



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18/07/2025

Appeal reference: CAS-03994-W7R9B0

Site address: 1 Pen Y Wern Cottage, Pen Y Wern Road, Penperlleni, Goytre, NP4 0AB

- 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 Lyndon Hawkins against the decision of Monmouthshire County Council.
 - The application Ref DM/2024/00398 dated 25 March 2024, was refused by notice dated 18 December 2024.
 - The development is proposed conversion of outbuilding to 2 no. holiday lettings.
 - A site visit was made on 1 May 2025.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development:
 - would comply with relevant planning policies concerning residential conversions in the countryside; and
 - would adversely affect the integrity of the River Usk Special Area of Conservation (SAC).

Reasons

3. The appeal site comprises the existing outbuilding within the garden of the semi-detached cottage. The outbuilding is situated adjacent to the southwestern boundary which adjoins Pen Y Wern Road. Although close to the village of Penperlleni, it is situated outside of the settlement boundary as defined in the Monmouthshire County Council Adopted Local Development Plan (LDP) and is therefore in the countryside. The outbuilding was in use for storage and as a workshop during my site visit.

Residential conversion policies

4. Policy T2 of the Monmouthshire LDP states outside town and village development boundaries, the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4.
5. Policy H4 relates to the conversion/rehabilitation of rural buildings in the open countryside for residential use. The Council highlight criterion e) to be of relevance which requires, amongst other matters, buildings will be expected to have been used for their intended

purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit.

6. The appellant contends that an outbuilding has been present at the appeal site in excess of 70 years and provides a copy of an ordnance survey map dated 1971 clearly showing a structure, along with copies of Google Streetview images for 2009 and 2011 showing an outbuilding adjacent to the southwestern boundary of the site.
7. Whilst I do not dispute this evidence, planning permission was granted in 2020 for rebuilding of the outbuilding (ref. DM/2020/01459). The approved plans show that although the new outbuilding is of a similar size, it is of slightly different shape and position within the site. As such, the original outbuilding shown in the evidence provided no longer exists at the site, with the current outbuilding constructed at the site post 2020. Although I am not suggesting this is the case in the scheme before me, Policy H4(e) seeks to prevent applicants circumventing the strict control over development in the countryside by acquiring planning permission on the basis a new building will be used for a purpose which complies with countryside policy but intending to convert it to purpose that would not.
8. The Council do not dispute that the proposal would comply with the other criterion of Policy H4 and I do not disagree. Nevertheless, although there has been an outbuilding at the property in use as a workshop in excess of 10 years at the site, this was replaced by the outbuilding which is presently at the site following planning permission granted in 2020. As such, the outbuilding subject to the appeal proposal has not been used for its intended purpose as a double garage and workshop for 10 years. Therefore, the proposal would not comply with Policies H4 and T2 of the LDP concerning residential conversions in the countryside.

River Usk SAC

9. The River Usk is a SAC and is protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Natural Resources Wales (NRW) has set new phosphate standards for the riverine SAC's of the Wye and Usk and their catchment areas.
10. Accordingly, new development within any part of the catchment which will increase the amount or concentration of wastewater effluent or organic materials discharged directly or indirectly into the catchment's waterbodies has the potential to increase phosphate levels within those waterbodies.
11. The site is not within a public mains sewered area and therefore there is no dispute over the proposed use of a private drainage system. The appeal submission includes details of the Vortex advanced Activated Sludge Process (ASP) sewage treatment plant which is proposed to be installed at the site. It includes detailed information on the treatment process, performance and installation details of the treatment plant. The appellant has also provided an email confirming that the treatment plant proposed would meet the relevant criteria provided by NRW in order to be screened out as not likely to have a significant effect on a river SAC. However, no site-specific details are provided in terms of where the proposed plant would be located within the site and there is no plan showing this or the associated drainage field in relation to any surface water feature, including a river, stream, ditch or drain and any other ground discharge at the site. Similarly, there are no details of the soil or percolation tests to understand if the ground conditions would be suitable. As such, in light of the limited evidence demonstrating compliance with the criteria, I am not satisfied that the proposal would not have a significant effect on a river SAC.

12. In light of this and given that the conflict with the countryside policy identified above which provides strong grounds to dismiss the appeal, I need not undertake a Habitats Regulations Assessment.
13. To conclude I am not satisfied that the proposal would not adversely affect the integrity of the River Usk SAC and therefore would pose an unacceptable risk to interests of nature conservation, contrary to LDP Policy EP1. In addition, the proposal would not accord with the Conservation of Habitats and Species Regulations 2017.

Other Matter

14. Although I note the proposal would create some local jobs and provide accommodation for visitors to events in the surrounding area, given the scale of the development such benefits would not be sufficient to outweigh the harm identified.

Conclusion

15. For the above reasons and having regard to all other matters raised, the appeal is dismissed.
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 one or more of the Welsh Ministers' well-being objectives.

Zoe Baxter

INSPECTOR
