



The Planning Inspectorate
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www.gov.wales/topics/planning

Eich Cyf/Your Ref: DC/2014/01489
Ein Cyf/Our Ref: APP/E6840/A/16/3150437

Planning Officer
Monmouthshire County Council
Planning Section
County Hall
Rhadyr
Usk
NP15 1GA

29 September 2016

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr & Ms Hutchinson & Jones
Site Address: Pwll-y-Cath, Newchurch, Chepstow, NP16 6DJ

Amgaeaf benderfyniad yr Arolygydd
ar yr apêl uchod.

I enclose the Inspector's decision on the
above appeal.

Pan fyddwch wedi darllen llythyr y
penderfyniad yn llawn, neilltuwch yr
amser i lenwi ein holiadur Adborth
wedi'r Penderfyniad. Mae'r holiadur
ar gael ar-lein yn:

Once you have read the decision
letter fully, please take the time to
complete our Post Decision Feedback
questionnaire. The questionnaire is
available online at:

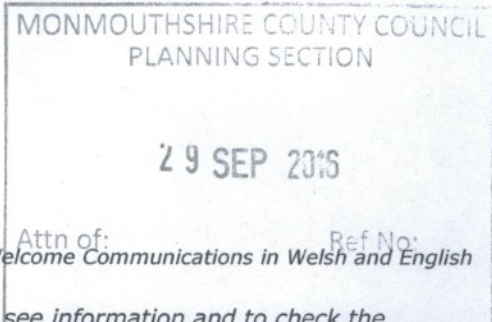
<https://www.surveymonkey.com/s/PostDecisionQ>

Yours sincerely,

Rhys Spencer
Rhys Spencer

Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg

Attn of: We Welcome Communications in Welsh and English Ref No:



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Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 23/08/16

Site visit made on 23/08/16

gan **Melissa Hall BA (Hons), BTP, MSc, MRTPI**

by **Melissa Hall BA (Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 29.09.2016

Date: 29.09.2016

Appeal Ref: APP/E6840/A/16/3150437

Site address: Pwll-Y-Cath, Newchurch, Chepstow NP16 6DJ

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 Hutchinson & Ms Jones against the decision of Monmouthshire County Council.
- The application Ref DC/2014/01489, dated 28 November 2014, was refused by notice dated 13 November 2015.
- The development proposed is the demolition of existing dwelling and replacement with new residential dwelling with associated access, curtilage and landscaping works.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and replacement with new residential dwelling with associated access, curtilage and landscaping works at Pwll-Y-Cath, Newchurch, Chepstow NP16 6DJ in accordance with the terms of the application, Ref DC/2014/01489, dated 28 November 2014, and the amended plans submitted with it, subject to the conditions set out in the schedule attached as Annex A.

Procedural and Preliminary Matters

2. The proposal was amended following submission to the Council but prior to its determination. The amendments were made in response to comments received from the Council and consist of the re-siting of the dwelling as shown on the Site Layout Plan and the Site Sections. I am satisfied that no party would be prejudiced by my consideration of the amended plans. I have therefore determined the appeal on this basis.
3. The officer's report to Planning Committee dated 8 September 2015 recommended approval of the application subject to conditions. However, the application was deferred at the meeting so as to invite the appellant to consider re-positioning the replacement dwelling to within the curtilage of the existing property. As the appellant declined to do so, not least as the dwelling had already been re-sited to the position shown on the amended plans, the application was refused by Members at the Planning Committee meeting of 3 November 2015. Whilst no objection was raised regarding

MONMOUTHSHIRE COUNTY COUNCIL
PLANNING SECTION

29 SEP 2016

Attn of: Ref: /

the principle of a replacement dwelling, Members considered that its siting in an elevated position in the paddock to the north and outside the curtilage of the existing dwelling would represent an overly prominent and unsympathetic form of development within the landscape that would fail to respect its setting in conflict with Policies H5 and LC5 of the adopted Monmouthshire Local Development Plan (LDP) 2014 and the guidance in the Supplementary Planning Guidance '*Policies H5 and H6 – Replacement Dwellings and Extensions to Dwellings in the Countryside*'.

