

| Code No. and Date Received | Name and Address of Applicant   | Description and Location of Proposed Development  |
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| 13/0534/RET<br>14.10.2013  | Mr C Pugh<br>The Meadows<br>Gypsy Lane<br>Groeswen<br>Cardiff<br>CF15 7UN | Retain horse stable and tack room with bat mitigation provision, retain existing house and regularise garage and external works including main entrance and driveway lighting<br>The Meadows<br>Gypsy Lane<br>Groeswen<br>Cardiff<br>CF15 7UN |

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

#### SITE AND DEVELOPMENT

Location: At the south-western side of Gypsy Lane, Caerphilly.

Site description: The site consists of a detached house with a detached garage and extensive ground works that sit both inside and outside of the domestic curtilage of the host dwelling with some works extending in to the open countryside.

Development: Retain horse stable and tack room with bat mitigation provision, retain existing house, and regularise garage and external works including main entrance and driveway lighting.

Dimensions: Extension - 13.18 metres wide, by 3.66 metres deep and 7.75 metres high to the ridge at its highest point.

Conservatory - The conservatory is a wrap around style that measures 2.435 metres wide at its narrowest point and 7.55 metres wide at its widest point, by 3.39 metres deep at its shallowest point and 8.16 metres deep at its deepest point and 3.8 metres high to the ridge.

Garage - 12.1 metres wide, by 9.3 metres deep and 7.3 metres high to the ridge and 9.0 metres high to the clock tower.

Entrance gates, piers and walls - The total length of the gates, piers and walls would be approximately 36 metres long, varying in height between 2.5 and 3.2 metres.

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Driveway, paths and lighting - The driveway measures approximately 73 metres in length and would be 23 metres wide at its widest point where the driveway splits. There are numerous other paths that have been constructed on site. It should be noted that no details of the associated lighting constructed on site have been submitted.

Stables - 11.875 metres wide, by 8.045 metres deep, by 4.645 high to the apex of the stables and 5.509 metres high to the apex of the tack room.

Paddock - The proposed paddock would measure approximately 45 metres wide by 28 deep.

Curtilage extension - The resultant curtilage would measure approximately 67 metres wide from the south-western boundary to the edge of the 'roundabout' and 46 metres deep from the south-eastern boundary to the indicative paddock timber stock boundary fencing.

Materials: Extension - buff facing brick and red roof tiles.

Conservatory - brown upvc and a buff brick dwarf wall.

Garage - buff facing brick and red roof tile.

Entrance gates, piers and walls - External finishes of the proposal would be locally sourced stone walls, brickwork walls to match the host dwelling, oak gates and brickwork piers with reconstituted stone capping.

Driveway, paths and lighting - External finishes of the proposal would be natural loose stone driveway and paths. The lighting would be Victorian style street lights powder coated green.

Stables - External finishes of the proposal would be brickwork dwarf walls and roof tiles to match the existing house and garage, vertical lapped timber to the upper stable walls, natural stone tack room walls and timber doors.

Paddock - The proposed paddock would be enclosed by half-round timber stock control fencing.

Ancillary development, e.g. parking: None.

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## PLANNING HISTORY

08/0187/FULL - Erect replacement dwelling - Granted 30.10.08.

10/0186/RET - Refurbish existing dwelling with extension and garage block as built - Granted 07.10.10.

11/0223/RET - Create entrance gates - piers and walls, ecological pond, fruit orchard, natural surfaced driveway/paths (with associated lighting) and construction of a lambing shed - Refused 16.02.12.

11/0849/RET - Retain alterations to garage to form annexe building to main house, to include the addition of two dormer windows, roof mounted clock tower and weathervane unit, and to replace garage door with upvc glazed unit for the purpose of providing additional space (overspill space) associated to the use of the main dwelling - Withdrawn.

## POLICY

### LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is outside the settlement boundary.

### Policies:

SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) and NH1 (Special Landscape Areas).

### NATIONAL POLICY:

Planning Policy Wales (2014).  
Technical Advice Note 12: Design (2009).

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

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### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

### CONSULTATION

Minerals Officer - Raises no objection on mineral safeguarding grounds providing that all development is ancillary to the main house.

Countryside And Landscape Services - Raises objection to the proposals on the following grounds:

The alterations to the garage and house and the construction of a stable block incorporating two stables and a tack room, the entrance gateway and lighting columns are of most significance in this instance. The scale and massing of such buildings is such that they are not in keeping and leads to the domestication and urbanisation of the surrounding open countryside. The development site is within a designated Special Landscape Area, adjacent to a SIN, the Gypsy Lane Wetland, and a SSSI and its impact upon both should also be considered.

Policies CW2 Amenity, CW4 Natural Heritage Protection, CW15 General Location Constraints and NH1 Special Landscape Areas of the LDP and adopted Supplementary Planning Guidance LDP 10: Buildings in the Countryside, are of particular importance. The domestic or urban style of the hard landscaping and associated lighting columns accompanied by the scale and urban materials used in the construction of the entrance gates, entrance apron, access driveway and the stable block represents an inappropriate erosion of the characteristics of the SLA and therefore detrimentally impacts the visual amenity of the surrounding land.

Transportation Engineering Manager - Raises no objection on the basis that the proposed stables would be ancillary and incidental to the use of the dwelling, and for no other purposes.

Head Of Public Protection - Raises no objection subject to conditions regarding schemes for waste management and the storage of food material.

Senior Engineer (Land Drainage) - Raises no objection subject to a condition regarding surface water and land drainage.

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## ADVERTISEMENT

Extent of advertisement: Five neighbours notified, site notice posted.

Response: One.

Summary of observations: The neighbouring residents' comments are as follows:

1. The proposed street lighting already in situ glare directly into the windows of the neighbouring property, whilst the entrance and spot lights are unpleasant and piercing, bathing the garden in light.
2. The amount of light is totally out of keeping with the rural area and the 'dark skies' nature of the countryside.

## 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?

There are no specific crime and disorder issues in this instance.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes. The Council's Ecologist has requested that conditions be attached to ensure that adequate bat provision is provided.

## COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

## ANALYSIS

Policies: Although large in size the extensions are in proportion to the host dwelling and the scale of the site and the design is in keeping with that of the surrounding area. The extension has a modern design that compliments the existing dwelling and maintains an adequate area for amenity space and parking provision.

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Both the two-storey extension and the conservatory have pitched roofs and have been constructed of materials that are in keeping with the existing. It should also be noted that there would be no unacceptable impact on the amenity of the adjacent properties or land than the existing situation. The proposal would not result in the over-development of the site as ample amenity space would remain and it would have no detrimental impact on the safe, effective and efficient use of the transportation network. When considering the context of the site the proposal conserves the character of the Special Landscape Area.

Whilst the garage contains first floor accommodation it should be noted that this element of the building along with its overall dimensions were previously approved under planning consent 10/0186/RET. As such it is the addition of the two rear dormer windows and the clock tower that are in addition to what has been previously approved. When considering these elements it is felt that whilst introducing further domestic features to an outbuilding in the countryside they do not impact upon the character of the area or the existing domestic nature of the building to an extent that would warrant refusal in this instance. As such the garage is considered to be in proportion to the scale of the site and its design and materials are in keeping with its surroundings. The garage is not does not impact on the space about the host dwelling or the neighbouring property and it is smaller in scale and subservient to the main dwelling. The garage would not be over dominant in relation to the existing and surrounding properties therefore when considering the context of the existing and surrounding properties and the resulting development it is felt that the proposed garage is acceptable in this instance. It should also be noted that there would be no unacceptable impact on the amenity of the adjacent properties or land and the proposal would not result in the over-development of the site. The proposal would have no detrimental impact on the safe, effective and efficient use of the transportation network. When considering the context of the site the proposal conserves the character of the Special Landscape Area.

The proposed entrance gates are of a scale and design that are in keeping with the residential nature of the host dwelling and are of type and scale prevalent at several large residential properties located in the countryside within the County Borough. They are constructed of materials that match those of existing development and are appropriate for its location reinforcing the sense of place. The gates improve the privacy and security of the host property but whilst being of a large scale it should be noted that a large proportion of the gates would be classed as permitted development with only small elements of the proposal exceeding thresholds whereby planning permission is required. When considering the context of the site it is felt that the proposal is acceptable in this instance and conserves the character of the Special Landscape Area.

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With regard to the proposed curtilage extension the LPA must first consider the fall-back position for the applicant. Aerial photographs of the site detail caravan storage within the proposed residential curtilage, whilst the 2008 consent, which was extant at the time of this application's submission, approved a much larger curtilage than is being applied for in this instance. Any domestic hard landscaping features that exist outside of this area can be requested to be removed by way of condition, thereby retaining control over any concerns regarding the use of the land as domestic garden. Similarly, a condition is recommended restricting permitted development rights within what will become the lawful curtilage of the property. This leaves only the driveway that would fall outside the original curtilage as detailed on the 2010 consent and is not considered to be sufficient to warrant refusal in this instance.

