
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/05/19

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.06.19

Appeal Decision

Site visit made on 03/05/19

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13.06.19

Appeal Ref: APP/Z6950/A/19/3223102

Site address: Woodside Hamlet, Ham Manor, Llantwit Major, CF61 1BD

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 Mr Nicholas Rubenstein of OOTA Property Ltd. against the decision of The Vale of Glamorgan Council.
 - The application Ref: 2016/01160/OUT, dated 24 September 2016, was refused by notice dated 1 February 2019.
 - The development proposed is tourist tree tent accommodation development.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the appellant against the Local Planning Authority (LPA). This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline, with only access and appearance considered at this stage. All other matters, including scale, layout and landscaping, are reserved for subsequent approval. The Council determined the application on this basis and I shall consider the appeal in the same manner.
4. Despite not being explicitly labelled as indicative, the proposed Site Plan has been referred by both of the main parties as such. I shall consider it accordingly.

Main Issue

5. The main issue in this case is the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of noise and general disturbance.

Reasons

6. The appeal relates to an area of mixed ancient woodland located to the south of Llantwit Major in the Vale of Glamorgan. The site lies adjacent to the settlement boundary of Llantwit Major, as defined by the Vale of Glamorgan Local Development Plan 2011-2026 (2017) (LDP), and is therefore located within the countryside for the
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purposes of planning policy. Nevertheless, a residential development adjoins the site to the north, whilst the Ham Manor Estate retirement park and Woodside Hamlet holiday lodges are located to the east and south. The site itself varies significantly in terms of its site levels and is dissected by a water course known as the River Hoddnant.

7. The appeal proposal seeks outline planning permission for 'tree tents' that would be used as seasonal tourist accommodation between the months of March and October each year. Specifically, the Site Plan illustrates 11No. 'tree tents' with ancillary infrastructure that would include shower/toilet facilities and 2No. bridges that would provide pedestrian access across the River Hoddnant. Parking provision and the principal point of access is proposed to the south west of the site, via Ham Manor.

Living Conditions

8. The indicative site layout suggests that the proposed tree tents would be sited within close proximity to the existing lodges located to the south of the site. However, I have been informed that those lodges comprise holiday accommodation and, given that the proposed tree tents would be no closer to those lodges than the existing adjoining lodges, I do not consider that amenity levels at those properties would fall below what would reasonably be expected of such accommodation. I have also not seen any evidence to indicate that vehicular movements associated with the proposed development would cause material harm to the living conditions of the occupiers of the properties located off Ham Manor Estate, not least because the proportion of traffic that would be generated by the proposed development would be modest relative to the wider traffic utilising the proposed route.
9. Nevertheless, the Site Plan also indicates that the proposed tree tents would be located within relative close proximity to a number of permanent residential dwellings, including those located at the southern ends of Raglande Court and Whitewell Drive. As such, I share the Council's concerns that the development would fail to satisfactorily safeguard levels of residential amenity at neighbouring properties, with specific reference to levels of noise and general disturbance. In coming to this conclusion, I have been particularly mindful of the fact that the tree tents would not be insulated in the same way as more permanent structures and that they would, therefore, be unlikely to effectively suppress noise generated from the holiday accommodation. Moreover, I have been particularly conscious of the difficulties in controlling such impacts through a management plan or other such strategy, as well as the fact that such noise and disturbances would be likely to commence early in the morning and potentially continue late into the evenings.
10. I have fully considered the fact that such impacts could be minimised through a revised layout. However, even if an alternative layout was submitted as a reserved matter, concern remains over the wider change of use of the land across the entirety of the appeal site. Indeed, the appeal site would only be separated from the residential properties to the north of the site by a narrow access lane known locally as Mill Lay Lane. I note the differing site levels and have considered the fact that no objection has been raised by the Council's environmental health representatives. However, whilst I accept that the development is unlikely to result in consistent levels of noise that would represent a statutory nuisance, I consider that the volume of multiple voices, movements and activities associated with the holiday use would inevitably cause unacceptable disturbances to the occupiers of nearby residential properties.

11. For these reasons, and having considered all matters raised, I conclude that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties, with particular reference to increased levels of noise and disturbance. The development would therefore conflict with the general thrust of Policy MD2(8) of the adopted LDP which, amongst other things, seeks to safeguard existing residential amenity, having particular regard to levels of noise and general disturbance.

Other Matters and Overall Conclusions

12. Despite no objection being raised by the Council, a significant number of representations have been submitted by interested parties in relation to the loss of trees on site. Indeed, given that the appellant's Arboricultural Impact Assessment (AIA) indicates that 55 of the 83 trees surveyed would be removed, I share the concerns for the woodland. However, the AIA has been prepared by a qualified arboricultural consultancy and it has found that a number of the trees on site are classified as dead or are of poor value and that they could not be retained for more than 10 years. It is therefore suggested by the appellant that they will be removed for 'arboricultural reasons' and due to the owner's 'duty of care' to the occupiers and users of the woodland. No cogent evidence has been submitted to counter such evidence and, bearing in mind the fact that it is clearly stated that no trees are required to be removed to facilitate the development itself, I have not attributed any weight to such concerns in determining the appeal.
13. Notwithstanding this, I have already set out above that the development would cause material harm to the living conditions of the occupiers of neighbouring residential properties and I have not seen anything to lead me to the conclusion that such harm and associated policy conflict would be outweighed by the economic or other positive benefits of the scheme. On this basis, and having considered all matters raised, I conclude that the appeal should be dismissed. In coming to this conclusion, 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR