



Penderfyniadau ar yr Apêl

Ymweliad â safle a wnaed ar 14/11/22

**gan Janine Townsley LLB (Hons)
Cyfreithiwr (Nad yw'n ymarfer)**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad:2022-12-16

Appeal Decisions

Site visit made on 14/11/22

**by Janine Townsley LLB (Hons)
Solicitor (Non-practising)**

**an Inspector appointed by the Welsh
Ministers**

Date:2022-12-16

APPEAL A

Appeal Ref: CAS-01958-S7K4S3

**Site address: Little Cider Mill Barn, Tre-Herbert Road, Croesyceiliog, Cwmbran,
Monmouthshire, NP44 2DE.**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act.
 - The appeal is made by David Holman against an enforcement notice issued by Monmouthshire County Council.
 - The enforcement notice, numbered E22/010, was issued on 11 June 2022.
 - The breach of planning control as alleged in the notice is: erection of 2 metre high gates.
 - The requirements of the notice are: remove the entrance gates as shown in appendices 1 & 2 (attached from the site).
 - The period of time for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(a) of the Town and Country Planning Act 1990 as amended.
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APPEAL B

Appeal Ref: CAS-01945-M9M5D5

**Site address: Little Cider Mill Barn, Tre-Herbert Road, Croesyceiliog, Cwmbran,
Monmouthshire, NP44 2DE.**

**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 David Holman against the decision of Monmouthshire County Council.
 - The development proposed is erection of 6 foot high gates at front entrance, inside boundaries to replace existing 5 bar gate for security.
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Decision – Appeal A

The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Decision - Appeal B

The appeal is dismissed.

Procedural Matter

1. Two appeals are before me, an appeal against an enforcement notice (EN) (“Appeal A”) and an appeal against a refusal of planning permission (“Appeal B”). The development under consideration for both appeals is the same (despite being described as 2 metre high in the EN and as 6ft high in the planning application) as is the evidence presented by the parties in relation to each appeal. Notwithstanding this, I have considered the two appeals individually. However, since the reasons given by the Council for the refusal of planning permission on Appeal B, and the reasons given for taking action in the enforcement notice (EN) on Appeal A are broadly the same, I have addressed the appeals together.

Appeal A - The Ground (a) Appeal and Appeal B

2. In relation to both appeals, the Council’s concern relates to the visual impact of the development on the host dwelling/appeal site and on the wider area. Accordingly, I find the main issue in relation to these appeals to be:
 - The effect of the development on the character and appearance of the site and surrounding area.
 3. The development comprises the erection of driveway gates which have been fitted close to the highway but within the appellant’s land ownership. The gates are aluminium with a wood grain effect. I observed the wood effect to be convincing even at close inspection.
 4. The site falls outside the settlement boundaries and within the countryside. The character of the surrounding area is rural with only sporadic development in the environs. The appeal site comprises a dwelling which is a barn conversion. The appearance of the building retains the appearance of a barn as a result of the sensitive conversion which has been carried out. There is other development in the area although these also retain the rural character and I saw no other examples of domestic/ urban style means of enclosure.
 5. I accept that the appellant has chosen high quality gates, however, the design of the gates are clearly domestic in style and their height and style does not reflect the rural character of the area. I appreciate that appeal site is in residential use, however the dwelling retains a barn like appearance. The gates are adjacent to the highway at a point where they are in clear public view in a setting which is rural in character and they fail to respect the historical value of the appeal site by introducing a means of enclosure which
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conflicts visually with the setting. The development therefore conflicts with policy DES1 of the Monmouthshire County Council Local Development Plan (February 2014).

6. I note also that the planning application failed to provide a net benefit proposal for biodiversity which conflicts with section 6.4 of Planning Policy Wales, Edition 11.

Other Matters

7. Matters such as neighbour disputes and references to the police do not fall to be considered by me as part of my assessment of the planning merits of the scheme before me. Whilst I have taken into account the appellant's desire for additional security at his home, this consideration does not outweigh the harm caused to the character and appearance of the rural setting by the driveway gates which have been installed.

Conclusion – Appeal A & B

8. For the aforementioned reasons, and taking into account all matters raised, I consider that both appeals should be dismissed, and I shall uphold the EN as set out in my formal decision above.
9. 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 one or more of the Welsh Ministers' well-being objectives.

Janine Townsley

Inspector