The proposed stables and tack room (all contained within a single building) are in proportion to the scale of the site and their design is in keeping with its surroundings. Whilst brickwork walls are proposed for the stables it is felt that they are in keeping with the host dwelling and the garage building and, whilst being domestic in nature, would not have detrimental impact on the character of the SLA to warrant refusal in this instance. It should also be noted that there would be no unacceptable impact on the amenity of the adjacent properties or land and the proposal would not result in the over-development of the site. The proposal would have no detrimental impact on the safe, effective and efficient use of the transportation network subject to condition.

With regard to the lighting, the additional lighting is visible from the surrounding area. Consequently, the lighting will give rise to unacceptable impact upon the SLA and the surrounding open countryside. Section 13.13.2 of Planning Policy Wales (2014) refers to the reduction of light pollution with particular reference to a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- Protect the natural and historic environment including wildlife;
- Retain dark skies where appropriate;
- Prevent glare and respect the amenity of neighbouring land uses; and
- Reduce the carbon emissions associated with lighting.

Whilst there are no objections in principle to the presence of the lamp stands as structures from a visual amenity perspective it is considered that the lighting scheme as proposed exceeds the minimum level required for security or working purposes and does not prevent glare or respect the amenity of neighbouring land uses.

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It would also increase lighting in this SLA and therefore the lighting element of this scheme is strongly opposed, as consequence of being contrary to Planning Policy Wales (2014). As such a condition has been attached preventing the illumination of the lamp stands.

Comments from consultees: The comments of the consultees can be accommodated by conditions and the objections of the Countryside and Landscape Manager have been considered above.

Comments from public: The Council's response to the neighbouring residents' comments is as follows:

Whilst the Council supports the neighbouring residents' comments in relation to the street lamps it should be noted that the security lighting and low level lighting is relatively minor by comparison and is acceptable from a planning point of view. A condition has been attached preventing the lighting of the street lamps.

Other material considerations:

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) 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.
- 02) 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.

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- 03) 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 garages shall be erected other than those expressly authorised by this permission.  
REASON: In the interests of visual amenity.
- 04) 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), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.  
REASON: To ensure adequate control over the development.
- 05) The use of the garages and first floor accommodation hereby approved shall be limited to that ancillary and incidental to the enjoyment of the dwelling and for no other purpose.  
REASON: To ensure adequate control over the development.
- 06) The use of the stables and tack room hereby approved shall be limited to that ancillary and incidental to the enjoyment of the dwelling and for no other purpose.  
REASON: To ensure adequate control over the development.
- 07) All works relating to the provision of bat roosts and including provision of access points, bat boxes and planting of trees associated with the stable block shall be undertaken under the supervision of an appropriately qualified bat consultant. Within 6 months of the completion of these works, a report shall be submitted to the Local Planning Authority confirming the full implementation of the bat mitigation, measures.  
REASON: To ensure sufficient measures have been provided to safeguard protected species.
- 08) Unless otherwise agreed in writing with the Local Planning Authority, no external lighting shall be fixed to the rear elevation of the garage or to any elevations of stableblock.  
REASON: To ensure lighting levels around the stable block remain dark to minimise disturbance to protected species.

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- 09) Within 6 months of the completion of the stable block, details of bat surveys by a competent bat ecologist to monitor the new bat roosts within the development hereby approved in years 3 and 5 after the completion of the development shall be submitted to and agreed in writing by the Local Planning Authority. The monitoring shall be carried out fully in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The results of the monitoring surveys shall be submitted to the Local Planning Authority at the end of each year of monitoring along with details of any proposed remedial measures to improve the mitigation scheme arising from the survey results. The approved remedial measures shall be implemented.  
REASON: To provide information on the success of the bat roost mitigation and to make amendments to ensure the success of the scheme where necessary, in the interests of biodiversity.
- 10) The external lighting posts as indicated on Drawing No. 2022-PA-14, received 19th July 2013, shall not be illuminated at any time.  
REASON: In the interests of visual amenity.
- 11) This consent does not grant any permission for a residential curtilage beyond the extent of the area delineated by a red line on Drawing No. 2022-PA-15 received by the Local Planning Authority on 8th May, 2014.  
REASON: For the avoidance of doubt as to the extent of this consent.

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: SP6, CW2 and CW4.

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