
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/08/19

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.09.2019

Appeal Decision

Site visit made on 06/08/19

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11.09.2019

Appeal Ref: APP/E6840/A/19/3230160

Site address: Star Road, Nant y Derry, Goytre, Monmouthshire, NP4 0AA

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 M. A. J. Fodden against the decision of Monmouthshire County Council.
 - The application Ref: DC/2017/01375, dated 24 November 2017, was refused by notice dated 7 March 2019.
 - The development proposed is the change of use from agriculture to Transport Yard – extension to existing Transport Yard to accommodate an additional 6 tractor units and 3 trailers.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed development upon: highway safety; and the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of noise and general disturbance.

Reasons

3. Local Planning Authority (LPA) planning application Ref: DC/2006/01317 granted planning permission for the change of use of the land at Star Road to a transport yard, subject to the imposition of planning conditions. Specifically, it was conditioned that no more than 2 lorries and 2 trailers were to operate from the site unless otherwise agreed in writing by the LPA. The current appeal proposal seeks retrospective planning permission, under Section 73A(2)(a) of the above Act, to extend the existing transport yard and to enable an additional 6 tractor units and 3 trailers to operate from the site.

Highway Safety

4. I was able to confirm at the time of my site inspection that, by reason of the scale, layout and overall geometry of the access to the appeal site, it would not be possible for large vehicles to access the site directly from the north east along Star Road without undertaking difficult manoeuvres along the public highway. The Council has raised concerns regarding such large vehicles reversing onto the land and, having regard to the width, alignment and general design of Star Road, as well as the speed in which vehicles pass the site, I share such concerns.
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5. I note the lawful fall back position provided by the extant planning permission. However, there is no doubt that the appeal scheme seeks to intensify the lawful use of the site and such an intensification of use would clearly increase the threat to public safety. Indeed, notwithstanding the foregoing access concerns, I am mindful that various sections of Star Road give rise to difficult highway conditions by reason of its width, alignment and various concealed entrances. I was also able to observe at the time of my site visit that such conditions can be exacerbated by the speed of traffic travelling along the highway. The use of large vehicles at the scale proposed would clearly accentuate such highway conditions, to the detriment of highway safety.
6. I have fully considered the Transport Statement submitted in support of the appellant's case and note the fact that the Local Planning Authority (LPA) has not prepared its own Transport Statement or provided detailed evidence on traffic flows. Nevertheless, the LPA has given reasons for its conclusions and, based on my own findings, I consider the LPA's concerns to be well-founded. Indeed, the evidence set out in the Transport Statement does little to alleviate the foregoing concerns and any assertions that the business has been operating at the proposed level without any harm appear to be contradicted by the significant concerns raised within interested party representations.
7. I recognise that large vehicles will continue to utilise Star Road regardless of the outcome of this appeal. However, as the appeal proposal would materially increase the numbers of large vehicles utilising the road, I do not consider such a matter to weigh heavily in favour of the appeal proposal. Similarly, I do not consider the accident data submitted to justify the development. I have considered whether the aforementioned concerns could be mitigated through the imposition of suitably worded planning conditions, although I have not seen anything to lead me to believe that such matters could be addressed by such means. I note the appellant's contention that a planning condition could prevent vehicles from entering the site from the north. However, I have not been provided with a worked out scheme and, in the absence of any evidence to the contrary, I have concerns regarding the practicalities of providing and enforcing such a suggestion.
8. I therefore conclude that the proposed development would represent a material threat to highway safety along Star Road. The development would therefore conflict with the general thrust of Policy MV1 of the adopted Monmouthshire County Council Local Development Plan (2014) (LDP).

Living Conditions

9. The Council's Environmental Health professionals requested through the planning application process that, given the nature and scale of the proposed use, as well as the proximity of the site to noise sensitive receptors, a noise mitigation strategy be submitted in order to assess the impact of the scheme. No such strategy or wider noise assessment has been submitted and, given that background noise levels within what is a countryside location could potentially be low, I concur with the Council's view that such evidence would be necessary to properly assess the impact of the development on the occupiers of neighbouring residential properties.
10. I have considered whether such matters could be addressed through a conditional requirement to submit a scheme to control noise levels emanating from the site. However, given that operating noise and mitigation levels are unknown, I do not consider that it would be appropriate for such a fundamental matter to be addressed in such a manner. I note the lawful fall-back position provided by the extant planning permission. However, given that the intensification of use would clearly have potential

to materially alter the levels of noise emanating from the site, I do not consider this to justify the development proposed in this case. Indeed, the evidence submitted by interested parties appears to corroborate the Council's view that the increase in the numbers of vehicles operating from the site has resulted in increased levels of noise and general disturbance.

11. Based on the foregoing, I conclude that the available information does not enable a proper assessment of the extent to which local residents would experience a change in the environment relative to the lawful fallback position. I therefore consider that the scheme has potential to give rise to noise disturbances that could unacceptably harm the living conditions of the occupiers of neighbouring residential properties, contrary to the general aims of Policy EP1 and criterion (b) and (d) of Policy DES1 of the adopted LDP.

Other Matters and Overall Conclusions

12. In addition to the foregoing matters, the Council objects to the proposed development on the basis that a landscaping scheme has not been provided to screen the 2.4 metre steel palisade boundary fence of the compound which is considered to be out of keeping with its countryside setting. However, some planting had been undertaken by the time I had visited the site and I am satisfied that such matters could be addressed via the imposition of a planning condition. Therefore, for the avoidance of any doubt, I have not afforded any weight to such concerns in the determination of this appeal.
13. I have fully considered the appellant's contention that the development is necessary to meet the demand to haul goods and note the contribution that the development would make to the local economy. Indeed, I have considered such matters within the context of both local and national policy relating to such matters, including Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 23: *Economic Development* (2014). Nevertheless, such matters need to be weighed against the identified harm and, in this respect, I consider the matters against the proposal to represent a compelling reason why planning permission should be withheld in this instance.
14. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed. In coming to this conclusion, 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR