Highway safety

Principle of the Development

The site is located to the rear of a detached dwelling on the outskirts of Heolgerrig. It lies outside the settlement boundaries as defined within the adopted local development plan and within the countryside. Policy SW4 of the LDP states that outside defined settlement boundaries, development will not be permitted unless it is for certain purposes defined in the policy.

Whilst the site is positioned to the rear of the applicant's dwelling and in proximity to other residential dwellings, the development is located within a field and adjacent to undeveloped areas of land. It does not comprise an infill site or rounding off of a settlement and is clearly in the countryside. The proposed development is not a conversion of an existing rural building, it is not an agricultural workers dwelling, nor is it a rural exception proposal for affordable local needs housing supported by a housing needs survey. The local development plan aims for this type of development to be located within defined settlement boundaries, not located in the open countryside. The proposal is therefore contrary to Policy SW4 of the LDP. Accordingly, a policy objection is raised to the change of use of this land and the erection of a garage/workshop building for residential use.

Character and appearance

The proposal represents an unjustified form of development in the countryside that, by reason of its urbanising impact, would have a detrimental impact on the character and appearance of the area. Indeed, the development would form a noticeable addition to the landscape as it would be visible from various public vantage points along Winchfawr Road. The proposed building have a substantial scale, mass and unsympathetic design which would not appear subservient to the existing dwelling. Indeed, the building would have a more commercial rather than residential appearance in terms of both its size and design. Furthermore, the development that would be required in association with the building (i.e. an access and hardstanding area) would all add visual clutter to the area and harmfully alter what is otherwise a countryside setting. As such, the proposal is contrary to Policy SW11 of the LDP.

Residential amenity

The garage/workshop building is considered to be positioned far enough away from existing residential properties so not to cause any significant issues in terms of overshadowing, overlooking and general disturbance. It is also noted that no letters of objection have been received as a result of the publicity exercise carried out with this application.

Highway safety

Turning to the highway safety implications of such a scheme, the Head of Engineering and Highways has raised no objection to the application. Accordingly, it is considered that the access, off-road parking provision and turning facilities are acceptable from a highway safety perspective.

Other matters

The Coal Authority has objected to the proposed development as the site is located within the defined Development High Risk Area where there are coal mining features and hazards, and specifically both actual shallow coal mine workings and probable coal mine workings with a thick coal seam outcrop. Where coal mining has taken place at shallow depth there is a risk that these workings could collapse and cause instability problems at the surface. Development activities could provide a trigger for these problems to occur. As such, the onus of proof is on the developer to demonstrate that subsidence will not unacceptably adversely affect the proposed development, or it can be satisfactorily mitigated in the design of the development. The applicant has not submitted a Coal Mining Risk Assessment Report. As such, there is insufficient evidence to demonstrate whether the site is or can be made safe and stable enough to accommodate the proposed development.

The Council's Ecologist has advised that ecological survey work is not required to support this application. However, in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements', conditions are recommended for the provision of on site biodiversity enhancements. If the development was considered acceptable in principle, the necessary enhancements could be secured by way of a condition.

Conclusion

The development proposed would not be in an acceptable location (i.e. outside the settlement boundary) for residential use and as such, the change of use of land and the erection of the garage/workshop would be contrary to Policy SW4 of the LDP. Additionally, the garage/workshop building as a result of its siting, scale, height and appearance, would stand out as an incongruous feature in the landscape, which would be visually detrimental to the semi-rural character of the area. Lastly, there is an insufficient level of information accompanying this application to ascertain whether or not the land can be made safe and suitable for development, having regard to the actual and probable coal mining hazards in the area.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following REASONS

1. The proposed development would result in an unacceptable and unsustainable encroachment into the open countryside contrary to policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. The proposal, by virtue of its siting, layout, design, scale and height, would form a discordant and incongruous feature within the landscape. This would be detrimental to the character and appearance of the area and contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
3. Insufficient information has been provided to demonstrate whether or not the site is safe and stable enough to accommodate the proposed development having regard to its location within the Coal Authority High Risk Development Area. As such the proposal is contrary to paragraphs 6.9.22 to 6.9.27 of Planning Policy Wales and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

26/12/22