

Merthyr Tydfil County Borough Council

Appeal Statement

Appeal Reference: CAS-02533-K1J3B8

Appeal By: Chris Marshall

Site At: Caravan, Land Northwest of Aartal Bungalow, off Brecon Road

Proposal: Resiting of existing residential mobile home, expansion of residential curtilage and construction of day room/utility area, provision of ancillary tourer and parking area with ecological enhancements (Full)

- 1.1 To avoid repetition of the planning considerations this statement should be read in conjunction with the delegated officer report. Therefore, it will only focus/elaborate on the relevant matters raised in the appellant's statement of case.
- 1.2 Para 3.5 of the appellant statement refers to the small scale nature of the proposed development, which is located on previously/partially developed land, adjacent to a large scale industrial estate, which is argued to have a greater impact on the surrounding environment. The appellant relies upon the red line boundary that formed part of the P/13/0211 application, which in part includes the adjacent field that was to be used for grazing alongside the approved stable building. The use of this land for grazing does not constitute previously developed land. With reference to the definition of previously developed land as set out in Planning Policy Wales (PPW 11th Edition), there were no permanent structures or hard surfaced areas located in the northern part of the site. Furthermore, the extent and nature of the development which formed part of the P/13/0211 permission is clearly defined on drawing Efi/02 (see Appendix A). Furthermore, the extent of the P/13/0211 development can be seen in the 2013 aerial photo illustrated in Appendix C.
- 1.3 Para 3.6 of the appellant's statement indicates the area of self-seeded shrubs and small trees along the eastern boundary in the northern part of the site were removed to make way for a hardstanding area. It should be highlighted that the area in question included a number of established trees and dense vegetation on a sloping embankment. Significant engineering works were carried out to remove this embankment, along with the trees/vegetation (within the Cyfarthfa Conservation Area – Appendix B). Subsequently, retaining works have been carried out to support the main access road serving the industrial estate. Planning permission was not sought for these works. Nor have any details relating to the design and construction of the retaining works been provided (Appendix C illustrates the change in environment). The application (P/22/0222) in effect sought to regularise some of the unauthorised works (which is the subject of an enforcement notice) to include the expanded area as part of the residential curtilage.
- 1.4 It is agreed with the appellant's point raised in Para 3.7 of their statement that there is no objection in principle to the general design of the proposed well fair building, its proposed use or indeed the need for such facility. However, there are concerns with the proposed siting of the building and it has not been adequately demonstrated that the building could not be positioned in an alternative location, which may involve an amendment to its design/size to avoid the impacts on the SINC, SLA and Conservation Area.

1.5 The points raised by the appellant in Para 3.8 in respect of the flood risk is acknowledged. At the time of writing of the delegated report it was considered that the DAM maps provided appropriate information on the potential flood risks in the area, which remained relevant in the national policy context, as set out in both PPW and TAN15 regarding C2 flood zones. (Appendix F illustrates the extent of the C2 zone). Whilst the Flood Map for Planning (FMFP) indicates a lower risk with Zone 3 straddling the western boundary of the site, the advice within TAN15 (July 2004) has not yet been updated. Indeed PPW continues to refer to TAN15 (July 2004). Additionally, an assessment of the flooding consequences had not been submitted with the application to otherwise set out the appellant's justifications.

1.6 In response to Para 4.1 of the appellant's statement, the photographs provided in Appendix D illustrates the changes in the site characteristics, which highlights the unauthorised encroachment into the adjacent fields and the impact on the surrounding environment.

1.7 Para 5.5 of the appellant's statement suggests that pre-application advice was sought on an alternative design and that the Council were unhelpful in this matter. Unfortunately, no formal pre-application advice has been sought either prior to the application being submitted or subsequently. Notwithstanding this, given the size of the residential curtilage as defined in the approved scheme (Appendix E: P/16/0010 – allowed at appeal Ref APP/U6925/A/16/3151450), which has since been extended into the eastern embankment, it would be reasonable to fully explore the ability to accommodate the welfare facilities adjacent to the existing structures. This would avoid the further encroachment to the north and the identified harm to the surrounding environment.

1.8 Inaccuracies on the submitted plans:

- Drawing 01C – 'Existing Expanded Location Plan' refers to the red line site area and a muck heap area consented under P/13/0211. This is at odds with the details illustrated on the approved drawing Efi/02 (appendix A).
- Drawing 02C – 'Existing Location Plan and Proposed Block Plan' refers to a consented hardstanding area for parking/amenity space, albeit the extent of this area has not been defined. Nor, has the appellant indicated which permission this would have been approved under. It is acknowledged that planning permission has not been granted for a hardstanding area in the northern part of the site.
- Drawing 02C – 'Existing Location Plan and Proposed Block Plan' refers to a proposed garden shed. This is an existing structure within the site that does not benefit from planning permission. Details of the shed were requested as part of the validation process. The appellant indicated that because the structure was not fixed to the ground and that it was ancillary to the site, it could be argued that the structure did not constitute development. In response to this it should be noted that reference to the garden shed was removed from the 'Site Plan' (Dwg No 03e) which was submitted as part of the planning application P/22/0222.

1.9 It can be seen in the aerial photographs (Appendix C) that there has been an evidential erosion (through incremental development) in the qualities of the landscape, which forms a links between Cyfarthfa Castle and Park to the west, the Lime Kilns to the north and the River Taff to the west. There appears to be no reasoned argument in the Appellant's case that fully considers the loss of

landscape features or the ecological impacts as a result of the unauthorised works. The site plan (Drawing 03e) indicates planting could be simply introduced to screen the development (to the appellant's benefit) and does not take into account the wider effect on the surrounding area. Indeed, it appears to include an unjustified large parking area on the northern side of the welfare building, which could instead have been restored back to grassland with appropriate landscaping and ecological enhancements that seek to rectify the harm already caused. Part of the landscaping proposal also appears to lie outside of the red line boundary and the appellant's control.

1.10 For the reasons set out above and in the delegated report, it is respectfully requested that this appeal be 'dismissed'.

1.11 In the event that the Inspector is minded to 'allow' the appeal, it is suggested that the following conditions be imposed in addition to those suggested in the Appeal Questionnaire:

1. 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 day room/utility building 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 that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

2. Within 6 month of the appeal decision, details of a scheme for the disposal of foul and surface water shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the day room/utility building and retained in perpetuity.

Reason - To ensure adequate disposal of foul and surface water drainage in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.