

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 5th January, 2021 at 2.00 pm

PRESENT: County Councillor R. Edwards (Chairman)
County Councillor P. Clarke (Vice Chairman)

County Councillors: J.Becker, L.Brown, A.Davies, A. Easson, M.Feakins, R. Harris, J. Higginson, P. Murphy, M. Powell, A. Webb and S. Woodhouse

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Helen Hinton	Senior Development Management Officer
Denzil – John Turbevill	Commercial Solicitor
Ian Bakewell	Housing & Regeneration Manager
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: D. Dovey, D. Evans and G. Howard

1. Declarations of Interest

County Councillor P. Murphy declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2019/02076 as he knows the next door neighbour having served together on Caerwent Community Council. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A. Easson declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2019/02076 as he is a friend of one of the objectors. He left the meeting taking no part in the discussion or voting thereon.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st December 2020 were confirmed and signed by the Chair subject to the following amendment:

Application DM/2020/01328 – bullet points 12 and 13 made reference to a '50 metre space' This should be amended to read '15 metre space'.

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3. Application DM/2018/00834 - Proposed 100% affordable residential development (12 no. dwellings) with associated public open space, landscaping and highway infrastructure and other ancillary works and activities. Land West Of Glebe Cottage, Llantilio Pertholey, Monmouthshire

Before considering application DM/2018/00834, the Head of Planning informed the Planning Committee that notification from Welsh Government had been received indicating that a request had been made for the application to be called in by Welsh Government regarding its determination. Welsh Government is currently investigating whether a call in is required or not. Welsh Government considers that Monmouthshire County Council's Planning Committee should consider the application on its merits with a view to determining the application. Following Planning Committee's decision, Welsh Government will come to a decision on whether it should call in the application or not.

We considered the report of the application and late correspondence which was recommended for approval subject to the 17 conditions outlined in the report and subject to a Section 106 Agreement.

In noting the detail of the application, the following points were identified:

- There is a need for affordable housing provision in the Abergavenny area.
- Approval of the application will provide 100% affordable housing within the area.
- The consultees are in favour of approval of the application.
- The application complies with Planning Policy Wales (PPW).
- A request was made whether the style and design of the proposed dwellings could be improved to comply with its rural location. Conditions could be added to address the use of materials on the development.
- A request was made for porches and storage space to be added to the dwellings. The use of materials, addition of porches and storage space could be addressed with the applicant via the Delegation Panel.
- Affordable housing properties are required to be built to a very high standard.
- Solar panels will be located on the south facing roof slopes of the properties within the site.
- The materials used will be of a high quality.
- The design is simple and functional and appropriate to the context.
- The site will provide sufficient parking provision allowing safe turning provision within the site.

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It was proposed by County Councillor R. Harris and seconded by County Councillor M. Feakins that application DM/2018/00834 be approved subject to the 17 conditions outlined in the report and subject to a Section 106 Agreement. It was also proposed by County Councillor R. Edwards and seconded by County Councillor M. Feakins that conditions be added to be considered via the Delegation Panel that external finishes be agreed and that porches be added to the dwellings with storage space large enough to accommodate a bicycle or wheelchair.

Upon being put to the vote, the following votes were recorded:

In favour of the proposals	-	12
Against the proposals	-	0
Against the proposals	-	0

The propositions were carried.

We resolved that that application DM/2018/00834 be approved subject to the 17 conditions outlined in the report and subject to a Section 106 Agreement and that conditions be added to be considered via the Delegation Panel that external finishes be agreed and that porches be added to the dwellings with storage space large enough to accommodate a bicycle or wheelchair.

4. Application DM/2019/01842 - Variation of condition 1 of DC/2012/00459 to extend the commencement deadline by 12 months. Green Dragon Inn, St Thomas's Square, Monmouth, NP25 5ES

We considered the report of the application which was recommended for approval subject to the 13 conditions outlined in the report.

In noting the detail of the application the following points were identified:

- Safeguards are in place with an evacuation plan.
- The site is located within C2 with upper floor development proposed.
- It is conditioned that a full flood evacuation plan will be submitted.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DM/2019/01842 be approved subject to the 13 conditions outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

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We resolved that application DM/2019/01842 be approved subject to the 13 conditions outlined in the report.

