



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 22/10/2025

Appeal reference: CAS-04232-F3M7F0

Site address: Land at Taff Bargoed Development Trust, The Old Drift Mine, Trelewis, Treharris, CF46 6RD

- 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 Step Up Skip Hire & Recycling against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref P/23/0207, dated 6 September 2023, was refused by notice dated 27 March 2024.
 - The development proposed is described as the 'use of land for the storage of outdoor empty skips'.
 - A site visit was made on 11 June 2025.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal's effects upon the principles of sustainable development and the living conditions of neighbouring occupants did not form reasons for refusal on the Council's Decision Notice. However, given the rural restraint strategy of national and local policy, as an important part of contributing towards achieving sustainable development, the proximity of the neighbouring dwelling to the east of the appeal site and the nature of the proposed use, I consider that these matters should form main issues.
3. The appellant has submitted a Preliminary Ecological Assessment (PEA), updated September 2024, as part of this appeal. As this provides updated information in relation to biodiversity matters, there would be no prejudice in it forming part of my assessment. I have therefore taken it into account and provided the Council an opportunity to comment on it.

Main Issues

4. These are:

- whether the proposal would be justified, having regard to the rural restraint strategy of local and national planning policy and the principles of sustainable development;
- the proposal's effect upon the living conditions of neighbouring occupants, with particular regard to noise;
- the proposal's effect upon the character and appearance of the area; and
- the proposal's effect upon biodiversity interests.

Reasons

5. The appeal site comprises a parcel of land laid largely to loose hardcore, on the edge of an existing complex of industrial and commercial buildings of varied uses, including those relating to tourism, recreation and a coach business. The complex is accessed via the B4255 and is set on lower ground within the wider wooded valley landscape of Taff Bargoed.
6. The proposal would store stacked skips in association with an existing business located in Trelewis, approximately 2 miles to the south. It would include a new boundary bund, with planted hedgerow and an area of grassland.

Sustainable development

7. Despite previous surfacing and other activity taking place on the appeal site, for the purposes of planning policy, the proposal would be located within a countryside location. The Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) Policy SW4 states, amongst other matters, that countryside development will not be permitted unless the development supports the expansion of an existing business in the countryside or is for the provision of waste management facilities that cannot reasonably be located elsewhere. Its reasoned justification explains that containing development within the urban area promotes sustainably located development which can assimilate with existing services and facilities.
8. The appellant requires additional storage for skips, particularly during winter months, due to a lack of available space within the existing site in Trelewis. Although located near other commercial uses, the proposal would be used in connection with an existing business that is not currently located at the complex. I acknowledge the operational efficiencies offered by the appeal site to the existing business. However, the proposal would introduce a new form of operational activity within this complex, which would attract additional large vehicle movements to and from this countryside location, via the loading and unloading of skips. Such activity would be largely unrelated to the complex's current operations and thus, would not assimilate with or complement the existing services and facilities located there.
9. Although the submitted PEA refers to the proposal generating approximately one vehicle trip per week, having regard to the local representations made, the intensity of the proposal's associated activity is inconclusive. In order to mitigate the above identified harm to sustainability objectives, limiting the proposal's vehicle movements during operating hours, through the use of planning conditions, would be unreasonably difficult for the Council to effectively monitor and enforce in perpetuity and thus, would not be appropriate in these circumstances.

10. No compelling evidence is submitted to clearly demonstrate the level of shortfall in the supply of skips for local demand. I acknowledge that relocating the existing business in Trelewis to a larger facility, where greater on-site storage would be available, would cause at least temporary operational disruption. However, little evidence is submitted to substantiate the contended detrimental impacts this would have upon the rural economy, existing jobs or upon the existing customer base, which is stated to extend across the county and south Wales. There is no intention to store or process waste as part of the proposal itself. From my reading of LDP Policy SW4, the proposal does not therefore fall for consideration as a 'waste management facility', where a lack of alternative locations may justify a countryside location. As such, I attach limited weight to these contentions.
11. There is dispute between the parties as to whether the appeal site comprises previously developed land, given its previous use as a compound by Dwr Cymru. Notwithstanding this, Planning Policy Wales (Edition 12) recognises that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location. Having regard to the proposal's independence from the existing functions of the complex, in these circumstances whether the appeal site forms previously developed land or not is of little weight.
12. I conclude therefore that the proposal would not be justified, having regard to the rural restraint strategy of local and national planning policy. It would be contrary to LDP Policy SW4 and the objectives of national policy.

