



Appeal Decision

by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 22/08/2023

Appeal reference: CAS-02695-V7G7T4

Site address: Land adjacent to Ynys Y Nos, Ynys Y Nos, Pontwalby, Neath Port Talbot SA11 5LS

- 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 Philip Morgan against the decision of Neath Port Talbot County Borough Council.
 - The application Ref P2022/0311, dated 3 April 2022, was refused by notice dated 24 January 2023.
 - The development proposed is described as “Replace two corrugated iron garages with single building for use as garage and associated storage/workshop (not commercial)”.
 - A site visit was made on 14 August 2023.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It is clear from the evidence and my site visit that the development has already been constructed. As such I have determined the appeal on the basis that it seeks retrospective consent under the terms of Section 73A(2)(a) of the 1990 Act.

Main Issue

3. I consider the main issue to be the impact of the development on the character and appearance of the area.

Reasons

4. The appeal site is designated as being outside the settlement limits of Pontwalby as defined by Policy SC1 of the Adopted Neath Port Talbot Local Development Plan (LDP), 2016, and is therefore within open countryside where new development is strictly controlled. Policy SP14 of the LDP sets out the relevant criterion and vision for the countryside, and criteria 1 states that the countryside will be protected through the control of inappropriate development outside of settlement limits. National policy guidance contained within Planning Policy Wales 11 (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint, and all new

development should be of a scale and design that respects the character of the surrounding area.

5. I saw that the garage has a mono pitched roof with a width of approximately 8.5m, a depth of 6.58m and a maximum height of about 2.8m with roller shutter doors and windows. At the time of my visit a large vehicular gate had been installed with two brick pillars either side, and the site is enclosed by a close-boarded fence extending approximately 10 metres along the access lane and a post and wire fence erected around the remainder of the paddock/field. Notwithstanding some diluting influence on local countryside character by the outbuildings/garages of adjacent houses, the play area and the gas compound, the appeal site reads on the ground as being part of the countryside setting of the northern edge of the village.
6. The appellant states that the previous corrugated iron garages on the site were let to local residents for parking, storage and maintenance of vehicles, and it is proposed to do the same with the new garage. Policy SC1 of the LDP identifies 12 forms of development (Circumstances) that would be appropriate outside settlement limits. The appellant contends that the development complies with Circumstance 3 as *“it constitutes the small-scale expansion of an existing business or the suitable conversion of an existing building”*. However, it is clear from the description of the development set out on the application form and set out in the banner heading above that the development is not for commercial purposes. No other evidence has been submitted by the appellant which implies the development is a business. Therefore, contrary to the appellant’s view, the development does not comply with circumstance 3 of Policy SC1.
7. The appellant also states that the development complies with Circumstance 12 which states *“It constitutes the provision of open space and small scale ancillary facilities adjoining the settlement limit”*. The development is clearly not associated with the provision of open space or an ancillary building to the open space. The garage is also clearly not within the curtilage of a dwellinghouse and cannot therefore be regarded as an ancillary building to a residential use. Therefore, the development does not comply with circumstance 12.
8. No other evidence has been submitted to justify the need for the development within the open countryside and how this would fall within one of the identified acceptable forms of development under Policy SC1.
9. I note that the development utilises previously developed land, and the new garage replaces two dilapidated garages on the site. However, from the photographic evidence provided by the appellant, the previous corrugated iron garages were much smaller and domestic in scale and covered a smaller total footprint. By contrast the current garage occupies a significantly larger footprint and is constructed of materials that give it a much more commercial appearance. Although the replacement garage has been constructed on the same general area of land as the previous garages, it is of a greater overall height and size than the dilapidated garages it has replaced. The development has a long, deep, commercial/light industrial appearance, incorporating blockwork (which could be rendered) with shutter doors which approach the height of the eaves on the eastern elevation, and includes further urbanising features with the addition of the large gates at the vehicular access point and close-boarded timber fencing along the boundary.
10. The scale and appearance of this prominent building is therefore at harmful odds with its surroundings and is readily visible from the rear of the surrounding properties. The development represents an unjustified form of development within the countryside which has a detrimental impact on the character and appearance of this edge of village location. To this end, the proposal conflicts with Policies BE1, SP14 and SC1 of the LDP.

11. I have taken into account and afforded appropriate weight to everything that has been submitted in support of this development, including the fact that the scheme has attempted to clean up the site and the support from interested parties as a result. The matters referred to by the appellant in respect of the way in which the application has been handled by the Council are considerations that should be taken up with that Authority and attract no significant weight in this appeal.

Conclusions

12. Having regard to the above and considered all other matters raised by the appellant, I conclude that the appeal should be dismissed.
13. 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 objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

R. Duggan

INSPECTOR