

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of the Planning Committee
Report Subject	Planning Appeal Update: Change of use of stable building (building 4), outbuilding and containers for storage purposes; and the change of use of stable (building 1) to dog breeding kennels at Star Fields, off Mountain Road, Ebbw Vale Ref: (C/2019/0090)
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Directorate	Regeneration and Community Services
Date of meeting	25th June 2020

Report Information

1. Purpose of Report
1.1 To advise Members of the decision of the Planning Inspectorate in respect of a planning appeal against the refusal of planning permission ref: C/2019/0090 for the 'Change of use of stable building (building 4), outbuilding and containers for storage purposes; and the change of use of stable (building 1) to dog breeding kennels'. The application was refused at the October 2019 meeting of the Planning Committee contrary to officer recommendation.
2.0 Scope of the Report
2.1 The application was refused by Planning Committee for the following reason:

The main building is a large and prominent feature in the local landscape. It is sited within a Special Landscape Area as defined in the adopted Blaenau Gwent Local Development Plan. Such areas are sensitive to unacceptable impact from buildings and urbanisation and must be protected from inappropriate development of the type applied for. The development by virtue of its dimensions, mass and materials has an unacceptable impact on this designated Special Landscape Area and is therefore contrary to Policy ENV2 of the Local Development Plan. This policy seeks to protect the visual qualities of each Special Landscape Area and requires new development to conform to the highest design standards. It is also contrary to Policy DM2 (a) which requires development to respond to the local setting and context.

2.2 The applicant appealed this decision and he also applied for an award of costs. The Inspector's decisions on both the appeal and application for costs were received on 8th April 2020 (the decision letters are attached for Members Information).

2.3 In terms of procedural matters, the Inspector acknowledged that after the Decision Notice for refusal was issued, the Council had issued a Certificate of Lawfulness of Existing Use or Development (CLEUD) in relation to the appeal site. This confirmed the lawfulness of the six substantially completed structures on site but did not extend to the lawful use of the buildings. The Inspector noted that the granting of the CLEUD represented a material change in circumstances since the planning application had been determined and that he had to have regard to it.

2.4 In summary, whilst the Inspector noted that some of the structures on site have an unkempt visual appearance, given that a CLEUD had been issued he advised that in the event that he were to dismiss the appeal the structures were likely to remain in place. Nonetheless, he proceeded to consider the visual impact on the SLA and concluded that *'the use of the site for dog breeding kennels and storage has a minor visual impact, not only in longer distance views from the west but also at close range. The use is not perceived as inappropriate to its context, or as representing a material urbanisation of the site with little detectable harm to the landscape qualities for which the SLA has been designated'*. He was satisfied that any visual impacts associated with outside storage of feed, waste, refuse, storage tanks etc. and impacts

from noise could be addressed by the imposition of suitably worded conditions.

2.5 The Inspector acknowledged the strength of feeling from objectors in relation to animal welfare issues, but noted that such ethical and moral considerations were not material to the planning decision.

2.6 The Inspector concluded that the development accords with the objectives of Blaenau Gwent Local Development Plan policies DM2 and ENV2 and **allowed** the appeal.

2.7 In relation to the separate application of costs, the Planning Inspectorate can award costs against a party that he considers to have behaved unreasonably and thereby caused the party applying for an award of costs to incur unnecessary or wasted expense in the appeal process.

2.8 In his letter on the award of costs the Inspector acknowledges that the lawfulness of the structures was not verified at the time the decision was taken to refuse the planning application and that whilst he found that the buildings do not harm the SLA, he acknowledged that they do have a visual impact from public viewpoints. The reason for refusal was therefore not without foundation.

2.9 As such the Inspector was satisfied that the Council had provided sufficient evidence to substantiate its reason for refusal and **dismissed** the application for costs.

3. Recommendation/s for Consideration

3.1 That Members note for information the two separate appeal decisions in relation to planning application C/2019/0090 as attached at **Appendix A**.