5. Application DM/2019/02076 - Discharge of condition no. 5 of planning consent DM/2019/00595 (management plan). 62 Chepstow Road, Caldicot, NP26 4HZ

We considered the report of the application which was recommended for approval.

The Development Services Manager read out a statement by objectors to the application from Mr. Lund and Mr. Parrish, as follows:

'Once again you have placed your own wording amendment to this proposed Management Plan. The Monmouthshire County Council Planning Committee proposed and seconded that the terminology "no single people" will be placed in this building. At a later date at a meeting held in Caldicot Town Council meeting room alongside Monmouthshire Housing Association Officials, MHA stated to Craig O'Connor that they as the applicants "had no objections to the Planning Committee's proposal and statement of wording of "No Single People" to be placed in this property. Craig O'Connor stated "that he would get this amendment placed within 28 days but likely to be within the week" (Quoted and document by Craig at this meeting) and has yet again failed to do so and renegaded on his.

The management plan should state "as proposed" "No Single People will be placed within this dwelling it will be used for families only with a maximum of six people".

MHA - the applicant, of this property stated at the 20th August 2020 meeting that they have no objections to these conditions or statements and Karen Tarbox their legal representative stated that the wording "No Single People" should be included in the Management Plan and there would be a clear breach of the law if any single people are placed there. Still Not Actioned.

Kate Young and Craig O'Connor decided as stated in an email that they did not like this and you would change it going against Planning approval committee documented agreement.

What right and authority do you have to alter what the Planning Committee and the applicant have both approved?

It certainly brings into question the total honesty and integrity of the MCC Planning department and its obvious dishonest and unprofessional members within this area.

With the current amount and proposed increases in house building within the Caldicot area it beggars belief that more suitable properties cannot be found where families each have their own front door and garden area rather than shared accommodation which is fully illustrated by the current pandemic does not work both for health, safety and social reasons.

As this property has a blind corner alongside the steepness of this driveway is still non compliant and presents a hazard to pedestrians, cyclists and other road users, you as a council have a "Duty of Care" to all those involved in this decision and are accountable

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for this. There is a danger and you have repeatedly recognised this danger and now this is to become an Active Travel Route of Monmouthshire with no alterations undertaken for the safety of the whole community. As you have recognised this hazard and yet not acted upon it should any incident occur, you are now personally liable for ignoring your duty of care within the community. As this property is owned by MHA and intended for use by MCC, the legal representative stated "if it did not confirm it would not be offered to MCC to lease as they have a Duty of Care to their employees and MCC staff, public services and any future tenants - "occupiers liability and occupants liability – responsibilities as owners if not safe then we can't use – will take this away and look next Wednesday on return from Annual Leave and will respond. - Still waiting an update.

The unsafe incline of the driveway itself 'self inspection will illustrate the problem that exists'. MHA stated at the 20th August 2020 meeting they would investigate this problem and inform residents of their finding prior to the next meeting. Still not actioned.

Continual monitoring of this property suggest that MCC have an intention to use this as a regular place of work, often known as a hub which indicates as well as a domestic property commercial uses and regulations come into play which again effects the total community of the surrounding area and was not declared in the original planning application.

Whereas we as residents do not object to the property being used for a single family, this current Management Plan is flawed and continues to be presented in a deceitful manner.

The Head of Planning responded as follows:

- Planning consent has been granted for this property to be used as a house of multiple occupancy (HMO) for C4 use for a maximum of six people and for families only.
- The discharge condition application has been brought to Planning Committee to determine how the HMO will function and be managed.
- The Committee is asked to consider whether the management plan is acceptable or not.
- Local residents have continued to express concern that the condition on the planning permission is not what the Planning Committee requested.
- This dispute relates specifically to no single people. The complaint has been thoroughly investigated and has been upheld.
- The building should be occupied by families only. Single parent families would be allowed. However, single adults would not be allowed to reside here.

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- Local residents had requested the inclusion of the term ‘families but no single people’. However, this would make the condition ambiguous.
- The new proposed wording to meet the local residents’ concerns is that no more than six people shall occupy the building at any time and it shall be occupied by families only including lone parent families and no lone adults.
- Local residents have been consulted on the management plan.
- The non-material planning application only became valid in December 2020. The non-material amendment is now out for consultation.
- The dwelling would not become a hub. It would be used as a minor agile working space for the housing officer to use for short periods only.

The local Member for Severn, also a Planning Committee Member, expressed highways concerns, in particular the blind corner. The volume of traffic will increase along the very narrow drive to and from the HMO.

In noting the detail of the application the following points were identified:

- In response to questions raised, the Head of Planning stated that the application referred to the discharge of a condition to approve the management plan. In terms of reference made to the wording ‘in perpetuity’ this would not be required as only families would be allowed to reside at the property.

It was proposed by County Councillor M. Feakins and seconded by County Councillor R. Harris that application DM/2019/02076 be approved.

Upon being put to the vote, the following votes were recorded:

For approval	-	10
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/02076 be approved.

6. Application DM/2020/00855 - Proposed outbuilding for ancillary and incidental use to the main dwelling, and regularisation of mixed use combining private dwelling (C3) with charitable training/retreat centre (providing therapy/classes with associated short term residential) (C2). The Cwm Cribau Road, Llanfair Discoed

We considered the report of the application and late correspondence which was recommended for approval subject to the eight conditions outlined in the report and subject to an additional condition outlined in late correspondence.

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The local Member for Caerwent, also a Planning Committee Member, outlined the following points:

- The application is not popular locally.
- Due to the site constraints there is no alternative position within the curtilage that could be utilised.
- There will be a management plan tied to the property which is essential.
- If approved, the local Member would like the timber cladding to be larch so that it will change to a silver colour over time.
- There are flooding concerns in the valley but this will be subject to a SuDs application. There is also an attenuation pond within the site.
- The application fits the criteria and lends itself to the activities at The Cwm.

Having considered the report of the application and the views expressed, the following points were noted:

- The proposed outbuilding would measure approximately 22m long, 8m deep with a maximum height of 6.7m falling to 3.8m at eaves level.
- With regard to the disposal of waste water, the scheme will be subject to SuDs consent in which the SuDs Team will review its suitability.
- In terms of foul water disposal, a new facility is being proposed. Its suitability will be assessed by Natural Resources Wales (NRW).

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Easson that application DM/2020/00855 be approved subject to the eight conditions outlined in the report and subject to an additional condition outlined in late correspondence.

Upon being put to the vote, the following votes were recorded:

For approval	-	10
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/00855 be approved subject to the eight conditions outlined in the report and subject to an additional condition outlined in late correspondence.

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7. Application DM/2020/01157 - Demolition of existing dwelling and construction of replacement dwelling. Red Barn Farm, Crick Road, Shirenewton, NP16 6LS

We considered the report of the application and late correspondence which was recommended for approval subject to the seven conditions outlined in the report.

Councillor I. Martin, representing Shirenewton Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

“Shirenewton Community Council’s recommendation to the Planning Committee is for refusal on the following grounds:

There is an existing 2017 consent for a smaller cottage than is now proposed. We had objected to the 2017 application as an unwarranted intrusion on the open countryside but as consent was granted we take the pragmatic view that its appearance better reflects the local architecture and landscape compared to the current application. A much larger building was applied for last year and refused by Monmouthshire County Council.

The current application seeks consent for a larger dwelling over 50% more than the existing consent and the design has been significantly revised with hipped roof ends and a Juliet balcony. Roof hips are not a traditional Monmouthshire building feature and Juliet balconies are most certainly not, and both features are out of keeping.

We are not persuaded by the argument that the applicant could put a larger caravan on the site without the need for further consent. The certificate of lawfulness was in the opinion of the Planning Officer at the time of the 2017 application merely an authorisation that caravan could remain on site but once its use as a residence had ended (and it has been unoccupied for some years) it should be removed and the land restored to its original agricultural state.

No garaging or other outbuildings are included in the floor area and volume calculations and further development in these regards can be expected. At the least a condition should be imposed removing the application of the general development order.

We wish to encourage this community's young families to remain close to their roots. Larger houses in this area are too expensive for them. For this reason we prefer the 2017 design. We note that as this application represents a replacement dwelling no infrastructure contribution is required and the community will not therefore have additional funds to provide resources for our inhabitants. If this application is approved we would wish to see a condition requiring local connection occupation only.

The site is partly screened from the road by trees which we consider important in alleviating the overall impact of the building and these should be retained in any event by a planning condition. We would further request that the comments of the landscape and biodiversity officers be included in the conditions were consent to be given.”

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Mr. D. Glasson, applicant's agent, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

"This application is simply a revision to the replacement dwelling approved in 2018. It is not a rural enterprise dwelling and is compliant with Policy H5 which permits replacement dwellings in the countryside.

Negotiations with officers have addressed initial scale and design concerns such that the dwelling is now policy compliant and a comprehensive range of landscaping measures and biodiversity benefits have also been incorporated.

The applicant is grateful for the cooperation of officers during the course of negotiations and looks forward to the support of the Committee."

The local Member for Shirenewton, also a Planning Committee Member, outlined the following points:

- There has been some confusion regarding the way the report has been presented. In 1997 the mobile home was there and on appeal was allowed temporary consent for three years. It was supposed to be removed in 2000.
- From 2001 to 2016 there was evidence of occupation and it received a certificate of lawful occupation.
- In 2017, the residence which only applied to the mobile chalet and not the garden as stated in the report, there was a replacement dwelling there. That replacement dwelling was smaller than the application being presented to the Planning Committee today.
- The applicant applied for an even larger dwelling of 640 cubic metres. This was not refused but was withdrawn via negotiation as being too large and not complying with Policy H5.
- This new application is larger than the original application of 2017, which has not been built and implemented. Therefore, the local Member considers that it is not a modification of what is already there and been approved, as stated by the agent as it is a separate application for the demolition of the mobile home to be replaced by a new larger dwelling. The local Member considers that this does not comply with Policy H5.
- Policy H5 indicates that the replacement dwelling shall be of similar size to the replaced. The application is not of a similar size to the mobile home.
- Policy H5 also indicates that planning permission may be granted for larger replacement dwellings of high quality sustainable design in the open countryside where it can be demonstrated that the absence of high quality dwellings prevents the attraction of significant economic investment to Monmouthshire and the proposals do not cause unacceptable harm to their setting and the landscape.

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- There is not a demand in the area for larger replacement dwellings. The application does not conform to Policy H5.
- The local Member also disagrees that a caravan of a larger size could be put on the site. If this did occur and it was a private dwelling then even if it didn't require planning permission it would have to have stringent licensing conditions applied to it, unless it was for agricultural use. If it was used for agricultural use, it would help provide local affordable agricultural usage.
- With regard to the 640 cubic metres property, this was offered with an agricultural condition attached. The agricultural condition was looked at in terms of TAN 6 and the need to have an agricultural worker on site. There has been no offer of agricultural occupancy provision.
- Consideration may be required to bring back the agricultural occupancy condition.
- The application does not comply with TAN 6.
- There is nothing in Policy H5 regarding caravans.
- Shirenewton Community Council prefers the smaller design which complies with Policy H5 as it is more in keeping with a modest farm style dwelling and is more in line with the current footprint.
- The Juliet balcony and hipped roof of the proposed application does not reflect the rural setting that that it would be occupying.
- The local Member considers that it is unnecessary to give consent to the proposed dwelling as it does not comply with Policy H5.
- The local Member considers that the application should either be refused or deferred for officers and applicant look again at this application. Also, that the certificate of lawful residence be looked at to see if it has been suspended as there has not been any residents at this location which would mean that the agricultural condition would apply. Deferral of the application would allow for the legal and policy considerations to be considered.
- The applicant has not followed the Planning Inspector's decision which was to remove the mobile chalet.

Having considered the report of the application and the views expressed the following points were noted:

- The certificate of lawfulness does not restrict any occupancy. It is not like an agricultural tie or a rural enterprise dwelling. There is no restriction on residential occupancy.
- The certificate of lawfulness was granted and is now in perpetuity.

