



## ***PLANNING COMMITTEE***

***2.00 PM - TUESDAY, 16TH JUNE 2015***

***COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE***

### **PART 1**

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on 28th April 2015  
(Pages 1 - 12)
3. To Request Site Visit(s) from the Applications Presented

### **Report of the Head of Planning**

### **SECTION A - MATTERS FOR DECISION**

#### **Planning Application Recommended for Approval**

4. Application No: P2015/0418 - Plot Adjacent to Gwalia House, 1B New Road, Cilfrew, Neath SA10 8LL (Pages 13 - 16)

Non-material amendment to planning permission P2013/1086 (Approved on the 01/04/2014) to remove conditions 5, 6 & 7 in relation to Code for Sustainable Homes.

**Ward Affected:** Aberdulais

### **Planning Applications Recommended for Refusal**

5. Application No: P2014/0333 - Hendre Las Farm, Pentwyn Access Road, Rhos, Pontardawe, Neath Port Talbot, SA8 3JT (Pages 17 - 72)

Removal of Conditions 1 and 2 of Planning Permission P2009/0406 approved on the 21/07/09 to allow the property to be used as a residential dwelling house.

**Ward Affected:** Rhos

6. Application No: P2014/1137 - Land to the Front of 23 Heol Wenallt, Cwmgwrach, Neath SA11 5PT (Pages 73 - 80)

Detached Dormer Bungalow with associated Car Parking.

**Ward Affected:** Blaengwrach

### **SECTION B – MATTERS FOR INFORMATION**

7. Delegated Applications Determined Between the 21st April and 8th June 2015 (Pages 81 - 108)
8. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**Committee Membership:**

**Chairman:** Councillor R.G.Jones

**Vice Chairman:** Councillor E.E.Jones

**Members:** Councillors Mrs.A.Chaves, D.W.Davies,  
Mrs.R.Davies, Mrs.J.Dudley, S.K.Hunt, H.N.James,  
D.Keogh, Mrs.S.Paddison, R.Thomas,  
Mrs.L.G.Williams

**Cabinet UDP/LDP Member:** Councillor A.J.Taylor

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## PLANNING COMMITTEE

**Members Present:**

**28th April, 2015**

**Chairman:** Councillor R.G.Jones

**Vice Chairman:** Councillor E.E.Jones

**Councillors:** Mrs.A.Chaves, D.W.Davies, Mrs.R.Davies,  
Mrs.J.Dudley, S.K.Hunt, D.Keogh, Mrs.S.Paddison,  
Mrs.S.M.Penry and Mrs.L.G.Williams

**UDP/LDP Member:** Councillor A.J. Taylor

**Local Members:** Councillors A. Llewelyn and A.N. Woolcock

**Officers In Attendance:** Mrs.N.Pearce, S.Ball, A.Rees, D.Adlam, I.Davies  
and Miss.G.Cirillo

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### 1. **MEMBERS' DECLARATIONS**

The following Members made their declarations at the commencement of the meeting:-

Councillor A.N. Woolcock      Report of the Head of Planning Re:  
East Pit Revised Open Cast Coal Site  
(OCCS), New Road, Gwaun-Cae-  
Gurwen, Neath SA18 1UP as Cllr.  
Woolcock is a member of East Pit  
OCCS Liaison Committee, a member of  
UNITE the Union and publicly  
supported full restoration in line with  
2004 consent.

Councillor Mrs. L.G. Williams      Report of the Head of Planning Re:  
East Pit Revised Open Cast Coal Site  
(OCCS), New Road, Gwaun-Cae-  
Gurwen, Neath SA18 1UP as  
Councillor Williams is a member of  
East Pit OCCS Liaison Committee.

2. **MINUTES OF THE MEETING HELD ON THE 17TH MARCH, 2015**

**RESOLVED:** that the Minutes of the Planning Committee held on the 17<sup>th</sup> March 2015, as circulated, be confirmed as a true record.

At the request of the Chairman, the meeting adjourned briefly at this point.

**Report of the Head of Planning**

(Note: An Amendment Sheet, attached and agreed, was circulated at the commencement of the meeting, as detailed in Appendix A hereto).

**Planning Application Approved**

3. **APPLICATION NO: P2012/1073**

A planning application at the site currently known as East Pit East Revised OCCS, Gwaun-cae-Gurwen, SA18 1UP for development comprising:

Matters of Outline with all matters reserved: leisure facilities to include: a 120-bedroom hotel (Use Class C1); 78 holiday lodges (Class C3) of 2, 3 and 4 bedunits; a campsite (Sui Generis) of 6.35ha. with facilities block of 210m<sup>2</sup> and Visitors Centre (Class D1) of 300m<sup>2</sup>; dive centre with ancillary dive centre shop (Class D2) of 1630m<sup>2</sup>; all to include appropriate parking provision, recreational open space, internal access routes, services and drainage provision; and associated works including access, footpaths, cycle routes and bridleways, landscaping and layout details; Matters of Detail (as set out in the application at Annex 1: Mineral Extraction and Processing) the proposed north eastern extension to East Pit East Revised for the purposes of coal extraction along with the completion of coaling at the existing site and the retention of associated ancillary development and Gwaun-Cae-Gurwen Railhead together with the development of a Country Park and recreational lake.

In accordance with the Council's approved Public Speaking Protocol, Mr. S. Robinson (Supporter of the Application) addressed the Planning Committee.

Following detailed discussions, and, after considering the views of the local Members, the Committee made their decision.

**RESOLVED:** That the above Application be approved subject to the Officer recommendations, and the signing of a Section 106 agreement to secure the following Heads of Terms, as detailed within the circulated

report and circulated amendment sheet:

1. Provision of a Bond to the total of £23,000,000 to secure restoration and aftercare of the site, plus an additional £7,615,000 to be paid at the end of the first annual review.
2. Appointment at the expense of the operator of an independent restoration and aftercare monitoring officer who will be responsible for monitoring restoration in accordance with the detailed tasks outlined within the Bond report prepared by the Coal Authority.
3. Appointment at the expense of the operator of an independent geotechnical expert who will monitor the stability of the Eastern High Wall throughout the duration of the operations until restoration is complete.
4. Provision of commuted sums (sums to be agreed) for the repair and maintenance of additional footbridges on the reinstated public rights of way proposed throughout the site.
5. Provision of a footway along the A4068 from the site entrance into the villages of Cwmllynfell and Cefn-Bryn-Brain.
6. Provision of a community fund amounting to £475,000 as specified within Appendix A of this report.

Such permission to be issued only in the event the Welsh Government withdraws the Article 18 holding direction issued on the 27<sup>th</sup> April 2015, as stated by the Chairman orally at the commencement of the meeting.

(Note: with regard to the amendment sheet referred to above and attached as an Appendix A, on which the Chair had allowed sufficient time for Members to read, in respect of an application item on the published agenda, the

Chairman had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and the circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting).

4. **APPEAL RECEIVED**

**RESOLVED:** that the following Appeal received, as detailed within the circulated report, be noted:

Appeal Ref: A2015/0003 – Demolition of existing dwelling and construction of two pairs of semi-detached dwellings, land infill and associated works at Dan-y-Graig House, 36 Swansea Road, Pontardawe.

5. **APPEALS DETERMINED**

**RESOLVED:** that the following Appeals Determined be noted, as detailed within the circulated report.

- (a) Two storey detached dwelling (Outline with details of access not reserved) at Land adjacent to 1 Quarry Place, Gwaun-Cae-Gurwen.

Decision: Dismissed

- (b) Detached residential dwelling (outline with details of access, landscaping and scale to be determined), and new vehicular access and off street parking to serve both No.36 and the application site at Land adjacent to 36 Heol-Cae-Gurwen, Gwaun-Cae-Gurwen.

Decision: Dismissed



6. **DELEGATED APPLICATIONS DETERMINED BETWEEN THE 9TH MARCH 2015 AND 20TH APRIL 2015**

Members received a list of Planning Applications which had been determined between the 9<sup>th</sup> March and 20<sup>th</sup> April 2015, as contained within the circulated report.

**RESOLVED:** that the report be noted.

**CHAIRMAN**

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**PLANNING COMMITTEE**

**28<sup>TH</sup> APRIL 2015**

**AMENDMENT SHEET**

**ITEM 4**

<b><u>APPLICATION NO:</u> P2012/1073</b>	<b><u>DATE:</u> 21/12/2012</b>
<b>PROPOSAL:</b>	
<p>A planning application at the site currently known as East Pit East Revised OCCS, Gwaun-cae-Gurwen, SA18 1UP for development comprising:</p> <p>Matters of Outline with all matters reserved: leisure facilities to include: a 120-bedroom hotel (Use Class C1); 78 holiday lodges (Class C3) of 2, 3 and 4 bed-units; a campsite (Sui Generis) of 6.35ha. with facilities block of 210m<sup>2</sup> and Visitors Centre (Class D1) of 300m<sup>2</sup>; dive centre with ancillary dive centre shop (Class D2) of 1630m<sup>2</sup>; all to include appropriate parking provision, recreational open space, internal access routes, services and drainage provision; and associated works including access, footpaths, cycle routes and bridleways, landscaping and layout details;</p> <p>Matters of Detail (as set out in the application at Annex 1: Mineral Extraction and Processing) the proposed north eastern extension to East Pit East Revised for the purposes of coal extraction along with the completion of coaling at the existing site and the retention of associated ancillary development and Gwaun-Cae-Gurwen Railhead together with the development of a Country Park and recreational lake.</p>	
<b>LOCATION:</b>	East Pit East Revised OCCS, New Road, Gwaun Cae Gurwen, Neath SA18 1UP
<b>APPLICANT:</b>	The Lakes at Rhosaman Ltd
<b>TYPE:</b>	Minerals
<b>WARD:</b>	Gwaun-Cae-Gurwen, Tairgwaith and Cwmllynfell

There are a number of amendments in relation to late correspondence and updates within the report as follows:

The Welsh Government have advised in writing that under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, they are placing a Holding Direction on the Council preventing the Authority from approving this application without the prior authorisation of the Welsh Ministers. This direction effectively gives the Welsh Ministers additional time to consider whether they should ‘call in’ the application.

This Holding Direction does not prevent the Council from continuing to assess and debate the application within the Committee. The only restriction in place at this time prevents us from issuing a decision to grant planning permission.

There is an error in the report relating to the wards affected. The ward referred to on page 7 of the report only refers to Gwaun-Cae-Gurwen. Given that the site straddles three wards it should read Gwaun-Cae-Gurwen, Tairgwaith and Cwmllynfell.

In addition to the above, there is a typographical error within the report in relation to the ultimate paragraph on page 134 which continues on to page 135 in addition to the first of the six Heads of Terms associated with the recommendation on page 180. They are amended to read as follows:

Amended paragraph on pages 134 to 135 should read:

As stated earlier in this report the bond has been calculated independently by the Coal Authority who have specific expertise in this area of work. The bond is calculated to be £22,420,000 and an additional £580,000 contingency, bringing the total to £23,000,000. This will be secured through phased payments via a S106 agreement. In addition to securing the aforementioned funds, the S106 agreement will also secure an annual review of the fund together with the first payment securing a minimum of £7,615,000 which will be paid by the end of the first annual review. The latter is sufficient to make the site safe in a worst case scenario and secure the site should operations cease prematurely.

The first of the six Heads of Terms should read:

1. Provision of a Bond to the total of £23,000,000 to secure restoration and aftercare of the site, of which £7,615,000 is to be paid at the end of the first annual review.

In addition to the above there is a typographical error within Condition 84 relating to a road name. The condition should read as follows:

(84) Within 6 months of the date of this consent, details of the improved access and the provision for the creation of a continuous pedestrian footway and cycleway link to the proposed Country Park, including the provision of a roundabout and tactile crossing points at the junction with the A4068 (Gwilym Road), shall be submitted to and approved in writing by the Local Planning Authority for its written approval. The scheme shall be implemented prior to the beneficial use of the Country Park commencing.

Reason: In the interests of highway safety

One late letter of objection has also been received which is summarised and addressed as follows:

NPTCBC have fallen into the trap set for them by the applicant. The report is full of errors but the following two are explained:

‘It is understood that the applicants have agreements with the landowners to occupy the land.’ This is incorrect as they have no such agreements although it is acknowledged that some have been paid for the loss of grazing via a scheme arranged with the commoners Association. The Commoners have no right to enter into agreements either on a temporary or permanent basis.

‘The void will fill with water to approx 175m AOD.’ This is the key to the Lakes fantasy and the applicant has access to information which demonstrates that this is a fraudulent assertion. If the lake cannot be filled the operator will be acting contrary to an agreement and as such will be breaching contract law.

I’m curious as to the nature of the application with part being covered under the full planning application and the other part being the subject of an outline application, although they appear to be in reverse order. NPT appear to be twisting the planning process or have allowed it to be twisted in order for more mining to take place. Is this lawful? The two projects should be implemented at the same time if not the substance of the dive centre completed first, although no-one is going to build on a backfilled open cast site.

In response to all of the above, it is not considered that the report is full of errors. The agreements referred to are reported for information only and are not material to the determination of this application. As clearly stated within the report, the issues regarding Common Land would need to be addressed outside this process whereby the applicant would need to apply to the Planning Inspectorate. This process was carried out in relation to the 2004 consent albeit the procedures have changed since that time.

In terms of the filling of the lake, this has been explained comprehensively within the report whereby detailed assessments have been undertaken of the levels of rainfall, the geology of the area, groundwater levels and geotechnical assessments. All of which indicate that the lake will fill to the stated levels.

Turning finally to the nature of the application, this application has been submitted as a hybrid planning application which is clearly recognised within the planning legislation as a valid and lawful type of submission. Mineral applications cannot be submitted as outline planning applications and as such must be full applications. However the regeneration element of the scheme can be submitted as an outline application. When these elements are put together as one submission it is known as a hybrid application. Should planning permission be granted for this development, the applicant would be able to implement the full planning permission, but would require approval of reserved matters (ie the detail) in relation to the tourism led regeneration scheme. It would not be possible to implement the two projects simultaneously given that developers of the tourism element of the proposal are unlikely to commit to a project until the restoration of the site is complete. In terms of the claim that no one will build on a previously restored site, this is not borne out from evidence around the country where a number of former opencast coal sites have been successfully restored and redeveloped for other purposes, Ffos Las being one of them.

One letter has also been submitted by the operator of the site, Celtic Energy, which is also summarised as follows:

Following recent discussions I have been having with interested parties, I should like to comment on a number of matters in relation to the above application.

1. The financial position of Celtic Energy over the next 5 years is sound. We still have very substantial cash reserves of over £30million although these will fall to around £10million by 2018. However, by that time there will be sufficient cash held by local authorities to complete the restoration work fully at Selar, Nant Helen and East Pit (assuming the new East Pit restoration strategy is agreed). Furthermore the cash held by each local authority is completely ringed fenced for each site individually and cannot be used at a site other than the one for which it was originally deposited under the terms of the relevant S106 agreement.
2. The Aberthaw power station is vital to our overall coal sales and the effective production of a range of qualities and specifications at our Onllwyn blending plant (washery). Although Aberthaw takes around 50% of our total production volume, it generates only 30% of our income. This is because the

## **APPENDIX A**

prices of the various grades of coal we produce vary widely and the power station coal is our lowest priced product – in fact we sell it at a price which is currently substantially below the cost of production because of the depressed world coal prices. However, this is compensated for by the prices of higher grade coal which includes domestic, industrial, manufactured product (briquettes), specialist grades and export.

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## SECTION A – MATTERS FOR DECISION

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2015/0418</b>	<b><u>DATE:</u> 28/05/2015</b>
<b>PROPOSAL:</b>	Non-material amendment to planning permission P2013/1086 (Approved on the 01/04/2014) to remove conditions 5, 6 & 7 in relation to Code for Sustainable Homes.
<b>LOCATION:</b>	PLOT ADJACENT TO GWALIA HOUSE, 1B NEW ROAD, CILFREW, NEATH SA10 8LL
<b>APPLICANT:</b>	Mrs Doreen Jones
<b>TYPE:</b>	Non Material Amendment (S96A)
<b>WARD:</b>	Aberdulais

This application is presented to Planning Committee as the named applicant is Councillor Doreen Jones.

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014 came into force on 1 September 2014. This inserts a new article 28A into the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) which “applies to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission)”.

### DESCRIPTION OF DEVELOPMENT

This is an application under s96A of the 1990 Act to remove conditions 5, 6 & 7 in relation to the need to meet specific Code for Sustainable Homes standards and submit appropriate certificates to demonstrate such compliance.

### CONSULTATIONS / NOTIFICATIONS

An application made under s96A is not an application for planning permission, such that existing DMPWO provisions relating to statutory consultation and publicity do not apply.

LPAs have discretion in whether and how they choose to inform other interested parties or seek their views, although given that the changes sought will be non-material in nature, it is not expected that consultation or publicity will be necessary in the majority of cases.

In this case it was considered not necessary to notify consultees or neighbours in respect of the amendment sought given their minor nature.

### ASSESSMENT OF PROPOSED AMENDMENT

Non-material amendments to an existing planning permission are normally small changes to an approved development proposal that have no impact on the overall context of the development scheme or its surroundings.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission.

When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities are advised to consider a number of 'tests', which are considered in turn below:

**A (i) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme;**

No, the application is for removal of conditions 5, 6 and 7 in relation to Code for Sustainable Homes only. The proposal to remove Code conditions complies with National and Local Policies as TAN 22 has been withdrawn by Welsh Government. As such, there would be no greater impact over and above the originally approved scheme.

**A (ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?**

No, there would be no additional impact on visual or residential amenity over and above the originally approved scheme.

**B. Would the interests of any third party or body be disadvantaged in planning terms?**

No, the interests of any third party or body would not be disadvantaged in planning terms.

**C. Would the proposed change conflict with National or Development Plan policies?**

No. The proposal to remove Code conditions complies with National and Local Policies as TAN 22 has been withdrawn by Welsh Government.

The above tests are considered a ‘starting point’ for local planning authorities in their consideration of non-material amendments. There may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.

**Are there any other circumstances which affect whether or not the amendment sought is considered to be non-material?**

It is considered that there have been no material changes in circumstances since the original application was approved.

**Have there been any other amendments to the original approved development? If so, do they affect conclusions of whether the changes sought are a Non-material? If so, why.**

No

**If accepted to be a non-material amendment, are any additional conditions required in respect of the non-material amendment sought?**

No

Having regard to the above assessment, the following recommendation is made

**RECOMMENDATION**

Approval with no Conditions

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## SECTION A – MATTERS FOR DECISION

### **Planning Applications Recommended For Refusal**

<b><u>APPLICATION NO:</u> P2014/0333</b>	<b><u>DATE:</u> 11/04/2014</b>
<b>PROPOSAL:</b>	Removal of Conditions 1 and 2 of Planning Permission P2009/0406 approved on the 21/07/09 to allow the property to be used as a residential dwelling house.
<b>LOCATION:</b>	HENDRE LAS FARM, PENTWYN ACCESS ROAD, RHOS PONTARDAWE, NEATH PORT TALBOT SA8 3JT
<b>APPLICANT:</b>	Mr Jonathan Jones
<b>TYPE:</b>	Vary Condition
<b>WARD:</b>	Rhos

### **Background Information**

The application subject of this report was received by the Council in April 2014, and seeks the removal of Conditions 1 and 2 of Planning Permission P2009/0406 approved on the 21/07/09 to allow the building to be used as a residential dwelling house.

The application was subsequently reported to the Planning and Development Control committee on 27<sup>th</sup> May 2014 where Members resolved to decline to determine the application under section 70a of the Town and Country Planning Act 1990.

The applicants subsequently submitted a Judicial Review against the authority's decision, which was successful on a point of law - on the basis that the Council failed to refer to and apply WO Circular 44/91 which was a material consideration - and the matter submitted back to the Authority. As a consequence, and given the length of time now passed, a decision was made to validate the application, undertake consultations, and report the matter back to the Planning Committee for a determination.

### **Planning History:**

The application site has a detailed and complex planning history, including a number of planning appeals, a High Court Challenge, Enforcement action and subsequent appeal. These are summarised below in chronological order.

**P2008/0585**      Conversion of barn into dwelling - Approved 15/09/08

**P2009/0405** Retention and completion of two-storey detached building for use as a dwellinghouse - Refused 02/09/2009

Members may recall that in 2009 planning permission was sought for the retention and completion of a two storey property for use as a residential dwelling after it was discovered that the barn subject of the previous permission (P2008/0585) had been demolished and a new larger two storey structure had been constructed in a different location, without the benefit of planning permission.

