



Appeal Decision

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 25.07.2023

Appeal reference: CAS-02377-C7R0S0

Site address: Tor Y Graig Farm, Ty Llwyd, Bryncoch, SA10 7DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs A. White against the decision of Neath Port Talbot Council.
 - The application Ref: P2022/0268, dated 21 March 2022, was refused by notice dated 10 October 2022.
 - The development proposed is the construction of a two storey detached house (local need) with disabled assisted living on brownfield land on the application site.
 - A site visit was made on 20 June 2023.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are: whether the development would be acceptable in principle, having particular regard to the planning policy framework; the effect of the development upon the character and appearance of the area; and whether any identified harm would be outweighed by the matters in favour of the proposal.

Reasons

3. The appeal relates to an area of land known as Tor Y Graig Farm near Bryncoch. The site was generally in an unkempt state at the time of my site visit with various structures, including a mobile home and shipping containers, on the land. The application and appeal forms indicate that the appeal proposal seeks planning permission to '*construct a two storey detached house (local need) with disabled assisted living*', on a similar footprint to that currently occupied by the aforementioned mobile home. The plans indicate that the development would also include an alternative access point off Ty Llwyd Road, with a hardstanding driveway making provision for off-street parking.

Principle of Development

4. The appeal site is located outside of the settlement limits defined by the Neath Port Talbot Local Development Plan 2011- 2026 (Adopted 2016) (LDP) and is therefore located within the countryside for the purposes of planning policy. Consistent with the

general thrust of national planning policy, Policy SP14 of the adopted LDP seeks to protect areas of countryside through the control of inappropriate development outside of settlement limits, with Policy SC1 outlining the policy exceptions to such control.

5. The appellant has provided some evidence to suggest that the dwelling would facilitate agricultural work on the farm, thus providing 24 hour access. However, such evidence falls well short of meeting the requirements of rural enterprise dwellings specified by Technical Advice Note 6: *Planning for Sustainable Rural Communities* (2010) (TAN6). Indeed, amongst other things, evidence of such a functional and financial need is severely lacking. It is also worth noting that, despite a reference to '*local need*' within the description of development, there is nothing to suggest that it would constitute affordable housing, as defined by Technical Advice Note 2: *Planning and Affordable Housing* (2006) (TAN2). I note the appellant's claims that the land comprises previously developed land. However, Planning Policy Wales (Edition 11, 2021) (PPW) is clear that not all previously developed sites are suitable for all types of development. As such, and bearing in mind the fact that the site has not been demonstrated to be located within a sustainable location, I do not consider that such arguments weigh heavily in favour of the scheme.
6. The development does not therefore constitute an appropriate form of development that would represent an exception to the control of development advocated by both the adopted LDP and national planning policy. Indeed, it would conflict with the aims of both Policy SP14 and Policy SC1 of the adopted LDP and, for the same reasons, would also conflict with the thrust of national policy. The development would thereby be unacceptable in principle and would not be justified by the presence of the mobile home currently on site, not least because there is no evidence to suggest that that structure, or indeed the wider use of the land, benefits from a grant of planning permission or a Lawful Development Certificate (LDC) under Section 191 of the Act.

Character and Appearance

7. The proposed development would introduce a substantial two storey property to the appeal site and this, along with the associated residential use, would inevitably have a significant urbanising impact on the immediate environs. I note the presence of the new dwellings located to the east of the site. I have also considered the presence of the significant structures to the north-west at Tor y Graig. However, the appeal site is separated from the dwellings located to the east by mature trees that serve to define the existing built form, whilst the structures located to the north-west are not residential in nature. I do not therefore consider that such developments would offer mitigation to the urbanising impacts that would arise should planning permission be granted.
8. It is clearly material to note that the site does not presently comprise an unspoilt area of open countryside, with various mobile and storage structures occupying the land. However, as there is no cogent evidence to suggest that such structures are lawful, I do not consider that they should weigh heavily in an assessment of the character and appearance of the area. Similarly, it is also worth noting that, despite the claims that the site represents previously developed land, it displays little resemblance to its former use. Indeed, having regard to the foregoing set of circumstances, I concur with the Council's assessment that the development would represent an unacceptable urbanising incursion into the countryside and that it would therefore fail to respect the context of the site and its position within the wider landscape.
9. Therefore, on the basis of the foregoing, I find that the development would injuriously alter the character and appearance of the area. It would therefore conflict with the aims of Policy BE1 of the adopted LDP, as well as the placemaking principles that underpin national planning policy.

Balancing Exercise and Overall Conclusions

10. I have found above that the development would be unacceptable in principle. It would also cause material harm to the character and appearance of the area. Whilst the development would clearly make a positive contribution to the local housing land supply, I do not consider that such a factor outweighs the identified harm. Similarly, whilst I note the references to the proposed dwelling meeting a '*local need*' being equipped for '*disabled assisted living*', I have not seen any cogent planning arguments or evidence to find that such considerations merit significant weight in the planning balance.
11. I note the potential for a perceived inconsistency with other developments within the area. However, the other developments cited incorporate a materially different set of circumstances to that proposed in this instance. Indeed, I am advised that the dwellings located to the east of the site were justified as '*replacement dwellings*' and holiday lets are subject to a different planning policy framework. As such, and bearing in mind the well-established principle of planning that each case should be treated on its own particular merits, such arguments do not lead me to alter my overall conclusion that the identified harm and associated policy conflict represent compelling reasons why planning permission should be withheld in this instance. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.
12. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR