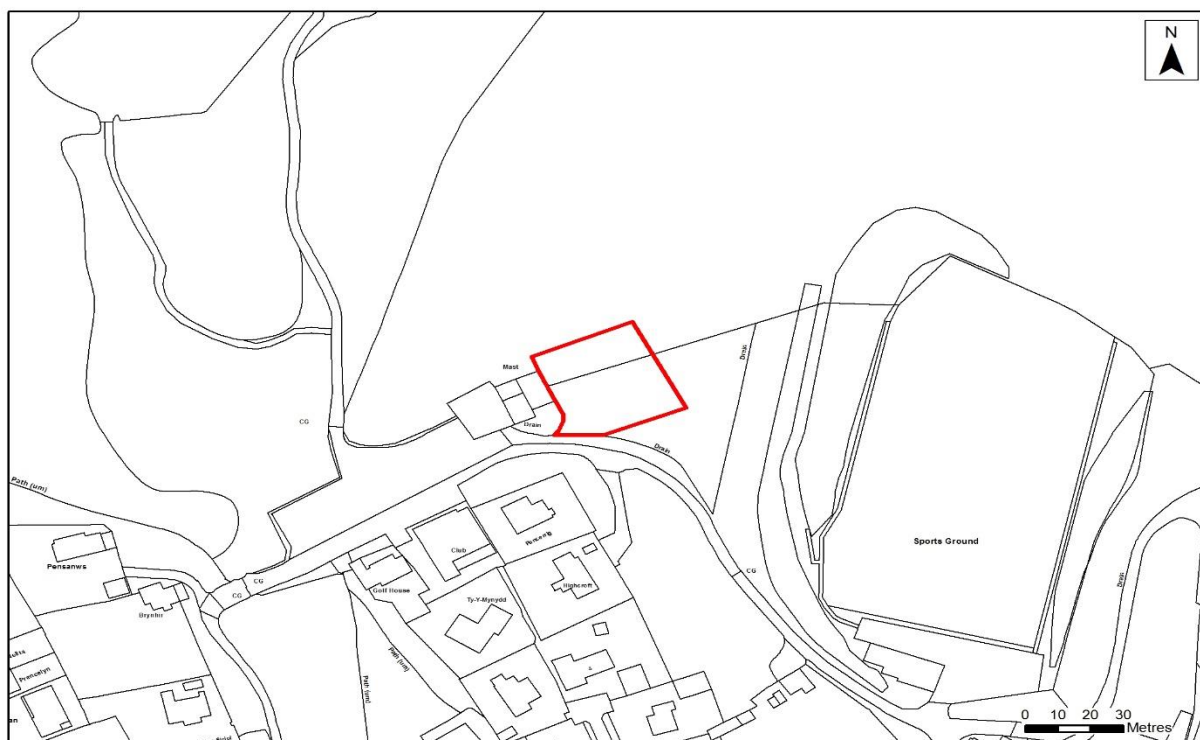


FOR INFORMATION – APPEAL DECISION

DATE WRITTEN	2 nd November 2020
REPORT AUTHOR	Judith Jones
CASE OFFICER	David Cross
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	18 th November 2020

Application No. P/19/0038	Date 13.02.2019	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Proposed chalet development (4-6 units) with access and parking	Merthyr Tydfil Golf Club Cloth Hall Lane Cefn Coed Merthyr Tydfil CF48 2NT	Merthyr Tydfil Golf Club Limited Cilsanws Mountain Cloth Hall Lane Cefn Coed Merthyr Tydfil CF48 2NT



P/19/0038

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TYPE OF APPEAL:	AGAINST REFUSAL
APPEAL REFERENCE NO.:	APP/U6925/A/19/3240540
DATE DECISION RECEIVED:	28 th NOVEMBER 2019
DECISION:	DISMISSED



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/01/20

gan **Joanne Burston BSc MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28.01.2020

Appeal Decision

Site visit made on 21/01/20

by **Joanne Burston BSc MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 28.01.2020

Appeal Ref: APP/U6925/A/19/3240540

Site address: Merthyr Tydfil Golf Club, Cilsanws Mountain, Cloth Hall Lane, Cefn Coed, Merthyr Tydfil CF48 2NT

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 outline planning permission.
 - The appeal is made by Merthyr Tydfil Golf Club Limited against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref P/19/0038, dated 1 February 2019, was refused by notice dated 4 July 2019.
 - The development proposed is chalet development (4-6 units) with access and parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is located within the wider Vaynor Common. Accordingly, if successful, the proposed development would require a further consent under the Commons Act 2006.
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 case are the effect of the proposed development on:
 - The character and appearance of the area;
 - Protected species, habitats and any other features of ecological interests; and
 - Highway and pedestrian safety.

Reasons

Character and appearance

5. The appeal relates to an area of common land (Vaynor Common) on the margins of Merthyr Tydfil Golf Club. It is situated close to the hilltop, within a rolling landscape characterised by open scrubby grassland and tree copse. The wider settlement of Merthyr Tydfil is visible from the appeal site, as are the buildings associated with the Golf Club. Nevertheless, the landscape hereabouts displays a tranquil, settled quality. This area and the wider common is also used to graze livestock and for recreation such as walking.
6. The proposed holiday lodges would be approximately 10 metres length x 10 metres width (minimum) to 12m x 10m (maximum) and 6.0 metres to ridge height (minimum to 9.0m (maximum). A shared private drive would be constructed from the golf club car park and Lon Maes Du to the appeal site and parking areas would be provided for each lodge.
7. The proposed development is located outside the settlement boundary and therefore in the countryside for planning purposes. In such circumstances the Merthyr Tydfil Local Development Plan 2006 - 2021 (LDP) Policy BW4 sets out a number of conditions where such proposals would be acceptable¹. In this regard the proposal could be considered as an *"expansion of an existing business"* or *"tourism, recreation or leisure facilities where the need for a countryside location is fully justified"*. Whilst the appellant states that the development is required to financially support the golf club, there is no evidence before me to support this statement, such as a viability assessment. Moreover, I do not consider this proposal to be an expansion of the existing business, rather it is diversification from the existing use. In any event, even if the appellant disagrees with this finding the proposal must also comply with other relevant LDP policies.
8. LDP Policies BW5 and BW7 require development proposals to maintain, enhance or not cause harm to landscape character and biodiversity interests. In doing so proposals are required to, amongst other matters, be appropriate to its local context and integrate effectively with adjacent spaces.
9. These policies are consistent with the provisions of Planning Policy Wales, Edition 10, (PPW) which states at paragraph 5.5.3 that *"In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment."* And at paragraph 6.3.4 *"Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission."*
10. I do not envisage that the proposal would have a significant visual impact within the wider area, it would, nonetheless have a significant effect on the character and appearance of the local landscape. At present, the site has very little impact in this regard, displaying a very low key and tranquil character.
11. Against this background, the appeal proposal would introduce significant urbanising built form with the associated general activity, lighting, noise and the movement and parking of vehicles at a level commensurate with 4- 6 chalets. In addition, there would likely be ancillary activities, for example outside tables, chairs and BBQs from those taking advantage of good weather which would erode the area's tranquillity and scenic quality, thus detrimental to the character of the local landscape.

¹ Where countryside development is acceptable in principle, the proposal must also satisfy other relevant LDP policies.

12. For these reasons, and without sufficient justification for the need for the proposal in this countryside location, the development would unacceptably harm the landscape characteristics of the area and would fail to maintain and/or enhance the character of the surrounding area. Accordingly, the proposed development would be contrary to LDP Policies BW4, BW5 and BW7.

Protected species

13. The proposed development would be in a reasonably sensitive location in terms of biodiversity at the border of the settlement and the countryside and a short distance from the 'Cilsanws Common South' Site of Importance for Nature Conservation (SINC) and within 500 metres of the Cwm Taf Fachan Site of Special Scientific Interest (SSSI). Given the variety of habitats present on the site there is the possibility of ground nesting birds, bats, otter and reptiles being present.
14. An ecology survey was not submitted with the planning application or the appeal. However, given the location and nature of the appeal site together with the statement provided by the Council's Ecologist, there is a need for an ecological survey to be carried out in order to determine whether or not there are protected species on the site and to identify any possible remediation strategies.
15. I have considered the use of a suitably worded condition to secure an ecological survey along with any potential associated mitigation. However, there is insufficient evidence before me to assess whether protected species are present on the site and if so what the effect of the proposed development might be. There is no substantive evidence that the proposed development would not be harmful to any protected species or habitat or that any such harm could be mitigated. On that basis this matter could not be reasonably controlled by way of a planning condition.
16. Accordingly, the appellant has failed to demonstrate that the proposed development would not be harmful to the biodiversity of the site or how it would retain, protect and enhance existing landscape features which are of biodiversity value. Therefore, in that regard, the proposed development would conflict with LDP Policy BW5 as set out above.

Highway safety

17. The appeal site would be accessed from either Cloth Hall Lane or Lon Maes Du. Both roads provide access to a number of residential properties along their length and are narrow, with a steep gradient. There are relatively few passing places and given third party landownership there is limited opportunity to provide any.
18. When combined, the narrowness of the roads and the gradient of the slope would not be suitable for such a development, or for possible emergency vehicle access. Whilst the number of cars associated with the proposal may not be huge it is entirely possible that some of these cars, and visitor or delivery vehicles to the proposed chalets, could meet on the access roads at the same time, leading to awkward reversing situations. Such circumstances could also cause limited conflict with other road users such as pedestrians and cyclists.
19. I do not consider therefore that the existing access roads are suitable to allow a high standard of safe access and egress of vehicles to the proposed development. Furthermore, without the provision of a Highway Safety Audit I am unable to identify what safety improvements are necessary and would be achievable.

20. I therefore consider, on the basis of the evidence provided to me that the proposed use of the existing access roads for the proposal would have an adverse effect on highway safety, and would be contrary to Policy BW12 of the LDP, which states, amongst other matters, that development proposals demonstrate how they will avoid causing or exacerbating highway safety problems.

Conclusion

21. For the reasons set out above, and taking account of all matters raised, I conclude that the proposed development conflicts with the LDP, when read as a whole, and therefore the appeal should be dismissed.

Joanne Burston

INSPECTOR