After detailed consideration and following a visit by the Planning (Site Visits) Sub Committee, the application for the retention of the dwelling house was reported to the Planning and Development Control Committee on the 2nd of September 2009 where the application was **refused** for the following reason:

*(1) The retention and completion of a new dwelling at this location would result in an unjustified form of development within the open countryside, to the detriment of visual amenity and character of this rural area as a whole, contrary to the overarching need to protect the countryside for its own sake. This would be contrary to Policies ENV1 ENV8c and ENV 17 of the Neath Port Talbot Unitary Development Plan and Planning Policy Wales (March 2002)*

**P2009/0406** Retention and completion of detached two storey property for use as holiday accommodation - *Approved with conditions 21/7/2009*

Members may also recall that the applicant submitted a concurrent planning application, alongside P2009/0405, for the retention and completion of the detached two storey property for use as holiday accommodation only. After detailed consideration, the application for holiday accommodation was **approved** with appropriate occupancy conditions (which are the subject of the current application). This decision was made under delegated powers on 21<sup>st</sup> July 2009.

**Appeal ref. no. APP/Y6930/A/09/2112770 (App ref. P2009/0405)**

The applicant subsequently appealed against the refusal of planning permission for the retention of the building and its use as a residential dwelling (ref. **P2009/0405**) which was heard at a Hearing on the 26<sup>th</sup> January 2010. The appeal was subsequently **dismissed** on the 26<sup>th</sup> March 2010 on the grounds that the dwelling was an unsustainable and unjustified form of development within the open countryside.

The applicant then **appealed to the High Court** on the basis that he was not given adequate opportunity to address the issue of sustainability. On the 13<sup>th</sup> October 2010, the High Court quashed the decision of the Planning Inspectorate and re-submitted the appeal to the Welsh Ministers for the following reasons:-

- (1) the inspector did not afford the Claimant “a fair crack of the whip” on the question of whether the proposed development would promote sustainable travel patterns;
- (2) this gave rise to unfairness and substantial prejudice to the Claimant
- (3) therefore the Inspectors decision was not within the Powers of the Town and Country Planning Act 1990 and/or there was a failure to comply with relevant requirements;

### **Re-determination of Appeal Ref No. APP/Y6930/A/09/2112770.**

On the 2<sup>nd</sup> December 2010, the Planning Inspectorate proceeded with the re-determination of the appeal for the retention of the building and its use as a dwelling. The applicant provided additional information in relation to sustainable travel patterns and the matter was dealt with by written representations. The site was visited on the 2<sup>nd</sup> March 2011.

On the 22<sup>nd</sup> March 2011, the appeal was again **dismissed** with the Inspector concluding that the development and use as a dwelling was an unsustainable and unjustified form of development within the open countryside.

**P2011/0553**      Retention of building and use as a dwelling house (Class C3) and completion of associated works and Enforcement Notices relating to Unauthorised use of the building and Unauthorised operational development - *Refused 05/12/2011*

In 2011 the applicant then made a 2<sup>nd</sup> planning application to retain the use of the building as a dwelling house. At that time Officers considered whether to decline to determine the application under s70A but chose to determine that application.

After detailed consideration and following a site visit by the Planning (Site Visits) Sub Committee, the application for the retention of the building for use as a dwellinghouse was reported to the Planning and Development Control Committee on the 29<sup>th</sup> of December 2011, with the application **refused** on 5<sup>th</sup> December 2011 for the following reasons:

*(1) The proposal is an unjustified form of residential development within the countryside which by virtue of its remote location results in it being heavily dependent on motor cars and therefore unsustainable which is contrary to Policies GCI, ENVI, ENV8a, b and c and T1 of the Neath Port Talbot Unitary Development Plan*

### **Formal Enforcement Action (ref E2010/0157)**

On the 28<sup>th</sup> June 2012 and following the previous refusal of planning permissions, an Enforcement Notice was served upon the applicant to cease the use of the building as a residential dwelling within a compliance period of 3 months.

### **Joint Planning and Enforcement Appeal (Appeal Ref No. APP/Y6930/A/12/2177302 and C/12/2179809)**

The applicant subsequently appealed against both the refusal of planning permission (ref. P2011/0553) and the Enforcement Notice (ref. E2010/0157).

The appeals were both **dismissed** on 15<sup>th</sup> April 2013.

The Inspector dismissed the planning appeal on the grounds that it was an unjustified and unsustainable form of development within the open countryside, and that any special circumstances put forward by the applicant were heavily outweighed by the harm identified by this development.

The related Enforcement appeal was dismissed on ground (a) – the deemed planning application - but the ground (g) appeal was allowed insofar as the Inspector extended the time allowed for compliance with the Notice to 12 months. This, the Inspector stated, “*would be proportionate as this should enable Mr Jones and his family to obtain alternative accommodation, whilst the harm that has been identified would continue for a limited period of time only*”.

In reaching his decision, the appointed Inspector concluded that planning permission P2009/0406 had been implemented albeit that occupation by the applicant and his family was in breach of condition 1. The Enforcement Notice was therefore varied to refer to a ‘Breach of Condition’.

A copy of the above appeal decision is attached at **Appendix A**, and Members are encouraged to read the full appeal decision, and the detailed summary



above, to understand the detailed context within which this application must be considered.

Instead of complying with the terms of the Enforcement Notice (and despite the 12 months extended time allowed by the 2013 Inspector), the applicant and his family continue to live in the dwelling and submitted the current application in April 2014, thus seeking to further extend the unauthorised use of the property. It was for this reason that the Authority sought to decline to determine the application (such powers essentially being used to stop persons abusing the planning system through repeated appeals covering the same issues). Unfortunately, as referred to above, a challenge to the Authority's decision to decline to determine the application was successful in the Courts, such that a decision has been made to determine this application.

### **Publicity and Responses if applicable:**

The application was advertised by site notice on 17<sup>th</sup> March 2015 and advertised in the Local Press as a departure from the Development Plan on the 24<sup>th</sup> March 2015.

Two letters of support have been received which are summarised as followed:

- A letter of support from Gwenda Thomas AM which was received on 8<sup>th</sup> April 2014, noting that:
  - The dwelling house would not have a detrimental effect upon the residence or the character and appearance of the countryside
  - Concerns raised in relation to the fact that Mr Jones and his family may have to vacate the property
  - There has been no interest shown by prospective purchasers
- A letter of support received on the 1<sup>st</sup> May 2014 signed by Mr and Mrs Brettle of Coed Y Berllan, Mr and Mrs Jones of Hendrelas farm and J E Thomas of Pentwyn Farmhouse, the main representations are summarised as follows:
  - The application complies with policy ENV1 and ENV8B
  - The applicant has undertaken an extensive marketing campaign with the aim to attract purchasers and tourists
  - The subject property has been completed for some 4 years and is an acceptable structure which does not impact upon residential amenity and highway safety.

**Cilybebyll Community Council:** No response to date therefore no observations to make

**Head of Engineering and Transport (Highways):** Recommends Refusal

**Head of Engineering and Transport (Drainage):** No response to date.

**Public Rights of Way Officer** - Has advised that Footpath 17.D.Lo skirts the site.

### **Description of Site and its Surroundings:**

The site comprises a converted barn located within the open countryside to the South East of Rhos. Access is off an existing track which serves several other rural properties directly off the A474. The site is located within a farmyard adjacent to the main farm house (Hendre Las Farm). The farm complex has a variety of agricultural buildings.

To the west of the site is Hendre Las farmhouse and a former agricultural building which has been converted to a dwelling. To the north of the farmhouse there are 3 holiday lets which were granted planning permission in 2005 (ref. P2005/1967) and which were completed on site towards the end of 2014. These properties are within 50m of the application site.

The application site adjoins the track that serves Hendre Las Farm and two other properties. The site slopes steeply to the east away from the access track. There is a public footpath (Footpath 17) that runs adjacent to the site but is not affected by the proposal. The site is bounded by open farm land in all other directions.

### **Brief description of proposal:**

The application is submitted under section 73 of the Town and Country Planning Act 1990 and seeks the removal of Conditions 1 and 2 of Planning Permission P2009/0406 (approved on the 21/07/09), to allow the property to be used as a residential dwelling house.

Conditions 1 and 2 state as follows: -

- 1) *Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or re-enacting that Order), the development hereby permitted shall be used for tourist holiday accommodation only. Occupation of the holiday accommodation hereby approved shall be restricted to a maximum of twelve weeks within a twelve month period for any individual.*
- 2) *From the date of first occupation of the building records shall be maintained of the names of visitors and their dates of occupation and these records shall be made available to the Local Planning Authority at any time upon request.*

The reason for both conditions is “in order to ensure that the accommodation is utilised for tourist holiday accommodation only”.

The removal of these conditions would allow for the unrestricted use of this property as a residential dwelling.

### **Material Considerations:**

The main issues for consideration with regard to this application relate to the principle of the use of the building as a dwelling, having regard to prevailing planning policies, its countryside location, sustainability and the detailed planning history associated with the site. Other matters to consider include the impact upon visual and residential amenity, and highway and pedestrian safety. Should harm be identified, it is also necessary to consider whether there are any other material considerations of sufficient weight to outweigh such harm.

### **National Planning Policy Context**

#### Planning Policy Wales Edition 7 (July 2014)

Paragraph 4.7.7 of Planning Policy Wales (7<sup>th</sup> Edition) states that “*For most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as*

*the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.” (emphasis added)*

Paragraph 4.7.8 goes on to state that “**Development in the countryside** should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but 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 respect the character of the surrounding area and should be of appropriate scale and design.” (emphasis added)

Paragraph 9.3.6 further states that “New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. **Isolated new houses in the open countryside require special justification**, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation. All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. New rural enterprise dwellings should be located within or adjoining the existing farm / business complex or access. Local planning authorities should follow the guidance in TAN 6 with regard to the requirements for rural enterprise dwelling appraisals”(emphasis added)

#### Technical Advice Note 6 - Planning for Sustainable Rural communities (July 2010)

TAN 6 provides detailed practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities.

At para 3.1.2 it notes that “Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment”, and at 3.6.1 states that “Whilst residential conversions have a minimal impact on the rural economy, conversions for holiday use can

*contribute more and may reduce pressure to use other houses in the area for holiday use”.*

*At 4.3.1 it also emphasises that “One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence”.*

For the purpose of this TAN qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises.

### **Local Planning Policy Context**

The Development Plan comprises the Neath Port Talbot Adopted Unitary Development Plan within which the following policies are of relevance: -

Policy GC1	New Buildings/Structures and changes of use
Policy ENV1	Development in the open countryside
Policy ENV8b	Conversion or reuse of buildings in the Countryside
Policy T1	Location, Layout and Accessibility Of New Proposals

The application site lies outside settlement limits and in the countryside for the purposes of the Neath Port Talbot Unitary Development Plan.

Policy ENV 1 states that development will not be permitted except in very exceptional circumstances. Only the following new buildings are appropriate: buildings justified by agriculture or forestry needs, small scale diversification within farm complexes where run as part of the farm business or where it is the conversion, re use, adaptation or replacement of an existing building.

The latter example is clarified within policy ENV8A which states that a replacement dwelling will only be permitted where it can be demonstrated that the building has a current lawful use as a dwelling. Although the building (now demolished) that previously occupied the site had planning consent for its conversion to a residential dwelling under P2008/585 that permission was not commenced and the dwelling not completed to activate the lawful use. This issue was considered in the previous application and subsequent appeal where the Planning Inspector accepted the fact that it was not a replacement dwelling. (App Ref: P2009/0405)

Of most relevance to this proposal is therefore Policy ENV8B which states that:-

*“The conversion, rehabilitation and/or re-use of an existing building will be permitted only where the proposal satisfies all the following criteria:*

- a. if located in a Green Wedge, the proposal complies with Policy ENV2;*
- b. the existing building is permanent, structurally sound, capable of conversion and suited to the purpose proposed without major reconstruction;*
- c. the siting and design of the proposal, including its means of enclosure, garden and parking space, would not have an unacceptable adverse effect upon the character of the area, including its architectural traditions;*
- d. the conservation of existing buildings which are of architectural or historic interest would not be prejudiced;*
- e. satisfactory provision is made to retain and encourage wildlife habitats including bat roosts and bird boxes;*
- f. where a conversion to residential use is proposed, the applicant has made every reasonable attempt to secure suitable business re-use; or the residential conversion is a subordinate part of a scheme for business re-use; or the resulting housing will provide affordable housing to meet an identified local need.”*

Paragraph 8.12.6 further states *“The creation of local employment is a priority within the County Borough and especially within rural areas in order to sustain the rural community. Applicants proposing the conversion of a rural building to a dwelling will be expected to provide a statement explaining the efforts which have been made to secure a business use through advertising the property over a two year period and at a price reflecting the market for such business use.”*

## **Principle of Residential Development**

As will be noted from the planning history above, the use of this property as a residential dwelling has been considered by the Planning Inspectorate on more than one occasion, with each appeal having been dismissed. The most recent appeal decision was received in April 2013, at which time the Inspector noted (amongst other things) that: -

- No case has been advanced on the basis that there is a functional need for the building to be occupied by an agricultural worker or person engaged in a rural enterprise associated with farm diversification
- The proposal would not be a subordinate part of a scheme for business re-use and nor is it affordable housing
- He was not satisfied that the appellants could be said to have made every reasonable attempt to retain a suitable business use of the building
- Accordingly the development would not be a justified form of development in the open countryside – contrary to PPW and Policy ENV8B of the UDP.
- The proposals would not be sustainable because the appeal site's location is such that there would be dependency on the private motor car as a primary means of travel, contrary to PPW and Policy T1 of the UDP.
- Matters put forward by the appellant relating to the planning history, other appeal decisions and personal circumstances were heavily outweighed by the harm that he identified

The appeal was therefore dismissed and, in accordance with the Enforcement Notice which was considered and upheld at the same appeal, occupation of the premises as a residential dwelling should have ceased by 15<sup>th</sup> April 2014.

As stated above, Members are encouraged to read the full appeal decision at **Appendix A** to understand the detailed context within which this application must be considered.

Since the date of the previous appeal decision, it is considered that there have been no material changes in site or policy circumstances which would justify reaching an alternative conclusion on the principle of development. Indeed the only material change on site since the appeal decision is the completion of the adjacent farm buildings conversion into three holiday units (albeit it is understood that these are yet to be let out).

The application site is therefore located in an unsustainable location within the open countryside where there remains a presumption against unjustified forms of isolated development. The applicant proposes to remove the holiday let conditions to use the building as a dwelling house for his family, with no case put forward that seeks to justify the use of the building as a dwelling as part of an established agricultural or rural enterprise. The removal of conditions would therefore result in an unsustainable residential dwelling in the countryside, contrary to Planning Policy Wales and Unitary Development Plan Policies ENV1 and T1 .

Notwithstanding the above, Policy ENV8B of the UDP was considered by the previous appeal Inspector, who considered it to be relevant and primarily considered it appropriate to examine “whether or not the appellants have made every reasonable attempt to retain a business use for the building” (para 17 of appeal decision).

In this regard, criterion (f) of Policy ENV8B requires that: -

- (f) *Where a conversion to residential use is proposed, the applicant **has made every reasonable attempt to secure suitable business re-use; or the residential conversion is a subordinate part of a scheme for business re-use; or the resulting housing will provide affordable housing to meet an identified local need.*** (emphasis added)

In considering this issue, the Inspector stated that: -

- Evidence produced to him showed 16 establishments in the Swansea valley representing 30% in the County... [with] occupancy rates are between 65% and 98% which suggests ... there is a demand for tourist accommodation. The conversion of agricultural buildings being undertaken by Mr Jones father at Hendre Las also suggests that there is demand for accommodation. He thus gave little weight to a previous Inspector’s conclusion that tourism is not strongly established in the area.
- There was some evidence that the building has been marketed for sale as holiday accommodation, and that little interest has been shown in it, although he raised concern about the marketing, including lack of evidence that the asking price was commensurate with its permission restricting occupancy to holiday accommodation
- That there was no attempt to let the building as holiday accommodation



- Overall he was not satisfied that the appellants could be said to have made every reasonable attempt to retain a suitable business use of the building

Having regard to the above, the main issue to consider under this application concerns whether the additional information provided by the applicants – which identifies the extent of marketing and other activity which they have undertaken since the previous appeal decision - adequately demonstrates that the applicant has made **all reasonable attempts to secure a suitable business use**. This is considered in detail below.

The applicant's original submission consists of a Marketing Report and supporting information which is broken down into 4 sections: -

- Part 1 Attempts to sell the property
- Part 2 Attempts to let the property
- Part 3 Business feasibility
- Part 4 Comparisons, alternative users and conclusions

The applicant has also recently submitted an additional pack of information consisting of:

- A Planning Statement Prepared by Ieuan Williams of Reading Agricultural Consultants (December 2014)
- An Updated Marketing Report Prepared by Herbert R Thomas Covering the Market Campaign January 2012 to December 2014
- An Additional Report from the applicants website [www.coedynant.co.uk](http://www.coedynant.co.uk) in relation to the number of users etc for the period November 2014 to 22<sup>nd</sup> February 2015
- A Draft Unilateral Planning Obligation pursuant to section 106 of the Town and Country Planning Act 1990
- Additional Supporting Marketing report prepared by the claimant and accompanying documents
- Various appeal decisions and permissions relating to similar applications
- Photographs taken of the footpath at the site together with a footpath plan
- The Councils rights of Way improvement Plan

All of the above are addressed below under the following sub-issues: -

1. Attempts to sell the property as a holiday let
2. Attempts to let the property as a holiday let
3. Business plan / viability issues
4. Comparisons / competitors
5. Potential conversion into 2 holiday lets
6. Alternative uses
7. Planning Statement (December 2014) / Other Issues

### **1. Attempts to sell the property as a holiday let**

As detailed above, two sets of information have been submitted, which are considered together below.

#### Marketing Report and supporting information Part 1 - attempts to sell the property received March 2014

The applicant has submitted information in relation to their attempts to sell the property, which are assessed in brief below: -

- 5 Adverts placed in the Swansea edition of the Evening Post on 14<sup>th</sup> May 2013, 11<sup>th</sup> June 2013, 30<sup>th</sup> July 2013, 13<sup>th</sup> August 2013 and 10<sup>th</sup> September 2013 (HRT).
- Correspondence from HRT (14<sup>th</sup> March 2014) in relation to price reductions and details of interested parties who only express interest if the building was a residential dwelling.
- Email from HRT (30<sup>th</sup> November 2012) regarding 'hits' to Right Move website. This was before the date of the last appeal
- Letter from HRT (10<sup>th</sup> October 2012) re. confirmation of advertisements. This was before the date of the last appeal.
- Valuation from Clee Thomkinson Francis (9th August 2013) regarding future sale of property.
- Correspondence from a property acquisition company (thepropertyfairy.com) (21<sup>st</sup> Feb 2012). This correspondence relates to matters before the date of the last appeal.

- Comparables, reference made to comparison of Plas Cilybebyll at conversion during previous appeal (2011/0553). This is not relevant; the Local Authority are looking for any significant change in circumstances since the last appeal. The sale of another property, asking prices and location of other holiday accommodation is not relevant, and would have no effect upon the use of this property as a holiday let.

The applicant then submitted additional information in February 2015 which consists of the following:

- An Updated Marketing Report Prepared by Herbert R Thomas covering the Market Campaign January 2012 to December 2014 which consisted of the following:
  - Details of advertising on the internet and advertisements in the South Wales Evening Post property section with a total of 16 advertisements in the press over the marketing period.
  - The property was included in HRT's commercial properties
  - For sale boards were erected at the junction of Tyn Y Cwm Lane and the A474
  - Details of offers made for a residential property
  - Details of a reduction of asking price.
- Additional Supporting Marketing report prepared by the applicant and which included the following:
  - A For Sale Summary which summaries the following:
    - Property marketed for 36 months to date
    - Asking price has been reduced by £50,000
    - 2 viewings in 2013 undertaken which resulted in no further interest
  - Emailed comments from an Associate at Savilles Chartered Estate Agent which notes that contact was made with Savilles in May 2014 (although no details of the initial email have been provided), and which confirmed they would not be interested in marketing the property, stating that “they do not consider there would be much demand in the region for a property constrained in such a way”, and noting that they “do not hold a database of people who might be interested in this”.

## Conclusion on attempts to sell the property as a holiday let

Since the last appeal the applicant has continued to advertise the property with HRT, with the submitted information noting that the marketing has taken place over 26 months and providing details of the press advertisements and an additional 16 adverts have been placed within the Swansea edition of the South Wales Evening Post. Whilst the applicant consulted another estate agent (Clee) to value the property in August 2013 they were not instructed to sell the property.

It is noted that the applicant reduced the asking price to £199,950 on 31<sup>st</sup> May 2013 and to £189,995 on 16<sup>th</sup> July 2013, and it is acknowledged that this price is less than it would fetch as an unrestricted dwelling. However, the value of a commercial property such as this is difficult to judge, and will usually have regard to the 'value' of the business (for example based on previous letting evidence). In this regard, in the absence of any such evidence it is perhaps unsurprising that potential purchasers may not be forthcoming, given that there are no reasonable grounds to justify the price or any likely yield from it as a business.

The applicant also contacted Savilles in relation to selling the holiday let however they declined. Savilles stated that they do not hold an applicant database of people who might be interested in this type of property. In response to this, contact was made with Savilles to discuss general issues surrounding the sale of holiday lets (not specifically this property) which indicated that the decision not to 'pitch' for such business is not uncommon, given the element of risk associated with potentially significant work for little reward, having regard to the low value of such a property and also to the fact that they do not have an active database to market a single property to. This does not, however, indicate that such a holiday let property/business would not sell, simply that Savilles did not wish to do so.

It is considered, however, that the fact that the property is a single unit of such accommodation limits its attractiveness (in the absence of a 'history' of letting – see below) and the likelihood of someone purchasing the property. It is notable, however, that the property, while in separate ownership, is not completely divorced from the remaining holiday accommodation which has recently been completed at Hendre Las. In this respect, in addition to the economies of scale expected where 4 units are let, there is also a much greater likelihood of holiday accommodation being marketed successfully for sale if it were part of a group of such cottages. This is not to suggest that the whole of the property must be sold, but is considered to be an indicator that this property should not be considered solely in isolation.

In considering the attempts to sell the property, the Inspector concluded (at para. 19 of his appeal decision dated 15<sup>th</sup> April 2013) that he was “*not therefore satisfied that the appellants could be said to have made every reasonable attempt to retain a business use of the building*”. For the reasons above, it is considered that the same conclusions can be reached on the case today. Moreover, irrespective of the marketing exercise undertaken, failure to sell does not in itself represent a failed business. Moreover, it is especially pertinent that the sale of such ‘holiday accommodation’ in the absence of any holiday letting (see below) is unsurprising given that commercial properties would in all likelihood require a history of letting to establish that the value of the property was appropriate and that the property can be run as a profitable business having regard to the asking price stated.

## **2. Attempts to let the property as a holiday let**

### Marketing report and supporting information Part 2 - Attempts to let the property

As detailed above, the Inspector concluded (at para. 19 of his appeal decision dated 15<sup>th</sup> April 2013) that he was “not therefore satisfied that the appellants could be said to have made every reasonable attempt to retain a business use of the building”. This included noting that “*there has been no attempt to let the building as holiday accommodation*”.

The submitted information in support of their application contains a list of information relating to the applicants subsequent attempts to let the property which can be summarised as follows:

#### o Adtrader

- 4 Adverts were placed on 8<sup>th</sup> May 2013, 22<sup>nd</sup> May 2013, 5<sup>th</sup> June 2013, 19<sup>th</sup> June 2013.

These included:

- Advert placed within the Adtrader magazine on the 8<sup>th</sup> May which reads as follows. “*TO LET 4 bedroom holiday cottage, rural location, oil central heating, no pets, not disabled friendly, 10-12 people £550 - £1200 per wk*”

- Advert placed within specialist property for rent section on Adtrader web site on the 8th May 2013. *“To Let 4 bed holiday cottage, rural location gf 4 bedrooms, 2 bathrooms ff lounge kitchen study toilet 3 car parking spaces designated. Oil central heating, private water supply, no pets, no children, not disabled friendly 10-12 people, lovely location subject to availability.”* (no price given)
- Free Ads
    - 3 adverts were placed on 18<sup>th</sup> December 2013, 20<sup>th</sup> August 2013 and 4<sup>th</sup> Feb 2014. The 18<sup>th</sup> December 2013 advert reads as follows: *“4 bedroom holiday cottage 4 miles from Neath, Lovely location 3 car parking spaces, £1200 call Jonathan Jones on Mobile or email”* (only a single price given)
    - The applicant updated supporting info reiterates that Property advertised via free ads for 15 months and that no interest received for holiday accommodation, 1 message was received to rent the property long term as a residential dwelling.
  - Dwr Cymru Buy & Sell
    - 3 adverts are shown on 19<sup>th</sup> April 2013, 22<sup>nd</sup> October 2013 and 26<sup>th</sup> February 2014. The advert on the 19<sup>th</sup> April 2013 reads as follows: *“4 bedroom holiday cottage located within Rhos (4 miles from Neath 8 Miles from Swansea) rural location, GF 4 bedrooms,2 bathrooms, FF lounge kitchen utility study toilet, 3 car parking spaces designated oil central heating, private water supply, no pets, no children, NOT disabled Friendly, Lovely location £550 -£1200 per week subject to availability. Contact Jonathan Jones on Mobile number”*
    - The applicants updated supporting information advises that the website has a potential coverage of 3000 employees with additional coverage to associated employees and that property was removed in September 2014 due to lack of interest.
  - Domegos.co.uk
    - There is evidence that something was advertised on 18<sup>th</sup> April 2013 and looks to be active until the 2<sup>nd</sup> March 2014 however there is no information relating to what was advertised apart from a photograph and the address of the property.

○ Leisurehappy.co.uk

- The following advert was placed on 18<sup>th</sup> April 2013 their web site “4 bedroom holiday cottage set on outskirts of rural village, walking distance from facilities, GF 4Bedroom, 2 bathrooms, FF Lounge kitchen, Study utility toilet, rear garden, 3 no Car parking spaces.”

○ Website - ‘Activity Tracker’ of unique Visitors to website

- The submissions show the number of unique visitors to their website which they claim has translated into a lack of business.

Such matters are addressed in the assessment below.

○ Letting Agents

- The applicant has advised that they did not use any holiday cottage letting agents in their attempt to let the property. The applicant engaged the help of Threshold Property management to advertise the property to let, who advertised on rightmove.co.uk which they claim is the most popular search function for property searches in the UK. Threshold Property Management advertised the property on 14<sup>th</sup> May 2014 as a “barn conversion for holiday lets decorated to the highest standard throughout and will accommodate 8 people. 2 en-suites and a family bathroom, excellent views and within a distance from the M4, and Pontardawe. £4333 per calendar month” The property was removed with advice from right move on November 2014

○ Other Marketing Methods

- The applicant advised that advertising cards were placed in local shops/post offices; advertising cards were also placed at the applicant’s place of work with no interest. The applicant has advised they have used road signs throughout the winter months with no interest received.

The applicant then submitted further marketing information in February 2014 which consisted of the following:

- Website advertising
  - Property has been advertised for some 19 months via 2 professional web sites
  - Websites have been constantly reviewed and despite being viewed by the general public, no bookings have been secured.
- An Additional Report from the applicants website [www.coedynant.co.uk](http://www.coedynant.co.uk) in relation to the number of users etc for the period November 2014 to 22<sup>nd</sup> February 2015
  - It is not clear from the report what the charts represent, although it is presumed it shows lack of visitors to their web site.

### Assessment

The likelihood of success in marketing a holiday let online on an individual basis (i.e. without use of a professional agency – discussed below) is wholly dependent on the ability of a website to attract ‘hits’. In this respect it is considered that the average person when searching for a holiday would (if they chose not to use a professional website which focuses on such holiday accommodation) search for the type of accommodation they want and the area they would like to stay.

As part of a very unscientific approach, in considering the type of website advertising of the property and the likelihood of such sites attracting sufficient ‘hits’ to generate business, Officers undertook a number of ‘Google’ searches of the following phrases which failed to identify the applicants web site in the first 50 results (only first 50 results checked ).

- Holiday cottage South Wales
- Holiday cottage Rhos South Wales
- Holiday cottage Pontardawe South Wales
- Self catering Rhos South Wales
- Self catering South Wales

It is also of note that very few ‘independent’ websites for cottages were identified on searches, although one in Pontardawe (<http://www.cwmshoncottageswales.co.uk/>) did come up and their professional website, included a good level of detail and an availability search which is considered to be very important in attracting visitors).



In addition, it is of note that the ‘professional websites’ referred to are the applicants own, and that these sites were only found by actually typing in its name “coedynant” or “countrycottage.vpweb.co.uk” into a google search, which would obviously require a person to already know of the site rather than allow someone searching for a holiday to ‘stumble across’ it.

Having regard to the above, whilst it is acknowledged that the applicant creating a website is an attempt to market the property for let (and indeed recent visits have shown the website to have been updated quite recently), it is considered that the availability of a website does not demonstrate active marketing. In this regard it would be considered reasonable - especially in this case where there is an Enforcement Notice in place requiring the residential use to cease, which should be encouraging the owners to actively seek business - to market the property via specialised holiday letting sites that appear quite often in all the above searches. This is considered below.

- Letting Agents

Notwithstanding the above, the later submissions state that the property was listed with ‘Wyndham vacation rentals’ for 7 months. The applicants state that input and comments received from visit Wales and Wyndham Rentals both have concerns with the sustainability of the subject property due to its inflexible accommodation.

They then conclude that “no interest was received and the letting agent was disinstructed”.

While this information suggests marketing on a national site, it is of note that there is no evidence to support that the application has been actively marketed with Wyndham Vacation Rentals, with no formal correspondence (in full – not just extracts) from Wyndham, and no screen shots to identify the nature of advertising, the prices sought etc.

In addition, irrespective of whether it can be demonstrated that there was no interest, it is considered that to ‘disinstruct’ a national holiday letting company after 7 months – in a situation where it would be thought that the applicant should be desperately trying to let the property (rather than convince an Authority that the property can’t be let) – is wholly unjustified, and indeed unusual. This is even more the case when Officer’s own enquiries with the Wyndham Group advise that the only ongoing cost associated with a property remaining on their site is an annual fee of £105 (with the company retaining a percentage of letting sales). Such enquiries also identify that sites such as

<http://walescottageholidays.co.uk> allow properties to be advertised with no charge for set-up, photography, and inclusion on their website or in our brochure.

Moreover, there are sites available (such as [www.ownersdirect.co.uk](http://www.ownersdirect.co.uk)) which allow for a property to be advertised either for a one-time subscription fee (from only £199 excl. VAT) or on a free, commission-only basis, and include a money back guarantee if a client is unhappy with the service offered.

In addition, whether it is on their own website or the above, it would be expected (especially for a 'new' venture) for details of special offers, targeted advertising (e.g. walkers, mountain bikers, business use) etc. to be identified, to give the business the best chance of gaining a foothold and receiving positive reviews (for example on Trip Advisor) which can in itself generate further business.

Finally, while extracts of emails have been provided (again, not full formal correspondence), these refer to 3 holiday cottages nearby, and refer to these "having the best of both worlds, being able to be let individually or as a group", noting also that "often families or friends enjoy a holiday together but do not necessarily want to be in the same property. So here you can offer to larger parties or just individual bookings". In other words, precisely the opportunity that exists at Hendre Las with Mr Jones Senior's holiday lets.

There is also another extract of an email from Visit Wales referring to weekend bookings as opposed to full weeks due to the size of the property, yet there is no context to the email. It just illustrates that weekend booking of the venue would be preferred to weekdays. There is no additional information or evidence provided to consider just the applicants statement with some extracts of an email.

These extracts are therefore wholly inconclusive and certainly do not provide the extent of evidence required to justify the harm caused by this proposal.

### **Conclusions on attempts to let the property**

In considering the above submissions it is necessary to consider if the submitted information illustrates that the applicant has made all reasonable attempts to market the property as a holiday let

Having considered these submissions, the following conclusions are reached: -

- All attempts to let the property as listed above are where any interested party would contact the applicant directly. The Local Authority therefore has no independent evidence to ratify the level of interest in letting the property.
- The applicant has made two attempts to utilise a third party to attract business, the first was via Threshold Property Management. This company appears to be a normal letting agency that do not have any specialist holiday accommodation searches. This would be the wrong type of company to attract tourists and holidaymakers. It would attract people looking to let a residential property or student lets and not a holiday rental. Moreover, the letting price was on a monthly basis at a seemingly unrealistic price.
- The second attempt to employ a third party was within the applicant additional submission, which stated that they employed Wyndham Vacation rentals for a period of 7 months. However there is no evidence to support that the application has been actively marketed with Wyndham Vacation Rentals, there is no formal correspondence (in full – not just extracts) from Wyndham, and no screen shots to identify the nature of advertising, the prices sought etc.
- Little evidence has been produced to demonstrate that, since the date of the appeal decision, a dedicated holiday letting agent has been employed to market the property for let. Whilst the applicant makes reference to Wyndham Holiday Rentals, there is little evidence to support the applicants claim, and the decision to ‘disinstruct’ is considered to undermine the applicants submissions
- It is only very recently, when officers undertook additional research, that the applicants websites have included details of the price for the property varying according to demand at different times of the year (as would be expected). Even these recent improvements are not considered to provide any where near sufficient evidence that extensive and convincing marketing of the property as a holiday let has been undertaken
- Despite the applicant advising that both web sites are professional, they are independent, and not linked to any holiday letting site (either a national ‘chain’ or an ‘ownersdirect’ approach) as would normally be

expected. A Google internet search for several phrases illustrate that a member of the public searching for a holiday let in the area would be unlikely to find their website.

Most pertinently, however, while the evidence provided and assessed above is considered to be inconclusive and certainly failed to meet the expectations of Adopted Development Plan policy (having regard to the harm identified by the Council and by previous Inspectors) the property continues to be occupied as a permanent residential dwelling.

While it is claimed that the property could be vacated quickly by the applicants when demand arises, it is considered that there has been no sustained and active effort to let the property out (which would have been more likely had the property been vacated and furnished for holiday lets, and such letting would have brought in essential income). In this respect it is considered that there has been little incentive for the applicants to actively and appropriately market the property for holiday lets, especially at short notice, especially since the ultimate objective of removing the conditions is best achieved through not letting the property out.

Failing to vacate the property also makes any letting request unrealistic as the applicant has stated within paragraph 1.1 of the applicant's Design and Access Statement that they have no alternative accommodation to live in. Suggestions that they could move into the father's accommodation is not considered to provide justification since the house is set up as a family home with all personal possessions, food, toys, clothes etc. needing to be moved out to facilitate a holiday use. This is simply unlikely and impractical, and demonstrates why the property should be vacated to provide incentive and every reasonable opportunity for a degree of holiday use to commence.

Accordingly, while the submissions indicate that there has been some activity by the applicant to let the property since the last appeal decision, this is not considered to demonstrate any active or coordinated effort, but rather an attempt to provide evidence for the purposes of a planning submission. It is therefore considered that the applicant has not made all reasonable attempts to let the property as a holiday let.

### **3. Business Plan / Viability Issues**

The Marketing report and supporting information Part 3 – Business feasibility received in February 2015 includes: -

- A Business plan for Coed Y Nant Holiday cottages approved by a business advisor employed by “business in Focus” based in Swansea, setting out how the holiday let would be operated. It also identifies occupancy rates as published by Visit Wales who indicated that occupancy rates run on average at 56% with August being the highest month at 96% and January being the lowest at 25%
- A table of Self catering occupancy rates from Visit Wales for the period 2011 and 2014, these falling to 24% in January (being the lowest) and rising to 85%, and noting that these are well below the 98% stated by the Council
- A Cash flow forecast showing a breakdown of projected income and cost in relation to the holiday business, which concludes (having regard to fixed costs including mortgage payments) that there would be a loss made over the period of 12 months.

The applicant has tried to demonstrate that a holiday let business is not viable, however, as detailed above has made no real attempt to vacate the property so that it is available to let, nor provided satisfactory evidence to demonstrate that they have made reasonable attempts to let the property as a holiday let. There is also some discrepancy within the figures (for example the figures shown for August show an income of £1920; If let for £1200 per week during the high season at 96% occupancy, this should show approximately £4600 for the month of August alone) in an attempt to portray an unviable use which appears to be an attempt to provide evidence to show a holiday let has not been successful, for the purposes of a planning submission.

An updated Business Assessment was received in February 2015 which detailed the following:

- An assessment of profits and loss. They conclude that the business is unviable and unsustainable.

The breakdown shows expenses of gas electric and rates, but these are the living costs of the applicant who are living in the property, private gas and electricity should not be used in the forecast. there is also a fee associated with rates however after checking the Local Authority’s Council Tax/Business Rates section the rates relates to domestic rates that the applicant are paying as they live within the property. Again these should not be included in a business forecast.

The applicants submissions also refer to the appeal decision which cites annual occupancy rates referred to by the council between 65% and 98%. In this regard, it is considered that the Inspector was provided with information referring either to peak months, or perhaps to another holiday let company close by (see below) which was, and is, thriving and indeed looking to expand its business. In any respect, the viability of such a business should only be considered once all active efforts have been made to market the property through all appropriate channels.

Notwithstanding the above, the Council is aware that there are a number of other successful holiday cottages within the local area and throughout the County Borough which, either individually or as part of a complex, are very similar in scale and rural location.

One such nearby holiday let business is at Plas Farm in Pontardawe – known as Swansea Valley Holiday Cottages, which is located approximately 2 miles from the application site. They have recently submitted a planning application (P2015/0355) to convert one of their barns into holiday accommodation to extend their current business. They state within this application that addition of the new cottage is necessary for the ongoing success and growth of the business, and will enable them to invest further in local employment and other businesses.

The owner of this business also sent in a statement (Appendix B) during the Mynydd March Hywel Wind Farm appeal, expressing concern that the turbines would have an unacceptable impact upon the tranquillity of the rural area and have a negative impact upon their business. Within the statement they advise that since 1st January 2013 (up to the appeal submission in November 2014) they have welcomed 1,395 guests from 22 countries worldwide. They advise that a total of 6,039 bed nights were booked in this period. Assuming an average daily spend per tourist of £45 per day, Swansea Valley Holiday Cottages adds approximately £0.25 million to the local economy per year.

The statement also illustrates that they have been used by the Welsh Government and Visit Wales as an industry Case Study of Best Practice within the green tourism sector. In 2012 Swansea Valley Holiday Cottages were named the NPTCBC Green Business of the Year across all sectors. The company enjoys an excellent working relationship with NPTCBC Partnerships and Community Development Department

The business is also involved with other parties to develop tourism in the Swansea Valley as it is a targeted area for development within the rural communities of NPT.

This demonstrates not only that a holiday let business within this area is viable and has thrived and outperformed other parts of the UK despite the global recession, but also that this part of the County (and country) remains an important one for tourism in general, with a continual need for good quality tourist accommodation to target and benefit the rural economy. In this context, it remains the firm view that either individually, or as part of the ‘complex’ at Hendre las Farm including three holiday cottages which are owned by the applicant’s father directly opposite the application site, there is no reason to suggest this holiday let business could not become a viable commercial operation.

#### **4. Comparisons / Competitors**

##### Marketing report and supporting information Part 4 – Comparisons, alternative users and conclusions

The above document includes: -

- Competition: The applicant has submitted details of Occupancy rates for several Holiday Let Businesses
  - Depot Road, Cwmavon
  - Tan Yr Eglwys Cottage, Cilybebyll, Pontardawe,
  - Swansea Valley Holiday Cottages, Cilybebyll, Pontardawe
- Business plan for Hendre las cottages (this appears to pre date the last appeal)
- Assessment of alternative uses i.e. retail, office industrial.

##### *Comparables*

- LPA planning officer compared the subject property to Plas Cilybebyll during previous discussions; the said property has been closed for business and has been on the market for some 22 months at a significantly reduced price.
- Holiday cottages in established tourism locations i.e. Gower command a premium asking price

- The subject's asking price has been supported by 2no chartered surveyors and continues to attract no interest.

Although the applicant refers to Plas Cilybebyll, it is considered that the previous discussion relates to Plas Farm Cillybebyll, not Plas Cilybebyll. Details of this business have been addressed elsewhere in this report, and suggest the business is doing well, including a recent planning application submitted to expand the business. Their statement also suggests that whilst the seaside location and the Gower command premium asking prices, that there are lots of people worldwide wanting a rural holiday as suggested within Swansea Valley Holiday Cottages statement in relation to the recent windfarm appeal at Mynydd March Hywel

- **Competitors**

The applicant's submissions refer to competitors including Depot Road, Cwmavon and Tan Yr Eglwys Cottage, Cilybebyll.

#### **Depot Road Cwmavon**

In reviewing this, it is of note that *Depot Road, Cwmavon* (<http://www.holidaylettings.co.uk/rentals/cwmafan/300699>) has a Certificate of Excellence 2014 from TripAdvisor, a high quality website and link to 'holiday lettings' to allow online booking. It also includes midweek special offers, and focuses on mountain bikers / outdoor enthusiasts – a key target in this area – plus business users, and is considered to be a good example of how to market your business.

#### **Tan Yr Eglwys Cottage, Cilybebyll**

This holiday let in Pontardawe is also a reasonable example, having links to a third party site which is with "Wales Tourist Online". This site boasts to have hundreds of great places to stay for memorable holidays in Wales. They have accommodation listed in all areas. They also detail **last minute bargain breaks** and cheap discount deals. There are links on this site to contact the owner to make bookings. This establishment also has a 5 star rating from trip advisor, with some very good reviews from its occupants.

The applicants state that the properties above have an average of 41.8% and 36% occupancy respectively (between the months of June 2013 and March 2014), and that these letting rates are below the average occupancy rates compiled by Visit Wales. However despite this both holiday business appear to thriving and achieving excellent standards and reviews.



The applicant also states that “*The occupancy rates calculated would be unsustainable for the subject property to deliver its business plan and provide the objectives required by the applicant*”. With respect, however, it is considered that this is not about “providing the objectives required by the applicant”, but instead should be about making every reasonable effort to use a property for the approved purposes as tourist accommodation with the sole aim of making a viable business. Until such time as the owner’s attention is solely directed towards that aim, this business will not become a success.

### **Plas farm, Cilybebyll**

The applicants also refer to Plas farm Cilybebyll , and claim that they ‘*have a monopoly within the marketplace*’. Plas Farm is a good example of a holiday let business that is doing well. Their website linked to several some of which are listed below:

- [www.Booking.com](http://www.Booking.com)
- [www.Welsh Holiday Cottages.com](http://www.Welsh Holiday Cottages.com)
- [www.visitswanseabay.com](http://www.visitswanseabay.com)
- [www.farmstay.co.uk](http://www.farmstay.co.uk)

They also have an excellent rating on trip advisor with some excellent reviews on their accommodation. They have 4 no. holiday cottages at present (all sleeping 4 persons) however they have recently applied for an additional barn to be converted to meet current demand.

This site is considered to be an excellent example on how to attract business. They have a professional web site that is linked to numerous other holiday related sites, and it is considered that their success would be partly down to this and the quality of the accommodation and the tourism value of the area.

Hendre Las as a whole, however, also has 4 holiday lets, which are considered to be finished to a very high standard, and with the application property sleeping more than 4 persons, also has the benefit of a larger property to meet need. The site is also located within 2 miles of Plas Farm, which would suggest that they have the potential to attract the same type of visitors (or any ‘overspill’ from them if they are booked). Therefore the only difference between the two businesses would be the marketing that has been carried out. This would further suggest the applicant has just carried out the minimum with the simple goal of providing evidence for a planning submission.

The applicant seems to suggest that if a low occupancy rate wouldn't be viable for them and yet a high rate would mean the business has a monopoly and they are unable to compete. All the information above suggest that the holidays lets mentioned and others within the area are doing well suggesting that tourism is doing well within the Borough despite going through a tough few years in the economy. There is nothing to suggest that if the applicant marketed the property accordingly like their competitors that they could not also achieve success. In this regard, the applicant's comments unfortunately appear unacceptably negative.

In addition to the above, basic Officer's research on cottages in the area show, for example, both cottages at Cwmshon Cottages (<http://www.cwmshoncottageswales.co.uk>) to be fully booked during school holidays and largely booked for the summer months.

## **5. Potential Conversion into 2 Holiday Lets**

The applicant has referred to discussions with the Planning department which suggested that the larger unit is sub-divided into two smaller units which may provider greater interest

In considering the viability of such works, the applicant has submitted a single hand written quote (unsupported by plans or any comparisons) from Simon Knight Builders to convert the building "into two separate dwellings" the total cost for which would be £75000, a cost which the applicants has advised is unfeasible dues to financial constraints.

While the financial issues associated with this are not considered to be relevant to such matters, nevertheless it is considered that the cost of the subdivision appears to be high, noting also that the quote relates to "two separate dwellings".

In addition, there is no breakdown of each cost, and no justification as why each point is required such as:

- Take down all ground floor and first floor ceilings
- A new oil tanks base and feed to new dwelling,
- New electrical feed in second dwelling and complete rewire
- New external staircase and patio.

It is unclear why the above is needed and how much each of the elements cost. The price quoted therefore may be considerably more than the minimum actually necessary to operate the building as two units. Nevertheless, while this work is something that may generate more interest, the prohibitive costs for the applicant are not considered to be sufficient to justify this development.

The submissions state that “in the opinion of the local planning authority, the design and layout of the property was sufficient to serve as holiday accommodation and result in a sustainable business”. While they state “this has clearly not been the case”, with respect it is not the LPAs role in determining such an application to decide if a business would be viable, only to consider whether it would be acceptable in planning terms. It is maintained, however, that there is every realistic likelihood of the business being successful if the property is vacated and appropriate and detailed efforts are made, and at a realistic price point, to ‘make a go’ of a tourist let, especially when such a business now has the added benefit of forming part of a group of such tourist accommodation (with this property allowing for a mix of sizes to suit different clients). It is also pertinent that the retention of the building as a holiday let was an alternative put forward by the applicant, also noting that the other alternative to such re-use a number of years ago (through enforcement) would have been demolition of the property.

## **6. Alternative Commercial Uses**

The applicant’s submissions state that: -

- Property not suitable for alternative commercial uses – retail, office and industrial
- Economic growth within the county is centralised within established commercial hubs
- No commercial support within a rural location
- Building design and size offers little support to commercial uses i.e. IT, disabled access, car parking

In addition a letter from HRT advises that “there is currently a distinct lack of demand for barns for commercial use in rural locations”

While it is acknowledged that the demand for such uses *may* not be great, nevertheless this is not considered to demonstrate active marketing for alternative uses. For example, it could quite possibly be an attractive location for a small business to purchase a property at a proportionately reasonable price to run a business from in an attractive area. There has been no evidence

provided to show what attempts have been made to secure an alternative use such as offices or industrial, and the property has not been marketed for such an alternative use.

## **7. Planning Statement (December 2014) / Other Issues**

In addition to the above, the application has been accompanied by a Planning Statement produced by Reading Agricultural Consultants (December 2014).

A large part of the statement concentrates on the history of the site. In addition to personal circumstances, the main conclusions are that:

- Three years of marketing the property has demonstrated that there is no demand for it as a holiday let, either on the sales or let markets
- This new application provides a significant amount of new detail indicating that there is no viable market for this type of dwelling in this particular location
- Proof from Visit Wales statistics demonstrates that self-catering accommodation is not as well-developed as implied in the 2012 Appeal decision; and local market conditions are even less well-developed than the Welsh national average

While the additional submissions seek to place doubt on the “65% to 98%” figure referenced by the previous Inspector (and which it is understood relates largely to the Plas Farm site referred to elsewhere in this report), nevertheless the submissions clearly indicate that self-catering establishments across Wales continue to perform well, with unit occupancy rates in the South west as a whole increasing from 62% in 2013 to 68% in 2014, with the summer months of July and August in particular above an average of 70%.

Accordingly, while any business needs to actively market itself in a number of alternative ways to boost its profile and attractiveness to visitors, it is considered that Neath Port Talbot, and the Swansea valleys in particular, are areas which have an active tourist industry which the Council is committed to protecting and developing, and that there is a demand for holiday lets within the area which can be met in part by the retention of the application property as holiday accommodation. To argue otherwise on a site which itself has three recently converted holiday properties is considered to be without merit.

## **Conclusion on Principle of Residential Development**

The application site is located in an unsustainable location within the open countryside where there remains a presumption against unjustified forms of isolated development. The applicant proposes to remove the holiday let conditions to use the building as a dwelling house for his family, with no case put forward that seeks to justify the use of the building as a dwelling as part of an established agricultural or rural enterprise. The removal of conditions would therefore result in an unsustainable residential dwelling in the countryside, contrary to Planning Policy Wales and Unitary Development Plan Policies ENV1 and T1 .

Notwithstanding the above, in assessing the proposals against Policy ENV8B of the UDP it has been concluded that the applicant has failed to make every reasonable attempt to secure (or retain) a suitable business use.

In this regard, while it is accepted that there has been some activity over a period of time by the applicant to let and/or sell the property since the last appeal decision, the supporting information appears to primarily be an attempt to provide evidence purely for the purposes of this planning application and suggests that active and sustained efforts have not been made to let out the property. The continued occupation of the property, and the clear inference that the applicant has no intention or desire of renting out the property – not least because it would undermine their intention of gaining an unrestricted residential use of the property – is a clear indication of this, as is the applicant's failure to undertake basic efforts to market the site to the widest possible audience, and to seek to gain any occupation of the property (even if it were primarily in the summer months when rates would be at the highest).

For the reasons detailed above, therefore, it is concluded that the applicant has failed to demonstrate that all reasonable attempts have been made to secure (or indeed retain given the authorised holiday let) a business use at the property. Accordingly, there is no justification for the removal of the conditions, which would result in an unjustified and unsustainable form of residential development in the countryside, which would be contrary to Countryside protection policies contained within Planning Policy Wales and Policies ENV1, ENV8b and T1 of the Neath Port Talbot Adopted Unitary Development Plan.

### **Highway Safety (e.g. Parking and Access):**

The Head of Engineering and Transport (Highways) has advised that the removal of conditions would result in a new residential dwelling in the countryside. The site is accessed off the A474 and the use of the property as a residential property results in increased vehicle movements over and above that which would reasonably occur should it be used for its authorised use as a holiday let. This in turn increases the use of the junction in terms of constant use for the residents of the new home and visitors, other than a holiday home which would be occupied intermittently.

They advise that the use of the building as a dwellinghouse is not sustainable because the location is such that there is dependency on the private motor car as a primary means of travel which is contrary to the Planning Policy Wales and to Policy T1 of the Unitary Development Plan, noting that Technical Advice Note 18 looks to promote sustainable access for modes of transportation that support social inclusion and reduces rural isolation; however this location is not socially inclusive because of its isolation.

The highways section has therefore recommended the application be refused on the grounds of the unsustainable location of dwelling which is a considerable distance beyond the public highway.

### **Visual Amenity:**

The overall scale, design and finish of the building have not changed since the previous application, and in determining a previous appeal the Inspector concluded that the proposal would not adversely affect the character and appearance of the countryside. No objections are therefore raised on such grounds.

### **Residential Amenity:**

The Local Authority has previously advised that the separation distances between the properties and the size and orientation of windows will not create additional unacceptable overlooking, overshadowing or overbearing impact. There have been no physical changes to the building therefore the proposal would be considered acceptable in terms of residential amenity.

## **Other Material Considerations**

Having regard to the above conclusions on the principle of development, it is also necessary to consider whether there are any other material considerations which might outweigh the harm identified above. These are considered below.

### **Personal Circumstances**

The 2013 Inspector noted (para 36) that “he was well aware of the appellants’ personal circumstances”. He concluded, however, that these points, even when added to the ‘special circumstances’ argument (which related to the protracted history at the site) were not such as to tip the balance in the appellants favour, and found that the matters in support of the proposal are heavily outweighed by the harm that has been identified.

In this respect while the matter has continued to cause hardship and concern on the appellants behalf, it is emphasised that the Enforcement Notice should have been complied with by April 2014, but the applicants have chosen to continue to fight the case rather than comply with the Notice upheld by the 2013 Inspector. The ongoing personal circumstances, therefore, cannot be considered to have materially changed such that there would be any justification in these outweighing the harm identified above and by the previous appeal Inspector.

### **Proposed Section 106**

As part of their submissions, the applicants have also submitted a draft Unilateral Planning Obligation pursuant to section 106 of the Town and Country Planning Act 1990. This Undertaking (according to the agents letter of 27 February 2015) “contain various contributions as provided for in the Council's "Supplementary Planning Guidance - Developer Contributions" and the Council's "Rights of Way Improvement Plan that will, it is submitted, make the development acceptable in planning terms”

The agreement itself is incomplete (lacking details in schedules 1 and 2) and provides little detail of precisely what is proposed, although it suggests that it would update the footpaths in accordance with plans to be submitted to and approved in writing by the Local Planning Authority, and include (unspecified) owner contributions to the council in accordance with schedule 2. The submissions are accompanied by 20 photographs and a plan showing the extent of public footpath network within the control of the applicant, and a copy of the Local Authority’s rights of way improvement plan.

Section 122 of The Community Infrastructure Levy Regulations 2010 (relating to limitation on use of planning obligations) makes it clear that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

While the details within the agreement are quite basic, it is nevertheless clear that even if it were prepared in full and with appropriate level of detail, that a proposal to upgrade footpath(s) in the local area would not meet any of the above tests. It cannot, therefore, amount to a material consideration of any weight, and would not “make the development acceptable in planning terms” as suggested by the applicant’s agent.

#### Other Appeal decisions

As part of the application, the applicant has submitted details relating to past appeal decisions that he would like the Local Planning Authority to consider as part of this application. While it is clear that every case should be assessed on its own individual merits, it is notable in this case that there has been a complex planning history including numerous appeals, all of which have been dismissed. Accordingly, in the specific and detailed context of this property, a comparison with other appeal decisions, only one of which is in Wales, is not considered appropriate.

In this regard, while it is acknowledged that there are examples of similar applications to remove holiday occupancy conditions being successful, none of those quoted relate to a property which is the subject of an extant enforcement notice, and which has never been used for its approved purpose. It is therefore considered that they do not raise any issues which would provide justification for outweighing the harm identified within this report. Finally, there would no doubt be many more examples of proposals seeking to remove such conditions being dismissed at appeal. Accordingly, the applicant’s submissions are not considered to have any material weight sufficient to outweigh the impacts described earlier in this report.



## **Conclusion:**

The application seeks to remove holiday let occupancy conditions (Conditions 1 & 2 of planning permission P2009/0406) so that the building can be used as a residential dwelling in the open countryside on a site designated outside the settlement limits as defined by the Neath Port Talbot Unitary Development Plan. As explained in the detailed site history section, residential use of this property has been considered and dismissed by independent Planning Inspectors a number of times, and as recently as April 2013.

The applicant, despite the extant Enforcement Notice which requires the cessation of the residential use, has continued to live in the property, which is both an offence and a situation which supports the Council's conclusions that the applicant has failed to demonstrate that all reasonable attempts have been made to secure (retain) a business use at the property.

Accordingly, whilst the submissions indicate that there has been some activity over a period of time by the applicant to let and sell the property since the last appeal decision, for the detailed reasons given in the report, this is not considered to demonstrate any active or coordinated effort, nor to provide the justification necessary to outweigh the harm caused by the continuing residential occupation of the property. Moreover, the nature of submissions, coupled with the continued occupation in breach of the Notice, suggest that the information has been gathered for the sole purpose of getting the condition lifted rather than as a genuine attempt to market the property for its intended purpose, within a submission aimed at placing undue pressure on the Local Authority.

In addition, there are considered to be no other material considerations, including personal circumstances, appeal decisions or suggested planning obligations, which would outweigh the harm caused by the development.

For the reasons detailed above, therefore, it is concluded that the applicant has failed to demonstrate that all reasonable attempts have been made to secure (retain) a business use at the property. Accordingly, there is no justification for the removal of the conditions, which would result in an unjustified and unsustainable form of residential development in the countryside, which would be contrary to Countryside protection policies contained within Planning Policy Wales and Policies ENV1, ENV8b and T1 of the Neath Port Talbot Adopted Unitary Development Plan.

## Associated Enforcement Issues

Members will note from the detailed planning history section above that this has been a long drawn out case, and that this application (and likely appeal should it be refused) will further delay the resolution of the breach through the requirement that the residential use cease and the property revert to its authorised holiday accommodation use.

The Enforcement Notice on the property remains in force, and is being breached through continued residential occupation, some 13 months after such use should have ceased, and over two years since the independent Inspector allowed an extended 12 month period for such use to cease. This extended period would, the Inspector stated at that time, *“be proportionate as this should enable Mr Jones and his family to obtain alternative accommodation, whilst the harm that has been identified would continue for a limited period of time only”*.

In light of the above, and the need to limit the time the breach will continue, it is considered necessary to make a second recommendation to Members in respect of future enforcement action.

Should Members be minded to refuse planning permission, then it is recommended that Members resolve to take prosecution action against the continued breach. Such action, however, would be delayed provided the applicant appeal against the refusal within one month of the refusal (such date given to ensure that the applicant does not wait the allowable 6 months before submission, thus further prolonging resolution of the breach). Should a swift appeal not be forthcoming, then prosecution action would be instigated.

In addition, in the event that an appeal is submitted and successfully defended, it is recommended that Members agree to an additional period for compliance with the Notice. In this circumstance, it is open to the Authority to allow a reasonable time for compliance with the Notice before prosecution action is taken. In this regard, while the Inspector allowed 12 months, it is considered that the delays to date in complying with such extended period are such that a period of no greater than 6 months should be given. This will also ensure that there is ‘closure’ and prevent further planning submissions which seek merely to delay the enforcement process, as has been the case with this application. Again, should the owner fail to comply with such an agreed ‘extension of time’, prosecution action would be instigated.

Having regard to the above the following dual recommendation is made

## RECOMMENDATION

A. That planning permission is REFUSED on the following grounds:

The removal of conditions 1 and 2 of Planning Permission P2009/0406 would allow for the unrestricted use of this building as a residential dwelling, which is considered to amount to an unjustified form of residential development within the countryside which, by virtue of its remote location, also results in it being heavily dependent on motor cars and therefore unsustainable. Furthermore the applicant has failed to demonstrate that he has made every reasonable attempt to secure (or retain) a suitable business re-use for the building. The continued residential occupation of the property is therefore contrary to Planning Policy Wales and Policies ENV1, ENV8b and T1 of the Neath Port Talbot Unitary Development Plan.

B. That Members authorise prosecution action against the failure to comply with the terms of the extant Enforcement Notice

- a) in the event that an appeal against this decision is not validated by the Planning Inspectorate within one month of the date of this decision; or
- b) in the event that an appeal is dismissed by the Planning Inspectorate that the Notice is not complied with within a further agreed compliance period of six months



## Penderfyniad ar yr Apêl

## Appeal Decisions

Gwrandawriad a gynhaliwyd ar 04/12/12  
Ymweliad â safle a wnaed ar 04/12/12

Hearing held on 04/12/12  
Site visit made on 04/12/12

gan James Ellis LLB (Hons) Cyfrethiwr  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 15/04/13

by James Ellis LLB (Hons) Solicitor  
an Inspector appointed by the Welsh Ministers  
Date: 15/04/13

**Appeal A Ref: APP/Y6930/C/12/2179809**

**Site address: Coed Y Nant Barn, Hendrelas Farm, Rhos, Pontardawe SA8 3JT**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act").
- The appeal is made by Mr Jonathan Jones against an enforcement notice issued by Neath Port Talbot County Borough Council.
- The Council's reference is A2012/0011.
- The notice was issued on 28 June 2012.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the Building at Hendre Las Farm, Pentwyn Access Road, Rhos, Pontardawe, Swansea SA8 3JT to residential use.
- The requirements of the notice are to cease the use of the Building as a residential dwelling within the time for compliance set out below and thereafter use as holiday accommodation in accordance with Condition 1 of Planning application P2009/0406.
- The period for compliance with the requirements is three calendar months.
- The appeal is proceeding on the ground set out in section 174(2) (g) of the Act. No fee was paid but the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered because the appeal is fee exempt.

**Summary of decision: The appeal is dismissed in respect of the deemed application but allowed in respect of ground (g), and the enforcement notice is upheld with correction and variation.**

**Appeal B Ref: APP/Y6930/A/12/2177302**

**Site address: Coed Y Nant Barn, Hendrelas Farm, Rhos, Pontardawe SA8 3JT**

**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 and Mrs J O Jones against the decision of Neath Port Talbot County Borough Council.
- The application Ref P2011/0553, dated 30 June 2011, was refused by notice dated 5 December 2011.
- The development proposed is retention of building and use as a dwelling house (Class C3) and completion of associated works.

**Summary of decision: The appeal is dismissed.**

## Application for costs

1. At the Hearing an application for costs was made by the Council against the appellants. This application is the subject of a separate Decision.

## Planning history

2. On 15 September 2008, the Council granted planning permission under Ref: P2008/0585 for conversion of a barn (which formerly stood on the appeal site) to a dwelling. Works to implement the permission were subsequently undertaken. However, this resulted in a partial collapse of the walls of the barn, following which the remainder of the barn was demolished prior to the erection of the building which is now on the appeal site ("the Building"). I am told that the Building is somewhat larger than the barn the subject of permission Ref: P2008/0585 and that it is in a slightly different location. During the course of the construction of the Building, Mr Jones contacted the Council about an element of design and it was then ascertained that the Building did not have the benefit of planning permission.
3. In order to regularise the situation, two planning applications were submitted in 2009. The first application (Ref: P2009/0406) was for the retention and completion of a detached two storey property for use as holiday accommodation. It received planning permission on 21 July 2009. Condition (1) attached to this permission states that: 'Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or re-enacting that Order), the development hereby permitted shall be used for tourist holiday accommodation only. Occupation of the holiday accommodation hereby approved shall be restricted to a maximum of twelve weeks within a twelve month period for any individual'.
4. The second application (Ref: P2009/0405) was for the retention and completion of a detached two storey property for use as dwelling house. This was refused by the Council on 2 September 2009. An appeal was lodged against the refusal of application P2009/0405 and in Appeal Decision Ref: APP/Y6930/A/09/2112770 dated 26 March 2010, the appeal was dismissed. However, the appeal decision was overturned by the High Court and a redetermination of the appeal took place with it being dismissed in a further appeal decision under Ref: APP/Y6930/A/09/2112770 dated 22 March 2011. I give considerable weight to the decision dated 22 March 2011 as it is recent and refers to some of the issues before me.

## Procedural matters

5. Following the Hearing, I sought the views of the parties on the deemed application included in Appeal A as this had not been specifically debated at the Hearing. Written representations made by the parties in response to my request have been taken into account by me in my determination.
6. After considering the planning history of the site, it is clear that, following planning permission Ref: P2009/0406, the Building can be retained and this was acknowledged by the Council at the Hearing. The permission refers to use of the Building as holiday accommodation. In my view, such use is a residential use in the context of the Building. I am mindful here of the nature of the accommodation that has been provided within the Building. However, Condition (1) attached to the permission seeks to restrict occupation of the Building to holiday makers. This would exclude Mr and Mrs Jones and their family who currently occupy the Building. Other conditions attached to permission Ref: P2009/0406 require certain works to be carried out before occupation of the Building but these conditions do not, in my view, go to the heart of

the permission and cannot therefore be construed as conditions precedent. Given Mr and Mrs Jones' occupation of the Building, I consider that the permission has been implemented, albeit that such occupation has been in breach of Condition (1).

7. The alleged breach of planning control set out in the enforcement notice the subject of Appeal A ("the EN") is change of use of the Building to residential use. However, as I have indicated in paragraph 6, it seems to me that residential use of the Building has commenced in accordance with planning permission Ref: P2009/0406 and that occupation of it by Mr Jones and his family is in breach of Condition (1) attached to that permission. I therefore consider that it would be appropriate for the breach of control identified in the EN to reflect this and for the requirements of the EN to be altered accordingly. Consequential amendments would also need to be made to the heading of the EN so as to refer to a breach of condition, rather than a material change of use, and to the reasons for issuing the notice so as to refer to the breach occurring within the last ten years, rather than four. After consultation with the parties, I am satisfied that I can make the required corrections to the EN without causing injustice to the parties. I shall therefore exercise the powers given to me under section 176(1) of the Act accordingly.
8. Given the corrections that are to be made to the EN, the deemed planning application made under Appeal A is, therefore, to carry out the development permitted by planning permission Ref: P2009/0406 without compliance with condition (1).
9. Mr Jones originally appealed against the EN under ground (c) of section 174 (2) of the Act, as well as under ground (g). However, the ground (c) appeal was withdrawn before the hearing.
10. Mr Jones also originally appealed against another enforcement notice issued by the Council on 28 June 2012. The breach of control of planning control identified in that notice was failure to complete the building at Hendre Las Farm, Pentwyn Access Road, Rhos, Pontardawe, Swansea SA8 3JT in accordance with the plans approved by Planning Application P2009/0406. However, the appeal was withdrawn in advance of the hearing.
11. The description of development in the application the subject of Appeal B was originally 'change of use of existing building from holiday accommodation to residential use', although this was subsequently changed with the agreement of the appellants to 'retention of building and use as a dwelling house (Class C3) and completion of associated works'.

## **Appeal A – deemed application, and Appeal B**

### **Background**

12. The appeal site is located in open countryside to the east of Rhos, adjacent to a farmyard associated with Hendrelas Farmhouse which is occupied by Mr Jones' parents. Also adjacent to the farmyard is a dwelling occupied by Mr Jones' sister and her family. At the time of my site visit, a redundant agricultural building at the farm was being converted into three units of holiday accommodation with the benefit of planning permission. A detached building (the Building) has been erected on the appeal site and is currently occupied for residential purposes by Mr and Mrs Jones and their children. The appeal site is accessed by a private track which serves Hendrelas Farm.

## Main issues

13. The main issues are: whether or not the use of the Building as an unrestricted unit of residential accommodation/dwelling house would be a justifiable forms of development in the open countryside having regard to planning policies which are designed to protect the countryside; whether or not such use would be sustainable in terms of modes of transport; and whether any harm arising from the previous main issues (if found) would be outweighed by other material planning considerations.

## Reasoning

### *Whether or not the proposals would be justifiable forms of development*

14. National planning policy in Planning Policy Wales: Fifth Edition ("PPW") states that new development in the open countryside will be strictly controlled and that isolated new houses in open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation. Policy ENV1 of the Neath Port Talbot Unitary Development Plan ("the UDP"), adopted in 2008, goes on to say that new development in the countryside will not be permitted except in certain circumstances. Those which could be considered to be relevant to my determination are ENV1 a – development for agricultural or forestry purposes; ENV1 b – development associated with farm diversification; and ENV1 e – the conversion, re-use, adaption or replacement of an existing building.
15. Mr Jones does assist his father with work on the farm and also helps out with a rural enterprise carried on there, albeit that he works full time for Dwr Cymru. I shall bear this in mind when I consider other material considerations. However, no case has been advanced on the basis that there is a functional need for the Building to be occupied by an agricultural worker or a person engaged in a rural enterprise associated with farm diversification.
16. The Building is not a replacement dwelling, and nor is it the conversion of a building. However, in my opinion, it could reasonably be argued that the appellants are seeking 're-use' of the Building in the sense that the permitted residential use of the Building is restricted to holiday accommodation which could be said to be for 'business purposes'.
17. Policy ENV8B of the UDP is relevant here and states that the conversion, rehabilitation and/or re-use of an existing building will be permitted only where the proposal satisfies a number of criteria. Criterion f states that where a conversion to residential use is proposed, the applicant has made every reasonable attempt to secure suitable business re-use; or the residential conversion is a subordinate part of a scheme for business re-use; or the resulting housing will provide affordable housing to meet an identified local need. The proposal would not be a subordinate part of a scheme for business re-use and nor is it affordable housing. However, given the background in this case, I consider it appropriate to examine whether or not the appellants have made every reasonable attempt to retain a business use for the Building.
18. The appellants have claimed that there is no demand for 'an isolated, four bedroom dwelling in the countryside that is restricted to holiday-let use only'. Here, the appellants drew my attention to appeal decision Ref: APP/Y6930/A/12/2181472, dated 15 January 2013, which relates to Gelly Fowy Fawr Farm, Ynysmeudwy, Pontardawe. That case involved the proposed conversion of redundant agricultural barns into two units of residential accommodation. The previous Inspector does mention that

tourism is not strongly established in the area. I do not know what evidence was before the previous Inspector. However, the Council has produced evidence to me which indicates that there are 16 establishments in the Swansea Valley representing 30% in the County. I consider this to be a significant proportion. I am told that occupancy rates are between 65% and 98% which suggests to me that there is a demand for tourist accommodation. The conversion of agricultural buildings to holiday accommodation that is currently being undertaken by Mr Jones' father at Hendrelas also suggests to me that there is a demand for accommodation. This is notwithstanding that the units which are being constructed will be of different sizes to the Building and are the subject of a scheme backed by the Welsh Assembly Government. I therefore give little weight to the comment of the previous Inspector.

19. There is some evidence before me that the Building has been marketed for sale as holiday accommodation by Herbert R Thomas since February 2012, and that little interest has been shown in it. However, notwithstanding that the sales particulars refer to the Building as having the benefit of planning permission for use as holiday accommodation, a degree of uncertainty over the future use of the Building has been introduced. For example, it is stated that: 'The permission has yet to be formally validated and a further planning application is to be submitted to regularise'. There is also reference to the Building being a short travelling distance from 'all local centres of employment and recreation'. To my mind, the mention of 'centres of employment' has little to do with holiday accommodation. Also, there is no detailed evidence before me to demonstrate that the asking price for the Building is commensurate with its planning permission that has the condition restricting occupancy to holiday accommodation. In addition, I note that there has been no attempt to let the Building as holiday accommodation.
20. Overall, in this particular case, I am not therefore satisfied that the appellants could be said to have made every reasonable attempt to retain a suitable business use of the Building.
21. I therefore conclude that the development would not be a justifiable form of development in the open countryside. In this respect, it would be contrary to PPW and Policy ENV8B of the UDP.

*Sustainability with regard to modes of transport*

22. Turning now to sustainability, PPW states that proposals should locate developments so as to minimise the demand for travel especially by private car. PPW also seeks to promote sustainable patterns of development. Policy T1 of the UDP states that a proposal will only be permitted if wherever appropriate it would be well located in terms of reducing the need to travel especially by private car, and have good and easy access by public transport, cycling and walking.
23. I am told that, along the highway, the appeal site is about 1.6 km from the A474 and 2.4 km from local services. Distances via the public footpath network are about 1.1 km and 1.6 km respectively. However, from what I saw on my site visit the footpaths cross open fields, were not surfaced, and were unlit – typical of those in a countryside area. I think it unlikely that the paths would be used on a frequent basis.
24. In support of their appeals, the appellants produced a traffic plan/summary of movement from the appeal site from 12 to 26 June 2011. This showed Mr Jones travelling to and from work sharing a car with his sister and Mrs Jones taking children to school by car. No reference was made to walking or journeys by public transport.



To my mind, the information only confirms that travel to and from the appeal site is dependant on the private car. Car sharing is to be commended, but there is no guarantee that this situation would not change in the future, say if family members were to move away from Hendrelas.

25. The Inspector who determined the last appeal relating to the site found that the appeal property was dependant on car use and as such cannot be considered to be in a sustainable location. He referred to car trips generated by holiday use but noted that the trips that would be generated by such use would have to be balanced against the benefits associated with farm diversification and that such arguments cannot be applied to trips that would be associated with unrestricted residential use of the building. I can only concur with him.
26. My attention was again drawn by the appellants to appeal decision Ref: APP/Y6930/A/12/2181472 in the context of sustainability. The previous Inspector stated that although the proposed dwellings (the subject of the appeal before him) would be somewhat remote from centres and would be largely dependant on the private car as a means of transport, residential use would ensure the preservation and effective re-use of sound buildings which make a positive contribution to the rural landscape. He found that, on balance, the proposed development would be sustainable. However, the proposals before me are not concerned with the conversion (including preservation and re-use) of a redundant agricultural building and can, therefore, be distinguished from the scheme before the previous Inspector. In any event, each proposal has to be dealt with on its own individual merits. I therefore give little weight to the previous appeal decision.
27. Overall, I therefore conclude that the proposals would not be sustainable because the appeal site's location is such that there would be dependency on the private motor car as a primary means of travel, contrary to PPW and to Policy T1 of the UDP.

*Other considerations*

28. The appellants have sought to rely on 'special circumstances' in order to justify the proposals. In essence, these relate to the partial collapse of the walls of the barn which used to stand on the appeal site and its subsequent demolition. There is no policy basis for this 'special circumstances' argument either in PPW or in the UDP, although I accept that it is a planning consideration which can be weighed against the harm that I have previously found.
29. It is clear from the evidence that a structural engineer's report revealed that walls of the barn were bowing as a result of lack of lateral restraint. The report went on to indicate that the addition of internal walls would remedy this situation. It also appears evident that the removal of existing lateral restraints, such as roof timbers, would make the situation worse. However, I am told the appellants' builder removed roof timbers without the walls having been adequately supported. As a consequence of this, about 60% of the walling in the front elevation and 40% of the walling in the rear elevation collapsed.
30. After this, and following a discussion held between Mr Jones and his builder, it was decided to demolish the remainder of the barn and reconstruct a somewhat larger building on a marginally different site. Mr Jones stated that he was mindful of a similar situation which had occurred with his sister's dwelling at Hendrelas where she had been told by a building control officer from the Council to go ahead and demolish her building. Mr Jones also explained that he had appointed his builder in good faith

and that he had let the builder get on with the works whilst he, Mr Jones, was out at work. It is considered by the appellants that the collapse was therefore outside their control.

31. In support of their case, the appellants relied on two previous appeal decisions, Ref: T/APP/P2365/A/98/0563 dated 11 December 1998 (relating to Wyke Thorn Farm, Scarisbrick Moss, West Lancashire), and Ref: APP/V4250/A/05/1187197 dated 31 July 2006 (relating to Landside Farm, Pennington, Leigh, Wigan). Reference was also made to three officer reports relating to sites in West Lancashire, Cheshire and Wrexham, where permissions had been granted by the relevant Councils, and also to other barn conversions within the Council's area.
32. I give little weight to the officer reports as they merely set out the views of officers at other planning authorities which lead to planning permissions being granted. These views have not been tested at appeal. Moreover, in each case, unforeseen climatic factors (high winds in West Lancashire and Wrexham, and an earthquake in Cheshire) were taken into account when assessing material considerations in favour of the proposals. Climatic factors played no part in the collapse of the barn leading to the appeals before me. I also give little weight to the other barn conversions in the Council's area as I have not been provided with the planning histories of the sites in question or with full details of how they compare with the appeal proposal.
33. In appeal decision Ref: T/APP/P2365/A/98/0563, the Inspector did grant planning permission for the substantial reconstruction of a barn within Green Belt on the basis of 'very special circumstances'. In that case, it appeared that a development plan policy allowed a 25% removal of a building, and also more substantial removal in 'very special circumstances'. In addition, some 15% of the building remained. This is not the situation in the appeals before me where the barn was demolished in its entirety. Given this, and the fact there is no development plan policy referring to 'special circumstances' in the appeals before me, I find that the situation can be distinguished from that in decision Ref: T/APP/P2365/A/98/0563. I therefore give little weight to the previous decision.
34. Turning now to appeal decision Ref: APP/V4250/A/05/1187197, the Inspector found that works of conversion pursuant to a previous planning permission granted by the relevant Council would have amounted to major reconstruction, far in excess of that Council's policy guideline and that it would have been inappropriate development in the Green Belt. He considered this to be a very important circumstance which outweighed harm to the Green Belt. In the appeals before me, there was no previous planning permission where works would have amounted to major reconstruction. As such, the situation pertaining to the case before the previous Inspector can again be distinguished from those in the appeals before me and I give little weight to it.
35. Overall, in the appeals before me (which have to be considered on their own individual merits), it seems to me that the appellants' 'special circumstances' amount to no more than a failure of their builder to use adequate construction methods, and their own lack of knowledge (concerning the planning process) which lead to the demolition of the entire barn after the partial collapse. I have also found little support for the 'special circumstances' argument in the various appeal decisions and officer reports relied on by the appellants. There is no evidence before me to suggest that the appellants have acted other than in good faith. I am aware that they have been faced with an unfortunate situation. Nevertheless, I do not find that the circumstances relied on by the appellants are such as to outweigh the cogent harm to planning objectives that I have found.

36. I am also well aware of the appellants' personal circumstances. Coed y Nant Barn is currently their family home, and one of their children attends a local school. In addition, Mr Jones provides valuable help to his father in connection with the agricultural enterprise carried on at Hendrelas Farm and also assists with a farm diversification business there. However, in my view, these points, even when added to the 'special circumstances' argument, are not such as to tip the balance in the appellants' favour. I find that the matters in support of the proposals are heavily outweighed by the harm that has been identified.

### **Conclusion**

37. For the reasons given above, I conclude that the deemed application in respect of Appeal A, and Appeal B must fail.

### **Appeal A - the ground (g) appeal**

38. This ground of appeal is that the time given to comply with the requirements of the EN is too short. The Council has given a period of three calendar months, but Mr Jones is seeking a period of twelve months. This is so that he can sell the property and acquire a new house in the locality close to where his child attends school. Reference was also made by Mr Jones to the difficulties of finding rented accommodation in the locality. After having regard to the submissions made by Mr Jones, it does seem to me that it would be reasonable to grant an extension of time. In my view, the suggested period of twelve months would be proportionate as this should enable Mr Jones and his family to obtain alternative accommodation, whilst the harm that has been identified would continue for a limited period of time only. I shall therefore vary the EN accordingly.

39. The appeal therefore succeeds in relation to the matters raised under ground (g).

### **Human rights**

40. I appreciate that my decisions result in an interference with the rights of Mr and Mrs Jones in respect of their private and family life and their home. Article 8 of the European Convention on Human Rights is therefore engaged. However, I consider that my response is proportionate after taking into account the conflicting matters of public and private interests so that there is no violation of those rights.

### **Formal Decision (Appeal A)**

41. Following on from paragraph 7 above, I direct that the EN be corrected by:
- (a) the deletion of the all the wording in the third paragraph of the EN which identifies the alleged breach of planning control and their substitution with the following: 'Planning permission was granted by the Council on 21 July 2009 under Ref: P2009/0406 for the retention and completion of a detached two storey property for use as holiday accommodation, subject to conditions. Condition (1) states that: 'Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or re-enacting that Order), the development hereby permitted shall be used for tourist holiday accommodation only. Occupation of the holiday accommodation hereby approved shall be restricted to a maximum of twelve weeks within a twelve month period for any individual'. It appears to the Council that the condition has not been complied with because the Building is occupied by persons using it as permanent residential accommodation rather than as tourist holiday accommodation';
  - (b) the deletion of all the wording in the fifth paragraph of the EN which sets out the

Council's requirements and its substitution with the following wording: 'Discontinue the residential use of the Building other than in accordance with Condition 1 attached to planning permission Ref: P2009/0406;

(c) the deletion of the words 'material change of use' in the heading of the EN and their replacement with the words 'breach of condition'; and

(d) the deletion of the word 'four' in the first sentence in the fourth paragraph of the EN which sets out the reasons for issuing the EN and its substitution with the word 'ten'.

42. Having regard to my findings in paragraphs 38 and 39, I also direct that the EN be varied by the deletion of the period of 'three (3) calendar months' and the substitution of the period of 'twelve months' as the period for compliance set out in the sixth paragraph of the EN.

43. Subject thereto, I dismiss the appeal and uphold the EN as corrected and varied.

**Formal decision (Appeal B)**

44. The appeal is dismissed.

*James Ellis*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Graham Carlisle	Director, CDN Planning
Jonathan Jones	Appellant
Gareth Jones	Appellant's father
Richard Phillips	Proprietor, RPD Building Consultants
David Harris BSc	Group Secretary, NFU

### FOR THE LOCAL PLANNING AUTHORITY:

Robert Bowen	Team Leader, North Development Control Area, Neath Port Talbot County Borough Council
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## **DOCUMENTS**

- 1 Council's letter dated 5 November 2012 giving notification of the hearing
- 2 Letter dated 6 November 2012 from CLA Wales to the Planning Inspectorate
- 3 Letter dated 14 November 2012 from NFU Cymru to the Planning Inspectorate
- 4 Letter dated 20 November 2012 from NFU Cymru to the Council
- 5 E-mail dated 30 November 2012 from Herbert R Thomas LLP to Mr J Jones
- 6 NFU Cymru booklet 'Why Farming Matters to the Welsh Economy'
- 7 Closing submissions on behalf of the appellants
- 8 Council's application for an award of costs

My name is Richard Bowen and I represent Swansea Valley Holiday Cottages Plas Farm, Cilybebyll, Pontardawe Swansea, SA8 3JQ, Wales.

1. **The Tourism Business** Plas Farm in Cilybebyll is the home of our family business Swansea Valley Holiday Cottages. We diversified into tourism from dairy farming in 1996 to become the largest, most successful self-catering farm holiday business in the Borough of Neath Port Talbot in terms of bed spaces and occupancy rates.
2. We welcome over 500 guests per year to Plas Farm, adding over £175,000 to the local economy which supports several jobs (financial estimate based on average spend figures for guests to non-serviced accommodation provided by NPT Economic Development Team/STEAM 2010 Report. We are currently in the process of expanding our business which has thrived and outperformed other parts of the UK despite the global recession.
3. A significant proportion of our guests cite the peace and quiet as the factor that most pleased them about their holiday at Plas Farm on the western slopes of Mynydd Marchywel (sample of 221 Feedback Forms available on request). The peace, tranquillity and spectacular landscape that we offer our guests are fundamental to the success of our rural business.
4. **Industry Recognition** Swansea Valley Holiday Cottages are used by the Welsh Government and Visit Wales as an industry Case Study of Best Practice within the green tourism sector (see attached). In 2012 Swansea Valley Holiday Cottages were named the NPTCBC Green Business of the Year across all sectors. The company enjoys an excellent working relationship with NPTCBC Partnerships and Community Development Department who have provided grant aid to support the expansion of the business. In 2009 SVHC were invited by NPTCBC Tourism Development Coordinators, as key stakeholders in tourism development in the local area, to join the Swansea Valley Tourism Steering Group. Its fundamental purpose is to develop, implement and monitor a new action plan to develop tourism in the Swansea Valley as it is a targeted area for development within the rural communities of NPT.

5. **Professional Background** In tandem with developing the tourism business on Mynydd Marchywel, I work as an applied geophysicist in the development of onshore and offshore windfarms. I often work as client representative, representing the interests of wind farm developers at various sites across the EU. I worked on the development of the 26MW Maesgwyn and 32MW Ffynon Oer wind farms in South Wales, 66.7MW Berryburn near Inverness and more recently the larger round 3 offshore windfarms such as the 4,000MW Hornsea development off the Yorkshire coast, the 900MW Gode wind farm project in the German Sector of the North Sea and the 750MW Beatrice development in the Outer Moray Firth.
6. I am a visiting lecturer in applied geophysics at the University of Bristol and University of Exeter, which includes the application of geophysics in wind farm development. I have cross-sector experience having carried out environmental site investigations at nuclear facilities such as Sellafield Nuclear Power Station and Capenhurst Uranium Enrichment Plant. In 2010 I represented British Petroleum (BP) as Chief Scientist onboard R/V Ocean Veritas and R/V Gyre during the Deepwater Horizon Oil Spill Disaster in the Gulf of Mexico.
7. As tourism business owners, we are pro-renewable energy and the development of appropriate wind energy installations on suitable sites as part of our energy mix within the UK. However, we cannot support the application to erect five wind turbines on Mynydd Marchywel due to the proximity of T1 and T2 to our business Swansea Valley Holiday Cottages. The noise impact and visual impact of the development is likely to have a profoundly negative impact on our rural tourism business in terms of visitor numbers, causing significant damage to the rural economy in Neath Port Talbot.
8. The image below shows how Marchywel and the surrounding countryside is used to market the area to the world travel market. It will be featured in Neath Port Talbot Borough Council's 2015 Business Guide, a publication designed to promote Neath Port Talbot as a vibrant place to do business.



### The County's Premier Farmstay Accommodation

This jewel in the countryside is perfect for the business traveller or tourist alike.

Situated on the historic Plas Cilybebyll Estate, guests benefit from an idyllic countryside setting close to amenities and central to many of South Wales' best attractions.

Guests are free to explore over a hundred acres of private countryside with panoramic views across the region.

Graded five star by Visit Wales, these multi-award winning cottages are heated by green energy.



3034605

9. Since the 1<sup>st</sup> January 2013, Swansea Valley Holiday Cottages have welcomed 1,395 guests to holiday on Mynydd Marchywel from 22 countries:

- Australia
- Belgium
- Canada
- Czech Republic
- France
- Germany
- Greece
- Guernsey
- Hong Kong
- Indonesia
- Ireland
- Malaysia



Malta  
Netherlands  
New Zealand  
Norway  
South Africa  
Spain  
Switzerland  
United Arab Emirates  
United Kingdom  
United States

10. A total of 6,039 bed nights have been booked in this period. Assuming an average daily spend per tourist of £45 per day, Swansea Valley Holiday Cottages on Mynydd Marchywel adds approximately £0.25 million to the local economy per year. In addition the business employs a cleaner, gardener and handyman, all of whom live within walking distance of the property. Rural Neath Port Talbot is one of the most economically deprived areas in Western Europe and sustainable businesses such as Swansea Valley Holiday Cottages cannot be lost due to the location of these turbines.

11. Over 25% of our guests specifically mention the beautiful setting of the holiday cottages in their visitor book comments.

12. Many mention the wildlife and walking in addition to those who specifically mention the beautiful setting in their comments.

13. Although we did not do a proper survey (lack of support from RES), we asked many guests if they would have booked our cottages had they known it was on the doorstep of a windfarm. Around 50% of those asked said they would have booked elsewhere.

14. The following are typical reviews of the cottages:

- Typical Trip Advisor Review commenting on walking on the mountain and its “beautiful scenery”.



JeanLeicester  
Leicester

2 reviews

Reviews in 2 cities

1 helpful vote

### “Our trip to Plas Farm, Pontardawe”

Reviewed 7 September 2013

We spent a most enjoyable week in this lovely well equipped cottage. It was in a peaceful setting and we felt at home there immediately. There is a book in the cottage which contained all the information you could possibly need, which we found extremely useful. We walked the Plas Farm trail with its beautiful scenery and enjoyed the walk from Swansea to The Mumbles along the promenade. We spent a day at the Margan Park which has something for everyone and drove to Worms Head which is well worth a visit. The shops are not too far away and we enjoyed meals at The Butcher's Arms and Dyffryn.

Stayed August 2013, travelled as a couple

Value

Cleanliness

Location

Service

Sleep Quality

Less▲

Was this review helpful?  1

[Ask JeanLeicester about Swansea Valley Holiday Cottages](#)

This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC

## A Review of Climbing Mynydd Marchywel on [www.mountain-forecast.com](http://www.mountain-forecast.com) (one of the world’s biggest weather forecasting websites)

### Mynydd Marchywel Climbing Notes

**NR** from UNITED KINGDOM writes:

*I climbed this mountain with Richard from his farm at the foot of the mountain. Parts of the ascent were remarkably steep, but the spectacular views from the top are well worth it on a clear day. Also recommended are night time ascents where, on a cold, frosty evening, the steelworks at Port Talbot glow like some evil volcano from Lord of the Rings. It is slightly odd being on a summit surrounded by trees, however the archaeology up there transport the visitors mind back to another time in history.*

2010-04-21

## Random Quotes Taken From Visitor Book Highlighting people’s love of the current landscape and how much they love walking on the mountain

“Kind regards to Richard Bowen for his humorous “Plas Farm Trail.” A cosy

cottage in a fairy-tale surrounding. Well, it's overwhelmingly beautiful: hedges, meadows with animals, woods with bizarre trees, ferns and mosses. And an abundance of flower species, a little further, rocks, waterfalls, ruins, mountains, the sea. An ancient language still alive, and every rock, ever plant and building has a story to tell. And after a fascinating field trip you return home to a cosy shelter where in the night the owls are hooting... thanks! And well, it's the same with the cottage, all those little amiable details, which made it come alive." Werner, Irene, Veronika and Mathias, Mainaschaff, Germany

What can one say? Very many thanks for a wonderful cosy cottage and the information on the surrounding area and the information on the local walks. Didn't quite make it to the top of The History of Plas Farm. Above all else we are sorry to leave such a beautiful closeness to nature. Yes, time in our favour would love to visit again. Peter and Pam from Fareham

"A perfect week in idyllic surroundings." The Branch family, Langtoft, Lincolnshire

We have just had the best holiday ever. Things in London had been very fraught and coming to Hafod Y Wennol was a perfect antidote to stress and strain. Indeed it has been perfect, fantastic accommodation, fantastic hosts, everything we could have thought of was provided, even our 'foster daughter dog' Holly", shall be missed greatly, as will the calming rush of the river, the green blanket of grass and fields, hills that wrapped itself securely around us, which was hugely comforting, yet left us with a yearning to return as soon as possible, hence we will see you in September. If ever I had dreamt of a perfect place to live - it would be here at Hafod Y Wennol, much to see and do, yet enough peace and solitude to sit back and ponder. David and Rachel - thank you so much for a lovely holiday and we look forward to our return in a couple of months. P.S. David and Rachel you are both very special - Plas Farm is not just a business to you but a reflection of both your honest, caring and attentive personalities. It is obvious you care very much about the quality of the experiences of your 'holidaymakers'. You both deserve the success you have worked hard to achieve. Thank you." Kathy and Jill from Notting Hill, London.

"We would like to thank you for a fantastic week in your lovely cottage. All our needs were catered for. We come to South Wales from Nottingham to research our family history. We have been very successful and found most of what we came to look for. Have been very lucky with the weather but need to come back to do the Farm Trail." Joan, Michael & Janet from Nottingham

"We've never slept as well as here for many...years! The nights were good but the days also, many visits and the walk around the farm. A sunny week, little cold (but it was April). We like to come next..." Isabelle, Philippe and Camille from France

"Lovely place. Peaceful location. Spectacular views." Dave, Linda, Wayne & Carol from Ontario, Canada

"Beautiful cottage on a lovely farm in a stunning location, a real get away from our lives in London. We were blessed with beautiful weather and made the most of it by exploring our surroundings. The river was a real treat with the relaxing sounds and wildlife. We enjoyed the birds singing and we were fortunate to see a stunning buzzard in it's natural environment. We came to get away for a few days but experienced so much more than we could have hoped for and we were sad to leave. Our border collie was relaxed and exhausted from all the exercise and without a doubt we will be coming back!" Helen, Johnny, Maureen & Brody from Walthamstow in East London

"Just had to come back after our first visit in September, yet again we have enjoyed our stay plus we were very lucky with the weather. The cottage is set in such beautiful surroundings which is a real treat compared to London! We have had an amazing break, sad to be going home, however we will be coming back again." Helen, Johnny, Maureen & Brodie the Border Collie from E17, London

"Thank you first for the people who maintain Plas. We came here on a one off short break that we found looking through the internet for somewhere we could get away from the hassle and troubles of the modern world through TV and radio, cities and modernised villages. As soon as we drove up the road to here, we knew it was going to be something special. The cottage is something else, everything you need is here, the walks are outstanding. Its peaceful, quiet and with sounds of nature everywhere. All we had to do was open our eyes. A very big thank you to everyone involved for this incredible journey around the Plas Farm. Nature = Evolution=I=You. To: C Sharp is to tune C Sharp with Nature. When you See Sharp, Your Eyes will be Open. One Life. Live It." The Williams Family from Caerphilly, South Wales

"People here continuously ask us why we Americans with no connections to Wales visited for nearly three weeks. The best answer would be to show them this place, where the working landscape, the people, the natural diversity, the history all simply shine. Thanks." John & Alida from Dinklage, Vermont, USA

"Thank you both so much for the warm hospitality! Every trip to Wales differs from the last and this was no exception. It is in my view a stunning landscape with so many features to explore. It also reminds me of home - New Zealand. Henrhyd Falls and Castell Carreg Cennen were awesome. So glad my phone has a torch which allowed us to explore the cave. A warm that going out to the Bowen family." Cary from New Zealand

"This must be one of the most amazing and tranquil places that I have had the pleasure of visiting. So many places to visit locally and on the property. Do read the book. Thank you both so much." Norm Foster, Cambridge, New Zealand

"We have had a wonderful stay here. Everything as we hoped it would be. A real home away from home. The information folders were packed with great suggestions. Thank you. Richard Bowen's The Plas Farm Trail was a well researched local and personal history written with such wit that it was hard to put down until it was finished. The book brought all the old photos to life - especially liked knowing the context to the one of Richard's dad on the frozen river. We loved the farm trail." The Maher Family, Mullingar, Westmeath, Ireland

## SECTION A – MATTERS FOR DECISION

### **Planning Applications Recommended For Refusal**

<b><u>APPLICATION NO:</u> P2014/1137</b>	<b><u>DATE:</u> 16/02/2015</b>
<b>PROPOSAL:</b>	Detached dormer bungalow with associated car parking.
<b>LOCATION:</b>	LAND TO THE FRONT OF 23 HEOL WENALLT, CWMGWRACH, NEATH SA11 5PT
<b>APPLICANT:</b>	Mr Craig Taylor
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Blaengwrach

### **Background Information**

Following the application being presented to a delegated panel, with a recommendation to refuse planning permission, Councillor Siddley requested on 2nd June 2015 that the application should instead be determined by Planning Committee, on the grounds that the proposal would not unacceptably affect the visual amenity of the street-scene.

### **Planning History**

The site has no relevant planning history.

### **Publicity and Responses (if applicable):**

2 neighbouring properties were consulted and site notices were displayed on site. To date, no representations have been received.

**Blaengwrach Community Council:** No objection.

**Coal Authority:** No objection.

**Head of Engineering & Transport (Highways):** No objection, subject to conditions.

**Head of Engineering & Transport (Drainage):** No objection.

**Welsh Water:** No objection, subject to conditions.

**Biodiversity Unit:** No objection, subject to conditions.

## **Description of Site and its Surroundings:**

The application site is located on land at 23 Heol Wenallt, Cwmgwrach.

The application site is an irregular parcel of land measuring 0.0253 hectares in area. It is divided into two parts. The main part measures 14m wide by 17m in length, while the second part fronts onto Heol Wenallt and measures 5m long by 3m wide. It is relatively flat in profile and comprises a grassed area with Leylandii trees, and currently forms part of the front garden of the host property (Number 23). It is bounded by residential properties to the north, east and west. Heol Wenallt is located to the south, off which pedestrian and vehicle access to the site is gained. There is also pedestrian and rear access to Number 23 off Heol Nedd.

It should be noted that the access strip off Heol Wenallt is outside of the ownership of the applicant. As the owner is unknown, Certificate D has been completed and an advert placed in the local press.

The site is located within the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP).

## **Brief Description of Proposal**

This application seeks full planning permission for the erection of a detached dormer bungalow with associated car parking.

The proposed dormer bungalow would measure 9m wide by 8.6m in length, and would reach a height of 6.8m to ridge level. It is designed with a gable ended ridged roof running east to west. Two gabled dormers are proposed to the front elevation, and one to the rear. Windows and doors are proposed to the north, south and west elevations. The bungalow would provide a kitchen, bathroom, lounge and bedroom at ground-floor, together with two bedrooms and a bathroom within the roof-space.

Externally two car parking spaces are proposed to the west side of the property, accessed off Wenallt Road, with a small amenity space to the rear of the property.

A smaller front garden would be retained for the host property (Number 23), while access to the host property would need to be retained via Heol Nedd to the north. As previously stated, the owner of the access strip off Heol Wenallt

is unknown and Certificate D has been completed. Furthermore, it should be noted that there would be a parcel of land between the front boundary of Number 23 and Heol Wenallt, which would be outside of the application site and outside of the control of the applicant.

### **EIA Screening/Scoping Opinion & Habitat Regulations:**

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application.

### **Material Considerations:**

The main issues for consideration concern the principle of residential development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

### **Policy Context:**

The Development Plan for the area comprises the Neath Port Talbot Adopted Unitary Development Plan within which the following policies are of relevance:

- GC1 New Buildings/Structures and Changes of Use
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- H3 Infill and Windfall Development within Settlement Limits
- ENV5 Nature Conservation

As the application site is located within the settlement limits defined by Policy H3 in the UDP, the principle of a residential development at this location is generally acceptable, provided there are no overriding highways, amenity or environmental objections. Such matters are addressed below.

With regards to the issue of affordable housing, as this application relates to planning permission for one unit only, the developer would not be required to provide 20% affordable housing in this instance.

## Visual Amenity

This part of Cwmgwrach has a varied pattern of development, with the properties on the south side of Heol Wenallt, together with no's 24 and 25 on the northern side, directly fronting the street. In addition, the dwellings on Heol Nedd and Fothergill Road also largely front onto that street, including a relatively new detached dwelling located on the corner of Heol Wenallt, which fronts onto Fothergill Road. Within this context, the row of terrace dwellings at 15 – 23 Heol Wenallt are relatively unusual, insofar as they are located towards the rear of their large plots, behind 'front' garden in excess of 30m in length.

While a few of these (including 20 – 23) have some degree of vehicular and pedestrian access off Heol Nedd, all these two-storey terraced properties are designed so that their principal elevations / front doors face onto Heol Wenallt, behind their long front gardens, and with rear wings on the north-facing elevations. Notwithstanding the length of these gardens and the presence of some extensions to the principal elevations and, in some cases, outbuildings, they therefore nevertheless only properly *address* that street (which is also their postal address).

The application site comprises approximately 60% of the existing front garden of no. 23 Heol Wenallt, and would thus sub-divide the existing front garden of that property, with the proposed property located forward of the "principal elevation" of the host property, and separating that property from Heol Wenallt visually and physically.

While it could be considered to continue the frontage of no's 24 and 25 to the west, given that the front elevation would be in line with those dwellings, it is considered that the proposed new dwelling, given its siting to the front of the principal elevation, would result in the introduction of a contrived form of development, which would interrupt the relationship of properties on, and be out-of keeping with, the street-scene, to the detriment of the setting of the terraced row of properties and wider pattern of development in this area.

In addition, the fact that the property would be set back behind an area of land outside of the applicants control would also lead to an unusual situation where boundary enclosures would themselves be set back from the highway, thus adding to the concerns that the new dwelling would appear out of context.

While it is noted that the relatively new property on the corner of Heol Wenallt and Fothergill Road (no. 5a) has been erected to the 'front' of this row of terraced dwellings (r/o 5 Fothergill Rd / 15 Heol Wenallt), that property has



nevertheless been sited such that it fronts onto Fothergill Road and, due to its corner position, does not have the same degree of harm that would be caused by the proposed new dwelling to the front of this end of terrace dwelling.

Accordingly, by reason of the introduction of a new dwelling in the front garden of no. 23 Heol Wenallt, between the principal elevation of that property and the street, the development would appear contrived and out of keeping with the street-scene, to the detriment of the setting of the terraced row of properties. As such, it is considered that the proposal would have an unacceptable detrimental impact upon the character and appearance of the area, contrary to Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

### **Residential Amenity**

With regards to potential overbearing and overshadowing issues, it is noted that the proposed dwelling would reach a height of 6.8m to ridge level and the application site is relatively flat in profile. Furthermore, there would be a separation of 19m to the properties opposite to the south, 17m to Number 24 to the west and 18.5m to the host property (Number 23) to the north.

Having regard to the height of the property and distances above, it is considered that the proposed dwelling would not have an unacceptable adverse impact upon the neighbouring properties in terms of any overbearing impact or in terms of overshadowing.

In respect of potential overlooking issues, it is noted that the kitchen and lounge windows to the side and rear of the property could be screened by a suitable boundary treatment, to prevent any overlooking upon the host property or surrounding neighbouring dwellings. Similarly, it is acknowledged that the bathroom window proposed in the rear dormer could be fitted with non-opening, obscure-glazing, and a condition could be imposed to require the Velux roof lights to the rear to be relocated such that they would be high level, in order to prevent any unacceptable looking upon the neighbouring properties.

Turning to the windows to the front elevation, it is noted that there would be a separation distance of 19m between Numbers 13 and 14 opposite to the south. As the ground-floor windows would be separated by Heol Wenallt, and the first-floor dormer windows would be higher than the bungalows opposite looking over the roof-space, it is considered that they would also not create unacceptable overlooking issues.

In terms of amenity space serving both dwellings, it is noted that the proposal would sub-divide the existing front garden, which given its length and layout acts as the primary amenity space serving no. 23. The scheme would, however, retain sufficient amenity space to serve the existing dwelling, while providing approximately 82 sq.m. of private rear amenity space to serve the new dwelling, both of which are considered acceptable.

Notwithstanding the above, the primary objections to the development on character grounds outlined above remain.

### **Highway Safety (e.g. Parking and Access)**

As the proposed development would provide off-road parking for two vehicles (with the potential to provide a third space if necessary), it is considered that there would be no detrimental impact upon highway or pedestrian safety.

The host property, no. 23, also has off-street car parking at present to the side of the dwelling, which is accessed off Heol Nedd. These spaces would also be retained, thus ensuring that both properties would be served by adequate off-street car parking spaces. It should also be noted that the Head of Engineering and Transport (Highways Section) offers no objection to the proposal, subject to conditions.

### **Ecology (including trees & protected species)**

As the Biodiversity Unit offer no objection to the proposal, subject to a condition in respect of bird boxes, it is considered that there would be no overriding issues in terms of ecology.

