

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/0639	<u>DATE:</u> 17/01/2017
PROPOSAL:	Re-profiling and change of use of land into residential garden area, retention of outbuilding, retaining wall and hardstanding with associated drainage works to facilitate parking
LOCATION:	Brynawel, Blaenafon, Tonmawr, Port Talbot SA12 9SY
APPLICANT:	Mr & Mrs Thomas
TYPE:	Change of Use
WARD:	Pelenna

SITE AND CONTEXT

The site comprises a semi-detached dwelling located outside settlement limits in Blaenafon, Tonmawr. The property is sited at a higher level than the road to the front and is bounded to the northern and eastern sides by fields. The application property provides parking within its front curtilage.

DESCRIPTION OF DEVELOPMENT

This is a full application proposing retention of the re-profiling and change of use of land to the eastern side of the dwelling house into residential garden area, retention of outbuilding, retaining wall and hardstanding with associated drainage works to facilitate parking.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

NEGOTIATIONS:

The application was initially submitted indicating the red edge area around the site including an additional area of land to the north eastern side of the dwelling house. However, this additional area at a higher level to the rear of the existing outbuildings does not appear to have been used. The applicant and agent were advised to reduce the red edged area solely to the eastern side of the dwelling which is relatively level and the majority of the evidence supports the use of this land as residential garden area for a number of years and also includes the parking area to the front. As such,

an amended plan was submitted indicating the revised red line with the remainder of the land outlined in blue.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P99/0894 – Single storey extension Approved 20/09/1999

CONSULTATIONS

Councillor Martin Ellis (Pelenna Ward) – Offers his support for the application, stating that Mr. Thomas has made remarkable efforts to nurse and support his wife who has serious medical problems. He has had a disabled platform installed through council grant and an annexe converted to deal with her requirements. The work undertaken in the garden and additional small piece of land and parking area to the front he understand now complies with their requirements. The matter of potential change of use from agriculture land to garden he believes here is academic, and open to interpretation, as the land has not been in open use for a great many years and its current use for cultivation is no different to a farmer using a portion of land for growing vegetables.

Pelenna Community Council – Strongly support the application.

Head of Engineering and Transport (Highways) - No objection.

Head of Engineering and Transport (Drainage) - No objection

REPRESENTATIONS

The neighbouring property was consulted on 26/10/17 and 20/01/17, with the application also advertised by site notices on 27/10/17 and 20/01/17, and in the press (as a departure from the Development Plan) on 28/10/16 and 24/01/17.

In response, to date 1 no. representation from Pelenna Community Councillor D J Sparkes has been received, with the issues raised summarised as follows: -

- Applicant has stated that in the application form the proposal is not within 20 metres of a watercourse. However, the Cllr. states that it is near a water course which has been altered and has concerns

regarding flooding to the highway adjacent to the development on a nasty bend at gradient.

- Development by its nature is adjacent to the highway, yet there are no clear road markings distinguishing the development from the highway, this could be a problem in the case of accident litigation and the highways authority have a duty of care to road users.

Six letters from neighbouring residents in support of the application have been submitted advising that the applicants in 1989/1990 had annexed the additional land to their property and enclosed it with a post and wire fence and used the land to grow vegetables.

REPORT

Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy SP14** The Countryside and the Undeveloped Coast

Issues

The main issues to be considered with regard to this application relate to the principle and impact of the change of use of the land into residential curtilage at this location having regard to the prevailing planning policies, the potential impact upon residential and visual amenity and the impact upon highway safety.

Principle of Development

The application site lies outside the settlement limits defined in the adopted Local Development Plan and, as such, must be considered in the context of the countryside protection policies outlined above.

Members should note that the application is a departure from the development plan as the applicant proposes the retention of the re-profiling and change of use of land into residential garden area, the retention of the

outbuilding, retaining wall and hard standing with associated drainage works to facilitate parking.

The applicant advises that he has owned and used as residential garden, part of the land edged in red to the eastern side of the dwelling since 2000. He has also bought the remaining land within the red edged line in 2012. An Ordnance Survey Location plan dated in 1968 indicates a boundary line between the area outlined in red and the neighbouring fields. Aerial photographs from 2004 indicate a clear boundary post and wire fence line on a raised area of ground separating it from the adjacent field and enclosing it as part of the residential curtilage of Brynawel.

