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## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 14/12/16

Ymweliad â safle a wnaed ar 14/12/16

gan **Joanne Burston BSc MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 18.01.2017**

## Appeal Decision

Hearing held on 14/12/16

Site visit made on 14/12/16

by **Joanne Burston BSc MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 18.01.2017**

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**Appeal Ref: APP/Z6950/A/16/3154903**

**Site address: Land off Wick Road, St Brides Major (Grid Ref: 289494 , 174566)**

**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 Newydd Housing Association against the decision of The Vale of Glamorgan Council.
  - The application Ref 2015/01157/FUL, dated 30 September 2015, was refused by notice dated 13 May 2016.
  - The development proposed is 19 affordable dwellings, with associated landscaping and engineering works.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Although at the time the planning application was determined edition 8 of Planning Policy Wales (PPW) was in force, it was replaced by edition 9 on the 17 November 2016. I have had regard to edition 9 in my determination of the appeal.
3. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is consistent with the sustainable development principle as required by section 8 of the WCFG Act.

### Background and Main Issues

4. The appeal site lies outside of the St Brides Major settlement boundary and therefore in the open countryside for planning purposes. The Vale of Glamorgan Unitary Development Plan 2005 (UDP) Policy ENV1 establishes that development in the countryside should be restricted to a limited number of categories including those approved under other policies of the plan.
  5. One such Policy is HOUS13 which allows for exception sites for affordable housing to meet a identified local need subject to certain criteria being met. These criteria
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include, amongst other matters that: the scale and form of the proposed development is in keeping with surrounding uses; the proposal has no unacceptable effect on the amenity and character of neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion; the proposal does not have unacceptable impact on good quality agricultural land, on areas of attractive landscape or high quality townscape or on areas of historical, archaeological, ecological, geological or geomorphological importance; the provision of car parking and amenity space is in accordance with the Council's approved guidelines; and adequate community and utility services exist and are reasonably accessible or can be readily or economically provided.

6. The reasons given for refusing planning permission include references to highway and Section 106 matters. The Council confirmed at the hearing that these matters have since been resolved satisfactorily.
7. Accordingly, the main issues in this case are:
  - Whether the proposed development would preserve or enhance the character or appearance of the St Brides Major Conservation Area, including the effect on preserved trees.
  - Effect of the proposed development on the setting and thereby the significance, of the nearby listed building.
  - The implications of the scheme for best and most versatile agricultural land.

## Reasons

### *Site and surroundings*

8. The approximately 0.5 ha site comprises a single field bounded by mature hedgerows, trees, post and rail fencing and stone walling, which is used for pasture. The site abuts Wick Road to the south west and agricultural land to the north and northwest. The Valeways Millennium Heritage Trail National Route also runs along the Wick Road. The appeal site lies to the east of the village of Brides St Major, but outside of its residential boundary. The site slopes down to the Wick Road from a high point of approximately 73.5m AOD in the north, to 64.4m AOD at the proposed site entrance. A number of trees near to the south western boundary of the appeal site, adjacent to Wick Road, are the subject of a Tree Preservation Order (TPO). The field comprises grade 3a agricultural land.
9. To the south-east of the appeal site lies a small complex of dwellings known as 'Kingshall' and on the opposite side of Wick Road is 'The Old Vicarage' a Grade II listed building and a further 3 dwellings which front the highway. The appeal site is situated wholly within the St Brides Conservation Area.

### *Conservation Area*

10. As required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special attention must be given, with respect to any buildings or other land in a Conservation Area, to the desirability of preserving or enhancing the character or appearance of that area.
11. Furthermore PPW states in paragraph 6.5.21 that "*There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or*