### **Others (including objections)**

None

### **Conclusion**

While it is considered that the proposed development would not have a detrimental impact upon residential amenity, and there would be no adverse impact upon highway and pedestrian safety, it is nevertheless considered that, by reason of the introduction of a new dwelling in the front garden of no. 23 Heol Wenallt, between the principal elevation of that property and the street, the development would appear contrived and out of keeping with the street-scene, to the detriment of the setting of the terraced row of properties. As such, it is considered that the proposal would have an unacceptable detrimental

impact upon the character and appearance of the area, contrary to Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

**RECOMMENDATION:      Refusal**

(1) The proposed development, by virtue of its siting forward of the 'principal elevation' of the host property and adjoining terraced dwellings would result in the introduction of a contrived form of development out-of keeping with the street-scene and to the detriment of the setting of the terraced row of properties. As such, it is considered that the proposal would have a detrimental impact upon the character and appearance of the area, contrary to Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

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## SECTION B – MATTERS FOR INFORMATION

### DELEGATED APPLICATIONS

DETERMINED BETWEEN 21 APRIL 2015 AND 8 JUNE 2015

1 App No. P2013/0780	Type Discharge of Cond.
Proposal Details Pursuant to the Partial Discharge of Condition 24 (Design Stage BREEAM for The Learning and Resource Centre and The College of Business and Economics, Great Hall) of Planning Permission P2010/0222 (approved on 31/08/12)	
Location Land off, Fabian Way, Former BP Tank Farm, Crymlyn Burrows, Neath	
Decision Approval with Conditions	
Ward Coedffranc West	

2 App No. P2014/0168	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 11 (Post construction stage Code for Sustainable Homes Certification) of Planning Permission reference P2013/0416 granted on 16.07.13	
Location Plot 31, Nant Celyn, Crynant, Neath	
Decision Approval with no Conditions	
Ward Crynant	

3 App No. P2014/0645	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 12 (Scheme for the protection of public rights of way) of P2010/1148 (APP/Y6930/A/12/2181883) granted on 27/8/13	
Location Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision Approval with no Conditions	
Ward Gwynfi	

4 App No. P2014/0704	Type Discharge of Cond.
Proposal Details pursuant to condition 4 (Historic Photographic Record) of Planning Permission P2014/0070 (Approved on the 7/7/14)	
Location SILOH INDEPENDENT CHAPEL, ACCESS TO BRYNBERLLAN COTTAGES, CWMGWACH, NEATH	
Decision Approval with no Conditions	
Ward Blaengwrach	

5	App No. P2014/0731	Type Full Plans
Proposal	Retention and completion of detached 2 bed bungalow, outbuilding including air source heat pump, solar panels and associated car parking.	
Location	JASMINE COTTAGE, LLANGUICKE ROAD, PONTARDAWE SA8 4PL	
Decision	Approval with Conditions	
Ward	Pontardawe	

6	App No. P2014/0762	Type Full Plans
Proposal	Proposed solar electricity generation farm (up to 7.5 MW), 6 number inverter cabins, substation, cabling route plus associated access tracks and construction compound. (Letter from agent dated 15-9-14 in respect of ecological issues)	
Location	Land East of Maesgwyn Wind Farm, Glynneath, Neath	
Decision	Approved subject to s.106	
Ward	Onllwyn	

7	App No. P2011/0752	Type Full Plans
Proposal	Retention of use of building as office / storage in association with the operation of a boiler / tank breakdown, replacement, recovery, maintenance and serving business with domestic stables to rear and associated external alterations	
Location	OLD STAR INN, PONTARDAWE ROAD, PONTARDAWE SA8 4SX	
Decision	Approval with Conditions	
Ward	Pontardawe	

8	App No. P2011/1008	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition B of Listed Building Consent P2009/0731 (granted on 20/11/09) in respect of external materials	
Location	GWYN HALL, 8 ORCHARD STREET, NEATH SA11 1DU	
Decision	Approval with no Conditions	
Ward	Neath North	

9	App No. P2011/1048	Type Discharge of Cond.
Proposal	Submission of details pursuant to conditions 2, 5 & 6 in respect of external materials, means of enclosure, levels and sections of planning permission P2008/1516 (Approved on the 20/01/09)	
Location	FREE MISSION HALL, DYNEVOR ROAD, SKEWEN, NEATH SA10 6TH	
Decision	Approval with no Conditions	
Ward	Coedffranc Nort	

10	App No. P2014/0773	Type Householder
Proposal	Single-Storey rear and front extension and reconstruction of chimneys	
Location	LOCK HOUSE, HENFAES ROAD, TONNA, NEATH SA11 3DZ	
Decision	Approval with Conditions	
Ward	Tonna	

11	App No. P2014/0774	Type Listed Building Cons
Proposal	Restoration of the Lock Keepers house. Conservation based repairs and replacements to refurbish the building. Works include; stripping and recovering the roof using natural Welsh Slate, replacing decayed fascia and barge boards, reconstructing chimney stacks, re-rendering walls with a traditional lime based mortar and lime-washing, reinstating detailed timber windows and doors, reinstating cast-iron rainwater goods, structural and restraint mechanisms to stabilise the cracks in walls, extending the building, reinstating the stone curtilage wall to the garden. Internal structural repairs, treatment for fungal attack in timbers, replacing decayed joists, lintels and internal joinery using matching sections where practicable, minor re-ordering, lining of flues, fitting a lime-crete floor and sandstone flags, lime plastering and internal decoration using lime-wash and traditional paints. Installation of heating and environmentally safe drainage systems.	
Location	LOCK HOUSE, HENFAES ROAD, TONNA, NEATH SA11 3DZ	
Decision	Sent to Cadw (Approval recommendation)	
Ward	Tonna	

12	App No. P2014/0820	Type Full Plans
Proposal	Installation of a small scale 100KW hydro-electric power development consisting of construction of two weirs, pipe route and a power (turbine) house.	
Location	NANT YR ALLOR FARM, NANT YR ALLOR FARM ACCESS ROAD, GLYNCORRWG, PORT TALBOT SA13 3AY	
Decision	Approval with Conditions	
Ward	Glyncorrgw	

13	App No. P2014/0826	Type Full Plans
Proposal	Retrospective planning permission for the erection and operation of a coal washing plant in association with the existing production facilities on site.	
Location	Unity Mine, Cwmgwrach Railhead, Heol Wenallt, Cwmgwrach, Neath SA11 5PT	
Decision	Approval with Conditions	
Ward	Blaengwrach	

14	App No. P2014/0838	Type Neigh.Auth/Nat.Park
Proposal	Consultation from Bridgend CBC for a 18.4MW solar Array and associated works. - (Bridgend County Borough Council Reference P/14/543/FUL)	
Location	LAND NORTH OF BRYNHEULOG CAERAU PARK, MAESTEG BRIDGEND	
Decision	No Objections	
Ward	N/A	

15	App No. P2014/0846	Type App under TPO
Proposal	Felling of one Corsican Pine tree protected by TPO T44/A1.	
Location	5 BLAENWERN, BRYNCOCH, NEATH NEATH PORT TALBOTS SA10 7AA	
Decision	Approval with Conditions	
Ward	Bryncoch South	



16	App No. P2014/0950	Type Discharge of Cond.
Proposal	Details pursuant to Condition 3 (remediation scheme) of Planning Permission P2014/0389 (Approved on the 3/9/14)	
Location	LAND ADJACENT TO THE TRADE CENTRE WALES LTD, EURO CENTRE, NEATH ABBEY BUSINESS PARK ROAD, NEATH ABBEY, NEATH SA10 7DR	
Decision	Withdrawn	
Ward	Dyffryn	

17	App No. P2014/0963	Type Outline
Proposal	Outline Planning for two No. Detached split level dwellings, together with matters of access, layout and scale	
Location	LAND AT, GRAIG ROAD, GODREGRAIG, PONTARDAWE NEATH PORT TALBOTS A9 2NZ	
Decision	Approval with Conditions	
Ward	Godre'rgraig	

18	App No. P2014/1050	Type Householder
Proposal	Vehicular Access.	
Location	239 SWANSEA ROAD, TREBANOS PONTARDAWE, SWANSEA SA8 4BT	
Decision	Approval with Conditions	
Ward	Trebanos	

19	App No. P2014/1057	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 14 (Construction Environmental Management Plan) and 15 (Partial) (Construction Method Statement) of P2010/1148 (APP/Y6930/A/12/2181883) granted on 27/8/13. (Revised CEMP and CMS received 27-2-15 and CMS 20/5/15)	
Location	Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision	Approval with no Conditions	
Ward	Gwynfi	

20	App No. P2014/1058	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 20 (Construction and Traffic Management Plan) of P2010/1148 (APP/Y6930/A/12/2181883) granted on 27/8/13.	
Location	Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision	Approval with Conditions	
Ward	Gwynfi	

21	App No. P2014/1067	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 23 (Habitat Management Plan) of P2010/1148 (APP/Y6930/A/12/2181883) granted on 27/8/13. (revised HMP received 27-2-15)	
Location	Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision	Approval with no Conditions	
Ward	Gwynfi	

22	App No. P2014/1141	Type Full Plans
Proposal	Highway Drainage outfall and associated engineering operations.	
Location	FABIAN WAY, JERSEY MARINE, NEATH	
Decision	Approval with Conditions	
Ward	Coedffranc West	

23	App No. P2014/1153	Type Full Plans
Proposal	Detached garage	
Location	PLOTS 9/10 GARAGE COMPOUND AREA, CHOPIN ROAD, SANDFIELDS, PORT TALBOT	
Decision	Approval with Conditions	
Ward	Sandfields West	

24	App No. P2014/1178	Type Full Plans
Proposal	Retention of shop front, roller shutter and canopy to side and rear elevations.	
Location	47-51 GROVES ROAD, NEATH SA11 1UU	
Decision	Approval with Conditions	
Ward	Neath South	

25	App No. P2014/1203	Type Full Plans
Proposal	Vehicle control barrier.	
Location	Access to, Canal Road from The Green, Neath SA11 1LJ	
Decision	Approval with Conditions	
Ward	Neath North	

26	App No. P2015/0022	Type Householder
Proposal	Retention of alterations to roof including front and rear dormers, provision of gable ends to northern and southern elevations, single storey side extension, raised patio and alterations to fenestration. (Amended from previous approval P2013/0047).	
Location	44A NEATH ROAD, CRYNANT, NEATH SA10 8SE	
Decision	Approval with Conditions	
Ward	Crynant	

27	App No. P2015/0030	Type Change of Use
Proposal	Proposed change of use from residential dwelling (Class C3) to a residential institution for young adults diagnosed with autism and other conditions (Class C2) for up to 7 residents	
Location	COED PARC HOUSE, COED PARC DEVELOPMENT ACCESS ROAD, CWMAVON, PORT TALBOT SA12 9BZ	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

28	App No. P2015/0033	Type Full Plans
Proposal	Demolition of two existing shops units and erection of a two-storey building containing 2 flats with associated car parking.	
Location	2A & 2B BRYNHYFRYD ROAD, BRITON FERRY, NEATH SA11 2HT	
Decision	Refusal	
Ward	Briton Ferry West	

29	App No. P2015/0037	Type Full Plans
Proposal	Creation of two additional residential units together with extensions and refurbishment, including new entrance lobby second floor extension. Alterations to front elevations plus hard and soft landscaping and parking spaces.	
Location	TY GNOLL NEWYDD, DYFED ROAD, NEATH SA11 3BR	
Decision	Approval with Conditions	
Ward	Neath North	

30	App No. P2015/0040	Type Full Plans
Proposal	Alterations and extensions to provide four additional residential units, plus single storey extensions to front and rear to provide a new entrance lobby and covered patio area, formation of two disabled car parking spaces and drop off zone, solar panels to the roof and detached bin store.(amended plan relocating proposed bin store)	
Location	CYSGODFA, PARKFIELD, TONNA, NEATH SA11 3JX	
Decision	Approval with Conditions	
Ward	Tonna	

31	App No. P2015/0042	Type Non Material Amendment (S96A)
Proposal	Non-material amendment of Application P2014/0409 to provide ramped access to the frontage of Plot 2 (Amended plans received 20.04.15)	
Location	Groves Road, Neath	
Decision	Approval with Conditions	
Ward	Neath South	

32	App No. P2015/0050	Type Householder
Proposal	New vehicle access and single storey rear extension.	
Location	5 HEOL Y WERN, CAEWERN, NEATH SA10 7SB	
Decision	Approval with Conditions	
Ward	Bryncoch South	

33	App No. P2015/0053	Type App under TPO
Proposal	Works to 1 Oak tree including removal of 4 lowermost branches, reduce 1 lower limb over driveway by 1-2m, and reduce laterals overhanging property by 1m. (TPO: T204/A1)	
Location	119 DELFFORDD, RHOS PONTARDAWE SA8 3EN	
Decision	Approval with Conditions	
Ward	Rhos	

34	App No. P2015/0062	Type Full Plans
Proposal	Retention and completion for the siting of 4 storage containers for a temporary period of 5 years for the storage of equipment.	
Location	Memorial Grounds, Bryncoch, Neath SA10 7DQ	
Decision	Approval with Conditions	
Ward	Bryncoch North	

35	App No. P2015/0078	Type Full Plans
Proposal	New shop front, incorporating access for first floor flats (additional details received 02/04/15)	
Location	86 NEW ROAD, SKEWEN, NEATH SA10 6HG	
Decision	Approval with Conditions	
Ward	Coedffranc West	

36	App No. P2015/0083	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning Permission P2013/0863 (Approved on the 24/09/2013) for the reduction of car parking spaces from 604 to 594, widening of exit door to stair tower, alteration to vehicular car park entrance, removal of feature structure at pedestrian access to car park plus removal of Conditions 18, 19 and 20 in respect of BREEAM.	
Location	Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath SA11 3EP	
Decision	Approval with no Conditions	
Ward	Neath North	

37	App No. P2015/0098	Type Full Plans
Proposal	Demolition of existing storage building, and construction of garage/storage building.	
Location	15-16 NEW ROAD, SKEWEN, NEATH SA10 6UT	
Decision	Approval with Conditions	
Ward	Coedffranc Cent	

38	App No. P2015/0100	Type Householder
Proposal	Two storey side and rear extension plus single storey front extension.	
Location	78 TYN Y CAE, ALLTWEN PONTARDAWE SA8 3DL	
Decision	Approval with Conditions	
Ward	Alltwen	

39	App No. P2015/0101	Type Full Plans
Proposal	Demolition of existing bungalow and construction of one new dwelling and associated works.	
Location	27 WENALLT ROAD, TONNA, NEATH SA11 3HZ	
Decision	Approval with Conditions	
Ward	Tonna	

40	App No. P2015/0109	Type Advertisement
Proposal	Retention of externally illuminated fascia sign, plus 3 non-illuminated projecting signs and 6 advertisement boards.	
Location	2 PENTRE STREET, GLYNNEATH SA11 5EU	
Decision	Approval with Conditions	
Ward	Blaengwrach	

41	App No. P2015/0119	Type Householder
Proposal	First floor side extension, ground floor bay window to front elevation, and conversion of garage to living accommodation.	
Location	55 MIN Y COED, COED HIRWAUN, PORT TALBOT SA13 2TE	
Decision	Approval with Conditions	
Ward	Margam	

42	App No. P2015/0145	Type Full Plans
Proposal	Retention of 3 No. pole mounted, car registration number recognition camera arrays and associated equipment cabinets.	
Location	MORRISONS SUPERMARKET, RIVERSIDE DRIVE, NEATH SA11 1RS	
Decision	Approval with no Conditions	
Ward	Neath North	

43	App No. P2015/0154	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 13 (Construction Method Statement); 17 (Internal Road Details); 20 (Construction and Surfacing of Access Road) and 22 (Drainage Scheme) of Planning Permission P2014/0104 granted on 27/08/14.	
Location	FORMER BRITON FERRY SCHOOL, HEOL YNYSYMAERDY, LLANSAWEL, CASTELL NEDD CASTELL NEDD PORT TALBOT SA11 2TL	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

44	App No. P2015/0161	Type Discharge of Cond.
Proposal	Details pursuant to Condition 9 (Reptile Method Statement) of Planning Permission P2011/0542 (Approved on the 15/11/11) (amended description 10.03.15) (Reptile survey submitted 13.05.15)	
Location	Land adjacent to, 52 Gwyn Street, Alltwn SA8 3AN	
Decision	Approval with no Conditions	
Ward	Alltwn	

45	App No. P2015/0165	Type Advertisement
Proposal	Retention of non illuminated signage consisting of the following: 1 No. Pay and Display sign (600mm x 800mm), 33 No. Max Stay Signs (700mm x900mm), 5 No. Blue Badge Bay signs (1500mm x 350mm), 1 No. Max Stay sign (1400mmx1000mm) and 4 No. Blue Badge Holder signs ( 600mm x 600mm).	
Location	MORRISONS SUPERMARKET, RIVERSIDE DRIVE, NEATH SA11 1RS	
Decision	Approval with Conditions	
Ward	Neath North	

46	App No. P2015/0166	Type Full Plans
Proposal	Change of use of building from vehicle hire depot (Sui Generis) to part General Industrial (Class B2) and part Storage and Distribution (Class B8).	
Location	UNIT 1A-3, SEAWAY PARADE INDUSTRIAL ESTATE, BAGLAN, PORT TALBOT SA12 7BR	
Decision	Approval with Conditions	
Ward	Baglan	

47	App No. P2015/0174	Type Full Plans
Proposal	Laying of underground electric cable (33kV) in association with the approved Pantymoch Solar Farm.	
Location	LAND AT, PANTYMOCH FARM, PORT TALBOT	
Decision	Approval with Conditions	
Ward	Port Talbot	

48	App No. P2015/0177	Type Householder
Proposal	Single storey side extension and raised patio	
Location	5 CWM Y DWR, BRITON FERRY, NEATH NEATH PORT TALBOTS A11 2YT	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

49	App No. P2015/0178	Type Householder
Proposal	First floor rear extension	
Location	4 ALEXANDER ROAD, RHYDDINGS, NEATH SA10 8DY	
Decision	Approval with Conditions	
Ward	Bryncoch North	

50	App No. P2015/0183	Type Full Plans
Proposal	Single storey side extension to existing detached outbuilding.	
Location	FREUDENBERG OIL AND GAS TECHNOLOGIES, CHRISTCHURCH ROAD, ABERAVON, PORT TALBOT SA12 7BZ	
Decision	Approval with Conditions	
Ward	Aberavon	

51	App No. P2015/0188	Type Householder
Proposal	Demolition of existing single storey front extension and the retention and completion of a single storey front extension.	
Location	48 GRAIG ROAD, TREBANOS PONTARDAWE, SWANSEA SA8 4AS	
Decision	Approval with no Conditions	
Ward	Trebanos	

52	App No. P2015/0194	Type Householder
Proposal	Single storey rear extension	
Location	37 BEECHWOOD ROAD, MARGAM, PORT TALBOT SA13 2AD	
Decision	Approval with Conditions	
Ward	Margam	

53	App No. P2015/0195	Type Householder
Proposal	Demolition of existing rear extensions and construction of two storey rear extension plus raised decking area, new monopitch roof to existing single storey garage.	
Location	7 SCHOOL ROAD, LOWER BRYNAMMAN, AMMANFORD SA18 1SU	
Decision	Approval with Conditions	
Ward	Lower Brynamman	

54	App No. P2015/0196	Type Householder
Proposal	New ridged roof to existing single storey rear extension.	
Location	52 LON HIR, ALLTWEN PONTARDAWE, SWANSEA SA8 3DE	
Decision	Approval with Conditions	
Ward	Alltwen	



55	App No. P2015/0198	Type Discharge of Cond.
Proposal	Details pursuant to condition 19 (monitoring and maintenance for areas D and E) of Planning Permission P2010/1100 (Approved on the 24/2/2011)	
Location	Land between the Port Talbot Docks Area, and the A48 near Junction 38, Port Talbot	
Decision	Approval with no Conditions	
Ward	Port Talbot	

56	App No. P2015/0199	Type Advertisement
Proposal	3 non-illuminated signs displayed on lorry trailer (Advertisement Consent).	
Location	Land adjacent to Habourside Way, Port Talbot	
Decision	Refusal	
Ward	Margam	

57	App No. P2015/0209	Type Householder
Proposal	Two storey rear extension	
Location	3 Heol Crwys, Cwmavon, Port Talbot SA12 9NT	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

58	App No. P2015/0210	Type Vary Condition
Proposal	Removal of Condition 5 (Provision of Badger Gate) and Variation of Condition 11 (to allow the submission of a bird nesting survey) of Planning Permission P2014/0567 granted on 31/10/14.	
Location	Pantymoch Farm, Penycae, Port Talbot SA14 2UT	
Decision	Approval with Conditions	
Ward	Port Talbot	

59	App No. P2015/0212	Type Full Plans
Proposal	Conversion of chapel to residential dwelling, plus creation of off street car parking, installation of velux windows, 2 new windows and door, demolition of chimney and outbuildings plus outline planning permission for a detached two storey dwelling with details of access (all other matters reserved)	
Location	RHIWFAWR INDEPENDENT CHAPEL, RHIW ROAD, RHIWFAWR, SWANSEA	
Decision	Refusal	
Ward	Cwmllynfell	