Main Issue

4. Against this background, the main issue is whether the proposed siting of the development would be acceptable having regard to its effect on the character and appearance of the area.

Reasons

5. The appeal site comprises a paddock located adjacent to a modern detached dwelling known as 'Pwll-Y-Cath'. It is situated within the community of Newchurch, which is characterised predominantly by small, scattered groups of dwellings and farm buildings in rural surroundings.
6. The proposed development would result in the demolition of Pwll-Y-Cath and the re-siting of the replacement dwelling in the adjacent paddock. As the topography of the appeal site is such that it slopes downwards in a north-south direction, the replacement dwelling would be sited in a more elevated position than the existing.
7. LDP Policy H5 deals with replacement dwellings in the open countryside. It requires that *inter alia* the design of a new dwelling respects its setting and that the proposal does not require an unacceptable extension to the existing residential curtilage. The SPG adds that any replacement dwelling will be expected to be located on the site of the existing dwelling it is to replace. If any re-siting is allowed, it will be necessary to demonstrate that there is no increase in the overall visual impact of the building in the landscape.
8. LDP Policy LC5 is also concerned with the protection and enhancement of landscape character. It states that development proposals that would impact upon landscape character, as defined by LANDMAP Landscape Character Assessment, must demonstrate through a landscape assessment how landscape character has influenced the design, scale, nature and site selection. Development will be permitted where it would not have an unacceptable impact on the special character or quality of the landscape.
9. The Council has not provided me with details of the landscape character based on LANDMAP principles or any substantive evidence of any special landscape features on which it considers the development would have a harmful effect. However, the appellant states that the Planning, Design and Access Statement which accompanied the planning application addresses the landscape issues associated with the proposed development.
10. I observed that the primary landscape qualities are its landform comprising of rolling agricultural land, fields bounded by hedgerows and long range views which are punctuated by small groups of dwellings and farm buildings in an otherwise predominantly rural and verdant setting.

11. I do not dispute that the dwelling would be sited on higher ground than the existing dwelling, and that it would therefore be more prominent in the landscape. Nevertheless, whilst such a change would be evident, I do not find that its impact would be adverse. The proposed dwelling would not project significantly above the ridgeline or interrupt the skyline, but would sit against a background of mature trees / hedgerows and rising land. The excavation of the site, in part, would ensure that the dwelling would be assimilated into its surroundings. Visually, and from wider views from the south it would be screened and softened by the vegetation along the site boundaries and would be seen in the context of other scattered dwellings in the locality. The higher ground to the north would restrict any views of the dwelling from this vantage point.
12. In any event, owing to the design of the dwelling and use of natural materials including stone and timber, that which would be visible would relate satisfactorily to the surrounding landscape character that I have described. Consequently, I do not find that the siting of the dwelling would be overly prominent, inappropriate or unsympathetic, or that it would cause significant visual intrusion in the landscape.
13. I note that the replacement dwelling would be sited outside the existing curtilage of Pwll-Y-Cath. Nevertheless, the submitted drawings show that the site of the existing dwelling would revert back to pasture land. Thus, there would be no significant increase in the residential curtilage associated with the proposed dwelling over and above that of the existing, albeit the space would be reconfigured.
14. In this context, the proposal would not conflict with the aims of LDP Policies H5 or LC5 or with the spirit of the SPG to protect the landscape character and ensure that there would be no additional adverse visual impact associated with the re-siting of the building.

Conditions

15. In addition to the standard time limit and a need for the development to be completed in accordance with the amended plans, the Council has suggested conditions relating to external finishes, drainage, ecology / biodiversity, access, external lighting, landscaping, the demolition of the existing dwelling and the removal of permitted development rights.
16. I have had regard to the suggested conditions in the context of the tests outlined in Welsh Government Circular 016/2014 '*The Use of Conditions for Development Management*'.
17. Conditions requiring samples of the external finishes, details of a landscaping scheme and the withdrawal of permitted development rights are necessary to ensure a satisfactory appearance to the development.
18. Conditions relating to the construction of the vehicular access and to visibility splays are both necessary and reasonable in the interest of highway safety. A condition dealing with surface water is reasonable to ensure the satisfactory drainage of the site.
19. Conditions requiring a construction exclusion zone in relation to the existing hedgerows, the submission of details relating to an external lighting scheme and requiring the development to be carried out in accordance with the recommendations in the submitted Bat and Phase 1 Habitat Surveys are reasonable in the interests of ecology and biodiversity. However, I have omitted the suggested condition requiring

that development shall not commence until a licence has been issued pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (Amendment 2012), or until written confirmation is provided by a suitably qualified ecologist that such a licence is not necessary; the matters it seeks to control are also covered by other legislation and need not be duplicated here.

20. It is also necessary to attach a condition requiring the existing dwelling to be demolished given that the development is justified in planning policy terms as a replacement dwelling in the open countryside.

Conclusion

21. For these reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.

Melissa Hall

INSPECTOR

ANNEX A

Appeal Ref: APP/E6840/A/16/3150437: Schedule of conditions subject to which planning permission is granted.

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Refs P03A Site Layout Plan, P04 Floorplans, P05 Elevations and P06B Site Sections.
- 3) The access and driveway shall be constructed of a hard surface permeable material so as to allow surface water to be disposed of within the site and to prevent any loose material from being brought on to the public highway.
- 4) Surface water from the development shall be disposed of so as not to flow on to the adjoining highway and it shall not be allowed to connect into the public highway drainage system.
- 5) A visibility splay of 2.4 metres x 40 metres measured from the centre line of the access shall be provided in each direction. Nothing which may cause an obstruction to visibility shall be placed, erected or grown in the splay.
- 6) The access shall be a minimum width of 3 metres. Gates, if provided, shall not open outwards and shall be set back a minimum of 5 metres from the highway boundary.
- 7) Prior to the commencement of development, a construction exclusion zone in the form of protective fencing such as Heras or 1.4 metre high chestnut pale or similar shall be erected along the hedgerow within the development site at a minimum distance of 3 metres from the centre line of the hedge. No storage of materials, plant, mixing of cement, bonfires, parking or vehicles or any other construction activity is allowed within the fenced off area.
- 8) No development shall take place including any demolition, ground works or site clearance until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum the:
 - a) purpose and objectives for the proposed works.
 - b) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - c) measures to avoid killing and injuring bats during works.
 - d) use of materials (such as timber, roofing membranes).
 - e) persons responsible for implementing the works.
 - f) positioning, size, type and location of bat roosting provision.
 - g) positioning and size of entrances of bat mitigation.
 - h) initial aftercare and long-term maintenance (where relevant).

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

9) Opportunities for the use of the proposed dwelling by roosting bats shall be incorporated into the scheme as a minimum as outlined in Section 9 'Recommendations' and Section 10 'Mitigation Plan' of the revised Bat Survey report undertaken by Merlin Bio Surveys dated February 2015.

10) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995(as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building until a lighting plan which includes low level lighting and allows dark corridors for bats has been submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the agreed details.

11) The development hereby approved shall be carried out in accordance with the wildlife protection measures outlined in the 'Measures to Protect Wildlife' section of the Phase 1 Habitat Survey report undertaken by Abbey Sanders Ecology dated November 2013.

12) Notwithstanding the provisions of Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions or alterations to the roof, porches or buildings shall be constructed or erected other than those expressly authorised by this permission.

13) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales)(or any Order revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling house other than those expressly authorised by this permission.

14) Samples of the proposed external finishes shall be submitted to and approved in writing by the local planning authority before works commence and the development shall be carried out in accordance with the agreed finishes.

15) The existing dwelling shall be demolished and removed from site no later than two months after the first occupation of the replacement dwelling.

16) Prior to the occupation of the building full details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscaping of the site shall be implemented in accordance with the approved scheme.

17) All planting, seeding or turfing comprised in the details of landscaping approved under Condition 16 shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species as may be agreed by the local planning authority.