*its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area."*

12. The site lies on the north-western edge of the St Brides Major Conservation Area. A Conservation Area Appraisal and Management Plan (CAAMP) for the Conservation Area was published in 2009 and from all that I have seen and read the area has not changed a great deal since then and the document forms a helpful guide.
13. The architectural and historic interest of the central part of the village stems primarily from the variety of its stone buildings which are erected adjacent to the pond and the farm buildings to the south. Within the Conservation Area there are three listed buildings, a number of positive buildings and four County Treasures. A particular character of the area is its spaciousness, with wide gaps between roadside properties and settlement clusters. These gaps provide views of the surrounding countryside.
14. In this respect the Council explained at the Hearing that during a review of the Conservation Area boundary it was decided to retain the appeal site within the Conservation Area to maintain the village's important rural setting. Furthermore, the CAAMP reiterates this point and adds that trees and hedges and other greenery in the Conservation Area play a vital role in helping to consolidate its rural character and of particular note in this respect are the trees on the east side of Wick Road, namely those along the appeal site boundary.
15. From my visit the appeal site marks the change from the built up urban frontage of the substantive settlement of St Brides Major to an open rural frontage. Whilst there is a wall and mature trees along the front of the appeal site this part of Wick Road retains its open and rural character. This openness and rural nature of the site makes an important contribution to the character and appearance of the Conservation Area.
16. I note the Landscape and Visual Appraisal submitted by the appellant; however, the 19 proposed two-storey dwellings would clearly be visible from several points along Wick Road and from the open countryside opposite the site. Indeed, they would be particularly visible in the winter months when trees and vegetation were not in leaf. The proposed scheme would form a highly visible new 'block' and would not 'soften' the edge of the village but impose a discordant assertive feature that would jar noticeably with the existing informal settlement pattern and its setting. Whilst I note the suggested mitigation measures in terms of landscaping and that the materials chosen for the dwellings go some way to reflect the character of the existing settlement, this would not overcome the harm I have identified.
17. Furthermore, due to the topography of the site the proposed dwellings would visually dominate and detract from the rural setting of the neighbouring Kingshall farmhouse and converted farm buildings. These buildings are identified in the CAAMP as 'positive buildings', which make a positive contribution to the Conservation Area. To my mind the proposal would harm the appreciation and historical interest of these buildings within their rural setting.
18. The Council are also concerned that the proposed development and associated infrastructure would be sited close to trees, a number of which are protected. The

loss of trees and vegetation could potentially affect the character and appearance of the wider Conservation Area and increase views into the site. The appellant has provided a tree report which identifies the root protection areas of the various protected trees and also identifies tree protection measures and working practices to safeguard existing trees and that the majority of the tree screen along the boundary with Wick Road is shown as retained. I am satisfied that these matters could be adequately addressed by suitably worded conditions.

19. However, I am concerned that the removal of two trees (identified as T15 and T16) and vegetation due to the introduction of the access road would interrupt this significant tree group reducing its contribution to the Conservation Area as a whole. Mitigation planting even with larger specimens would do little to overcome this harm.
20. Overall, the loss of a considerable part of this field to development, including a lengthy estate road as shown on the supporting plans, would have a marked adverse effect upon the unspoilt open qualities of the site, eroding the charming setting of the settlement. This is likely to be compounded by lighting, footways, fencing and other associated infrastructure requirements which would give a suburban edge to this part of St Brides Major and erode its intrinsic rural character.
21. Therefore the proposed development would fail to preserve or enhance the character or appearance of the St Brides Major Conservation Area and would be contrary to UDP Policies ENV 17 and ENV 20, which relate to development in Conservation Areas and the protection of built and historic environment. Such factors weigh against an approval and carry considerable weight in the planning balance.

#### *Listed Building*

22. In accordance with the statutory duty set out in section 66 of the LBCA, special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. The preservation of setting is to be treated as a desired or sought-after objective, and considerable importance and weight attaches to the desirability of preserving the setting of listed buildings when weighing this factor in the planning balance.
23. The significance of this designated heritage asset is derived in part from its architectural quality, given that it is a good example of an early Victorian purpose built vicarage. Nevertheless the proposed development would not compromise the setting of the listed building. In particular, given the degree of separation between the listed building and the appeal site, the proposed dwellings would not impose excessively on the space within which the listed building is experienced. This aspect of the proposed scheme is therefore acceptable in the context of its effect on the listed building.

#### *Agricultural land*

24. The PPW advises that in development management decisions considerable weight should be given to protecting agricultural land of grades 1, 2 and 3a from development, because of its special importance. The appeal site lies within grade 3a agricultural land, regarding as the Best and Most Versatile (BMV) .
25. Within the Vale of Glamorgan agriculture makes a material contribution to the local and regional economy. However, it was confirmed at the Hearing that the development proposed would not result in the severance of an agricultural unit. Neither would there be any adverse economic impact to an agricultural unit. The loss of this small tranche of BMV would not, therefore, be significant in that context.

26. All things considered, I am of the view that the proposal does not involve a significant loss of the best and most versatile agricultural land.

*Benefits of the proposal and planning balance*

27. I have concluded that the proposals would not result in material harm arising from the loss of agricultural land and that the proposals would not result in material harm to the special architectural and historic interest which 'The Old Vicarage, a Grade II listed building, possesses including its setting. I have however also concluded that the proposals would fail to preserve and enhance the character and appearance of the St Brides Major Conservation Area.
28. In terms of the impact on the Conservation Area PPW requires me to assess whether the presumption against the granting of planning permission for developments which damage the character or appearance of a conservation area may be overridden in favour of development considered exceptional on the grounds of public benefit / interest.
29. The proposals would provide 19 affordable homes which would add to local housing supply. In addition to this, the development would provide benefits in terms of generating employment during the construction period and support to local services and facilities. Nevertheless, such benefits would be achieved from all new affordable housing schemes irrespective of their location which tempers the weight that can be afforded to these benefits.
30. I have also taken into account third party comments regarding the oversupply of affordable housing units locally. However, given the evidence provided by the Council's Housing Strategy Team in terms of an identified need for affordable housing provision in the Vale of Glamorgan I give these comments limited weight.
31. The appellant also stated at the Hearing that the site is in a sustainable location and that there are no other suitable sites within St Brides Major for affordable housing. I agree that the site is in a broadly sustainable location. However, there is insufficient evidence before me to establish whether or not affordable housing development sites exist within the wider area, such as the St Brides Major Ward, or that any specific local need exists in the settlement of St Brides Major itself.
32. The appellant has not put forward any other public benefits and the fact the development does not result in harm to those other matters discussed above is not a positive or public benefit of the scheme.
33. On balance, the key benefit of the development is the provision of much needed affordable housing. But although this is to be welcomed, it is a general benefit, rather than an exceptional situation, insofar as affordable housing could be located on any sustainable site in the area. This particular site, due to its location within the Conservation Area, gives rise to very considerable objections on heritage and therefore sustainability grounds. The harm to the Conservation Area is given considerable statutory importance and weight and this is not outweighed by the public benefits of the proposal.
34. Accordingly, the proposed development would, on balance, fail to comply with PPW and the UDP when considered as a whole.

**Conclusion**

35. For the reasons set out above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

*Joanne Burston*

INSPECTOR

Richborough Estates

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr G John	Geraint John Planning, Appellants' Agent
Mr J Ayoubkhani	Geraint John Planning
Mr A Crutchley	EDP Heritage
Mr D Lewis	EDP Landscape
Ms V Bolton	Newydd Housing Association, Appellant
Ms K Morris	Newydd Housing Association, Appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mrs J Moss                      Vale of Glamorgan Council, Appeals Team Principal Planner

### **INTERESTED PARTIES**

Mr G Powys Jones	Acting on behalf of local residents
Mr A James	Acting on behalf of the St Brides Major Community Council
Mr A Davies	Wildflower Cottage, Wick Road, Local Resident
Mr S Davies	Wildflower Cottage, Wick Road, Local Resident
Dr J Davies	Wildflower Cottage, Wick Road, Local Resident
Mrs K Lucus	Chestnut View, St Brides Major, Local Resident
Mrs R Morris	Wild Goose Cottage, St Brides Major, Local Resident

### **DOCUMENTS SUBMITTED AT THE HEARING**

Doc 1	Council's neighbour notification letter and list of those notified.
Doc 2	Minutes of the St Brides Major Community Council meeting, submitted on behalf of the Community Council objecting to the proposal.
Doc 3	List of conditions, submitted on behalf of the Council.
Doc 4	Appeal decision ref: APP/Z6950/A/14/2213031, submitted on behalf of local residents objecting to the proposal.
Doc 5	Appeal decision ref: APP/Z6950/A/16/3149474, submitted on behalf of local residents objecting to the proposal.
Doc 6	Secretary of State decision ref: qa1232723, submitted on behalf of local residents objecting to the proposal.
Doc 7	Vale of Glamorgan electoral wards map & St. Brides Major Ward, submitted on behalf of local residents objecting to the proposal.
Doc 8	Draft Local lettings and sales policy, submitted on behalf of local residents objecting to the proposal.
Doc 9	Housing land trajectory, submitted on behalf of the Council