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Further information about us and the planning appeal system is available on our website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

# PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

**Please use a separate form for each appeal**

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

**WARNING:** If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

**PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK**

**A. APPELLANT** The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name PAM CROSBY

Organisation Name (if applicable)

**B. AGENT (if any) FOR THE APPEAL**

Name ALAN GILLARD RIBA

Organisation Name (if applicable) GILLARD ASSOCIATES

Your Reference

**C. LOCAL PLANNING AUTHORITY (LPA)**

Name of the LPA VALE OF GLAMORGAN

LPA's application reference no. 2007/01700/FUL

Date of the planning application 161107

Date of the LPA's decision notice (if issued) 230108

**D. APPEAL SITE ADDRESS**

Address PLOT ADJACENT  
2 RIVER WALK  
LLANTWIT MAJOR

Postcode CFE1 1SY Note: Failure to provide the full postcode may delay the processing of your appeal.

## E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme. Please enclose a copy of the LPA's agreement to the change.

NEW 3 BEDROOM DWELLING

Grid area for describing the development details.

Size of the whole appeal site (in hectares) 0.027

Area of floor space of proposed development (in square metres)

Has the description of the development changed from that entered on the application form? YES NO

Is flooding an issue? YES  NO

Does the development affect the setting of a listed building? YES  NO

Is the appeal site within an Area of Outstanding Natural Beauty? YES  NO

Does the site lie within a conservation area? YES  NO

Does the site lie within a green belt/green wedge? YES  NO

## F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **ONE** box only

1 Refuse planning permission for the development described in Section E. 1

2 Grant planning permission for the development subject to conditions to which you object. 2

3 Refuse approval of the matters reserved under an outline planning permission. 3

4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4

5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5

**OR**

6 The failure of the LPA to give its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6

## G. CHOICE OF PROCEDURE

### CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine appeals. In short there are 3 possible methods:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views. ✓

#### 1 WRITTEN REPRESENTATIONS

W ✓

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and change of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

**NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.**

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES  NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES  NO

If the answer to **1b** is 'YES' please explain

#### 2 HEARINGS

H

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission which the Local Planning Authority and the appellants(s) will be represented. Members of the public, interested bodies (e.g. Community/Town Councils) and the press may also attend. At the hearing the inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

#### 3 INQUIRIES

I

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

## H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable to LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

PLEASE SEE ATTACHED SHEETS

## H Grounds for Appeal

The reasons for refusal set out by the LPA comprise two main issues: a) insensitive and inappropriate development, and b) vulnerable to flooding.

The appellant wishes to make clear that this appeal is **not** against the second reason for refusal; whilst informal discussions with the Environment Agency have shown that sufficient mitigation measures can be included in the scheme, a formal application and assessment will need the services of a professional and will incur significant costs. If the appeal against the first reason is dismissed, the cost of employing flood mitigation expertise will be wasted.

Therefore this appeal is against the first reason **only**, ie, that the proposal represents an insensitive and inappropriate form of development.

The reasons for refusal by the LPA are as follows:

### ENV 17

The LPA contend that the development has 'a detrimental effect on the character appearance or setting of the adjacent Grade II Listed Swimbridge Farmhouse'.

The appellant believes that this interpretation is narrow and prejudiced against the application; that the conservation area is traditionally made up of small developments arranged haphazardly and organically over a long period of time; that the new development has a scale, form and mass which reflects and more importantly reinforces the local vernacular without resorting to pastiche or imitation.

It is very difficult to see how the proposals can detrimentally affect the farmhouse which is in its own large plot; the proposed dwelling is built into the boundary wall and the only visible part will be a blank wall and slate roof; there are plenty of precedents for this sort of juxtaposition.

The appellant believes that the existing dwellings adjacent to the proposed development spoil the setting of the historic buildings and conservation area and feels that she is being unfairly targeted; 'shutting the stable door after the horse has bolted'. The LPA are unfairly prohibiting further development because of mistakes made in allowing insensitive developments in the past.

The LPA should welcome sensitive development because it helps to dilute the detrimental effect of poor planning decisions made previously.

### ENV 20

Supplementary Planning Guidance on 'Amenity Standards'.

The LPA's reasons for refusal do not stipulate which policies – in their opinion - have not been followed and so each one is taken in turn:

#### Policy 1: Careful Design etc

The proposals do not contravene the guidance on provide an interesting and lovely garden setting focused on an old willow which can be pruned and managed in such a way that the occupant will benefit from the nature; the adjacent stream providing 'white noise' to mask the effects of living in a busy neighbourhood;

#### Policy 2: Useable amenity

The proposals do not contravene the amenity space standard: the available site amenity is 152m<sup>2</sup> whilst the dwelling plan is 104m<sup>2</sup>. The plot is a corner plot; it is in a densely built up village; with careful landscaping and screening sufficient privacy can be provided. There is sufficient space for parking and bin storage etc. There are many other precedents in the village where corner plots have been successfully developed over the years and provide pleasant places to live. Indeed there are plenty of instances where dwellings have very little amenity, private or otherwise; this is to be expected in a dense historic village.

*/cont'd over*



Policy 3: Respecting the character of the neighbourhood

The LPA can legitimately criticize the proposals for not 'matching' the mock Georgian dwellings in the close; however, the appellant believes that this approach would contravene ENV 17. The design of the proposal purposely departs from matching the other dwellings and seeks instead to be part of the historic village fabric.

Policy 4

The proposals do not contravene the guidance on overlooking.

Policy 5

The proposals do not contravene the guidance on blocking light to neighbours.

Policy 6

The proposals meet the requirements for appropriate landscaping; by its design the proposals respect the existing tree and stream and stone boundary wall.

**HOUS 2**

The policy can be interpreted in several ways with regard to the proposals. The appellant believes that the plot constitutes permissible infill without having a detrimental impact on the surroundings. Indeed it can be argued that the development of the otherwise vacant plot will help to reinforce the village pattern and 'defend' it against the excesses of 1970's speculative building.

**HOUS 8**

The LPA contend that the proposals by reason of siting and form contravene this policy.

The appellant believes that the LPA's initial reply to the appellants pre application enquiry (refer letter VoG-Gillard Associates 3.9.07 ref P/DC/SJB/2007/00130/PRE) is relevant:

"In design terms the proposed dwelling would appear to be a subtle and discrete design which would be unlikely to cause detriment to the character or appearance of the conservation area..."

The appellant believes that the LPA's subsequent and narrow interpretation of the policy is unfair and contrary to the case officer's 'gut response' and common sense.

Further correspondence with the LPA (VoG - Gillard Associates 1.2.08 ref P/DC/SJB/2007/01700/FUL) suggests that the main reason for refusal seems to be that "there have been no material changes since earlier decisions that would justify a different decision" which refers to previous failed applications.

The appellant believes that there is indeed a material change: the latest proposal is, in the words of the LPA, sensitive and discrete, whereas the previous applications were anything but sensitive, as they merely reflected the style of development which already is prevalent in the close, and indeed in the more modern part of Llantwit Major generally, which cannot be said to be built to a high standard of design.

To summarise the appellant's position:

- The design of the dwelling is appropriate and consistent with the local vernacular; is sufficiently discrete to blend with the village scene; its scale, form and mass are contemporary without resorting to 'developer kitsch'
- The development helps to reinforce the historic village fabric which has been badly affected by inappropriate speculative development
- The development is at the fulcrum between old Llantwit Major and the more modern Llantwit Major and forms a link as well as a boundary between the two areas
- The development helps protect and secure a derelict and vacant plot which does not contribute anything of value to the location and can be argued to provide a 'bit of an eyesore'.
- The development provides an extra dwelling unit of a high standard
- The application should not be refused consent because of failed applications in the past: the latest proposals should be encouraged as they could set an example to developers to build appropriate rather than 'pattern book' designs.