Google Earth also shows that part of this land to the front was also used for the parking of vehicles during this period with no obvious markings on the road to delineate the hard surface from the highway other than the use of differing materials i.e. concrete for the hardstanding as opposed to tarmacadam for the highway. A drainage ditch also appears within the grassed area which ran from the upper most part of this land culminating at a lower level in the grassed area adjacent to the highway. Part of the land bought in 2012 appears to have been re-profiled and a retaining wall and extended hardstanding to facilitate a formal parking space with associated drainage works i.e. a drain and aco drain have been included within the red line area.

This element of the proposal would not strictly comply with Policy SP14 detailed above, however the land to be included would regularize the use of the land as a garden area – which as referred to above appears to have had semi/domestic use for in excess of ten years - with a defensible boundary line and the retention of a parking area to enable the disabled applicant to access and egress the vehicle safely without obstructing the adjacent highway.

Whilst it is considered that these works are visually prominent, they are adjacent to the existing dwelling and garden and would be considered to have an appearance in keeping with the dwelling.

Having particular regard to the previous use of this land in connection with the dwelling for many years – which it is likely could be proven through a Certificate of Lawfulness - it is therefore considered that the change of use of land and the retention of the developments are relatively small in scale and would have little adverse impact upon the visual amenity of the wider surrounding countryside to which it relates and that in this case would be considered acceptable as it would help to facilitate the necessary

alterations to the dwelling to allow the residents to continue to occupy the property.

Impact on Visual Amenity

The application involves a new 5.8m wide block work retaining wall with a maximum height of approx. 1.1m retaining an area of land to the rear of the new hard standing which has a width of 5m and approx. depth of 4.8m. Whilst the developments are visible from the street scene, the additional area that has been hard surfaced replaces the former hard surfaced area that had no drainage within its surface and the retaining wall is also typical of structures found within residential properties.

The retention of the existing shed which has been used in association with part of the land edged in red, purchased in 2000 and used as such for over 10 years would be considered to be exempt from enforcement action. Furthermore, the remaining land within the red edged area purchased in 2012 which is proposed to be included within the residential garden area also appears to have been in use as garden area for a number of years before its purchase and has a clearly defensible boundary fence. The area is relatively small in scale in relation to the original plot area and that of the adjoining dwelling and would have no adverse impact upon the visual amenity of the immediate and wider surrounding areas.

Impact on Residential Amenity

The proposals are located on the area of land to the side of the dwelling and at the lower front garden area. As such, it is considered that these works and proposed use would have no adverse impact upon the residential amenity of the occupiers of the adjacent dwelling.

Parking and Access Requirements and Impact on Highway Safety

The scheme proposes a disabled parking area, approx. 5m wide on the extended land to the side of the dwelling. The Head of Engineering and Highways (Highways) has raised no highway objection.

Drainage

In response to the local representations, the Drainage Officer has advised that historical ordnance survey plans indicate a spring within the boundary of the site that at some point may have been piped as suggested by the gully within the concrete ramp to the parking area. There are no records of

this being done however he would suggest historically this spring/issue has always drained towards this location. At some point during the expansion of Tonmawr this spring was culverted and probably utilised for highway drainage.

He further advises that the applicant appears to have constructed adequate drainage for intercepting the run-off from the hardstanding and connected it to the existing piped section within his land. The area of hard surfacing to be retained also has an aco drain incorporated into its design thereby ensuring adequate measures to ensure that surface water from this area would not drain onto the highway.

As such, the Head of Engineering and Highways (Drainage) offers no drainage objection

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

Having regard to the historical use of this land, it is considered that the retention of the developments would represent a minor encroachment into the countryside with no adverse impacts upon the visual amenity of the area and would accordingly not have a detrimental impact upon the character or appearance of the property and surrounding countryside, or on residential amenity, and there would be no adverse impact upon highway and pedestrian safety. Accordingly the development represents an acceptable minor departure to Policies SC1, BE1, TR2 and SP14 of the Neath Port Talbot Local Development Plan. Approval is therefore recommended.

RECOMMENDATION: Approval with Conditions

CONDITIONS

Approved Plans

(1))The development is hereby approved in accordance with the following plans:

- i. Location plan, drawing no. PT/2017/01/A received on 17/01/17.
- ii. Block plan, drawing no. PT/2017/02/A received on 17/01/17.
- iii. Site plan, drawing no. J1529/200A3/1.1 received on 28/09/16.
- iv. Floor and elevation plans of disabled parking area, drawing no. PT/2016/03 received on 28/09/17.
- v. Elevations and floor plans of shed, drawing no. PT/2016/04 received on 28/09/16.

Reason

In the interest of clarity.