



The Planning Inspectorate

Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

20th February 2019

Dear Sir/ Madam

Proposed tourist (Tree Tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities at Woodside Hamlet, Ham Manor, Llantwit Major

On behalf of the appellant Mr N Rubinstein of OOTA Property Limited, I hereby appeal against the decision of The Vale of Glamorgan Council to refuse Outline planning permission 2016/01160/OUT for proposed tourist (tree tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities.

The matters for consideration were Access and Appearance of the proposed tree tents only. All other matters were reserved for later consideration.

The application was reported to the Planning Committee with a recommendation to approve following the consideration of the Senior Planning Officer in light of the Development Plan and all other material planning considerations.

The Planning Committee debated the merits of the application however resolved to refuse planning permission for the reason stated on the decision notice, namely:

"By virtue of its location relative to nearby residential properties and proposed means of access through the Ham Manor Estate, the proposed use of the site for tourist (Tree Tents) accommodation development, with associated parking, wash up and toilet facilities, represents an unneighbourly form of development that would unreasonably affect the amenity of nearby residential properties. The proposed use is therefore considered contrary to LDP Policy MD2(8) which requires development proposals to safeguard existing public and residential amenity, particularly with regard to noise and disturbance".

The merits of the proposed development were fully justified in the officer's report, so I will not repeat that commentary here, but address the matters of concern suggested in the reason for refusal. The Planning Committee considered that the proposed development would be unneighbourly and adversely affect neighbouring residential amenities, specifically having regard to noise and disturbance.

The appeal site is currently an underused woodland area positioned to the south of Llantwit Major, but the proposed vehicular access is gained from Ham Manor Park, which is a residential park positioned to the south.

The proposal will utilise the existing vehicular access serving several nearby residential lodges. The proposed car parking area will accommodate 11 vehicles at any one time. Due to the size of the car parking spaces, the types of vehicles to be accommodated are domestic vehicles, not large vans, buses or coaches. As such the noise and disturbance associated with limited vehicular movements will not harm the amenities of nearby residential occupiers, or represent a significant increase of traffic movements to raise alarm, or create unacceptable noise.

The planning officer's report confirmed that the Highways Officer was satisfied that the proposed development would not generate unreasonable traffic movements and the proposed car parking area would be sufficient to meet the car parking demand, without causing material to residential amenities or pedestrian safety off site.

The officer's report to Committee advised of the geographical location to nearby residential occupiers. The closest tent shown on the indicative site plan (which is technically a reserved matter), would be 14 metres from no.1 Woodside Lodge. The appellant would opine that the noise disturbance generated by occupier(s) of the closest tent will not be harmful, and significantly less than that which could occur from a nearer permanent residential lodge. The conclusion of the Officer was *"while it would be expected that levels of noise may increase with the change of use and type of accommodation proposed, it is considered that the number of tents proposed is relatively modest"*. The Environmental Health Officer raised no objection to the proposed development. As such, the reason for refusal resolved by the Planning Committee was based without any evidence of material harm, nor objected to by a professional officer who could support the conclusions that the proposal would demonstrate material harm.

The appearance of the proposed tents are modest and only capable of accommodating a small number of individuals at one time, and those individuals are likely to seek peace and relaxation. These types of individuals are not likely to cause unreasonable noise disturbance to each other, wildlife nesting in the trees and to nearby residential occupiers.

Their design is bespoke and the external appearance will be modified to fit into the woodland area, the external colours could be secured by planning condition, as originally recommended by the Senior Planning Officer. In terms of their resultant appearance, these could not be deemed harmful to residential amenities in any planning terms.

The proposed development would positively contribute to the local economy and promote tourist accommodation to the area. The proposed development would accord with the current ideology behind sustainable development and would be managed in a responsible way, to ensure that the environmental characteristics of the site remain substantially unchanged. Hence this application received a recommendation to approve but was refused on unsustainable grounds so the Planning Inspector is now requested to allow this appeal.

Costs Application

It is the strong opinion of the Appellant that the Council refused planning permission on grounds that is not supported by evidence nor supported by judgements of professional officers. As such the decision of the Council is challengeable, and more importantly the decision/ reason for refusal was unreasonable. As such, the appellant hereby makes an application for award of costs against the Council, seeking to recover the full planning fee of this consultant's time as the planning agent, to prepare, submit and handle the appeal.

The planning officer's report to Committee is comprehensive and the scheme received favourable support from various departments including the planning department, highways, tourism and the environmental health. As such the refusal of planning permission was unreasonable and has delayed the development that could have been approved and final matters resolved by the Reserved Matters application or subsequent planning condition. The appellant therefore requests that the Planning Inspector awards the full award of costs.

Yours sincerely



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