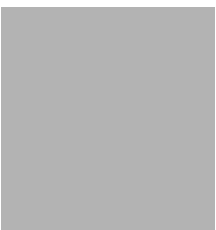


# QUESTIONNAIRE



To be used for all Planning, Listed Building Consent or Conservation Area Consent Appeals

**This questionnaire can also be submitted on the Planning Portal via each individual appeal**

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, within **2 weeks** of the 'starting date' given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within **6 weeks** of the 'starting date'.

**Case Details**

Appeal ref:			
Appeal by:			
Appeal Site:			
Grid Ref:	E:		N:

**All Questions must be answered** YES NO

**1 Does the Council agree to the written representations procedure?**

Note: if the written procedure is agreed, 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.

**OR Do the Authority wish to appear before and be heard by an Inspector at:**

- a. a local inquiry?
- b. a hearing?

**2 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? If YES, please explain:**

**b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? NB: An Access Required Site Visit (ARSV) will be arranged unless reasons are provided to show that a full Accompanied Site Visit (ASV) is required. If yes, please explain:**

**c. Are there any known health and safety issues that would affect the conduct of the site Inspection? If YES, please describe:**

**3 Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry:**

Name		Phone no.	
E-mail			

**4 Does the appeal relate to an application for approval of reserved matters?**

**5 Was a DMPO 2012 Article 11 (Regulation 7 for listed building or conservation area consent) certificate submitted with the application?**

**6 Did you give publicity to the application in accordance with Article 12 of the DMPO (Wales) 2012, Section 67/73 of the planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 10 of The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012? If YES, please send a copy of the notice published and any representations received as a result of that notice**

7 Is the appeal site within :

a. a green belt?

If YES, please specify which

b. An Area of Outstanding natural beauty?

If YES, please specify which

8 Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? If YES please attach details

9 a. Are there any other appeals or matters relating to the same site or neighbourhood still before the Welsh Government? If YES, please attach details and, where necessary, give the Inspectorate's reference numbers.

b. Are there any other appeals or matters adjacent or close to the site still being considered by the Welsh Government? If YES, please attach details and, where necessary, give the Inspectorate's reference numbers.

10 Would the development require the stopping up or diverting of a public right of way? Please attach an extract from the definitive Map and Statement for the area and any other details

11 a. Is the site in a Conservation Area? If YES, Please attach a plan of the Conservation Area

b. Does the appeal relate to an application for conservation area consent?

12 a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II\* / II listed building?

Date of Listing   Grade I  Grade II\*  Grade II

b. Would the proposed development affect the setting of a listed building?

13 Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

14 a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

b. Was CADW consulted? Please send a copy of any comments.

15 Is any part of the site subject to a Tree Preservation Order?

If, YES, please send a plan showing the extent of the order and any relevant details

16 a. Is Flooding an issue?

b. Has a Flood Risk Assessment been submitted? If YES, please attach a copy

17 Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?

18 a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of Natural Resources Wales.

b. Are any protected species likely to be affected by the proposals? If YES, please attach

19 a. Is your Authority's CIL charging schedule being/been examined?

If YES: Please provide date the CIL is likely to be adopted

b. Is your authority's CIL charging schedule adopted/likely to be adopted?

If YES: Please provide the date of adoption

c. Does your Authority consider that a contribution(s) secured by a planning obligation(s) would be required to make the appeal proposal acceptable in planning terms?

If Yes to 19 C

d. Please clarify the number of planning obligations which have been entered into on or after 6 April 2010 which provide for the funding or provision of a project, or provide for the funding or provision of that type of infrastructure for which your Council is seeking an obligation in relation to this appeal proposal. (This information is required for each obligation sought by your Council)

**Schedule 1**

- a. (i) Is the proposed development Schedule 1 development as described in Schedule 1 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?
- (ii) if YES, under which description of development? (ie no.s 1-21)

**Schedule 2**

- b. (i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?
- (ii) If YES, under which description of development in Column 1? (i.e no.s 1-13)
- c. Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, Please provide details below

**Screening**

- d (i) Have you issued a Screening Opinion (SO) under regulation 25(2)? If YES, please attach a copy of the SO that was placed on the planning register, and any other related correspondence
- (ii) If, YES, did the SO state that the proposed development is EIA development as defined by the EIA Regulations? If you decided that proposed development is not EIA development as defined by the EIA Regulations, please give brief reasons for your opinion

**Environmental Statement (ES)**

- e. Has the appellant supplied an Environmental Statement?

Please supply any related correspondence from statutory consultees and others that you may have about the adequacy of the environmental information contained in the ES, having regard to the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 11/99)

**Publicity**

- f. If applicable, please supply a copy of the site notice and local advertisement published under Article 12 of the DMPO (Wales) 2012

- 21 Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? Please attach copies of any comments that you have received in response.

- 22 **Copies of the following documents must, if appropriate, be enclosed with this questionnaire:**

APPLIES

- a copy of the letter with which you notified people about the appeal;
- a list of the people you notified and the deadline you gave for their comments to be sent to us;
- all representations received from interested persons about the original application;
- any comments or directions received from the Welsh Government, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the DMPO 2012 (Wales);
- the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;
- any representations received as a result of DMPO 2012 (Wales) Article 11 (or Regulation 7) notice;
- extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan) You must include the front page, the title and date of the approval/adoption, and give the status of the plan. Copies of the policies should include the relevant supporting text. you must provide this even if the appeal is against non-determination;

List of Policies

- h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;

List of Policies

[Redacted box]

- i. extracts from any supplementary planning document, together with the date of its adoption. In case of emerging documents, please state what stage they have reached;

List of Policies

[Redacted box]

- j a list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within ~~6 weeks~~ of the starting date. The list must be submitted separately from your appeal

- k any other relevant information or correspondence you consider we should know

- l 2 plans of the site - (1:10,000 & 1:1250) reproduced from O.S digital map;

YES NO

22 Do you intend to send a ~~6 week~~ statement about this appeal?

Authority's Ref: [Redacted box]

*I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today*

Completed by [Redacted box]

On behalf of [Redacted box]

Date Sent [Redacted box]

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

# QUESTION 6



**THE VALE OF GLAMORGAN COUNCIL**  
**CYNGOR BRO MORGANNWG**



**NOTICE OF APPLICATION FOR PLANNING PERMISSION**  
**HYSBYSIAD O GAIS AM GANIATÂD CYNLLUNIO**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012**  
**GORCHYMYN CYNLLUNIO GWLAD A THREF (GWEITHDREFN RHEOLI DATBLYGU) (CYMRU) 2012**

**NOTICE UNDER ARTICLE 8**  
**HYSBYSIAD O DAN ERTHYGL 8**

**PLANNING REFERENCE / CYFEIRNOD CYNLLUNIO: 2019/01246/FUL**

NOTICE is given that an application has been made to The Vale of Glamorgan Council for planning permission:

HYSBYSIR trwy hyn i gais am ganiatâd cynllunio gael ei wneud i Gyngor Bro Morgannwg:

By/Gan: Ms. Davey

Proposal/Cynnig: Planning permission to convert existing holiday let to a residential annexe

Location/Lleoliad: Heol Las Farm, Llangan

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

Caiff aelodau o'r cyhoedd ddarllen copïau o'r:

- cais
- cynllun
- dogfennau eraill a gyflwynwyd gyda'r cais

at The Dock Office, Barry Docks during normal office hours (8.30 a.m. to 5.00 p.m. Monday to Thursday; 8.30 a.m. to 4.30 p.m. Friday).

yn Swyddfa'r Doc, Dociau'r Barri yn ystod oriau arferol swyddfa (8.30 a.m. - 5.00 p.m. rhwng dydd Llun a dydd Iau; 8.30 a.m. - 4.30 p.m. ar ddydd Gwener).

The proposals can also be viewed on the Council's Online Applications Register at <http://vog.planning-register.co.uk> by searching for application number 2019/01246/FUL.

Cewch hefyd weld y cynigion ar Gofrestr Ceisiadau Ar-lein y Cyngor drwy fynd i <http://vog.planning-register.co.uk> a chwilio am rif y cais 2019/01246/FUL.

Anyone who wishes to make representations about this application should write to the Head of Planning and Transportation at *The Vale of Glamorgan Council, Dock Office, Barry Docks, Barry. CF63 4RT, within 21 days of the date of this notice*, quoting reference **2019/01246/FUL**.

Dylai unrhyw un sydd am wneud sylwadau ar y cais ysgrifennu at Bennaeth Adran Cynllunio a Chludiant y cyngor, *Cyngor Bro Morgannwg, Swyddfa'r Doc, Dociau'r Barri, y Barri, CF63 4RT, cyn pen 21 o ddiwrnodau ar ôl dyddiad yr hysbysiad hwn*, gan ddyfynnu'r cyfeirnod «**2019/01246/FUL**»

Dated/Dyddiad: 2 December 2019

Operational Manager Development Management  
Rheolwr Gweithredol Datblygiad a Rheoli Datblygu

# QUESTION22a



Date/Dyddiad: 7 May 2020  
Ask for/Gofynwch am: Mrs. Lisa Chichester  
Telephone/Rhif ffon: (01446) 704691  
My Ref/Cyf: P/DC/LMC/2019/01246/FUL  
e-mail/e-bost: LMChichester@valeofglamorgan.gov.uk

The Vale of Glamorgan Council  
Dock Office, Barry Docks, Barry CF63 4RT  
Tel: (01446) 700111  
Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
Ffôn: (01446) 700111



[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)

## SEE DISTRIBUTION LIST

Dear Sir / Madam

### Town and Country Planning Act 1990 (As Amended) - Section 78 Appeal

**Council Reference:** 2019/01246/FUL  
**Planning Inspectorate Reference:** APP/Z6950/A/20/3251193  
**Appeal Start Date:** 4 May 2020  
**Site:** Heol Las Farm, Llangan  
**Proposal:** Planning permission to convert existing holiday let to a residential annexe  
**Appeal by:** Ms E Davey

I am writing to inform you that an appeal has been made to the Planning Inspectorate in respect of the above site. The appeal follows the decision of this Council to refuse planning permission for the development described above. The appeal is to be determined on the basis of an exchange of **written statements** by the parties, and a site visit by an Inspector from the Planning Inspectorate.

Any written comments that you may have already submitted on the planning application have been forwarded to the Planning Inspectorate and copied to the appellant and will be taken into account by the Inspector in determining the appeal. Should you wish to withdraw any previous comments you must notify the Planning Inspectorate by 1 June 2020. If you wish to make any new representations, you should send these direct to **The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ**, quoting the reference **APP/Z6950/A/20/3251193**. You can also make your representations on-line at <https://acp.planninginspectorate.gov.uk/>. Such comments must be submitted no later than **1 June 2020**. Any representations received after the deadline will not normally be seen by the Inspector and will be returned to you. **Please note all representations will be published on the Planning Portal website.**

A copy of the appeal decision can be viewed on-line at <https://acp.planninginspectorate.gov.uk/> or obtained by making a request in writing to The Planning Inspectorate at the address given above. If you wish to inspect any document in connection with this appeal, these are available to view on-line at the Planning Portal website. Alternatively, please contact my Appeals Officer Mr Marcus Bayona-Martinez on 01446 706142, or Mrs. Lisa Chichester, on 01446 704691.

Yours faithfully

Victoria Robinson  
**Operational Manager Development Management**

# QUESTION 22b

## Appeals Notifications Distribution List

Appeal Reference: 20/3251193

Name:

Address:

Date Sent:

7/5/2020

The Owner/Occupier      HOLIDAY LET HEOL LAS FARM  
LLANGAN  
BRIDGEND  
CF35 5DN

The Owner/Occupier      NEWLAND FACH  
LLANGAN  
BRIDGEND  
CF35 5DN

The Owner/Occupier      HEOL LAS  
LLANGAN  
BRIDGEND  
CF35 5DN

Llangan Community      By email  
Council

Councillor Cave      By email

# QUESTION22d

# Consultee Comment for planning application 2019/01246/FUL

Application  
Number

Location

Heol Las Farm, Llangan

Proposal

Planning permission to convert existing holiday let to a residential annexe

Case Officer

Organisation  
Name

Llangan Community Council

Address

The Clerk, Llangan Community Council, 1 White House, Barry. CF62 6FB

Type of  
Comment

Type

Comments

Comment submitted by Kevin Protheroe:

Received Date

Attachments

# Comment for planning application 2019/01246/FUL

Application Number	<input type="text" value="2019/01246/FUL"/>
Location	<input type="text" value="Heol Las Farm, Llangan"/>
Proposal	<input type="text" value="Planning permission to convert existing holiday let to a residential annexe"/>
Case Officer	<input type="text" value="Mr. Shafqut Zahoor"/>
Organisation	<input type="text"/>
Name	<input type="text" value="Mr Kevin Protheroe"/>
Address	<input type="text" value="Llangan Community Council,CF62 6FB"/>
Type of Comment	<input type="text" value="Support"/>
Type	<input type="text" value="Other"/>
Comments	<input type="text" value="No objection to application"/>
Received Date	<input type="text" value="08/01/2020 18:47:24"/>
Attachments	The following files have been uploaded:

1

## Chichester, Lisa M

---

**From:** Brown, Sue F  
**Sent:** 07 January 2020 11:47  
**To:** Zahoor, Shafqut  
**Subject:** 2019/01246/FUL

Planning Application No. 2019/01246/FUL (SZ)  
Location : Heol Las Farm, Llangan  
Proposal : Planning permission to convert existing holiday let to a residential annexe

Regarding the above application Environmental Health have no comment

Regards

SUE



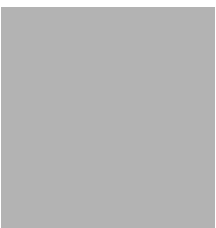
**Sue Brown | Neighbourhood Services Officer / Swyddog Gwasanaethau Cymdogaeth**  
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir  
Bridgend, Cardiff and the Vale of Glamorgan / Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg  
Phone / Ffôn: 01446 709872  
Email / Epost: [SFBrown@valeofglamorgan.gov.uk](mailto:SFBrown@valeofglamorgan.gov.uk)  
Website / Gwefan: <http://www.srs.wales> | <http://www.grhr.cymru>

The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.

# QUESTION22e





Ms. Davey Heol Las Farm, Llangan, Vale of Glamorgan, CF35 5DN  
Mr. Geraint John Geraint John Planning Ltd, Office 16, (House 1, 2nd Floor), The  
Maltings, East Tyndall Street, Cardiff, CF24 5EA

**Heol Las Farm, Llangan**

Planning permission to convert existing holiday let to a residential annexe

**SITE AND CONTEXT**

The application site relates to a barn at Heol Las Farm, Llangan. The application building relates to a detached, single storey building that forms part of the complex of buildings at Heol Las Farm. The site is located in the countryside, approximately 400m west of the village of Llangan and just to the west of Heol Las Farm House. It is also located within the Upper & Lower Thaw Valley SLA.

The barn is located adjacent to the highway, and measures 15m long x 6m deep x 4.3m high to the ridge of the pitched roof (2.8m to eaves). There is also a small lean-to section located centrally on the rear elevation, measuring 4.5m wide x 3m deep x 2.8m in height. The existing building is constructed in stone with a slate roof.

Access to the site is directly adjacent to the west facing side elevation of the barn, and leads to a courtyard at the rear, which serves as amenity space and parking.

Planning permission was granted for the use of the barn to tourist accommodation in 2010 under planning permission reference: 2010/00973/FUL. The barn is separated by the main farmhouse by a boundary fence.



## DESCRIPTION OF DEVELOPMENT

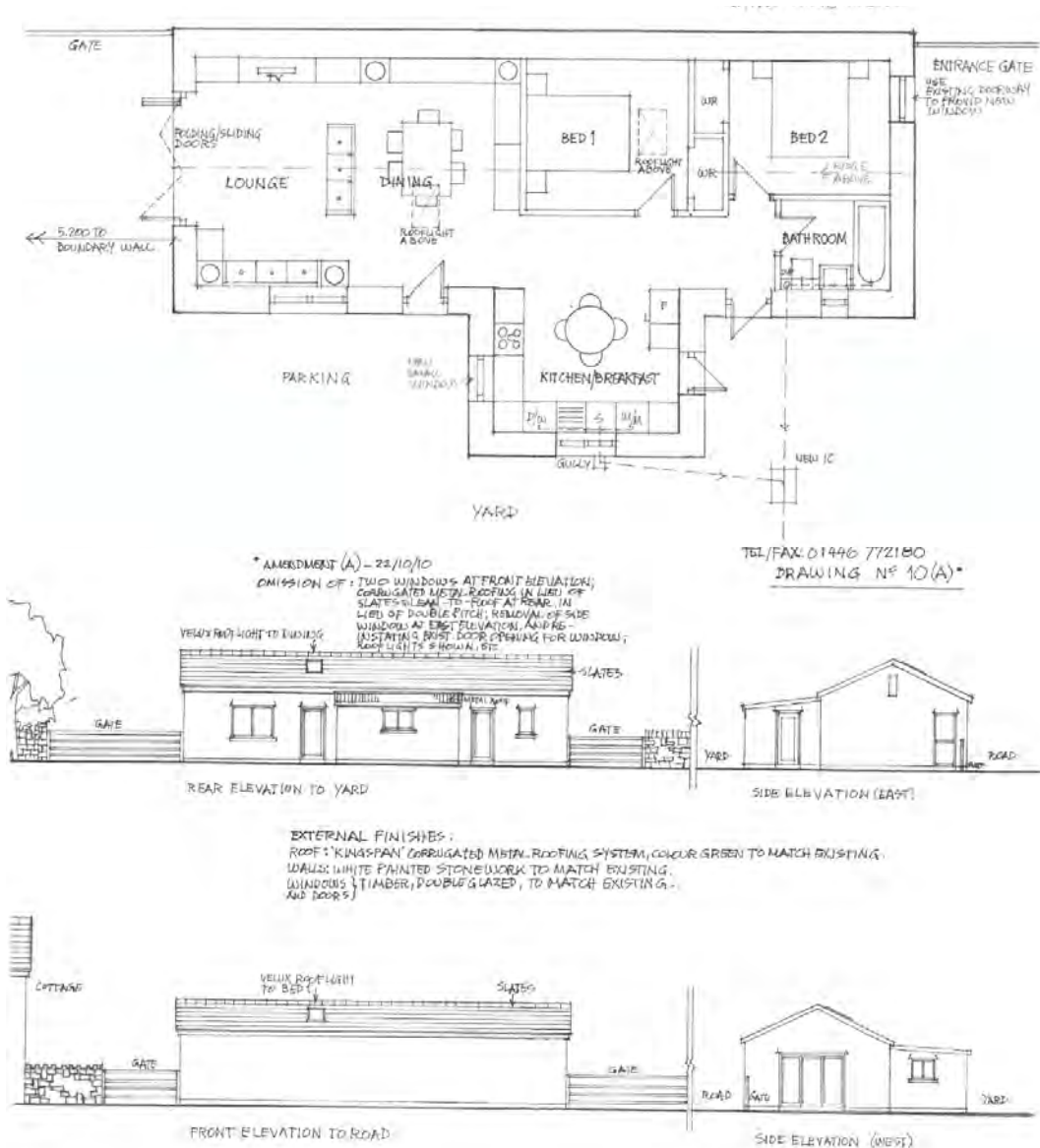
The application seeks planning approval for the conversion of the barn from a holiday let to a granny annex ancillary to the main farmhouse. Planning approval 2010/00973/FUL was granted with several conditions. Condition 3 states:

The accommodation hereby approved shall be used or occupied solely as holiday accommodation only and not as a permanent dwelling house.

Reason:

The proposed conversion is not suitable for permanent residential accommodation, which would be contrary to the Council's adopted policies and national guidance, and to ensure compliance with Strategic Policy 2 and Policies ENV1 and ENV27 of the Unitary Development Plan.

The proposal also includes the blocking up of the existing access and removal of a boundary fence between the properties.



## PLANNING HISTORY

2010/00251/FUL, Address: Heol Las Farm Cottage, Llangan, Proposal: First floor extension and new vehicular access, Decision: Approved.

2010/00973/FUL, Address: Heol Las Barn, Llangan, Proposal: Conversion to tourist accommodation of existing disused barn. Substitute metal roof with slate roof and the small rear projection will be also re-roofed and the height slightly increased., Decision: Approved.

2017/00909/FUL, Address: Holiday Let Heol Las Farm, Lane - Jct Mount Pleasant Farm to Jct Newland Via Newland Fach, Llangan, Proposal: Variation of Conditions 3 and 4 of Planning Permission Ref. 2010/00973/FUL, Decision: Withdrawn.

2019/00811/FUL, Address: Heol Las Farm, Lane - junction Mount Pleasant Farm to junction Newland via Newland Fach, Llangan, Proposal: Planning permission to convert existing holiday let to a residential annexe, Decision: Withdrawn.

## CONSULTATIONS

Llangan Community Council were consulted on 25 November 2019. A response received on 10 December 2019 confirms no objection to the proposal.

Shared Regulatory Services (Pollution) were consulted on 25 November 2019. A response received on 07 January 2019 confirms no comment.

Llandow Ewenny Ward Members were consulted on 25 November 2019. No response was received at the time of writing this report.

## REPRESENTATIONS

The neighbouring properties were consulted on 25 November 2019 and a site notice was also displayed on 02 December 2019. To date no letters of representation have been received.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP9 – Minerals  
POLICY SP10 – Built and Natural Environment  
POLICY SP11 – Tourism and Leisure

### **Managing Growth Policies:**

POLICY MG17 – Special Landscape Areas  
POLICY MG22 – Development in Minerals Safeguarding Areas  
POLICY MG29 – Tourism and Leisure Facilities

### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD11 - Conversion and Renovation of Rural Buildings  
POLICY MD13 - Tourism and Leisure

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 23 – Economic Development (2014)

## **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Conversion and Renovation of Rural Buildings (2018)
- Minerals Safeguarding (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)

## **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

## **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Issues

The principle of the use and Marketing

The main issue is whether the proposed type of residential use is acceptable in this location. The site lies outside any defined settlement boundary as identified within the Council's Adopted Local Development Plan 2011-2026. For planning purposes, therefore, it is located in the countryside and the Upper & Lower Thaw Valley Special Landscape Area where policies MD1- Location of Development, MD2- Design of New Development and MG17- Special Landscape Area would be relevant.

Policies MD1 and MD2 are designed to protect the character of the countryside and restrict new housing development to that required for agriculture, forestry or rural enterprise purposes.

In addition, Policies MD1- Location of the development, MD2- Design of New Developments and MD11- Conversion and Renovation of Rural Buildings are relevant in the conversion of a rural building. Whilst the building has already been converted, policy MD11 remain relevant and it would clearly not be appropriate/reasonable for subsequent proposals to converted buildings (whether extensions or changes of use) to escape the policy and SPG requirements.

Policy MD11 would be particularly relevant with respect to the conversion of a rural building for residential use. MD11 indicates the following -

*Proposals for the conversion or renovation of existing rural buildings for rural enterprise, tourism, community or residential use will be acceptable where:*

*1. Conversion of an existing rural building would not give rise to the need for a replacement building; and*

*2. Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting;*

*Proposals for conversions to residential use will only be permitted where it is demonstrated that;*

*3. The building has been appropriately marketed for other alternative uses such as farm diversification, business, community, tourism, or recreational uses and it has been demonstrated that such alternative uses are not viable; and*

*4. The location of the building is sustainable in terms of access to local services, public transport and community facilities.*

The application building is no longer used for agriculture and has already been converted. The proposal does not seek any internal or external changes other than blocking up the access and removing a boundary fence. Therefore, the proposal satisfies criterion 1 and 2 of the above-mentioned policy.

Criterion 3 of Policy MD11 requires consideration to be given to alternative uses other than residential that would be beneficial to farming, rural enterprises, tourism or recreational uses and would benefit the rural economy of the area. This is supported by guidance set out within 3.2.2 of TAN23, set out below: -

*3.2.2 Residential conversion of rural buildings which have ceased to be used for industrial or commercial purposes, including agriculture, need to be assessed on their impact including their impact on the fabric and character of historic buildings. In areas where the creation of local employment is a priority, local planning authorities may include policies within the development plan which prohibit residential re-use unless:*

- The applicant has made every reasonable attempt to secure suitable business re-use and the application is supported by a statement of the efforts which have been made; or*
- Residential conversion is a subordinate part of a scheme for business re-use; or*

- *The resulting housing will contribute to an identified need for affordable housing for local need.*

The application has been supported with a planning statement which states that given that the proposal seeks ancillary accommodation and not a new dwelling the applicant does not have to demonstrate compliance with criterion 3 & 4 of policy MD11.

The statement goes further to suggest that the tourism use has been implemented and ultimately proven unviable which theoretically shows compliance with criterion 3. In respect of criterion 4, the statement suggests that the proposal would result in a reduction in vehicle trips when compared to a holiday let and therefore is compliant.

The LPA advised the acting agent during the determination of this application and planning application 2019/00811/FUL (which was withdrawn) that the applicant would need to demonstrate compliance with criterion 3 & 4. However, no details have been provided and during all communication the agent has insisted that criterion 3 & 4 are not relevant. The conversion of an agricultural barn to any residential use would ordinarily require planning permission and therefore be subject to Policy MD11. There are no exemptions and the supporting text of the policy states:

Criterion 3 requires proposals for residential use to be supported by appropriate marketing evidence to demonstrate that the building has been marketed for other alternative uses for at least 12 months. Information from the agent or applicant regarding demand for alternative uses could take the form of a marketing report or correspondence from the relevant property agent.

The type of information could include the following:

- The length of time the rural building has not been used for agricultural purposes;
- The types of uses which the rural building has been marketed for, what the marketing strategy involved and its duration; and
- The amount of interest in the rural building during the marketing period – this should detail the number of queries, the type of uses sought, and if known, the reason for not pursuing any initial enquiries.

Due to the lack of detail submitted with the application, the applicant has failed to adequately demonstrate that the current use is not viable, that any marketing has been carried out to indicate that more appropriate commercial uses are not possible, or that the proposed residential use is the only viable option. It should be emphasised (as above) that the fact the building has been converted does not infer this criterion is not applicable. The Local Planning Authority would contend that it is equally applicable, in principle, to a proposal related to an unconverted barn. It should be noted that in the case of a recent appeal at Pontsarn Farm, Peterston Super Ely, (planning application 2019/00618/FUL and Appeal ref: APP/Z6950/A/19/3235726) the relevance of this criterion to an already converted building was not disputed by the Inspector.

The barn conversion has been awarded 4 stars by the Wales Tourist Board and forms part of the varied accommodation needs of the Vale of Glamorgan in respect of tourism. While the applicant has asserted the use is not viable, this has not been supported by specific details of how often it has been let, the return that has been realised or what would be required (in terms of lettings per year for example) to make it viable. Consequently, relatively little weight is given to this assertion. Notwithstanding that, even if the use were not viable, that does not automatically infer that a residential use is acceptable. As noted above there is no evidence of marketing for alternative viable commercial uses. In these circumstances, the proposal is contrary to criterion 3 of policy MD11 of the LDP and the aims of TAN 23 (para 3.2.2).

Furthermore, Policy MD13- Tourism and Leisure sets out that proposals that would result in the loss of existing tourism and leisure facilities will be resisted unless it can be demonstrated that there is a sufficient supply of facilities within the area to satisfy demand and/or the facility has been marketed and proven to be no longer economically viable. No such information has been submitted, therefore the proposal would be contrary to Policy MD13.

#### Whether the resultant use would be an annexe or a self-contained dwelling

The application as submitted proposes a residential annex for the applicant, allowing her son and his family to reside separately in the main farmhouse. The supporting statement states that the applicant is happy for this to be conditioned or be secured by a legal agreement.

The barn benefits from two bedrooms and all the facilities one would expect in an independent dwelling. It is detached and separated from the farm house, currently served by an independent access off the adopted highway and its own private garden area. The barn measures approximately 100 sqm. The application proposes removing the fence between the site and the farmhouse and blocking up the access, however, there could evidently be subdivision in the future.

The agent has suggested that the building would be ancillary a) because this is what the application is for and b) because it only equates to 27% of the floorspace of the farmhouse. Furthermore, it is argued that the barn would have a functional link to the farmhouse as the applicant would use the farmhouse for day to day activities, (this has been indicated as being washing laundry) and that this could be secured by way of condition.

Conversely, the LPA consider that the proposal would not fall within the definition of an annexe which could be regarded as ancillary to the main dwellinghouse, but rather a separate residential unit. It is considered that ancillary accommodation or a residential annexe should, by definition, be subordinate to its host dwelling in terms of its scale and design, but also have a reliant functional link to it.

In this case, the annexe would be clearly smaller in scale, but it would nevertheless be of a size that could comfortably function as an independent dwelling. The relative percentage compared to the house is not a determining factor alone, given that very large dwellings would, by that reasoning, justify significant size annexes.



The building is clearly physically separated from the main property and outside its curtilage, and it does not have a close physical or functional relationship to the house. Furthermore, the unit whilst sharing an access off the adopted highway would have separate parking and garden areas. The barn benefits from washing facilities (including a washing machine) and therefore any functional link based on carrying out laundry is not enforceable and arguably unlikely to occur.

Furthermore, whilst the floorspace of the barn is 27% of the main farmhouse, the floorspace (100sqm), the layout (which includes 2 bedrooms) and facilities of the barn would be of a nature typically found in a self-contained residential unit. The barn also lies outside the curtilage of the main dwelling and, historically, has had a separate amenity area and access.

Having regard to the nature of the physical detachment, the size (100 sqm) and self-contained nature of the barn, the unit would not have the function of an annexe but rather would be akin to a self-contained dwelling.

A recent appeal at Poundfield Farm (APP/Z6950/A/19/3236685) where the appellant sought ancillary accommodation, is considered relevant. The inspector commented:

*“In this case, the annexe would be clearly separate from Poundfield Farm and would contain residential accommodation that would not only be capable of being used for independent residential use, but also be of an extent that would be commonly found in a separate dwelling. Having regard to the nature of the proposed development, it appears to me that the proposal would not fall within the definition of an annexe which could be regarded as ancillary to the main dwellinghouse, but a separate residential unit. Taking account of these considerations regarding the physical detachment, size and free standing, self-contained nature of the development, the proposal is one which should in effect, and in practical terms, be considered as a development which is tantamount to the creation of a new dwelling.”*

The applicant's agent has argued that the proposal is for an annexe and consequently that is how it should be treated. That was also the case in the appeal referred to above, however, the Inspector appropriately considered whether the proposal did amount to just that. i.e. it is not inappropriate in principle to question what a proposal is, rather than just accepting that it must be what is referred to in the application. Similarly, a proposed condition or legal agreement does not overcome this problem, since it would be inappropriate to condition or legally tie something to be an annexe which will not be likely to function as such.

The supporting statement refers to other sites within the Vale of Glamorgan where the LPA have allowed residential annexes with conditions. However, each application is determined on its own merits and in the case of the sites referenced, the proposals were considered appropriate with closer functional or physical relationships.

The blocking up of the access would not in itself ensure the property remains ancillary as the agent has suggested. The property could be used independently with a shared access point off the highway and whilst the proposal includes the blocking up of the access, this could potentially be removed in the future, i.e. it would be difficult to resist on highway safety grounds. The application also states that the boundary fence between the property and the farmhouse would be removed ensuring the barn remains ancillary. However, should that the fence be removed, the parking area/amenity area could easily be used for parking/amenity area serving an independent dwelling. Notwithstanding this the erection of a fence would also not require planning permission and potentially be erected in the future.

Consequently, (and notwithstanding the objections in respect of failure to market it for alternative uses) it is necessary to consider whether this is an appropriate location for a new dwelling.

Strategic Policy SP1 as well as Managing Development policies MD1, MD2 and MD11 require development to reinforce the settlement hierarchy and promote sustainable development and states that proposals will be favoured provided they contribute to energy conservation, minimise the need to travel- especially by car and use more sustainable modes of transport

Whilst the site would be considered as previously developed land and it is currently used as a holiday let. It was accepted (in justifying that use) that the unsustainable location would be offset by the potential benefits to the rural economy. The following is an extract from the officer's report associated with that application:

*In this case, the development is located approximately 400m from Llangan and is essentially a rural location that would most frequently be accessed by the private car. However, while the remoteness of the location may be of concern with regard to a permanent residential unit, such a location is often necessary to provide an appropriate location for a rural tourism use such as this.*

*Therefore, while a certain number of car trips are an inevitable by-product of a rural tourism site such as this, it is considered that the economic benefits to the rural economy outweigh any harm that results from this. Indeed, it is considered that the location of this site is an appropriate and viable one for tourist accommodation, in that it offers direct access to informal recreational activities in the countryside.*

The application site is in a rural location, approximately 2km away (following roads) from the edge of either Treoes or Fferm Goch, which are the nearest small rural settlements. i.e. settlements with defined settlement boundaries in the LDP, within which new residential development is considered acceptable in principle due to their relative sustainability credentials. The site is approximately 400m from the nearest bus stop and there are not regular services to the nearest settlements and further afield. The site is a considerable walking distance (likely to be 20 minutes plus) from the nearest settlements and the routes are not well lit and generally not served by footways.

There are no local shops, pubs or community facilities or other similar services that would be likely to sustain the everyday needs of new residents close to this location while even those in the rural villages of Treoes and Fferm Goch are limited.

This lack of infrastructure fails to provide ready, safe or convenient access for pedestrians, especially at night and during winter periods of the year. The lack of physical proximity to local services and the lack of pedestrian and cycle facilities linking the site to the nearby settlement is considered to further demonstrate the likely reliance of future occupiers of this development on the private car. This indicates that this site represents an unsuitable and unsustainable location for additional residential development within the countryside.

This is supported by Planning Policy Wales. Paragraph 3.35 which states:

*“For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.”*

Paragraph 3.56 of PPW states *“Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.”*

The LDP seeks to ‘reduce dependence on the private car’ (see paragraph 7.2) and says that ‘all new development should be highly accessible’ (see paragraph 7.8). It also says that development in the countryside should ‘[contribute] positively to the rural economy and the viability and sustainability of rural communities’ (see paragraph 7.3 of the LDP).

As such, the conversion of the tourism use to permanent residential use would be contrary to the provisions of both the development plan and national planning policy. Given its lack of proximity to local services and settlements, and the lack of adequate well-lit pedestrian footways, cycle paths and distance to regular public transport facilities serving the site, future occupiers of any dwelling on this site would be reliant on the use of the private motor car to access essential day-to-day services and facilities.

In concluding upon the sustainability issue in the case of a recent appeal at Pontsarn Barn (ref:APP/Z6950/A/19/3235726) the inspector noted as follows, on the issue of relative sustainability between alternative uses:

*Paragraph 7.3 of the SPG refers to the preference for uses other than residential use in the countryside on the basis of the boost that such uses can provide to the rural economy. This is consistent with both local and national planning policies. As the Council explains in its officer's report, the benefits to the local economy of an employment use of a building in the countryside is considered to outweigh its poor performance in terms of the sustainability of its location. To allow buildings converted to employment uses to be subsequently changed to residential solely on the basis that the latter is likely to generate fewer car movements, would effectively undermine the restriction that criterion 4 of MD11 applies exclusively to residential uses. The explanatory text to the policy supports a range of economically beneficial uses, including tourist accommodation, but not unrestricted residential accommodation in 'more isolated rural locations', that is, locations such as the appeal site where occupiers would be overly reliant on 'the private motor vehicle'.*

*On the first main issue I find that prospective occupiers of the proposed dwelling would be likely to be heavily dependent on a car to access most services and facilities, contrary to policies SP1, MD1 and MD11. For the foregoing reasons, the potential traffic generation associated with the lawful use of the building does not justify breaching these policies that seek to control development in rural areas in a manner that promotes the local economy.*

In that case the Inspector accepted that the residential use would be likely to generate less vehicle trips, however, that did not render it acceptable in this policy context.

Therefore, the proposal is considered to amount to an unsustainable form of development at odds with the provisions of Policies SP1 (criteria 4 and 7), MD1 (criteria 3 and 5), MD2 (criteria 5 and 12), MD11 (Criteria 3 and 4), MD13 (guidance in paragraph 7.72) of the Local Development Plan 2011-2026 and guidance contained within Planning Policy Wales (Edition 10) particularly paragraphs 3.35 and 3.56.

### Mineral Safeguarding

The site is also situated within a limestone mineral safeguarding location. Policies SP9 and MG22 of the LDP relate to minerals safeguarding areas and significant weight is given to safeguarding these resources. However, given the location of the development within the existing agricultural yard it is considered that the extraction of the resource on the application site would have a significant impact on the amenity of the residential dwelling. Therefore, it is considered the proposal would not impact upon future extraction of the mineral, complying with Policies SP9 and MG22 of the LDP.

### Impact upon neighbouring sites

The proposed tourist unit is a significant distance from the nearest properties, other than the main farm house, therefore there are no concerns regarding its impact upon neighbours.

### Amenity Space and Parking

The site would retain sufficient amenity space and parking in line with the council's Residential and Householder development SPG and parking guidelines. If the fundamental policy objection to the proposal could be overcome, the Council would not object to the proposal on this issue.

### Extensions and Alterations

The development does not involve any extension to the footprint of the building or any significant alterations to the building itself. As such, there are no concerns regarding the visual impact of the development.

### REASON FOR RECOMMENDATION

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

### RECOMMENDATION

#### REFUSE (W.R.)

1. The applicant has failed to demonstrate that the proposed building has been appropriately marketed for other alternative non-residential uses such as farm diversification, business, community, recreational uses; and has failed to show that the current tourism use is not economically viable. Consequently, the proposal would, without justification, would result in the loss of an existing rural tourism site, contrary to the policy presumption in favour of the retention of such uses, and it would, therefore, adversely impact upon the supply of tourist accommodation within the Vale of Glamorgan and consequently, the rural economy. The development is, therefore, contrary to Policy MD13 – Tourism and Leisure as well as Criterion 3 of Policy MD11 of the Adopted Local Development Plan 2011-2026.
2. By reason of its size and location, and the insufficient physical and functional link to the house, the proposal represents a new dwelling as opposed to an annexe. Consequently and by virtue of the distance to any

defined settlement, the absence of adequate pedestrian/alternative modal links to the nearest settlement, and the relative absence of services within close proximity to the site, the proposed development is considered to be an unsustainable dwelling where occupiers would be remote from day to day amenities/services and over-reliant on the private car. The proposal is consequently contrary to Policies SP1, MD1, MD2 and MD11 of the LDP and the advice within Planning Policy Wales (10th edition).

**NOTE:**

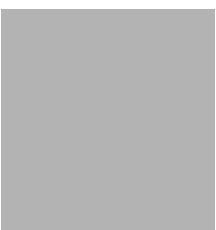
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

# QUESTION 22g



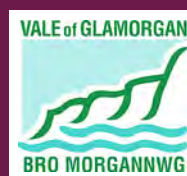
**QUESTION**  
**22g**

Vale of Glamorgan Local Development Plan 2011 - 2026

# Local Development Plan

## Written Statement

June 2017





# LDP Strategy

- 5.25 The LDP Strategy provides a land use framework that is flexible and will help to deliver widespread benefits across the Vale of Glamorgan. The Council will seek to assist delivery of the LDP by securing public sector funding through various mechanisms such as the Cardiff Capital Region City Deal, Regional Transport Plan, the Welsh Government Rural Communities – Rural Development Programme (2014 – 2020) and the European Agricultural Fund for Rural Development. The designation of St. Athan – Cardiff Airport as an Enterprise Zone and Barry as a Regeneration Area are key to the successful delivery of the Strategy.
- 5.26 It is acknowledged, however, that the successful implementation of the Strategy depends on a number of key external factors. Examples include the availability of genuinely developable land, the introduction of new European or national policy, changes in the global and local economy and the availability of private and public sector funding.
- 5.27 In view of the above, section nine of the LDP contains a monitoring framework which will help to assess the effectiveness of the LDP Strategy and policies in meeting the Plan’s objectives. In particular, the Council will closely monitor the development of the strategic regeneration site at Barry Waterfront, development at St. Athan– Cardiff Airport Enterprise Zone, the provision of new land for employment and housing (including affordable housing), as well as proposed transport improvements.
- 5.28 Following adoption of the LDP, the Council will publish an Annual Monitoring Report which will identify any Policies that are not being implemented, the reasons why and suggest suitable amendments to the LDP to address the situation. In addition, a full review of the LDP is required every four years in accordance with LDP Regulation 41 (1)<sup>3</sup>.

## Strategic Policies

5.29 The following Strategic Policies (SPs) provide a framework for delivering the LDP Strategy.

### **POLICY SP1 - DELIVERING THE STRATEGY**

**The strategy will seek to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets. This will be achieved by:**

- 1. Providing a range and choice of housing to meet the needs of all sectors of the community;**
- 2. Promoting a range of employment sites intended to meet the needs of the Vale of Glamorgan and the wider capital region;**
- 3. Reinforcing the role of Barry, service centre settlements and primary settlements as providers of cultural, commercial and community services;**
- 4. Promoting sustainable transport;**
- 5. Delivering key infrastructure linked to the impacts of development;**
- 6. Protecting and enhancing the built, natural and coastal environment;**

## **7 Promoting opportunities for sustainable tourism and recreation; and**

## **8. Favouring development that promotes healthy living.**

5.30 The LDP's Strategy area is illustrated on the Key Diagram. Over the last 15 years, the South East Zone and some of the Primary Settlements have experienced significant housing growth and there continues to be a need for affordable housing in this area, particularly in Barry. This additional housing, whilst assisting in supporting and sustaining facilities, has also placed increased pressure on existing infrastructure as well as local services and facilities. The limited local employment opportunities has also meant that a large number of residents living in this area continue to commute to neighbouring authorities, particularly Cardiff, on a daily basis placing increased pressure on existing public transport services and the strategic highway network.

