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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 11/05/17

**gan Paul Selby BEng (Hons) MSc  
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 22.06.2017**

## **Appeal Decision**

Site visit made on 11/05/17

**by Paul Selby BEng (Hons) MSc MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 22.06.2017**

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**Appeal Ref: APP/E6840/A/17/3171509**

**Site address: Caxton Tower, Newbolds Farm, Rockfield, Monmouth NP25 5SY**

**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 Tony Cottrill against the decision of Monmouthshire County Council.
  - The application Ref DC/2016/01131, dated 27 September 2016, was refused by notice dated 27 January 2017.
  - The development is described as 'Amendment to existing planning permission DC/2013/00623. Rehabilitation and extension of former hunting lodge to provide 1 no 3 bed dwelling to include the construction of an outbuilding and underground service route to connect the dwelling and outbuilding at Caxton Tower, Newbolds Farm, Rockfield, Monmouth. Following refusal of application for non-material amendment'.
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### **Decision**

1. The appeal is allowed and planning permission is granted for 'Amendment to existing planning permission DC/2013/00623. Rehabilitation and extension of former hunting lodge to provide 1 no 3 bed dwelling to include the construction of an outbuilding and underground service route to connect the dwelling and outbuilding at Caxton Tower, Newbolds Farm, Rockfield, Monmouth. Following refusal of application for non-material amendment' at Caxton Tower, Newbolds Farm, Rockfield, Monmouth NP25 5SY, in accordance with the terms of the application, Ref DC/2016/01131, dated 27 September 2016, subject to the conditions set out in the schedule to this decision letter.

### **Procedural Matters**

2. The development has been partially completed. The appeal therefore seeks a retrospective non-material amendment to an extant planning permission, granted by the Council under Ref: DC/2013/00623, insofar as that permission relates to an ancillary outbuilding.

### **Main Issue**

3. This is the effect of the development on the character and appearance of the area.
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## Reasons

4. Caxton Tower is a derelict late Victorian former hunting lodge situated on the rise of a hill within open countryside. Whilst not listed, the structure is an historic building and it is visible from vantage points nearby. An outbuilding comprising a two storey pitched roof structure and single storey flat roofed annex, the subject of this appeal, has been constructed a short distance south of Caxton Tower.
5. Various planning applications have been made in relation to the appeal site, including a proposal for the outbuilding refused at appeal in 2016 (Ref: APP/E6840/A/16/3154336), details for which have been submitted. The appeal scheme now before me seeks amendments to the outbuilding under the terms of an extant planning permission (Ref: DC/2013/00623). These amendments involve raising the eaves height by around 400mm, reducing the angle of the roof pitch, and altering the form and dimensions of openings. Whilst heights were not specified in the plans pertaining to the extant permission, the appellant contends that there would be no change in the ridge height of the outbuilding. I have no reason to find otherwise.
6. Caxton Tower is not a Listed Building but it is nonetheless a building of considerable local historic importance. I saw on my site visit that its setting is influenced by its form and original purpose, the main tower facing out over the surrounding countryside, with a more functional elevation facing the access track to the east. The location of the outbuilding is sensitive to this form and setting, being sited south of the access track, adjacent to woodland and on an area of lower land.
7. Whilst the increased eaves height of the appeal scheme moderately augments the mass of the outbuilding, in the context of the height and bulk of Caxton Tower the visual effect is not substantive and, unlike the scheme dismissed at appeal in 2016, the scale of the building is not appreciably larger than that permitted. The outbuilding remains of modest height and scale and it is clearly subordinate to the main building. Although the shallower roof pitch lends the structure a moderately more domestic appearance than that permitted, it retains a sufficiently rural character that is appropriate to the context.
8. The positioning of the windows and doors flush with the exterior walls lends the principal elevation a somewhat flat appearance, but the visual harm of this is not significant in itself. The Council contends that the width of the garage door may inhibit its functionality, but it is sufficient for most standard-sized vehicles and its reduced width has little effect on the character of the principal elevation. The pointed arch above the front door reflects the window in the side elevation, which has a form akin to that already permitted. Whilst not an exact match to the segmental arches in Caxton Tower, the similar shape and materials of the sandstone openings visually connects the two structures and reinforces the ancillary nature of the outbuilding.
9. Having regard to the fallback position provided by the extant planning permission, I find that the modest scale and form of the outbuilding, and its elevational treatments, to be acceptable and not harmfully intrusive to the setting of Caxton Tower. For the reasons given above I conclude that the appeal development accords with the design objectives of the relevant criteria of policies S17 and DES1 of the Monmouthshire Local Development Plan.
10. 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 supporting safe, cohesive and resilient communities.

### **Conditions**

11. Other than the standard plans condition, which is necessary in the interests of proper planning, the Council has suggested a number of other conditions to which I have had regard.
12. In order to ensure that the outbuilding remains ancillary to the main dwelling I have imposed a condition to limit its use accordingly. Natural Resources Wales has raised concerns in regards to bat and Barn Owl roosts on the site but recommends that, based on the results of updated ecological surveys undertaken in February 2016, conditions requiring works to be undertaken in accordance with mitigation and management strategies would overcome these concerns. I concur with this advice and have attached conditions to this effect, which are necessary in the interests of nature conservation.
13. In terms of the other conditions imposed on the original planning permission, I have re-imposed all that I consider remain relevant, amended where necessary to reflect the guidance given in the Welsh Government Circular 016/2014 *'The Use of Planning Conditions for Development Management'*.

### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Paul Selby*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development shall be carried out in accordance with the following plans and documents: Drawing No 1338-02 (Survey); Drawing No 0858-03A (Location Plan); Drawing No 1338-10 (Design Proposal Floor Plans); Drawing No 1338-11 (Design Proposals Elevations); Drawing No 1233-02E (Design Proposal).
- 2) The outbuilding hereby approved shall only be used for purposes ancillary to the residential use of the dwelling known as Caxton Tower.
- 3) The exact type and colour of the proposed materials for the dwelling shall be agreed in writing with the local planning authority prior to the recommencement of any works to Caxton Tower. The approved materials shall be used on the development and remain as such for the lifetime of the development.
- 4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed without the prior written approval of the local planning authority.

- 5) Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the local planning authority.
- 6) The hereby approved development shall be implemented in strict accordance with Section 6 'Mitigation Strategy for Bats' and Appendix 2 'Proposed Outbuilding with Bat Mitigation' of the report 'Caxton Tower, Newbolds Farm, Rockfield, Monmouth. Bat Roost and Barn Owl Survey Report & Preliminary Mitigation Strategy', Pure Ecology, dated 20 November 2012.
- 7) Notwithstanding the Town and Country (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to or be positioned in the curtilage so as to illuminate the roost entrances.
- 8) The preparation of a method statement to detail how bats will be conserved during the works shall be submitted to and agreed in writing with the local planning authority prior to the start of any works on Caxton Tower. This must include, but not exclusively, details of methods of works; timing and duration of works; and action to be taken in the event a bat is found. The development shall be implemented as agreed.
- 9) All new external and internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this planning permission.
- 10) Details of the eaves of the proposed extension to the dwelling, to a minimum scale of 1:10, shall be submitted to and approved in writing by the local planning authority prior to the recommencement of any works to Caxton Tower.
- 11) Details of the of the glazing, windows and doors, including junction with openings and timber cladding, to a scale of 1:10, shall be submitted to and approved in writing by the local planning authority prior to the recommencement of any works to Caxton Tower.
- 12) Prior to the recommencement of any works to Caxton Tower full details of the proposed sedum roof shall be agreed in writing with the local planning authority.
- 13) All rainwater goods shall be of cast metal and matt painted and remain as such for the lifetime of the development.
- 14) Notwithstanding the hereby approved plans the first floor doorway in bedroom 1 that goes out onto the sedum roof shall not be constructed and shall be replaced with a fire escape opening that is to be agreed in writing with the local planning authority prior to the recommencement of any works to Caxton Tower.
- 15) Notwithstanding the provisions of Article 3, Schedule 2, Part 40 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no solar panels shall be erected or placed on the building without the prior written approval of the local planning authority.