

APPLICANT: Mr and Mrs James and Chelsea Prichard Pwll Y Wrach , Vale Of Glamorgan, CF71 7NJ

AGENT: J Jones 23 Hillside Drive, Cowbridge, CF71 7EA

Field access to the West of Village Farm House, Colwinston

Retention of the existing stone wall, reusing existing stone, and widening of field access with new gate

SITE AND CONTEXT

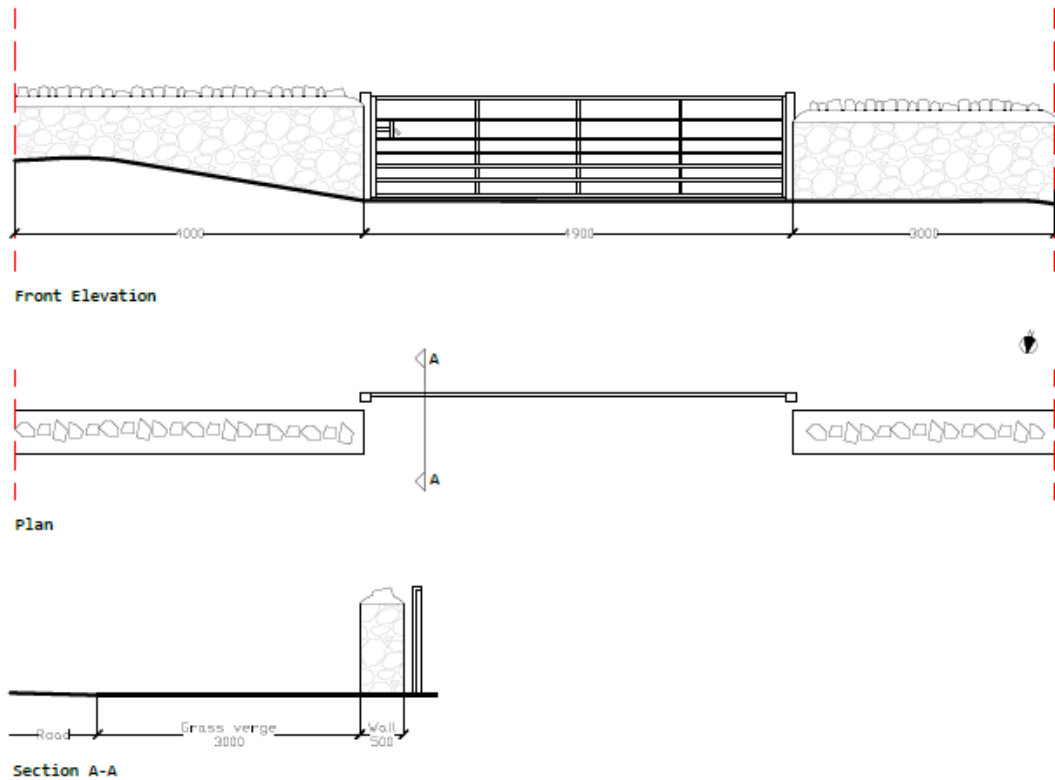
The application relates to the field access to the West of Village Farm House on Hem Cartref, Colwinston. The land lies within the Colwinston Conservation Area and is also located within the Colwinston settlement boundary, as identified by the Vale of Glamorgan Adopted Local Development Plan (LDP) 2011-2026. A site location plan has been provided and can be seen below.



DESCRIPTION OF DEVELOPMENT

This application seeks Conservation Area Consent for the demolition of a section of a wall which fronts onto Hem Cartref.

The section of wall was removed prior to the submitting of the application and seeks to regularise the removal of an opening within a stone wall of 4.9m in order to install a gate to access the field. Plans showing the opening within the wall have been provided and can be seen below.



The application is supported by the following documents:

- Heritage Impact Assessment

PLANNING HISTORY

To date, no planning history.

CONSULTATIONS

1. Colwinston Community Council were consulted on 30 October 2023. To date, one letter of consultation has been received outlining an objection due to the removal of the stile.
2. The Llandow ward member was consulted on 30 October 2023. To date, no letters of consultation have been received.
3. The Council's Building Control Section were consulted on 1 November 2023. To date, no letters of consultation have been received.
4. The Councils' Conservation Officer was consulted on 8 November 2023. To date, one letter of consultation has been received outlining an objection due to the loss of the stile which is considered to have been an interesting and positive features of this formal boundary.

REPRESENTATIONS

A site notice was also displayed on 01 November 2023 and the application was also advertised in the press on 02 November 2023.

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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP 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 SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD8 - Historic Environment

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

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.

- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (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.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Previously Developed Land

Chapter 4 - Active and Social Places

- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

The following extracts are considered to be of particular relevance:

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 *Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.*

6.1.17 *Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.*

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 12 – Design (2016)

2.6 *“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”*

4.5 *“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”*

4.8 *“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”*

6.16 *“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”*

- Technical Advice Note 24 – The Historic Environment (2017)

1.23 *“Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally*

important archaeological remains²¹, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets”.

1.29 “The local planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use”.

6.13 “There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area”.

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

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:

- Colwinston Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Conservation Principles (2011) Cadw

- Heritage Impact Assessment in Wales
- Managing Conservation Areas in Wales

Equality Act 2010

The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the preparation of this report.

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 main issue is considered to be the effect of the demolition on the character and appearance of the Colwinston Conservation Area.

Policy SP10 of the Council’s LDP states that development proposals “must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including the architectural and / or historic qualities of buildings or conservation areas”. Similarly, policy MD8 states that:

- 1) Within conservation areas, development proposals must preserve or enhance the character or appearance of the area
- 3) Within designated landscapes, historic parks and gardens, and battlefields, development proposals must respect the special historic character and quality of these areas, their settings or historic views or vistas

Further to the above, Paragraph 6.1.17 of PPW states:

“Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building’s surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.”

The development must also comply with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. This requires the character of the conservation area to be protected and ensure that the proposed development does not negatively impact this.

The Planning (Listed Buildings and Conservation Areas) Act 1990 introduces controls over the demolition of buildings within a conservation area. Buildings in a conservation area are not to be demolished without the consent of the local planning authority. This application is understood to seek retrospective Conservation Area Consent. It is also noted that a planning application has not been submitted and that this is necessary.

The Colwinston Conservation Area Appraisal and Management Plan notes

“Stone walls are one of the defining features of the area. The importance of the stone wall around the churchyard is recognised through its grade II listed status but other stone boundary walls, especially on the roadside, are equally important in maintaining historic character and appearance.”

The stone wall is highly visible from the highway of Hen Cartref. The widening of the access from approximately 3.5m to 4.9m to accommodate for modern farming vehicles is part of a larger boundary wall. The application is retrospective and consequently it is evident that the stone has been replaced with the old stone which had been removed and consequently there is no opposition to the rebuilding of the wall to accommodate for this alteration and as noted by the Council’s Conservation Officer, the wall and gate have been erected in a manner that sits well within the Conservation Area.

However, as part of the widening of the access, the proposal results in the loss of the stile which formed a key feature in relation to the access as shown by the photograph below.



Stile before it was removed.

The stile was an attractive and important feature of this boundary and its loss is not supported as this is considered to neither preserve nor enhance the character of the area. Whilst it is noted within the Heritage Impact Statement provided that the stile was of significant cost to replace which ultimately led to the removal of this feature, the economic factors within preserving historic features are not a material planning consideration and consequently this justification is not accepted. Additionally, whilst it is noted that the land does not give way to a public right of way, the stile is nevertheless a key feature which contributes positively to the overall visual character of the Colwinston Conservation Area.

Finally, within the Colwinston Conservation Area Appraisal and Management Plan, it is stated that:

“The Council will seek to resist proposals to remove or significantly alter traditional boundary walls or for new boundary treatments which fail to respect the form and materials of traditional boundary treatments in the area. The Council will seek to secure the maintenance and repair of traditional stone walls.”

Consequently, whilst it is noted that the main wall has been reinstated to a condition which is considered complementary to the conservation area, the removal of the stile significantly alters the traditional boundary wall and therefore it is considered that the proposed works have had an unacceptable impact on the character of the conservation area and would result in the unwarranted loss of heritage assets from the site as well.

The proposal therefore fails to comply with criterion 1 of SP10 and criterion 1 and 3 of Policy MD8, in addition to paragraphs 2.6 and 6.16 of TAN 12, the aims and objectives of the Colwinston Conservation Area Appraisal Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

REASON FOR RECOMMENDATION

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 loss of the historical stile would be damaging to the intrinsic character of the site and the conservation area. The proposal would therefore fail to preserve or enhance the character of the Conservation Area, and would be in conflict with Policies SP10 and MD8 of the Adopted Local Development Plan, in addition to TANs 12 and 24, the aims and objectives of the Colwinston Conservation Area Appraisal Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.