Living conditions

13. During my site visit (mid-afternoon), I heard a general low level of background noise at the appeal site and from the boundaries of the dwelling located further up the hillside, closer to the highway to the east, known as 'Pantyffynon'. Traffic noise from the B4255 was at a low level and largely consistent, with little vehicle acceleration or breaking past this dwelling. I could, however, clearly hear the voices of people from within the complex at the lower valley level, when standing along the dwelling's eastern boundary.
14. Whilst these observations represent only a snapshot in time, in my general experience, valley landscapes can contain and funnel the noise generated from nearby sources towards receptors. The banging of skips and revving of large vehicle engines as they are being loaded/unloaded, could materially alter the nature of noise emitted from the complex. Due to the distinguishable nature of this noise, above ambient levels and the sporadic and unpredictable nature of the activity during operating hours, such effects have the potential to cause significant harm to the living conditions of occupants within Pantyffynon.
15. In the absence of a detailed noise assessment to enable further consideration of these effects, a precautionary approach is necessary and as such, I conclude that the proposal would be harmful to the living conditions of neighbouring occupants, contrary to LDP Policy SW11, which states amongst other things, that where appropriate, new development will be required to avoid causing an unacceptable impact on local amenity.

Character and appearance

16. LDP Policy EnW5 states amongst other matters, that proposals will be permitted where they would not cause unacceptable harm to the character and quality of the landscape setting of the County Borough.
17. Although the appeal site may have previously been shallow marshland, the submitted evidence indicates that this was a considerable time ago, prior to Dwr Cymru's formation of a hardstanding area and with additional clearance works taking place since this time. The proposal would be located adjacent to the existing industrial building on the edge of

the complex and set down within the valley landscape, with substantial trees partially screening it from wider landscape views. The proposal would introduce an area of skip storage with modest height. Although the skips would be visible while passing the appeal site and from elevated vantage points within the wider valley landscape, the introduction of boundary hedgerow and a grassed area will serve to visually soften and contain the visual appearance of the proposed storage area.

18. The Council provide little explanation of how the proposal would be insensitive to the characteristics of the Gelligaer and Taff Bargoed Special Landscape Area 5 (SLA). In my view, it would represent a minor encroachment into the countryside and have a negligible visual effect upon the appeal site or wider valley landscape character, given its strong visual relationship with existing development on the complex.
19. I conclude therefore that the proposal would not be harmful to the character and appearance of the area. It would not be contrary to LDP Policy ENW5, or the visual impact and landscape objectives of LDP Policy SW11.

Biodiversity

20. The PEA's Appendix 4 Addendum finds that overall, the appeal site is very limited in its ability to provide habitat for any protected species. It concludes that, amongst other matters, due to the small, contained nature of the site and the limited habitats on and adjacent to it, there will be no adverse impacts on protected species or habitats.
21. Following the submission of this updated PEA, the Council and NRW raise no objection to the proposal on biodiversity grounds, subject to the inclusion of a suitable seed mix and management details for the grassland area. Having regard to the updated information and the additional bunded hedgerow and grassed area proposed, I see no reason to disagree with these views, subject to a condition to secure biodiversity enhancement measures.
22. I conclude therefore that the proposal would not be harmful to biodiversity interests. It would not be contrary to LDP Policies ENW1 and ENW3, which amongst other matters, require proposals to maintain and enhance biodiversity and protect the conservation features of designated sites, priority habitats and species.

Other Matters

23. I have had regard to the local representations made in support of the proposal. I also acknowledge that it would generate rental income for the Taff Bargoed Trust and would likely contribute towards the ongoing management and enhancement of its holding, to the benefit of the local community. However, it has not been demonstrated that the proposal would be the only means of securing the identified benefits and there is also little cogent evidence to indicate the proposal would offer a substantial economic contribution. I therefore attach limited weight to these contentions.
24. The appellant has submitted evidence of a previous planning approval for the change of use of a nearby site to a coach parking facility with associated hardstanding area (application ref. P/22/0095). However, this application related to an established use in the Council's view and was supported by a noise assessment. It therefore differs from the appeal proposal before me. As such and having regard to the fact that each case should be treated on its own particular merits, this is not a consideration that alters my findings on the unacceptability of the scheme before me.
25. NRW advise that the appeal site is partially located within Zone C2 of the Development Advice Map and some of its access is within the Flood Map for Planning's Flood Zone 2 and 3 – Rivers. PPW explains that planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from rivers. In these

circumstances Technical Advice Note 15 (2004) states that the tests outlined in sections 6 and 7 will be applied and that new development should only be permitted within zone C2 if determined to be justified in that location. As I am dismissing the appeal, I have not progressed this matter further with interested parties.

Conclusion

26. I have found that the proposal would not be harmful to the character and appearance of the area or biodiversity interests. However, it would not be justified, having regard to the rural restraint strategy of local and national planning policy and the principles of sustainable development. It would also be harmful to the living conditions of neighbouring occupants. These are significant and overriding factors. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.
27. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Richard James

INSPECTOR