# I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

Please read the enclosed Guidance Notes if in doubt.

Please tick **ONE** box only ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

## CERTIFICATE A

A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the Guidance Notes for a definition) of any part of the land to which the appeal relates:

OR

## CERTIFICATE B

B

I certify that the appellant (or the agent) has given the requisite notice (see Guidance Notes) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the Guidance Notes for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please supply address(es)

on personal

details page

Date the notice was served

DD I Y Y

DD Y Y

DD M M Y Y

## CERTIFICATES C and D

C&D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying Guidance Notes and attach it to the appeal form.

## AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know either the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

a

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

b

Tenant's Name

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please supply address(es)

on personal

details page

Date the notice was served

DD M M Y Y

DD I M Y Y

DD M Y Y

## J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7-12 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- |   |  |   |                                     |
|---|--|---|-------------------------------------|
| 1 | A copy of the original <b>planning application</b> sent to the LPA.  | 1 | <input checked="" type="checkbox"/> |
| 2 | A copy of the <b>site ownership certificate and ownership details</b> submitted to the LPA <u>at application stage</u> (this is usually part of the LPA's planning application form).  | 2 | <input checked="" type="checkbox"/> |
| 3 | A copy of the <b>LPA's decision notice</b> (if issued).  | 3 | <input checked="" type="checkbox"/> |
| 4 | A <b>site plan</b> (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellants (if any) edged or shaded in blue. | 4 | <input checked="" type="checkbox"/> |
| 5 | A list (stating drawing numbers) and copies of all <b>plans, drawings and documents</b> sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.  | 5 | <input checked="" type="checkbox"/> |
| 6 | A list (stating drawing numbers) and copies of any <b>additional plans, drawings and documents</b> sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).  | 6 | <input checked="" type="checkbox"/> |

**Copies of the following must also be sent, if appropriate:**

- |    |  |    |                          |
|----|--|----|--------------------------|
| 7  | Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:<br><br>N/A                         | 7  | <input type="checkbox"/> |
| 8  | Any relevant <b>correspondence</b> with the LPA.   |    |                          |
| 9  | If the appeal is against the LPA's refusal or failure to approve the matters resolved under an outline permission, please enclose:   | 9  | <input type="checkbox"/> |
|    | <b>(a)</b> the relevant outline application;   | 9a | <input type="checkbox"/> |
|    | <b>(b)</b> all plans sent at outline application stage;  | 9b | <input type="checkbox"/> |
|    | <b>(c)</b> the original outline planning permission.   | 9c | <input type="checkbox"/> |
| 10 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a <b>condition</b> , we must have a copy of the original permission with the condition attached. | 10 | <input type="checkbox"/> |
| 11 | If the appeal is against the LPA's failure to decide an application please supply a copy of the LPA's letter registering your application.   | 11 | <input type="checkbox"/> |
| 12 | If a copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).                                     | 12 | <input type="checkbox"/> |
| 13 | If you sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.   | 13 | <input type="checkbox"/> |



#### 4. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 months time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
- 2 I confirm that all sections have been full completed and that the details of the ownership (section 1) are correct to the best of my knowledge.
- 3 I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my grounds of appeal will appear on the Planning Portal. By submitting this form I am agreeing to the use of the information I provide in this way.

Signature

*Alan Gillard*

Date 21 07 08

Name (in capitals) ALAN GILLARD

On behalf of (if applicable) PAM CROSBY



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

#### NOW SEND

##### 1 COPY to us at:

The Planning Inspectorate  
Crown Buildings  
Cathays Park  
CARDIFF  
CF10 3NQ

##### 1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the supporting documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

##### 1 COPY for you to keep

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.  
**YOU MUST KEEP TO THE TIMETABLE**  
If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.
- 4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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