

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (WALES) ORDER 2012**

REFUSAL OF PLANNING PERMISSION

Name and address of the applicant

**Recycling Plant And Machinery Limited
Beechwood House
Bryntywod
Llangyfelach
Swansea
SA5 7LP**

Name and address of the agent

**Richard Banks
Evans Banks Planning Limited
2 Llandeilo Road
Cross Hands
Carmarthenshire
SA14 6NA**

DATE REGISTERED: 14 August 2020

APPLICATION NO: P2020/0601

LOCATION: Land At Tyn-Y-Caeau , Margam Road, Margam, Port Talbot,
SA13 2NW

PROPOSAL: Change of use from dwelling house and annex building into a mixed used development consisting of guest house accommodation consisting of 16 guest rooms, with associated bar, cafe and spa facilities, and truck stop with 21 HGV parking spaces. The proposal includes the demolition of an existing single storey rear extension, and the erection of a single-storey rear extension, together with widened site access, additional internal access roads, parking areas and associated works. (Bat survey and mitigation submitted 18/09/2020)

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT AND ORDER HEREBY REFUSES TO PERMIT THE PROPOSED DEVELOPMENT FOR THE FOLLOWING REASONS:-

Reasons For Refusal:-

1 The proposal represents an unjustified form of development located outside the identified settlement limits, which would be detrimental to the principle of protecting the countryside and landscape for its own sake, and accordingly be contrary to Policy SC1 of the Neath Port Talbot Local Development Plan and the principles embedded in Planning Policy Wales.

2 The proposed development by virtue of the development type, scale and siting within the inner and middle safety zones of a high pressure hazardous pipeline and the middle and outer safety zone of a hazardous installation would introduce a development that would unacceptably increase the risk to the future occupiers of the proposed development. Furthermore this unjustified development has the potential to undermine future development within the Local Authority's adjoining allocated strategic employment site and waste treatment allocations due to the cumulative impact this development and any future developments would have upon the allocations. As such the proposal is considered to be an unjustified form of development that is contrary to Policies SP1, SP2, EC1 and W1 of the Neath Port Talbot Local Development Plan and the advice provided from the Health and Safety Executive in accordance with the Health and Safety at Work etc. Act 1974

3 The proposed development would have a significant adverse impact upon the character and appearance of the setting of the buildings through the removal of a large number of trees, and would fail to respect both the context of the site and its place within the local landscape. As such, the proposed development would adversely affect the visual amenity and character and appearance of the existing building, while the excessive loss of trees and creation of significant areas of hard surfacing to allow for the 21 HGV spaces/car parking spaces and roads, would create an unjustified, unsuitable and insensitive development, that would harm the semi-rural character of the gateway location into Neath Port Talbot. The development is therefore an unjustified and inappropriate form of development contrary to policy BE1 of the Neath Port Talbot Local Development Plan, it is also considered contrary to the principles of good design set out with TAN 12 Design and Planning Policy Wales 10

4 The intensification in use of the existing access for use by HGVs, and the nature of the required changes to the junction/access/egress, by reason of their design, layout and siting in close proximity of a major roundabout, and on the inside bend of a dualled section of the A48 would have an unacceptable detrimental impact upon highway safety and the free flow of traffic. In addition to this, the proposed HGV parking bays do not meet the requirement of the "Freight Transport Association Designing for Deliveries" and the swept path analysis shows conflicts between vehicles. The proposal is therefore considered to be contrary to Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

5 In the absence of the requested biodiversity information (including further bat, reptile, botanical surveys/ reports and a hazel dormouse method statement) to assess the potential impacts on biodiversity and protected species, the applicant has failed to demonstrate that the development would maintain and enhance biodiversity and have no unacceptable impact upon protected/priority species. Accordingly the proposal would therefore be contrary to objectives set out in Planning Policy Wales edition 10, the Environment (Wales) Act 2016, TAN 5 (2009) and Policies SP15 and EN7 of the Neath Port Talbot Local Development Plan.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 15 October 2020

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
2. You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
3. You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
4. If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-
 - Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - Householder Appeal see endnote i Within 12 weeks
 - Minor Commercial Appeal see endnote i Within 12 weeks
 - Listed Building or Conservation Area Consent appeals Within 6 months
 - Tree Preservation Order (TPO) Consent Within 28 days
 - Advertisement Consent Within 8 weeks
 - Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - Hazardous Substances Consent Within 6 months
5. Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
6. The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
7. The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
8. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land

in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

9. Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
10. In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
11. Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
12. Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686949 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.