
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/04/17

gan Mr A Thickett BA (Hons) BTP
MRTPI Dip RSA

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23.05.2017

Appeal Decision

Site visit made on 24/04/17

by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA

an Inspector appointed by the Welsh Ministers

Date: 23.05.2017

Appeal Ref: APP/E6840/A/17/3168865

Site address: Langley House, Babington Close, Trellech, Monmouthshire, NP25 4SD

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 grant of planning permission subject to conditions.
 - The appeal is made by Mr Paul Jackson against the decision of Monmouthshire County Council.
 - The application Ref DC/2016/00657, dated 31 May 2016, was permitted on 18 August 2016 and planning permission was granted subject to conditions.
 - The development permitted is the erection of a double slatted wooden fence some 16m in length and 1.4m in height at the bottom of the garden and planting of new hedgerow of laurel outside the fence.
 - The conditions in dispute are Nos 2, 3 and 4 which state that:
 2. The existing laurel hedge on the land in front of the wooden fence subject of this planning permission shall be removed and replaced by a native species hedgerow planted in accordance with the approved specification referred to in Condition 3.
 3. Details of the proposed native species plants to be used in the planting of the new hedgerow in front of the existing wooden fence at the rear of the property shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission.
 4. All planting, seeding or turfing shown in the approved details of landscaping shall be carried out in the first planting and seeding season following the date of this permission, whichever is the sooner, and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - The reasons given for all the conditions is:

To safeguard the landscape amenities of the area.
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Procedural Matters

1. The appeal is made only against condition 2 but it must follow that if I find condition 2 and the removal of the hedge to be unnecessary, conditions 3 and 4 must fall too.

Decision

2. The appeal is allowed and the planning permission Ref DC/2016/00657 for the erection of a double slatted wooden fence some 16m in length and 1.4m in height at the bottom of the garden and planting of new hedgerow of laurel outside the fence at Langley House, Babington Close, Trellech, Monmouthshire, NP25 4SD granted on 18
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August 2016 by Monmouthshire County Council, is varied by deleting conditions 2, 3 and 4.

Main Issue

3. The main issue is whether the removal of the disputed conditions would preserve or enhance the character or appearance of the Trellech Conservation Area.

Reasons

4. Langley House is part of a recent development of substantial detached houses at the junction of Greenway Lane and De Clere Way. Langley House backs onto De Clere Way. The fence to which the permission relates is in place and a laurel hedge planted between it and the road. Subject to it being stained and that it would eventually be screened by a hedge, the Council has no objection to the fence.
5. To the east of De Clere way are fields bounded by an established native hedge. However, the houses on the western side are enclosed by hedges and trees of a variety of species and different types of fence. I note the Council's Heritage Team's comments that 'ideally' the hedge should be a native species such as holly or hawthorn. Nevertheless, given the existing variety of boundary treatments along De Clere Way and elsewhere in the village, I do not consider that this short section of laurel hedge would have any material impact on the character or appearance of the Conservation Area or the Wye Valley Area of Outstanding Natural Beauty.

Other matter

6. Condition 4 is poorly drafted. First it requires planting, seeding or turfing (my emphasis) when condition 3 refers only to plants and no turfing is required. The condition then requires the approved details of landscaping to be carried out in the first planting and seeding season following the date of this permission, whichever is the sooner (my emphasis) yet there is only one event or trigger referred to; 'the date of the planning permission'. The condition, therefore, fails the test of precision.

Conclusions

7. For the reasons given above and having regard to all matters raised I find that the removal of conditions 2, 3 and 4 of planning permission Ref DC/2016/00657 would conserve the character and appearance of the Trellech Conservation Area. I conclude that the removal of the disputed conditions complies with Policies DES1, HE1, LC4 and LC4 of the Monmouthshire County Council Local Development Plan 2011 – 2021, adopted 2014 and that the appeal should be allowed.
8. 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 promoting and enhancing the culture and heritage of Wales.

Anthony Thickett

Inspector