



## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 5 April 2022

gan **J Burston BSc MA MRTPI AIPROW**

**Arolygydd a benodir gan Weinidogion  
Cymru**

**Dyddiad: 25.05.22**

## **Appeal Decision**

Site visit made on 5 April 2022

by **J Burston BSc MA MRTPI AIPROW**

**an Inspector appointed by the Welsh  
Ministers**

**Date: 25.05.22**

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**Appeal Ref: CAS-01390-T2D7S1**

**Site address: Lingfield Cottage, Five Lanes, Caerwent, Caldicot, Wales NP26  
5PQ**

**The Welsh Ministers have transferred the authority to decide this appeal to me  
as the appointed Inspector.**

- 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 Mr Stewart Eaves against the decision of Monmouthshire County Council.
  - The development proposed is a granny annex and car port.
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### **Decision**

1. The appeal is dismissed insofar as it relates to the annex.
2. The appeal is allowed insofar as it relates to the car port at Lingfield Cottage, Five Lanes, Caerwent, Caldicot, Wales NP26 5PQ in accordance with the terms of the application as amended, Ref 20/00140/OUT, dated 11 February 2020, subject to the conditions set out in the annex to this decision.

### **Procedural Matters**

3. I note that the Council has granted planning permission for the 'car port' but refused planning permission for a 'granny annex' and the appellant has only appealed against this refusal. However, the whole of the proposed development as described in the application is before me for consideration.
4. From the information provided, the proposed car port and proposed granny annex are discrete building operations and there is no evidence that this is not the case. Therefore, I am satisfied a split decision may be issued.
5. The Appeal site benefits from planning permission for, amongst other things, a detached garage (planning permission reference DM/2020/01858 refers). The car port which forms part of the appeal before me would be adjoining this garage.

## Main Issues

6. The main issues are the effect of the proposed development on:
- The character and appearance of the host property and the surrounding area; and
  - The biodiversity of the site.

## Reasons

### *Character and appearance*

7. Lingfield Cottage is a detached property set within a well contained plot. It is accessed via a private drive and is within a rural landscape of undulating agricultural fields and small woodlands.
8. Planning Policy Wales, edition 11 (PPW), paragraph 3.3 states that “*Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places.*” Monmouthshire Local Development Plan also reflects this within Policies DES1(c) and H6, which aim to ensure high quality sustainable design and to avoid over-extension of existing rural dwellings and the adverse impact that this has on the character / appearance of the open countryside.
9. The principal elevation of the Cottage, which is visible from the road, is a traditional building, with simple fenestration and proportions, set back in its plot with an extensive garden to the front.
10. The car port would be located close to the lane and clearly visible beyond the boundary hedgerow, its scale would be modest and clearly subsidiary to the main dwelling, and its simple design and external materials would afford it a rustic appearance appropriate to the rural setting. Accordingly, I agree with the Council’s findings that the proposed car port would accord with LDP policies H6 and DES1(c).
11. The existing single-story outbuilding, which is proposed for re-modelling to form an annexe, is located on lower ground to the Cottage. Due to the site’s topography and landscaping the existing outbuilding has a very limited presence when entering the site and from views within the surrounding area. However, given the height and scale of the proposed building it would become a notable feature in the countryside and in winter months would be more visible from the highway.
12. Whilst the proposed level of ‘annexe’ accommodation is relatively modest and the materials would be sympathetic to Lingfield Cottage, due to its design it would have a substantial presence and features which include numerous openings and gable style windows within the roof line giving it more of a domestic appearance. For these reasons the proposal would have a discordant and incongruous impact.
13. Reference has also been made to other similar developments elsewhere in the local area, where the appellant has referred to the Council granting planning permission. I am not aware of the full circumstances of the Council’s previous decisions and those that I saw did not sufficiently alter the character or appearance of the area surrounding the appeal site to justify granting planning permission for the proposal, which would be contrary to the development plan. I am unable to address any claims relating to alleged inconsistencies in the Council’s decision-making processes, but I have found the existence of similar developments elsewhere in Monmouthshire does not outweigh the harm that would be caused by the proposal.

14. To conclude on this first main issue, given the significant harm the proposal would cause to the character and appearance of the appeal site, it would be contrary to LDP Policies DES1(c) and H6 as set out above.

### *Biodiversity*

15. PPW, at paragraph 6.4.5 requires planning authorities to seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. The ways in which enhancement can be achieved will vary from site to site and in scale.
16. No ecological evaluation of the existing outbuilding has been undertaken. It is not therefore possible to fully ascertain its current biodiversity value or opportunities for mitigation. In this respect Technical Advice Note 5: Nature Conservation and Planning (TAN 5) states, at paragraph 6.2.2, that *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."* Furthermore, no opportunities for biodiversity enhancement have been put forward by the appellant.
17. The proposed carport would be a new structure, which has the potential for biodiversity enhancement, such as bird boxes or insect hotels. This is a matter which could be controlled by a suitably worded condition.
18. Accordingly, the proposed Annex is contrary to LDP Policies S13 and NE1, which, amongst other matters, establishes that development proposals should protect, positively manage and enhance biodiversity and ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species.

### Other Matters

19. I acknowledge the appellant wishes to provide additional living space at the property. Whilst I am sympathetic to the appellant's personal circumstances, I remain to be convinced that there are not alternative ways of addressing these issues which would be less harmful. Accordingly, the personal circumstances identified do not outweigh the harm the proposal would cause to the character and appearance of the area.
20. I note the comments pertaining to the length of time the Council have taken to make a decision. Nevertheless, the Council's administration of the application is not a matter for me to judge under this appeal, which has been based on the merits of the case and evidence in front of me.

### Conclusion

21. For the reasons given above, I conclude that the appeal should succeed in relation to the carport, subject to the conditions set out in the annex to this decision.
22. However, in relation to the annex, the appeal should be dismissed. Having considered all matters raised in support of the development, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the development is in conflict with the adopted development plan when considered as a whole and would also conflict with PPW.
23. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in

accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

*J Burston*

Inspector

## **ANNEX**

### **Conditions attached to appeal reference: CAS-01390-T2D7S1**

- 1) This development shall be begun within 5 years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
  
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan No 1 (Location Plan); Plan No 10 (Block Plan Proposed Car Port); and Plan No 11 (Proposed Car Port).  
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
  
- 3) Prior to construction works commencing on the carport, the materials and finishes of the external surfaces of the walls and roof of the carport hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.  
REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.
  
- 4) Prior to construction works commencing on the carport, details of bat and bird mitigation (to include location, position and specification) to be provided as part of the development or within the wider garden shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be provided prior to the first beneficial use of the development and shall be maintained as such thereafter.  
REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1

*END*