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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/06/18

**gan Declan Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 10.07.2018**

## Appeal Decision

Site visit made on 18/06/18

**by Declan Beggan BSc (Hons) MSc DipTP  
DipMan MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 10.07.2018**

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**Appeal Ref: APP/E6840/A/18/3198781**

**Site address: Green Meadow Farm, Llandevenny Road, Llandevenny, Magor,  
NP26 3DB**

**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 & Mrs Broome against the decision of Monmouthshire County Council.
  - The application Ref DC/2017/01393, dated 17 November 2017, was refused by notice dated 13 February 2018.
  - The proposed development is described as the 'proposed creation of separate dwelling from existing detached residential annexe'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the development would accord with planning policies concerning the location of new residential development.

### Reasons

3. The appeal site lies within the curtilage of a dwelling known as Green Meadow Farm on the edge of the settlement of Llandevenny. The property subject to the current appeal was granted planning permission on appeal<sup>1</sup> for the replacement of existing outbuildings with a granny annexe; the permission included an occupancy condition that restricted the use of the building for purposes ancillary to the residential use of the adjacent dwelling, Green Meadow Farm. The structure as permitted was single storey in nature with part external stone walls under a pitched slate roof and comprised a lounge, dining area/kitchen together with a shower room and bedroom; the building as erected and subject to this appeal differs slightly to that previously permitted in terms of relatively minor external and internal alterations. The appeal site would share its access and parking facilities with the adjacent Green Meadow Farm. Whilst the appeal site is located on the edge of Llandevenny, nonetheless the

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<sup>1</sup> Ref. APP/E6840/A/08/2074918 granted 16 October 2008

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location is deemed to be open countryside as it lies outside of any development boundary as defined in the adopted Monmouthshire Local Development Plan (LDP).

4. The Council's refusal notice refers to Policy S1 of the LDP which in broad terms resists new dwellings in the open countryside unless, inter alia, it is an acceptable conversion of a rural building as set out in policy H4. Policy H4 of the LDP refers to the conversion of a building in the open countryside for residential use being permitted subject to a number of criteria being met, including e), which states buildings of modern construction not being favourably considered, and that buildings will have been expected to have been used for their intended purpose for a significant period of time. Policies S1 and H4 broadly reflect Planning Policy Wales Edition 9 (PPW) and advice as contained within Technical Advice Note 6: Planning for Sustainable Rural Communities insofar as they relate to the control of new building in the countryside.
5. In terms of criteria e) of policy H4, it refers to "buildings of modern construction" not being favourably considered for residential conversion; clearly the building subject to this appeal is of modern construction notwithstanding its use of stone and slate. In addition criteria e) states that buildings will have been expected to have been used for their intended purpose for a significant period of time: the annexe has never actually been used for its intended purpose.
6. The proposal does not therefore comply with policy H4; in addition the policy states that proposals which are deemed to not comply with it will be judged against national policies relating to the erection of new dwellings in the countryside. No substantive evidence has been provided that the proposal is required to meet any of the exceptions stated in local or national policy. The proposed development is unjustified in its countryside location and is therefore contrary to the local and national planning policies referred to above that seek to control the location of new residential development.
7. To my mind the original occupancy condition imposed on the annex was necessary because the erection of a new building capable of being used as an independent dwelling at that time would not have been acceptable due to residential rural restraint policy. The original occupancy condition mirrors advice in more upto date guidance in Circular 016/2014<sup>2</sup> which states, "it may be appropriate to impose a planning condition to ensure the annexe is only used as ancillary accommodation to the main dwelling house and to prevent its accommodation independent of the main house". Whilst the appellants circumstances have altered since the erection of the annex, nonetheless they would have known that the use of the building had a degree of impermanence given its ancillary nature and its use for elderly relatives; the appellants change in circumstance would not justify the creation of a new dwelling in the open countryside contrary to local and national rural restraint policies.

#### *Other Matters*

8. I appreciate the site lies within a wider area where employment opportunities are likely to exist and there may be access to services such as shops, however in my opinion, such arrangements would not be likely to adequately cater for the general day to day and long term needs of the future occupants of the development without significant reliance on the car as a means of travel; consequently I consider the proposal runs contrary to local and national planning policies that seek to minimise the

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<sup>2</sup> Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management*

demand for travel and the use of the private car. I appreciate the proposal would not result in detriment to residential and visual amenities in the area, however these benefits either individually or combined with any other benefits associated with the proposal would not outweigh the significant conflict with local and national planning policies.

9. Furthermore PPW states the countryside, in line with sustainability principles should be conserved and where possible enhanced for its own sake, and that new development in the open countryside that is away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled; the proposed development has not been justified in its rural location, consequently it is in conflict with national planning policy.
10. Consequently the proposal is in conflict with local and national planning policies that in broad terms seek to control development in the interests of sustainability. PPW states that a plan led approach is the most effective way to secure sustainable development through the planning system. I have previously found that the LDP policies applicable to the proposed development broadly reflect the stance taken in PPW insofar as they relate to the control of new housing in the countryside in line with sustainability principles. The presumption in favour of sustainable development as set out in PPW does not apply having regard to the key principles and key policy objectives of sustainable development<sup>3</sup>.
11. In support of their stance the appellants refer to other local buildings which it is maintained were permitted by the Council in similar circumstances to the appeal proposal, however, I do not know the full details of the circumstances that resulted in those developments being permitted or the planning policy context applicable at that time and so cannot be sure they represent a direct parallel to the appeal proposal; in any event I have determined this appeal on its own merits. The fact that the appeal building was similar in nature to a previous structure on the site carries no weight in my consideration of this matter. The appellants state they have no intention of separating the property from the main dwelling, however if permission were to be granted in this case there would be nothing to prevent this occurring; in such a scenario it would be unreasonable to impose a planning condition to indicate otherwise.

## **Conclusion**

12. Drawing the threads of the above together, the proposed development is unjustified in its countryside location, and would run contrary to local and national planning policy and advice that collectively seek to control development in the countryside in the interests of sustainable development.
13. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.
14. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the

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<sup>3</sup> PPW paragraphs 4.2.2, 4.2.4, 4.2.5

sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

*Declan Beggan*

INSPECTOR