

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0768/RET 09.10.2017	Mr K Lewis 54 Hengoed Road Penpedairheol CF82 8BR	Retain mixed use of premises as residential accommodation and stables for horses Stables Compound West Road Penallta Industrial Estate Penallta CF82 7SW

**APPLICATION TYPE:** Retain Development Already Carried Out

#### SITE AND DEVELOPMENT

Location: The application site is located on the western side of West Access Road, Penybryn.

Site description: The application site is an existing stable building and yard that was granted planning consent under application reference number 06/0610/FULL. The stable block is a single storey L-shaped building with a pitched and hipped roof. It encompasses four stables, a store room, shower room, tack room, dining room, kitchen and staff rest room. The building has timber clad walls with a tiled roof and it has double glazed windows. In the yard area there is a large storage shed and the yard has been surfaced in concrete.

Development: The application seeks full planning consent for the retention of the use of the building for a mixed use as residential accommodation and stables for horses. Three of the stables have been retained with the fourth being converted into a bedroom. The store has been converted into a living room with the staff rest room being used as a sitting room. Because of the overtly residential appearance of the original building there is no requirement to carry out any external alterations to the building.

Dimensions: The building has overall measurements of 17.43m by 13.58m.

Materials: As stated above.

Ancillary development, e.g. parking: None.

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### PLANNING HISTORY 2005 TO PRESENT

06/0610/FULL - Erect stables - Granted 19/02/07.

10/0313/RET - Retain shed - Granted 28.06.10.

### POLICY

Local Development Plan: Outside settlement limits and within the Gelligaer, Penybryn and Penpedairheol Green Wedge.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW15 (General Locational Constraints), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) and SI1.12 (Gelligaer, Penybryn and Penpedairheol Green Wedge).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 4.11.9 of Planning Policy Wales states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

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### CONSULTATION

No comments received at time of report preparation.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: At the time of writing this report no objections had been received. Any objections received prior to committee will be reported orally to members.

Summary of observations: Not applicable.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?  
None.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No, because the building has been in lawful use for more than 6 months in the last 36 months it is exempt from CIL.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. As this structure is outside of the defined settlement limits the application needs to be considered against Policy CW20 of the Local Development Plan. Criterion B of the Policy states:-

A conversion is justified by demonstrating that:

- i The building is not makeshift in nature and is of permanent, substantial construction, and
- ii The building is structurally sound and capable of conversion or rehabilitation without major alteration or reconstruction
- iii The building is capable of accommodating the proposed use without materially changing its existing character
- iv The development does not result in the domestication or urbanisation of an otherwise rural setting or the unacceptable loss of undeveloped countryside.

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The application will be considered against each of these criteria below:-

The building is a permanent structure constructed in concrete block and clad in timber. It has a substantial modern tiled roof, double glazed windows and wooden doors. In that regard it is not considered that the building is makeshift in nature and as such it complies with criterion i.

As stated previously, the building is already of an overtly residential appearance with a number of domestic features and materials having been used. There would be no external alterations to the building and as such the building is easily capable of conversion without having to alter its appearance and in that regard the proposal complies with criterion ii.

A degree of residential use has been carried out from the premises for a number of years and this application only seeks to retain that use, whereby the use of two of the rooms within the building has been changed from that approved to residential purposes. As such approval of this application would not affect the character of the host building and as such the application complies with criterion iii.

As stated above the building and yard are already in use for the mixed use purpose proposed. There is an existing concreted yard around the building and there is a rendered wall with railings to the front boundary of the site and a detached shed in the yard area. The building and yard already have an overtly residential character and conditions can be attached to any consent granted to prevent the erection of any further urbanising structures. It should also be noted that whilst the site is outside of the defined settlement limits and within a green wedge it is actually situated adjacent to a large dwelling and camper van conversion operator's premises at the former Cefn Llwynau Public House, and it is also situated adjacent to the access road to Penallta Industrial Estate. The land opposite the site is also allocated for housing in the Local Development Plan and as such it is not considered that the site is completely divorced from the main settlement. In that regard it is not considered that approval of this application would lead to the urbanisation of an otherwise rural setting or the unacceptable loss of undeveloped countryside and as such the proposal complies with criterion iv.

Green wedges maintain open spaces between and within urban areas and settlements to present coalescence. At this location the green wedge separates the industrial estate Penybryn and Gelligaer and is important to retain the integrity of the residential environment separate from employment and industrial uses. The application site is at the southern end of the wedge, close to the neighbouring and does not prejudice the purpose of the green wedge.

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There would be no detrimental impact on residential or visual amenity and no impact on highway safety and as such the proposal complies with Policies CW2 and CW3 of the Local Development Plan. Whilst Policy SP5 seeks to prevent unacceptable development outside of the defined settlement limits, it is considered for the reasons given above that this proposal would not be unacceptable in planning terms and as such the proposal complies with criterion A of that Policy which states that material considerations should be taken into account.

Comments from Consultees: No objections raised.

Comments from public: None at the time of writing the report.

Other material considerations: None.

In conclusion it is considered that the proposal is acceptable in planning terms subject to the imposition of suitably worded conditions.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, 17/08/01 and Site Layout Plan.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Within one month of the date of this consent a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out within two months of the date of approval of the details.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Within one month of the date of this consent a scheme for the provision of two parking spaces within the curtilage of the property shall be submitted for the written approval of the Local Planning Authority. The approved details shall be implemented within two months of the date of their approval.  
REASON: In the interests of highway safety.

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- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity.
- 06) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the building subject of this consent consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of visual amenity.
- 07) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of visual amenity.
- 08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, no fences, gates, walls, hedges or other means of enclosure whatsoever shall be erected or planted without the approval of the Local Planning Authority other than those indicated on the approved plans.  
REASON: To retain the open character of the development in the interests of visual amenity.
- 09) Prior to the first use of the stables hereby approved a scheme for the storage of foodstuffs, and the storage and disposal of waste and manure shall be implemented in accordance with details that shall be agreed in writing with the Local Planning Authority.  
REASON: To prevent pollution.

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- 10) The development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service details of which shall be agreed with the Local Planning Authority within one month of the date of this consent. The approved collection areas shall be completed within one month of the date of this approval and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

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