5.31 The LDP provides a policy framework which seeks to maximise regeneration opportunities and create sustainable communities. The LDP Strategy aims to match existing and planned housing developments with new local employment opportunities thereby providing opportunities for the resident population to work within the Vale of Glamorgan. The LDP Strategy also aims to enhance sustainable transport opportunities in order to reduce dependence on the car and ease congestion in the locality. In addition, new and improved retail and community facilities will be provided as part of new development proposals to meet the needs of the Vale of Glamorgan's growing population.

5.32 In developing sustainable communities, proposals which promote healthy living and address health inequalities will also be favoured. This includes designing environments which encourage physical activity and considering the health and healthcare needs of future residents through the design of buildings or the multi-use of community facilities, particularly where this enables people to retain their independence and remain within the local community.

## **POLICY SP2 - STRATEGIC SITES**

**Land is allocated for development at the following strategic sites:**

- 1. Mixed uses at Barry Waterfront;**
- 2. Mixed uses at St. Athan; and**
- 3. Employment uses at land adjacent to the airport and Port Road, Rhoose, as part of the St. Athan – Cardiff Airport Enterprise Zone**

5.33 The sites identified in Policy SP2 (Strategic Sites) are those that are considered to be major elements contributing to the implementation of the LDP Strategy as set out in the Plan i.e. the promotion of development and regeneration opportunities within the specific areas identified within the strategy.

### **Barry Waterfront**

5.34 Barry Waterfront lies adjacent to the No. 1 Dock and comprises approximately 48.55 hectares of previously developed land, enclosing 30 hectares of water with 4.3 km of quayside. The Vision for Barry Waterfront is:

# Managing Development in the Vale of Glamorgan

7.1 The LDP Vision, Strategic Objectives and Strategic Policies set out the levels of growth and development for the Vale of Glamorgan over the Plan period. This section sets out the policy framework for managing future development in the Vale of Glamorgan. The policies seek to address issues that are relevant to all forms of development proposals, for example, access, design and amenity as well as providing a development specific context for proposals such as energy generation and rural buildings. These policies in combination with other policies contained in the LDP and national planning policy will form the basis for determining future planning applications in the Vale of Glamorgan.

## **POLICY MD1 - LOCATION OF NEW DEVELOPMENT**

**New development on unallocated sites should:**

- 1. Have no unacceptable impact on the countryside;**
- 2. Reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements or minor rural settlements as key providers of commercial, community and healthcare facilities;**
- 3. Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan;**
- 4. In the case of residential development, support the delivery of affordable housing in areas of identified need;**
- 5. Have access to or promote the use of sustainable modes of transport;**
- 6. Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;**
- 7. Where possible promote sustainable construction and make beneficial use of previously developed land and buildings;**
- 8. Provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources; and**
- 9. Have no unacceptable impact on the best and most versatile agricultural land.**

7.2 Policy MD1 sets out the framework for future development to take place on unallocated sites within the Vale of Glamorgan. New development will be directed to those locations that are accessible by sustainable transport and reduce dependence on the private car. In addition, it seeks to ensure the efficient use and reuse of land and buildings and effectively manage important resources. In directing development to the most sustainable locations the Council recognises the importance of ensuring that development is carefully managed ensuring that development does not have an unacceptable impact on existing infrastructure, local amenity or result in the redevelopment of important open space or community facilities.

7.3 Within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected. In this regard, Policy MD1 still seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development. For the purposes of the LDP, countryside is defined as that area of land lying outside the settlement boundaries of the main towns and villages identified in the LDP settlement hierarchy that has not been developed for employment use or allocated for development in the

# Managing Development in the Vale of Glamorgan

Plan. Proposals affecting green wedges, special landscape areas and the Glamorgan Heritage Coast will be considered against policies MG18, MG17 and MG27 respectively.

- 7.4 New development will be expected to avoid unnecessary flood risk and to meet the requirements of TAN 15: Development and Flood Risk. No highly vulnerable development will be permitted within Development Advice Map (DAM) Zone C2<sup>24</sup> and development will only be considered in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN 15.

## **POLICY MD2 - DESIGN OF NEW DEVELOPMENT**

**In order to create high quality, healthy, sustainable and locally distinct places development proposals should:**

- 1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;**
- 2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;**
- 3. Where appropriate, provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes and junctions;**
- 4. Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour. In the case of retail centres, developments should provide active street frontages to create attractive and safe urban environments;**
- 5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;**
- 6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;**
- 7. Where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities;**
- 8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;**
- 9. Provide public open space, private amenity space and car parking in accordance with the council's standards;**
- 10. Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;**
- 11. Provide adequate facilities and space for the collection, composting and recycling of waste materials and explore opportunities to incorporate re-used or recyclable materials or products into new buildings or structures; and**
- 12. Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.**

- 7.5 Policy MD2 sets out the key principles that developers should consider in respect of design, amenity and access which together contribute to attractive, safe and accessible environments. Safeguarding the local character of the Vale of Glamorgan's towns and villages is reliant on securing high quality

# Managing Development in the Vale of Glamorgan

design that is of the appropriate scale and form in the right location. Equally, the layout and design of new development is essential for improving resident's quality of life, creating a sense of place and ensuring a healthy and safe environment.

- 7.6 All development proposals will be required to fully consider the context and character within which the development proposal is located so as to ensure that it contributes positively to the local setting including important views and vistas. Issues associated with safeguarding residential amenity should also be addressed during the design process especially where mixed use developments are proposed. Solutions to problems such as overlooking and noise can often be overcome by good design. All new buildings should respond positively to and respect their surroundings and contribute towards healthy and vibrant communities, reducing the fear of crime and creating a sense of place. In this regard developments must be of an appropriate scale, density and design for their location and make a positive contribution to the local environment. Further guidance will be provided in the Householder Design Guide Supplementary Planning Guidance.
- 7.7 Key locations, such as town centres and main routes/junctions that serve new developments, present opportunities for enhancing public realm and reinforcing a sense of place through the use of sensitive landscaping and public art. In all shopping centres, the Council will require well designed shop fronts which will enhance the area and add to its local distinctiveness.
- 7.8 All new development should be highly accessible. Walking and cycling have an important role to play in the management of movement across the area, particularly reducing the number of short trips taken by car. Developers will be required to ensure that new developments encourage walking and cycling by giving careful consideration to location, design, access arrangements, travel 'desire lines' through a development, and integration with existing and potential off-site links. Providing safe and convenient walking and cycling environments will help tackle health problems associated with physical inactivity and social exclusion factors arising from car dependency, poor access to services and public transport facilities.
- 7.9 The provision of car parking is a major influence on the choice of means of transport and the pattern of development. The Council will seek to restrict developments that generate a high level of trips (e.g. offices, shops and leisure uses) to locations well served by public transport. Moreover, provision for parking will be reduced in line with improvements to public transport accessibility. The Council's standards are set out in the Parking Standards Supplementary Planning Guidance.
- 7.10 As well as ensuring healthy and active environments consideration should also be given to the impact on the health and wellbeing of future users in the design of buildings, use of materials and access to light and quiet areas. The provision of features or the shared use of community facilities for health care needs which enable people to retain their independence and remain in the local community will be favoured where considered appropriate.
- 7.11 The Welsh Government promotes the widespread adoption of travel plans by businesses, schools, hospitals, tourist attractions, major residential developments and other significant travel-generating uses. These assist with the efficient management of the highway network and promote alternative modes of transport. The need for a travel plan will be identified early on as part of the pre-application process or scoping discussions with the Council, and will be the subject of Supplementary Planning Guidance.

# Managing Development in the Vale of Glamorgan

- 7.12 To meet the goal of achieving sustainable development, proposals need to make appropriate provision for reducing and recycling waste in accordance with the waste hierarchy. Encouraging energy conservation and generation from renewable sources is one measure by which the planning system can make a positive contribution towards reducing the impact of new development on climate change. The design of new developments must address the need to reduce energy consumption and maximise opportunities for low carbon energy generation. Developers should consider measures to help reduce effects related to climate change, for example by incorporating green space to provide shading and sustainable drainage systems to reduce run-off, incorporating renewable energy generation into the fabric of buildings or designs which prevent overheating to avoid the need for artificial cooling of buildings.
- 7.13 It is a statutory requirement that certain applications for planning permission and listed building consent are accompanied by a Design and Access Statement (DAS)<sup>25</sup>. Where required, a Design and Access Statement should explain how proposals can contribute positively to reducing the fear of crime and creating a sense of place. The level of detail in the statement should be proportionate to the complexity of the proposal but should contain sufficient detail to explain how the development addresses any factors relevant to the scale and type of development proposed.
- 7.14 Larger residential and commercial schemes present an opportunity to deliver developments that create a sense of place, provide an accessible and healthy environment, and reinforce or enhance existing urban areas. In order to ensure the creation of high quality public spaces, the Council may require promoters of allocated and unallocated sites to prepare a master plan. As part of the master planning exercise developers will be required to demonstrate that they have had regard to all of the requirements of Policy MD2.

## **POLICY MD 3 - PROVISION FOR OPEN SPACE**

**Where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings will be required to provide public open space in accordance with the following standards:**

- 1. Outdoor sports provision 1.6 hectares per 1,000 population**
- 2. Children's equipped play space 0.25 hectares per 1,000 population**
- 3. Informal play space 0.55 hectares per 1,000 population**

**Where there is an identified need for public open space provision, major new commercial developments, where floorspace to be created exceeds 1000 sqm or the site is 1 hectare or more, will be required to provide public open space at a ratio of 16 sqm per full time equivalent employee.**

**In order to create sustainable places areas of open space will usually be required to be provided on-site as part of new development proposals. Where it is not practical or desirable to make provision on-site, appropriate off-site provision or financial contributions for improvements to existing facilities will be required in lieu of on-site public open space.**

- 7.15 Planning Policy Wales (PPW) directs that the development plan should contain clear policies for the provision, protection and enhancement of sport, recreation and leisure facilities. Standards of

# Managing Development in the Vale of Glamorgan

Policy for rural affordable housing schemes to ensure they meet local housing need. Priority (1) will be given to those applicants with a local connection to the area (usually the village(s) within a few miles of the development site or within the community council area). Local connection will be defined as follows: existing resident in the areas for the last 12 months or 3 out of the last 5 years; a person or household with parents or close family living in the area; permanently employed (or moving to be permanently employed) in the area; retiring from tied accommodation in the area. When allocating properties, if there are insufficient applicants with a local connection then priority (2) will next be given to applicants from the adjacent community council areas, in particular local villages. If insufficient applications are received from Priority 1 and 2, then priority will be given to applicants with an extended family connection to the area. In the unlikely event that there are insufficient applicants taking into account the above priority, then applicants from the electoral ward will be next in line to be considered, followed by applicants from the rest of the rural Vale. Should applicants in these areas also be exhausted, then lettings can be extended to applicants residing elsewhere in the Vale of Glamorgan.

7.61 Dwelling size should reflect the reasonable living requirements of the applicant. Where potential occupants have yet to be identified, dwellings should be provided that meets the requirements outlined in the Council's Local Housing Market Assessment<sup>33</sup>. In this regard, the Council may control future permitted development rights to ensure that properties are not extended or altered in any way to increase values beyond an affordable level. The Council will consider the suitability of any future adaptations or extensions where required by an occupant with disabilities or to accommodate appropriate extensions for family growth.

## **POLICY MD11 - CONVERSION AND RENOVATION OF RURAL BUILDINGS**

**Proposals for the conversion or renovation of existing rural buildings for rural enterprise, tourism, community or residential use will be acceptable where:**

- 1. Conversion of an existing rural building would not give rise to the need for a replacement building; and**
- 2. Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting;**

**Proposals for conversions to residential use will only be permitted where it is demonstrated that;**

- 3. The building has been appropriately marketed for other alternative uses such as farm diversification, business, community, tourism, or recreational uses and it has been demonstrated that such alternative uses are not viable; and**
- 4. The location of the building is sustainable in terms of access to local services, public transport and community facilities**

7.62 With changes in farming practice, many rural buildings are no longer needed. In the rural Vale some of these buildings add greatly to the character of the countryside and to local distinctiveness. Where possible the Council wishes to see rural buildings, particularly those of architectural or historic interest, retained. The Council's preference is for these buildings to be developed for alternative uses that contribute positively to Vale of Glamorgan's rural economy in line with national policy.

7.63 Many of the Vale of Glamorgan's rural buildings are either traditional stone or brick built barns of architectural merit (generally predating 1914). However, there are also a number of modern rural buildings which are often prefabricated and utilitarian in style. For both traditional and modern rural buildings, the Council will favour reuses which can make a positive contribution to the rural

# Managing Development in the Vale of Glamorgan

economy, such as rural enterprises, farm and craft shops, small scale commercial and light industrial enterprises, or tourism and recreation facilities. In order to ensure that conversions make a positive contribution to the rural economy, Criterion 3 requires proposals for residential use to be supported by appropriate marketing evidence to demonstrate that the building has been marketed for other alternative uses for at least 12 months. Information from the agent or applicant regarding demand for alternative uses could take the form of a marketing report or correspondence from the relevant property agent. The type of information could include the following:

- The length of time the rural building has not been used for agricultural purposes;
- The types of uses which the rural building has been marketed for, what the marketing strategy involved and its duration; and
- The amount of interest in the rural building during the marketing period – this should detail the number of queries, the type of uses sought, and if known, the reason for not pursuing any initial enquiries.

7.64 Notwithstanding these preferences, the most common proposals in the Vale of Glamorgan are for the conversion of traditional rural buildings to residential use. Such proposals can lead to a dispersed pattern of dwellings which generates new and longer trips to settlements and services and also places additional pressure on the Council to provide essential services and facilities often in isolated locations. Criterion 4 therefore states that residential use will only be acceptable in locations which are sustainable and would not result in the occupiers being overly reliant on the private motor vehicle. In more isolated rural locations where residential development would otherwise not be acceptable, proposals for residential conversions will be limited to tourist accommodation and occupancy conditions will be imposed to prevent long term residential occupation.

7.65 The conversion of both traditional and modern rural buildings must be sympathetic to their location and not require any extensions or alterations which would materially alter the character of the building including its setting in the rural landscape. For traditional rural buildings, separate guidance is contained in the Council's SPG "The Conversion of Rural Buildings". Any major remodelling of either the building itself or its setting in a manner which would not maintain or enhance its existing rural character is unlikely to be considered favourably.

## **POLICY MD12 - DWELLINGS IN THE COUNTRYSIDE**

**Proposals for the replacement of an existing dwelling in the countryside will be permitted where**

- 1. The dwelling has an established lawful residential use;**
- 2. It would not result in the loss of a dwelling which contributes significantly to the rural character of the area, unless it can first be demonstrated that the building is structurally unsound and repairs are economically unviable or existing physical or environmental site constraints restrict the ability to appropriately extend the existing property;**
- 3. The replacement dwelling would, by reason of its scale, siting, design, materials, landscaping and external appearance, be compatible with the surrounding built and natural environment and have no materially greater impact on the landscape; and**
- 4. The proposal does not necessitate an unacceptable extension to the residential curtilage.**

**Extensions to dwellings in the countryside will be permitted if the dwelling as extended:**

- 1. Is not disproportionate in size to the original dwelling,**
- 2. Would not unacceptably affect the character of the existing dwelling and its contribution to rural character; and**
- 3. Would have no materially greater impact on the landscape.**



# Managing Development in the Vale of Glamorgan

- 7.66 For the purposes of the LDP, countryside is defined as that area of land lying outside the settlement boundaries of the main towns and villages identified in the LDP settlement hierarchy that has not been developed for employment use or allocated for development in the Plan. Proposals for replacement dwellings in the countryside will be permitted where it can be demonstrated that the dwelling has an established use and has not been abandoned. The replacement of dwellings which cannot demonstrate the continued use of the property will be treated as a new dwelling. In cases where a continuous use can be established, the replacement of a dwelling which contributes significantly to the rural character of the area will only be permitted where it is demonstrated that the property is either unacceptably affected by structural damage and replacement is the most economically viable option or where the site is affected by physical or environmental constraints that restrict the ability to appropriately extend the property, for example where part of the site is unacceptably affected by flood risk or unstable land.
- 7.67 Under such circumstances, the replacement new dwelling will be expected to make a positive contribution to the local environment, and have no materially greater impact on the landscape than the dwelling it replaces. In this respect, the replacement dwelling should not be disproportionate in size to the dwelling being replaced, nor be of a scale that would materially affect the residential character of properties in the area. In addition, the exterior design and materials of the new dwelling shall be compatible with the local environment. Additionally, planning conditions may be imposed to restrict permitted development rights in respect of additional extensions and alterations. This is intended to allow the Council to maintain control over future minor extensions / alterations to the new dwelling which need to be sensitive given the rural setting.
- 7.68 Extensions to existing dwellings in the countryside have the potential to significantly change the character of a dwelling and increase the physical impact of development on the landscape. Such extensions will be strictly controlled in terms of their scale, design and appearance to reflect their rural location, with Policy MD12 seeking to retain the rural character of dwellings and mitigate the physical impact of such extensions on the surrounding landscape.
- 7.69 National policy contained in chapter 9 of PPW seeks to strictly control the development of new dwellings in the open countryside, where there is generally an absence of existing employment opportunities, services and public transport facilities. However, PPW acknowledges that there may be instances where sensitive infilling or minor extensions to groups of dwellings may be acceptable (in particular for affordable housing to meet local need). Proposals for such development will be assessed against this national policy framework. Where new development is justified in the open countryside, relevant LDP policies will also apply such as Policies MD2 Design of New Development and MD10 Affordable Housing. In addition, national policy also makes provision for new rural enterprise dwellings and 'one planet developments' as exceptions for residential development in the open countryside and clear guidance on these types of development is set out in TAN 6 Planning for Sustainable Rural Communities (July 2010)."

## **POLICY MD13 - TOURISM AND LEISURE**

**Proposals for the development of new or enhanced tourism and leisure facilities will be permitted where the proposal:**

- 1. Is located within the key settlement, the service centre settlements, primary settlements and minor rural settlements; or**

# Managing Development in the Vale of Glamorgan

2. Forms part of a rural enterprise or farm diversification scheme; or
3. Involves the conversion of an existing rural building in accordance with Policy MD11; or
4. Involves sustainable low impact tourism and leisure proposals in the countryside; and

**Proposals that would result in the loss of existing tourism and leisure facilities will be resisted unless it can be demonstrated that there is a sufficient supply of facilities within the area to satisfy demand and/or the facility has been marketed and proven to be no longer economically viable.**

7.70 The Vale of Glamorgan is an area rich in attractive landscape, seascape and townscape. The Council considers that the provision of appropriately located and well-designed tourism facilities present a significant opportunity to bring new investment into the Vale of Glamorgan.

7.71 The provision of new and enhanced tourism facilities in the Vale of Glamorgan is a key element of both the Council's Tourism Strategy and the LDP. Proposals for new tourism accommodation such as hotels, bed and breakfast establishments, camping or caravan sites will be favoured where the development is located in settlements identified in the settlement hierarchy or where they promote rural enterprise and / or diversification. Low impact tourism would include interpretation centres, footpaths, and other developments such as camping sites where the impacts on the locality are often small-scale and seasonal. Equestrian activities are popular within the Vale of Glamorgan and can contribute to tourism and leisure facilities as well as the rural economy. The design and location of new or enhanced facilities will be assessed in accordance with Policy MD2. In addition, sustainable tourism proposals will generally be supported provided they are of an appropriate scale and design to their surroundings.

7.72 Fundamental to the development of a robust tourism industry is the requirement to retain existing tourism facilities. Evidence suggests that the tourism industry in Barry and Penarth has been in decline for a number of years, with many facilities being lost to alternative uses. Proposals for the redevelopment of existing tourism facilities for alternative uses will only be permitted where it is demonstrated that the facility is no longer economically viable, or there is surplus supply of the same type of use within Vale of Glamorgan. The Council will require proposals to be supported by evidence that retention of the facility is no longer economically viable or required for tourism purposes. As part of this process the Council will require applicants to demonstrate that the facility has been actively marketed for a period of 12 months at a realistic price.

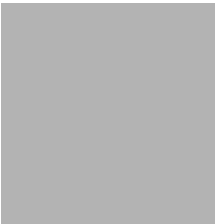
## **POLICY MD14 - NEW EMPLOYMENT PROPOSALS**

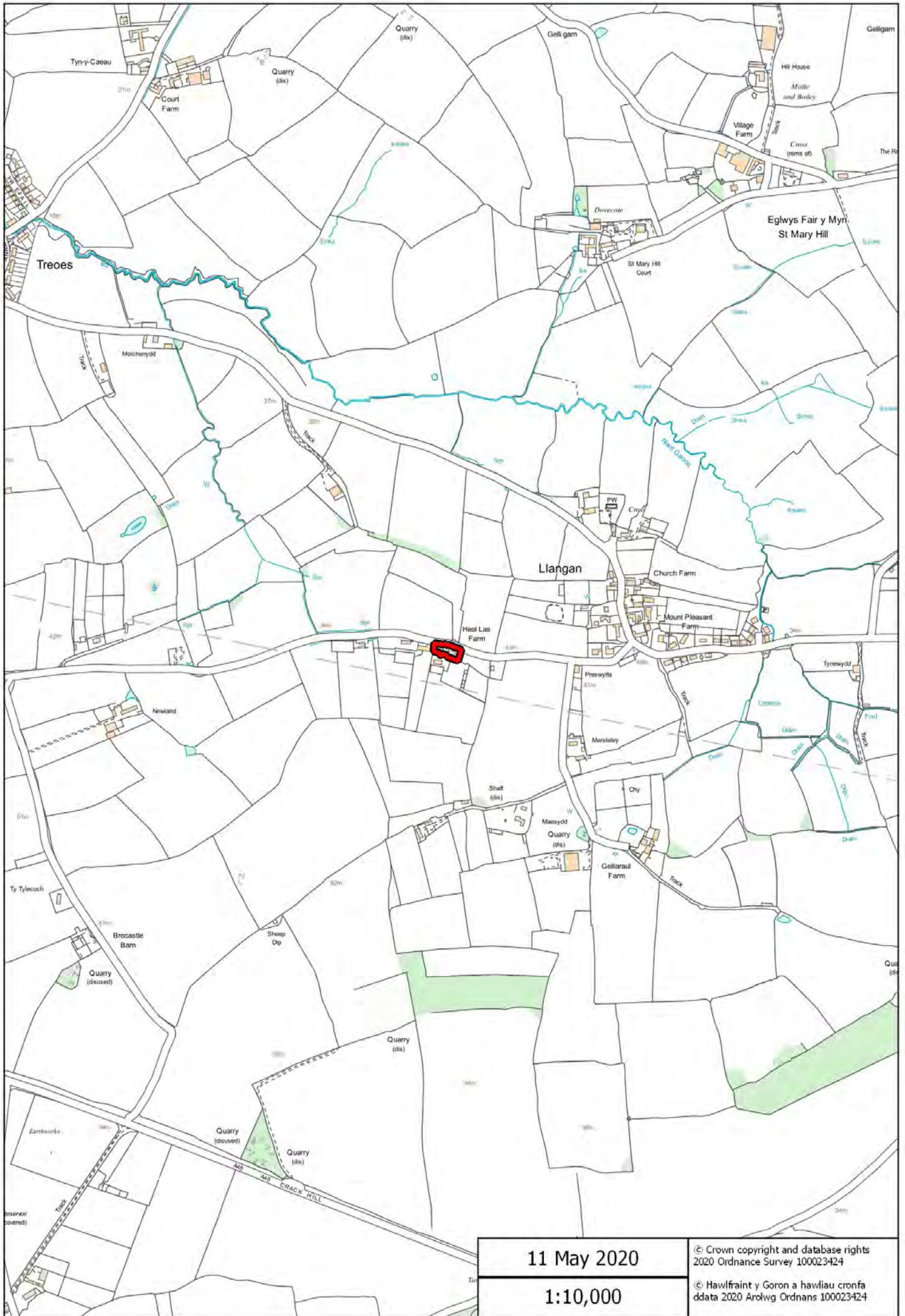
**On existing and allocated employment sites development proposals for B1, B2 and B8 employment uses, and complementary ancillary uses will be supported.**

**Elsewhere proposals for new employment uses will be permitted where:**

1. It is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complementary to its location and neighbouring uses; or
2. Where the proposal is for an agriculture, forestry or rural enterprise where a need for a rural location is justified; or
3. Where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity.

# QUESTION 21





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