60	App No. P2015/0219	Type Householder
Proposal	Single storey side extension with new steps, retention of rear decking with steps and retention of raised parking area to front of property	
Location	105 DINAS BAGLAN ROAD, BAGLAN, PORT TALBOT SA12 8DU	
Decision	Approval with Conditions	
Ward	Baglan	

61	App No. P2015/0225	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 4 (Decommissioning Plan), Condition 7 (Pollution Prevention Method Statement), Condition 8 (Grid Connection), Condition 10 (Site Compound Details.) of application P2014/0567 granted on 31/10/14.	
Location	Pantymoch Farm, Penycae, Port Talbot SA14 2UT	
Decision	Approval with no Conditions	
Ward	Port Talbot	

62	App No. P2015/0226	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Condition 7 (External Materials) of Planning Permission P2013/0448 (Approved on the 03/02/14)	
Location	GLYNFELIN HOUSE, LANE FROM LONGFORD ROAD TO TAILLWYD ROAD, LONGFORD, NEATH SA10 7AX	
Decision	Approval with no Conditions	
Ward	Dyffryn	

63	App No. P2015/0229	Type Discharge of Cond.
Proposal	Details pursuant to condition 16 (proposed levels) of Planning Permission P2013/448 (Approved on the 03/02/14)	
Location	GLYNFELIN HOUSE, LANE FROM LONGFORD ROAD TO TAILLWYD ROAD, LONGFORD, NEATH SA10 7AX	
Decision	Approval with no Conditions	
Ward	Dyffryn	

64	App No. P2015/0232	Type LawfulDev.Cert-Exist
Proposal	Certificate of Lawfulness for an existing use: Use of one room within dwelling as an office for business use.	
Location	67 FERNLEA PARK, BRYNCOCH, NEATH SA10 7SX	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryncoch South	

65	App No. P2015/0236	Type Change of Use
Proposal	Change of Use from retail (Class A1) to Café (Class A3)	
Location	24 QUEEN STREET, NEATH SA11 1DL	
Decision	Approval with Conditions	
Ward	Neath North	

66	App No. P2015/0242	Type Householder
Proposal	Front bay window extension and canopy.	
Location	62 Western Avenue, Sandfields, Port Talbot SA12 7LS	
Decision	Approval with Conditions	
Ward	Sandfields West	

67	App No. P2015/0244	Type Householder
Proposal	Single storey rear extension.	
Location	8 School Road, Crynant, Neath SA10 8NR	
Decision	Approval with Conditions	
Ward	Crynant	

68	App No. P2015/0245	Type Householder
Proposal	Single storey rear extension.	
Location	7 Llys Yr Afon, Godre'r Graig, Neath Port Talbot	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

69	App No. P2015/0248	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed detached garage	
Location	55 Ynysmeudwy Road, Ynysmeudwy Pontardawe SA8 4QD	
Decision	Issue Lawful Dev.Cert.	
Ward	Pontardawe	

70	App No. P2015/0251	Type Householder
Proposal	Alterations to the roof of the dwelling to form additional accommodation within the roof space	
Location	RED ROOFS, MAESTEG ROAD, CYMMER, PORT TALBOT SA13 3HS	
Decision	Approval with Conditions	
Ward	Cymmer	

71	App No. P2015/0253	Type Householder
Proposal	Front canopy incorporating a first floor balcony.	
Location	80 DARREN WEN, BAGLAN, PORT TALBOT SA12 8YN	
Decision	Approval with Conditions	
Ward	Baglan	

72	App No. P2015/0255	Type Householder
Proposal	Single storey rear extension.	
Location	11 TREGELLES ROAD, LONGFORD, NEATH SA10 7HT	
Decision	Approval with Conditions	
Ward	Dyffryn	

73	App No. P2015/0256	Type Householder
Proposal	Demolition of existing detached outbuilding, and construction of two storey side extension.	
Location	7 SUNNYLAND CRESCENT, SKEWEN, NEATH SA10 6TY	
Decision	Approval with Conditions	
Ward	Coedffranc Nort	

74	App No. P2015/0257	Type Householder
Proposal	Single storey rear extension, front porch plus detached garden sunroom	
Location	4 GLANTWRCH, YSTALYFERA, SWANSEA SA9 2JW	
Decision	Approval with Conditions	
Ward	Ystalyfera	

75	App No. P2015/0258	Type	Householder
Proposal	Single storey side extension and front access ramp.		
Location	55 OLIVE BRANCH CRESCENT, BRITON FERRY, NEATH SA11 2UH		
Decision	Approval with Conditions		
Ward	Briton Ferry West		

76	App No. P2015/0259	Type	LawfulDev.Cert-Exist
Proposal	Lawful development certificate for an existing use as a single residential dwelling (Class C3)		
Location	109 HIGH STREET, PONTARDAWE, SWANSEA SA8 4JN		
Decision	Issue Lawful Dev.Cert.		
Ward	Pontardawe		

77	App No. P2015/0260	Type	Full Plans
Proposal	Erection of a livestock building to cover existing yard.		
Location	OLD PARK FARM, OLD PARK ROAD, MARGAM, PORT TALBOT SA13 2TG		
Decision	Approval with Conditions		
Ward	Margam		

78	App No. P2015/0262	Type	Prior Notif.Eccl.
Proposal	Ecclesiastic Exemption: for replacement of 8 quarries (panes) of coloured glass with mesh vents to improve ventilation.		
Location	ST CADOCS CHURCH, MANOR DRIVE, GLYNNEATH, NEATH		
Decision	Approval with no Conditions		
Ward	Glynneath		

79	App No. P2015/0263	Type	Full Plans
Proposal	Single-storey side extension.		
Location	35 KENFIG INDUSTRIAL ESTATE, PORT TALBOT NEATH PORT TALBOTSA13 2PG		
Decision	Approval with Conditions		
Ward	Margam		

80	App No. P2015/0264	Type Full Plans
Proposal	Change of use of land to external storage of wood.	
Location	LAND ADJACENT TO SOUTH WALES DISTRIBUTION CENTRE, KENFIG INDUSTRIAL ESTATE ROAD, MARGAM, PORT TALBOT SA13 2PE	
Decision	Approval with Conditions	
Ward	Margam	

81	App No. P2015/0265	Type Full Plans
Proposal	Rear Extension.	
Location	ZOARS ARK PET SUPERSTORE, BRIDGE STREET, NEATH SA11 1RP	
Decision	Approval with Conditions	
Ward	Neath North	

82	App No. P2015/0267	Type Householder
Proposal	Single storey rear extension and retaining wall to rear garden	
Location	32 WESTERNMOOR ROAD, NEATH SA11 1BQ	
Decision	Approval with Conditions	
Ward	Neath South	

83	App No. P2015/0274	Type Full Plans
Proposal	Detached dwelling with associated engineering works.	
Location	PLOT, 7 THE OAKS, CIMLA, NEATH SA11 3RJ	
Decision	Approval with Conditions	
Ward	Cimla	

84	App No. P2015/0276	Type Non Material Amendment (S96A)
Proposal	Non-material Amendment to Planning Permission P2013/0448 (Approved on the 03/02/14) for the removal of conditions 2,3 and 4 which relate to code for sustainable homes	
Location	GLYNFELIN HOUSE, LANE FROM LONGFORD ROAD TO TAILLWYD ROAD, LONGFORD, NEATH SA10 7AX	
Decision	Approval with no Conditions	
Ward	Dyffryn	

85	App No. P2015/0277	Type Householder
Proposal	Replacement parking to facilitate conversion to living accommodation.	
Location	HENLLAN, 35B PENYWERN ROAD, BRYNCOCH, NEATH SA10 7AR	
Decision	Approval with Conditions	
Ward	Bryncoch South	

86	App No. P2015/0278	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (proposed) loft conversion comprising of 3 Velux type roof lights to the front roof plane, plus rear dormer.	
Location	86 FORGE ROAD, PORT TALBOT SA13 1PF	
Decision	Issue Lawful Dev.Cert.	
Ward	Port Talbot	

87	App No. P2015/0279	Type Householder
Proposal	Dormer window to front roof slope.	
Location	10 PARKFIELD, TONNA, NEATH SA11 3JN	
Decision	Approval with Conditions	
Ward	Tonna	

88	App No. P2015/0280	Type Non Material Amendment (S96A)
Proposal	Non-Material amendment to Planning Application P2011/0542 (Approved on the 08/11/2011) for the removal of conditions 26, 27 & 28 in relation to Code for Sustainable Homes.	
Location	Land adjacent to 52 Gwyn Street, Alltwen Pontardawe, SA8 3AN	
Decision	Approval with no Conditions	
Ward	Alltwen	

89	App No. P2015/0282	Type Change of Use
Proposal	Two-storey side extension, retention of use of ground floor as Public House (A3) and change of use of 1st and 2nd floors to 3 number self-contained flats.	
Location	GROVE PARK CLUB, 191 VICTORIA ROAD, SANDFIELDS, PORT TALBOT SA12 6QJ	
Decision	Approval with Conditions	
Ward	Sandfields East	

90	App No. P2015/0284	Type Change of Use
Proposal	Change of use from Florist (Use Class A1) to Café (Use Class A3) with an ancillary Meals on Wheels service, plus a single storey rear extension.	
Location	56 HIGH STREET, GLYNNEATH, NEATH SA11 5BU	
Decision	Approval with Conditions	
Ward	Glynneath	

91	App No. P2015/0288	Type Screening Opinion
Proposal	Request for screening opinion under Regulation 5 of the Environment Impact Assessment Regulations for the erection of a solar farm (5MW) with associated development.	
Location	CAEGARW FARM, A48 FROM MARGAM TO PYLE, MARGAM, PORT TALBOT CF33 6PT	
Decision	Approval with no Conditions	
Ward	Margam	

92	App No. P2015/0290	Type LawfulDev.Cert-Exist
Proposal	Certificate of Lawful Development (Existing) Single storey rear extension	
Location	31 SEPIA CLOSE, SANDFIELDS, PORT TALBOT SA12 7NY	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

93	App No. P2015/0294	Type Vary Condition
Proposal	Application under S73 to vary conditions 3 & 4 to allow for an additional three years for the submission of reserved matters of Planning Permission P2012/0239 (Approved on the 02/05/12)	
Location	PLOT ADJACENT TO, 19 MAES MAWR ROAD, CRYNANT, NEATH SA10 8SY	
Decision	Approval with Conditions	
Ward	Crynant	

94	App No. P2015/0295	Type Full Plans
Proposal	Erection of a memorial.	
Location	JUNCTION OF, COMMERCIAL ROAD AND JOHN STREET, RESOLVEN, NEATH SA11 4LA	
Decision	Approval with Conditions	
Ward	Resolven	



95	App No. P2015/0296	Type Full Plans
Proposal	Replacement of grass pitch with 3G artificial surface.	
Location	PORT TALBOT TOWN FC, LAND TO THE REAR OF VICTORIA ROAD, SANDFIELDS, PORT TALBOT SA12 6AD	
Decision	Approval with Conditions	
Ward	Sandfields East	

96	App No. P2015/0297	Type Non Material Amendment (S96A)
Proposal	Non-Material Amendment to Planning Permission P2014/0314 in respect of the Health Centre Building (Introduction of air handling units at roof level; reduction in roof-light height and changes to colours and fenestration); Building 1 (Changes to colours, changes to fenestration, insertion of new door on west elevation, change to door on north elevation) ; Building 2 (Changes to colours plus changes to doors and fenestration to east elevation); plus changes to drainage pond.	
Location	Plot 6B, Brunel Way, Baglan Energy Park, Briton Ferry, Neath	
Decision	Approval with Conditions	
Ward	Briton Ferry West	

97	App No. P2015/0298	Type Householder
Proposal	Retention and completion of detached garage in rear garden	
Location	75 MARINE DRIVE, SANDFIELDS, PORT TALBOT SA12 7NW	
Decision	Approval with Conditions	
Ward	Sandfields West	

98	App No. P2015/0300	Type Vary Condition
Proposal	Variation of condition 1 of application 1982/4208 to extend hours of operation to 06:00 to 23:00.	
Location	PETROL FILLING STATION, WESTERN AVENUE, SANDFIELDS, PORT TALBOT	
Decision	Approval with Conditions	
Ward	Sandfields West	

99	App No. P2015/0302	Type Full Plans
Proposal	Alteration to existing front boundary walls/ railings/gates and the creation of a vehicular access onto Heol Cae Gurwen.	
Location	CWMAMMAN CHURCH HALL, HEOL CAE GURWEN, GWAUN CAE GURWEN, AMMANFORD SA18 1PD	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwe	

100	App No. P2015/0306	Type Prior Notif.Telecoms
Proposal	Prior Notification for the installation of 6 No antennae and 2 No. 600mm dish between heights of 14.5m and 17.4m on existing 15m high telecommunication mast, plus 2 No. equipment cabinets within existing cabin.	
Location	COMMUNICATION MAST NEATH GENERAL RAILWAY STATION, STATION SQUARE, NEATH	
Decision	Prior Approval Not Required	
Ward	Neath North	

101	App No. P2015/0308	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to reduce the length of the part two storey part single storey rear extension previously approved under Planning Application Planning application P2014/0608.	
Location	7 JACK Y DDU ROAD, BRITON FERRY, NEATH SA11 2LT	
Decision	Approval with no Conditions	
Ward	Briton Ferry West	

102	App No. P2015/0312	Type Householder
Proposal	Single storey side and rear extension.	
Location	8 BROOKFIELD, NEATH ABBEY, NEATH SA10 7EG	
Decision	Approval with Conditions	
Ward	Bryncoch South	

103	App No. P2015/0314	Type Non Material Amendment (S96A)
Proposal Non-material amendment to planning permission P2010/1142 (Approved on the 18/02/11) retention of a canopy/open porch to front elevation.		
Location 10A COOMBE TENANT AVENUE, SKEWEN, NEATH SA10 6EB		
Decision Approval with Conditions		
Ward Coedffranc West		

104	App No. P2015/0318	Type Vary Condition
Proposal Variation of Condition 1 of Planning Permission P2010/0095 (Approved on the 13/05/2010) to allow a further 5 years for the commencement of development (Single storey front extension and alterations to front, side and rear fenestration)		
Location CWM CARTREF NURSING HOME, COMMERCIAL ROAD, RHYDYFRO PONTARDAWE SA8 4SS		
Decision Approval with Conditions		
Ward Pontardawe		

105	App No. P2015/0319	Type LawfulDev.Cert-Prop.
Proposal Certificate of Lawful Development (proposed) for Single storey rear and side extension.		
Location 88 CRYMLYN ROAD, SKEWEN, NEATH SA10 6DY		
Decision Issue Lawful Dev.Cert.		
Ward Coedffranc West		

106	App No. P2015/0327	Type Householder
Proposal First floor side extension.		
Location 4 Ynysfach Avenue, Resolven, Neath SA11 4LH		
Decision Approval with no Conditions		
Ward Resolven		

107	App No. P2015/0329	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 2 (Noise) of P2015/0090 granted on 9/4/15.		
Location LLEWELLYN HOUSE, HARBOURSIDE BUSINESS PARK, HARBOURWAY, PORT TALBOT SA13 1SB		
Decision Approval with no Conditions		
Ward Margam		

108	App No. P2015/0331	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2012/0171 (Approved on the 04/10/13) to remove conditions 25, 26 & 27 in relation to Code for Sustainable Homes.		
Location Land rear of, 102 Crymlyn Road, Skewen, Neath SA10 6DT		
Decision Approval with no Conditions		
Ward Coedffranc West		

109	App No. P2015/0337	Type Householder
Proposal Single storey rear extension.		
Location 57 HODGSONS ROAD, GODRE'R GRAIG, SWANSEA SA9 2DL		
Decision Approval with no Conditions		
Ward Godre'rgrraig		

110	App No. P2015/0339	Type LawfulDev.Cert-Prop.
Proposal Certificate of Lawful Development (proposed) for single storey rear extension.		
Location 11 DOLPHIN PLACE, SANDFIELDS, PORT TALBOT SA12 7EG		
Decision Issue Lawful Dev.Cert.		
Ward Sandfields West		

111	App No. P2015/0340	Type Discharge of Cond.
Proposal Details pursuant to condition 2 (External Materials) of Planning Permission P2012/0860 (Approved on Appeal on the 24/10/13)		
Location PLAS FARM, LANE FROM CHURCH ROAD TO PLAS FARM, RHOS PONTARDAWE SA8 3JQ		
Decision Approval with no Conditions		
Ward Rhos		

112	App No. P2015/0342	Type LawfulDev.Cert-Exist
Proposal Certificate of Lawful Development (Existing) single storey rear extension.		
Location 16 Chapel Close, Aberavon, Port Talbot SA12 7DB		
Decision Issue Lawful Dev.Cert.		
Ward Aberavon		

113	App No. P2015/0347	Type Householder
Proposal	Alteration of roof design to accommodate two dormers to the front, one dormer at the rear, single storey side extension and retention and completion of hardstanding.	
Location	1 MANOR WAY, BRITON FERRY, NEATH SA11 2TR	
Decision	Approval with no Conditions	
Ward	Briton Ferry East	

114	App No. P2015/0364	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to planning permission P2013/0312 (Approved on the 27/08/2013) addition of gable feature to front elevation	
Location	THE BUNGALOW, BARAN ROAD, PONTARDAWE, SA8 4RR	
Decision	Refusal	
Ward	Pontardawe	

115	App No. P2015/0373	Type Change of Use
Proposal	Proposed change of use from Café (Class A3) to Accounts/Tax office (Class A2)	
Location	57A HIGH STREET, GLYNNEATH, NEATH SA11 5DA	
Decision	Approval with no Conditions	
Ward	Glynneath	

116	App No. P2015/0377	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed hardstanding.	
Location	23 HEOL Y LLWYNAU, TREBANOS PONTARDAWE, SWANSEA SA8 4DH	
Decision	Issue Lawful Dev.Cert.	
Ward	Trebanos	

117	App No. P2015/0379	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 8 (landscaping) of P2013/1043 granted on 12/6/14	
Location	TY AFAN SECONDARY CENTRE, ABERAVON, PORT TALBOT SA12 6DX	
Decision	Approval with no Conditions	
Ward	Aberavon	

118	App No. P2015/0381	Type Householder
Proposal	Single storey outbuilding in rear garden	
Location	3 MANOR DRIVE, GLYNNEATH, NEATH SA11 5RE	
Decision	Approval with no Conditions	
Ward	Glynneath	

119	App No. P2015/0383	Type App under TPO
Proposal	Works to 1No.Beech Tree covered by T42/10 comprising of the removal of 3/4 secondary branches over woodchip area, reduce canopy over driveway only by 1.5m to 2m (approximately 8.5m from ground level) and reduce 1 lateral branch over garage by 2.5m to 3m.	
Location	ARDWYN, 86 HENFAES ROAD, TONNA, NEATH SA11 3EX	
Decision	Approval with Conditions	
Ward	Tonna	

120	App No. P2015/0384	Type LawfulDev.Cert-Prop.
Proposal	Rear dormer extension - Lawful Development Certificate Proposed	
Location	7 FAIRWOOD DRIVE, BAGLAN, PORT TALBOT SA12 8NS	
Decision	Approval with no Conditions	
Ward	Baglan	

121	App No. P2015/0386	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) for a single-storey rear extension.	
Location	59 Bertha Road, Margam, Port Talbot SA13 2AP	
Decision	Issue Lawful Dev.Cert.	
Ward	Taibach	

122	App No. P2015/0409	Type Discharge of Cond.
Proposal	Details pursuant to condition 8 (Location and design of pollution prevention shut off valves) of Planning Permission P2014/1141 (Approved on the 27/04/2015)	
Location	SWANSEA BAY UNIVERSITY CAMPUS,	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

123	App No. P2015/0410	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for alterations to conservatory including changes to roof design.	
Location	2 MONKS CLOSE, COURT HERBERT, NEATH SA10 7BW	
Decision	Issue Lawful Dev.Cert.	
Ward	Dyffryn	

124	App No. P2015/0428	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	4 ST DAVIDS ROAD, YSTALYFERA SA9 2JQ	
Decision	Issue Lawful Dev.Cert.	
Ward	Ystalyfera	

125	App No. P2015/0457	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning Permission P2010/0546 (approved on the 15/07/2010) to reduce the size of the single storey rear sun lounge.	
Location	LAND ADJACENT TO 21 ABERHENWAUN UCHAF, SEVEN SISTERS, NEATH SA10 9BS	
Decision	Approval with no Conditions	
Ward	Onllwyn	

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