

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0359/RET 29.05.2014	Dr C Currie West Lodge Ruperra Castle Estate Rudry Caerphilly NP10 8GG	Retain summerhouse and use of land as domestic garden in association with West Lodge West Lodge West Lodge Ruperra Castle Estate Rudry Caerphilly NP10 8GG

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: West Lodge, is located near to Ruperra Castle, at the centre of a triangle formed by Draethen, Rudry and Cefn Mably, at the south-eastern corner of the County Borough.

Site description: The site is formed of the domestic curtilage of West Lodge, a footpath/track to the north of the dwelling, and part of a paddock to the west of the dwelling. The surroundings are rural with a mix of agricultural, horsicultural and forestry uses.

Development: The description of the development is to retain summerhouse and use of land as domestic garden. It has been submitted in an attempt to overcome the requirements of a Breach of Condition Notice served requiring its removal.

Dimensions: The summerhouse has a length and width of 5.8 and 4.6 metres respectively. At its tallest point it measures 4.8 metres.

Materials: The outbuilding has been clad in timber with brown glazed door and window units and is finished with a slate roof.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

5/5/91/0221 - Erect extension - Granted 19/06/91.

P/01/0067 - Construct domestic extension and stables to serve dwelling - Withdrawn 26/03/01.

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P/05/1297 - Install plastic tank for domestic central heating oil - Granted 07/11/05.

10/0582/FULL - Erect detached single-storey garage and stable block with self-contained office accommodation within road space, change of use of land from non-domestic to curtilage - Withdrawn 29/10/10.

12/0584/COU - Extend and define residential curtilage - Granted 16.05.13.

12/0585/FULL - Proposed single-storey front and rear extensions - Refused 16.05.2013.

12/0586/RET - Retain existing stable block - Granted 06/12/12.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is located outside any settlement as identified in the Adopted Local Development Plan and is within a Visually Important Local Landscape. It is not indicated for any specific use, but in respect of constraints to the proposal, the site is partly within the Ruperra Castle Historic Park and partly within the Historic Park Essential Setting. The site is adjacent to the northern boundary of the Ruperra Castle Conservation Area.

Policies: CW2 (Amenity), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints) SP5 (Settlement Boundary) and NH 2.4 (Visually Important Local Landscapes - Rudry). Supplementary Planning Guidance LDP 10 - Buildings in the countryside and Planning Policy Wales (Ed.7, 2014)

NATIONAL POLICY

Planning Policy Wales (2014), and Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas.

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

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

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CONSULTATION

Conservation & Design Officer – draws attention to the policy context within which this decisions should be taken

Senior Engineer (Land Drainage) - No objection.

Glam/Gwent Archaeological Trust – No objection.

ADVERTISEMENT

Extent of advertisement: The application has been on advertised on site and neighbouring properties consulted.

Response: Two letters of objection have been received.

Summary of observations: The objections are summarised as follows:

1. Visual amenity, which was the basis of a condition on permission 12/0584/COU seeking the removal of the summerhouse.
2. Inappropriate development in the countryside: does not comply with Policy CW15 of the Local Development Plan.
3. Adversely impacts upon the character of the Ruperra Castle Park.
4. Concern over the future use of the summerhouse.
5. The plans are ambiguous and confusing.

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.

Is this development Community Infrastructure Levy liable? No.

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ANALYSIS

Policies: In considering the acceptability of the summerhouse and change of use of this land to domestic garden, the policies of main relevance are those contained within CW2, CW4, CW15 SP5 and NH2.4 of the Adopted Local Development Plan - up to 2021 together with the guidance contained in Supplementary Planning Guidance 10 - Buildings in the countryside and Planning Policy Wales, 7th Edition, 2014.

Dealing firstly with the design and appearance of the summerhouse, it is considered to accord with the standard development control criteria listed in policy CW2 by virtue its acceptable scale and choice of materials.

Notwithstanding the acceptable design and appearance of the summerhouse, the operational development has been carried out on land that falls outside the lawful residential curtilage of West Lodge, resulting in an unauthorised material change of use of the land to domestic garden. The main issue, therefore, is the effect of the retention of the development on the character and appearance of the area.

West Lodge is a detached property set in the open countryside, bounded by footpaths and outside any defined settlement boundary. It is not unreasonable for a detached dwelling in the countryside to have a domestic outbuilding to serve the reasonable needs of the occupiers and in terms of its location, the summerhouse is sited far enough from West Lodge so as not spoil the appearance and character of the host dwelling and close enough so that it is not incongruous in the wider landscape.

The increase in the area of of the residential curtilage has been kept to a minimum and amended plans have been submitted which show the proposed boundary extension drawn tight to the summerhouse building, excluding 'paddock' land previously included. This amendment overcomes the concern raised about the compatibility of the development with the key principles for rural development as set out in chapter 7.1 of the Council's SPG 10 - Buildings in the countryside, which states that additional areas of undeveloped countryside, including paddocks, should not be included within the curtilage of buildings in residential use.

In view of their scale and location, the building and garden will not harm the character of the Historic Garden and the character and appearance of the Conservation Area will be preserved.

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On balance and in light of the above, the development proposed is acceptable having considered the criteria set out in policies CW2, CW4, SP5 and NH2.4 of the Council Adopted Local Development Plan as well as the guidance contained within SPG 10 and Planning Policy Wales. In the circumstances, therefore, it is recommended that planning permission be granted subject to conditions.

Comments from Consultees: No objections are raised by statutory consultees.

Comments from public: The analysis above addresses the concerns raised by the objector in points 1, 2 and 3. Planning permission 12/0584/COU to extend and define the curtilage included a condition seeking removal of the summerhouse, steel container and timber store for the reasons set out above the retention of the summerhouse is acceptable. Policy CW15 does not allow development outside settlement boundaries, unless, in summary it is for agricultural, a conversion, for recreation or tourism, associated with a public utility, or land reclamation. However each case is considered on its merits and for the reasons set out above it is considered this development will not cause harm from a planning point of view.

With regards to the concerns raised in respect of the future use of the summerhouse, this can be overcome with a condition restricting the use of the summerhouse so that it is used solely in connection with the enjoyment of the dwellinghouse at West Lodge. The submitted plans are satisfactory and can be clarified by conditions.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Within 2 months of the date of this permission, a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected, and a timetable for its implementation. The boundary treatment shall be completed in accordance with the agreed timetable.
REASON: In the interests of the visual amenity of the area.
- 02) The development hereby permitted shall not be occupied at any time other than for purposes incidental to and ancillary to the residential use of the existing dwelling at the site subject of this consent.
REASON: For the avoidance of doubt as to the nature of the approved development and to ensure that the development is not occupied as a separate unit of accommodation.

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- 03) The residential curtilage associated with West Lodge shall be limited to the areas delineated by the red and pink lines as shown on drawing number A615-100 received by the Local Planning Authority on 13th October 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:
CW4.