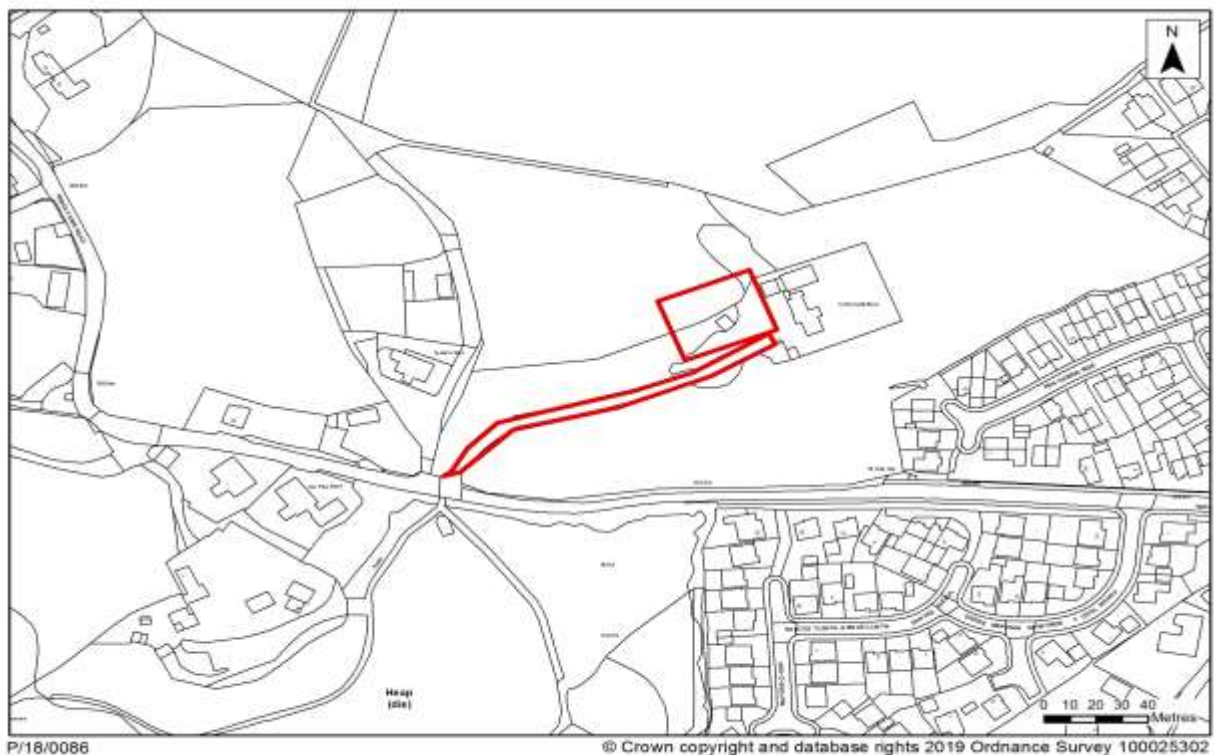


FOR INFORMATION – APPEAL DECISION

DATE WRITTEN	23 rd May 2019
REPORT AUTHOR	Judith Jones
CASE OFFICER	Caroline Pulley
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	5 th June 2019

Application No. P/18/0086	Date 23.01.2018	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Private stable block	Ty Mynydd Mawr Winchfawr Heolgerrig Merthyr Tydfil CF48 1RD	Mr & Mrs Jones C/O George + Co Hwyl Hub 1st Floor Woodfired Studios 62 High Street Merthyr Tydfil CF47 8DE



TYPE OF APPEAL:	AGAINST REFUSAL
APPEAL REFERENCE NO.:	APP/U6925/A/19/3222460
DATE DECISION RECEIVED:	23.05.2019
DECISION:	DISMISSED



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/04/19

gan **Joanne Burston BSc MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23.05.2019

Appeal Decision

Site visit made on 08/04/19

by **Joanne Burston BSc MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 23.05.2019

Appeal Ref: APP/U6925/A/19/3222460

Site address: Ty Mynydd Mawr, Winchfawr, Heolgerrig, Merthyr Tydfil CF48 1RD

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 Jones against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref P/18/0086, dated 23 January 2018, was refused by notice dated 23 October 2018.
 - The development is a proposed stable block.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although at the time the planning application was determined edition 9 of Planning Policy Wales (PPW) was in force, it was replaced by edition 10 on the 5 December 2018. I am satisfied that the revised version does not make any material difference to the main issues in this case and I have had regard to it in my determination of the appeal.
3. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - The character and appearance of the area; and
 - Land stability.

Reasons

5. The appeal site is located within a large area of open grassland, positioned on a plateau, which forms part of the expansive hillside hereabout. The appellants'

dwelling 'Ty Mynydd Mawr' lies close to the appeal site, with the settlement of Heolgerrig found to the east.

6. Merthyr Tydfil Local Development Plan, adopted 2011, (LDP) Policy BW7 requires new development to be appropriate to its local context and integrate effectively with adjacent spaces.
7. I acknowledge that the appellants have attempted to use materials that are found in agricultural buildings in the local area and that horse related infrastructure would not necessarily look out of place. However, the L-shaped stable block's considerable size and ground coverage, coupled with its proposed location and angular appearance would appear incongruous, being both a prominent and highly visible addition on the land, out of keeping with the surrounding landscape. As such it would have a significant adverse impact on the character and appearance of the surrounding area.
8. I have considered whether the imposition of appropriately worded conditions could limit this effect, such as a scheme of landscaping to mitigate the harm from its size. However, in this case there is a limit to which landscaping could be effective, such that I find a harmful change in the character and appearance of the site would be inevitable.
9. The appellants have made reference to a number of other structures in the vicinity. While I am not aware of the particular circumstances of these other developments, I did note that they were infrequent and generally smaller in scale than the current proposal. In general, they were not obtrusive or discordant; rather they sat comfortably within their wider context and did not undermine the area's rural character.
10. The Council are also concerned that the proposed development would fail to effectively integrate with any development on the neighbouring allocated housing site. However, I have no evidence that these proposed dwellings have planning permission or that any design parameters have been agreed. Moreover, given the separation distances appropriate screening or a landscaping buffer could be possible. Accordingly, it may be possible to achieve a sympathetic design solution.
11. In any event, a lack of harm to the allocated housing site would not overcome the significant harm the proposal would cause to the character and appearance of the wider area. As a consequence, the proposal would not accord with LDP Policy BW7 as outlined above.

Land stability

12. Paragraph 6.9.23 of PPW seeks to ensure that development proposals take account of ground conditions and land instability, including from former activities such as mining and that adequate site investigation information is presented. The Coal Authority has objected to the proposed development as it falls within the Coal Authority's defined Development High Risk Area and a Coal Mining Risk Assessment has not been submitted.
13. Whilst the appellants state that they were unaware of the Coal Authority's objections when the planning application was refused, it was up to them to provide the information at appeal to overcome this reason for refusal. The appellants have not done so. Thus, I cannot be satisfied that the proposed development would be appropriate for its location and safe in terms of land stability. It would, therefore, be contrary to PPW.

Conclusion

14. For the reasons stated above, taking into account all other matters raised and notwithstanding my findings regarding the integration with the allocated housing site, my findings regarding the character and appearance of the area and land stability are significant and overriding. The proposed development would conflict with both local and national policy and the appeal should be dismissed.

Joanne Burston

INSPECTOR