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- In 1997 when the temporary permission was granted, the building should have been removed after three years but this did not occur. It was in place for 16 years with 10 of those years showing evidence to prove that it was occupied as a residential dwelling. Hence, the certificate of lawfulness being granted.
- It is accepted that 21 years ago the building should have been removed. Procedures have been put in place now to check temporary consents.
- The application is for a building that is 407 cubic metres. The previous application of 343 cubic metres was approved by Planning Committee and therefore could be implemented.
- The current application is for a larger building than the previous approved application but is smaller than a structure that could be legally replaced.
- The certificate of lawfulness grants permission for a caravan with unrestricted residential use which could legally be replaced with another caravan of up to 415 cubic metres with an unrestricted residential use. The current application proposes a building that is smaller than could be legally put on the site at present.
- The local Member considered that a caravan would be preferable as it would be more likely to provide an agricultural worker. The aim of TAN 6 is to provide for an agricultural worker. This site would more likely be used by an agricultural worker with an affordable dwelling in place.
- It was noted that the size of the proposed dwelling was similar to the approved application and the design of the proposed dwelling was considered to be superior.
- A Member expressed concern regarding the history of the site and whether someone had previously lived in to the caravan as stated. It was considered that the property should have been taken down in 2000. The Member supported the local Member in that consideration of the application should be deferred. In response, it was noted that sufficient evidence had been provided to indicate that the property had been occupied.
- Under the replacement dwelling policy it does not prescribe that the Authority needs to know who occupies a property. It is an application to remove one building and replace with another building of the same residential use.
- Under the replacement dwelling policy there is no requirement for an affordable housing contribution as there is no additional residential unit created.
- Once the certificate of lawful use has been issued the property is immune from enforcement action on that site for that use.
- The Head of Planning stated that it has been established via the certificate of lawfulness that there is a residential use on the site. Agricultural ties under TAN

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6 is not relevant to this application. A smaller dwelling has already been approved for the site and an affordable housing contribution was not sought for this unit. This matter is not covered via the Supplementary Planning Guidance.

- Ensure the mullions and transoms of the windows match up on the front and rear of the dwelling.

The local Member summed up as follows:

- An agricultural condition should be considered. The application had been amended to provide a smaller unit. The original application did offer an agricultural condition which has not been included in this application.
- The provision of a replacement caravan would assist in providing affordable accommodation for an agricultural worker.
- The proposed dwelling is larger than the dwelling already approved by Planning Committee in 2017.
- Policy H5 should also be looked in respect of this application.
- Shirenewton Community Council had expressed concern for the need for affordable housing accommodation in the area.
- There has been no affordable housing contribution added to this application.
- Shirenewton Community Council had suggested that there should be a condition that the person who purchases this private residential dwelling would have a local connection but this has not been considered.
- It was considered that the approved 2017 application was a better option and was more modest in the size of the dwelling.
- Deferral of the application should be considered with a view to referring back to the assessment report from Mr R. Anstis, reconsider Policy H5, consider an agricultural condition as well as considering an affordable housing contribution.

The Head of Planning informed the Committee that certificate of lawfulness has established that a mobile home and chalet can be located on the site with residential use. The same volume has been allowed under the Caravan Act, which could allow for the proposed replacement dwelling. The previous consent agreed in 2017 does not have an agricultural tie.

It was proposed by County Councillor L. Brown and seconded by County Councillor A. Easson that we be minded to defer consideration of application DM/2020/01157.

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Upon being put to the vote, the following votes were recorded:

For deferral	-	2
Against deferral	-	9
Abstentions	-	0

The proposition was not carried.

It was proposed by County Councillor A. Easson and seconded by County Councillor M. Feakins that application DM/2020/01157 be approved subject to the seven conditions outlined in the report and subject to an additional condition to include an affordable housing contribution.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	5
Against the proposal	-	6
Abstentions	-	0

The proposition was not carried.

On the advice of the Planning Committee's legal representative, Members voted on the Officer's recommendation to approve application DM/2020/01157 subject to seven conditions outlined in the report and that an additional condition be added that mullions and transoms of the windows match up on the front and rear of the dwelling.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	7
Against the proposal	-	2
Abstentions	-	0

The proposition was carried.

We resolved to approve application DM/2020/01157 subject to seven conditions outlined in the report and that an additional condition be added that mullions and transoms of the windows match up on the front and rear of the dwelling.

8. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received

8.1. 13A Fosterville Crescent, Abergavenny

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 13A Fosterville Crescent, Abergavenny on 9th November 2020.

We noted that the appeal had been dismissed.

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8.2. Horseshoes Barn, Great Park Farm, Great Park Road, Llanvihangel Crucorney, Abergavenny

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Horseshoes Barn, Great Park Farm, Great Park Road, Llanvihangel Crucorney, Abergavenny on 1st December 2020.

We noted that the appeal had been dismissed.

8.3. Rear Barn, Manor Farm, St. Bride's Road, St. Bride's Netherwent, Caldicot

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Rear Barn, Manor Farm, St. Bride's Road, St. Bride's Netherwent, Caldicot on 24th November 2020.

We noted that the appeal had been dismissed.

The meeting ended at 4.58 pm.