

BRECON BEACONS NATIONAL PARK AUTHORITY
PLANNING, ACCESS & RIGHTS OF WAY COMMITTEE

SUMMARY OF APPEALS

APPEAL LODGED (DEVELOPMENT CONTROL)

Ref	Date	Appellant	Dev/Location	Description of Development
14/10500/ LBC	02.05.2014	Leeds Building Society	Leeds And Holbeck Building Society 12 Bulwark Brecon Powys LD3 7AD	Installation of new external signage
14/10431/ ADV	02.05.2014	Leeds Building Society	Leeds And Holbeck Building Society 12 Bulwark Brecon Powys LD3 7AD	Installation of new external signage

Appeal Decision (Development Control)

Ref	Date	Appellant	Dev/Location	Description of Development
13/10197/ FUL	06.05.2014	Mr Barry Gwatkins	Land Adjacent To Brynbecca Castle Road Llangynidr Crickhowell NP8 1NG	New dwelling Appeal dismissed – Appendix I

APPENDIX I



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 3/4/14

Site visit made on 3/4/14

gan P G Horridge BSc(Hons) DipTP
FRICS MRTPI

by P G Horridge BSc(Hons) DipTP
FRICS MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 6 Mai 2014

Date: 6 May 2014

Appeal Ref: APP/P9502/A/14/2212985

Site address: Land adjacent to Brynbecca, Castle Road, Llangynidr NP8 1NG

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 Barry Gwatkin against the decision of Brecon Beacons National Park Authority.
- The application Ref 13/10197/FUL, dated 11 November 2013, was refused by notice dated 6 January 2014.
- The development proposed is a new dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. At issue are: (1) whether adequate provision has been made for the relocation of the sewer which crosses the site and (2) the effect of the proposal on the character and appearance of the area and on the planning authority's policies for the location of new residential development in rural areas.

Reasons

3. The appeal site is an area of sloping ground to the north of Brynbecca, and separated from it by an access track and public right of way leading to Bryn Celyn to the west of the site and the countryside beyond. To the north is a further dwelling. The site is bounded to the north-east by Castle Road, beyond which is further residential development forming part of an outlier of the village of Llangynidr.
4. A public sewer runs across the site. The appeal proposals would involve the rerouting of the sewer. Welsh Water initially confirmed that the sewer can be diverted under a section 185 agreement. However, its consultation response on the planning application also said that no part of the building would be permitted within 3 metres of the centre line of the sewer, in order to protect the sewer and avoid damage to it. The plans show that significant lengths of the rerouted sewer would be less than 2m from the building. Subsequent to the refusal of planning permission, Welsh Water has now confirmed that it would be satisfied with a reduced easement, which would

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appear to allow the development to proceed. As such, the objection relating to whether adequate provision has been made for the relocation of the sewer which crosses the site has now been resolved, and the proposal would not be contrary to Policy 56 of the Brecon Beacons National Park Local Development Plan (LDP), which seeks to ensure that development is only permitted where adequate mains sewerage infrastructure exists or can be provided without detriment to water quality, nature conservation interests or residential amenity.

5. In the Brecon Beacons National Park Unitary Development Plan (UDP) (adopted 2007) it appears that the site lay within the identified limits of the settlement of Llangynidr, within which residential development was acceptable in principle. An earlier application for a larger dwelling was refused permission in 2013, and the present application attempted to address the objections. Although submitted with a view to it being determined while the authority continued to apply UDP policies, the application was not in fact determined until after the authority adopted the LDP, which replaced the UDP, on 17 December 2013. The appellant criticises the delay which led to this situation. It appears that time was spent during this period attempting to clarify and resolve the sewer issue, and I have some sympathy with the appellant that, had he been alerted to this issue at an earlier stage, he might have been able to expedite its resolution. He also suggests that, although the decision (which was made under delegated powers) is dated 6 January 2014, it was in fact taken at an earlier date. However, even if officers responsible for the decision had made their minds up at an earlier stage, the date of the decision is that on the decision notice and this was still within the normal 8 week period.
6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision on this appeal must be made in accordance with the development plan unless material considerations indicate otherwise. That development plan is now the LDP. Notwithstanding that the previous UDP identified the site as being within the built-up limits of the settlement of Llangynidr, the site is no longer within these settlement limits in the LDP. Instead, for policy purposes it is within the countryside where, by virtue of Policy CYD LP1, new residential development is not generally acceptable unless it is for certain specified exceptions, such as dwellings for essential rural workers, none of which applies in this case. On the edge of settlements, Policies E LP1 and 29 also allow certain other forms of development, such as 100% affordable housing sites, but this again none of these are proposed. As such the proposal is *prima facie* contrary to the development plan.
7. The objective of such policies is normally to protect the countryside from unnecessary development harmful to its character and appearance, and to ensure that new residential development is directed to sustainable locations where employment and services are more readily available. Given that the appeal site is surrounded by residential development, the proposed house would cause little harm to the character and appearance of the area, and would not involve encroachment into the countryside. The planning authority's representations do not explain how it would fail to encourage sustainable patterns of development but neither has the appellant demonstrated that it would accord with such patterns, e.g. by being located close to employment and services and/or being accessible by means of transport other than the private car. While I have sympathy with the appellant's argument that, had the planning authority's decision been made more promptly, it may have produced a different result, little weight can be attached to this as a material planning consideration for the purposes of the judgement to be made under Section 38(6).

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Accordingly, there are insufficient material considerations to justify a decision being made otherwise than in accordance with the development plan.

8. Therefore, although the sewer issue has now been resolved, the proposal would result in development outside the settlement limits of Llangynidr contrary to up-to-date LDP policies, notably Policy CYD LP1. Insufficient material considerations have been put forward for making an exception to these policies. The appeal must thus be dismissed.

Peter Horridge

Inspector