



Appeal Decision

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 21/10/2024

Appeal reference: CAS-03369-Z2B3J6

Site address: Former Whitemill Welsh Water Works, Usk Road, Shirenewton, Monmouthshire, NP16 6BU

- 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 Mike Gibbs against the decision of Monmouthshire County Council.

The application Ref DM/2023/01016, dated 19 July 2023, was refused by notice dated 25 September 2023.

- The development proposed is the part conversion and part redevelopment of buildings to create 3 no. dwelling houses (Use Class C3), with associated parking and landscaping.
 - A site visit was made on 9 September 2024.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my request, additional information was provided by the Council and by Natural Resources Wales (NRW) on 1 October 2024 which clarified their position in respect of the submitted evidence.

Main Issues

3. The main issues are whether the development would be acceptable in principle, having particular regard to the local and national planning policies, and the impact of the proposal on ecology and highway safety.

Reasons

Development in the Open Countryside

4. The appeal site is located some distance to the north of the rural settlements of Shirenewton and Mynydd Bach in the Wye Valley Area of Outstanding Natural Beauty. The site comprises a former Welsh Water compound which is currently used for small scale commercial activity and includes 2 no. substantial metal clad industrial buildings, a number of small ancillary buildings and a large concrete hard standing which is used for

the storage of materials and vehicular parking. The site is enclosed, largely, by mature woodland and accessed via a private drive leading directly from B4235.

5. Policies S1, H4, LC1 and MV1 of the adopted Monmouthshire Local Development Plan (2014) (LDP) identify the appeal site as being in the open countryside and seek, amongst other things, to ensure that proposals for development in this location are justified and are of a scale and design that respects the character and appearance of the area and would not have an adverse impact on highway safety.
6. This approach is supported by guidance contained in Planning Policy Wales, Edition 12 (2024) (PPW) which makes clear that “*new building in the open countryside away from existing settlements or areas allocated for development in*” “*plans must continue to be strictly controlled*” (paragraph 3.60).
7. The development proposes the demolition of one of the existing buildings, the conversion and extension of the remaining building to provide 2 no. semi-detached dwellings, and the construction of a large, detached dwelling in the northern section of the site. The dwellings would be of a contemporary design and be finished in a combination of timber and metal cladding.
8. The appellant maintains that: the appeal site is in a sustainable location close to a number of settlements, services, and facilities which can be accessed by a range of modes of transport; the proposal makes provision for the development of new houses on previously developed land; and the development would deliver a tangible package of public benefits, including a betterment to local highway conditions through the reduction of HGV traffic. In addition, the appellant suggest that the additional ecological and transportation information submitted with the appeal demonstrates that the proposal would not have an adverse impact on highway safety or sensitive ecological receptors.
9. Whilst I note the appellants comments, I am mindful the development proposes the construction of a new detached dwelling in a remote location in the open countryside, and that no detailed evidence has been presented that demonstrates the property is required to meet local housing need associated with the provision of either affordable housing or rural enterprise workers dwellings. In the absence of such information, I conclude that this element of the proposal would conflict with the requirements of the LDPs spatial strategy and national planning policy.
10. Similarly, Policy H4 makes clear that the conversion of buildings in the open countryside for residential purposes which are of modern and /or utilitarian design and constructed from materials such as concrete block work, portal framed buildings clad in metal sheeting will not be supported. In this case, the proposal requires the redevelopment of an existing prefabricated, metal clad Industrial building to provide two substantial properties of a modern design. The appellant has not provided any substantive information which demonstrates that there are any material considerations in favour of this element of the scheme or that would otherwise justify the conflict with local policy. Moreover, although I note the scale and design of the existing buildings, I consider that the structural form of the proposed dwellings together with the overtly modern design of the scheme would result in an incongruous form of development that fails to respect the rural character and appearance of the area and wider AONB.
11. With regard to the nature and location of the proposal, I agree that the appeal site constitutes PDL. However, I am mindful that PPW makes clear that PDL may not be suitable for redevelopment if it is in an unsustainable location (paragraph 3.55). In this case the appeal site is situated in a remote location, between 500 metres and 1.7 kilometres away from the nearest settlements which offer commercial services. The limited nature of these services together with their location and the need to travel along

the narrow, unlit private access road that serves the site and the B4235, which is a busy, unsegregated road, to access them, would in my view, deter future residents from accessing these facilities on foot or cycle and would instead promote the use of private cars. As such, I consider that the proposal would result in the redevelopment of a site in an unsustainable location contrary to the requirements of national policy.

12. Taking these matters together, I conclude that the proposed development would not be of a type which finds support in local or national policy for housing in the open countryside and would therefore conflict with the Policies S1, H4 and LC1 of the LDP and PPW.

Ecological and Highway Information

13. The Council has raised concern that insufficient information has been submitted in respect of highway safety and ecology to allow the proposal to be fully assessed.
14. In respect of highway safety, the Council maintains that in the absence of detailed information in respect of the geometry and dimensions of the proposed access road, site layout and the visibility splay with the B42350 means that it is not able to assess whether the proposal meets current design standards or would be capable of safely accommodating the proposed development. Whilst I note the appellants comments, I share the Council's concerns that in the absence of this information no meaningful judgement can be made about whether the proposal would comply with current standards or have an adverse impact on highway safety. As such, I consider that the proposal is contrary to the requirements of Policy MV1 of the Plan.
15. With regard to ecology, additional information in relation to the ecological impact of the proposed development was submitted by the appellant as part of the appeal process. The information has been assessed by NRW who have confirmed that, subject to a condition requiring the provision of a structure suitable for Bats to use for night roosting and the conditions contained in their letter of the 30 August 2023, they have no objection to the proposed development. I agree with NRW, that that subject to the application of appropriate condition, this matter can be satisfactorily addressed.

Conclusion

16. 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 making our cities, towns and villages even better places in which to live and work.
17. I have also had regard to all the matters raised in support of the scheme. Although I have found that satisfactory ecological information has been provided this is not sufficient to alter my overall conclusions that the proposed development would result in unjustified development in the open countryside and have an adverse impact on highway safety.
18. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR