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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/07/20

gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.09.2020

## Appeal Decision

Site visit made on 27/07/20

by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 07.09.2020

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### Appeal No. 1 - Ref: APP/X6910/A/20/3250628

Site address: Llanhilleth Rugby Football Club, Commercial Road, Llanhilleth,  
Abertillery, NP13 2HT

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- 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 Mrs Rachel Nelson of Merewood Ltd against the decision of Blaenau Gwent County Borough Council.
  - The application Ref C/2019/0312, dated 26 September 2019, was refused by notice dated 16 January 2020.
  - The development proposed is change of use from a Public House to a 17 bed HMO and 2-bedroom manager's flat (unique use) with associated alterations to windows/doors and a single storey extension.
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### Appeal No. 2 - Ref: APP/X6910/A/20/3255636

Site address: Llanhilleth Rugby Football Club, Commercial Road, Llanhilleth,  
Abertillery, NP13 2HT

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- 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 Mrs Rachel Nelson of Merewood Ltd against the decision of Blaenau Gwent County Borough Council.
  - The application Ref C/2019/0318, dated 27 September 2019, was refused by notice dated 17 June 2020.
  - The development proposed is change of use from former Rugby Club to use of part of ground floor to a Takeaway (A3), conversion of 1<sup>st</sup> and 2<sup>nd</sup> floors to a 7 bed HMO (sui generis), a 2-bed flat, rear extension and alterations to windows and doors.
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## Decisions

1. I dismiss both appeals.

## Main Issue

2. The main issue in both of these cases is the adequacy of on-site parking and the effects of the proposed developments on highway safety and the free flow of traffic along Commercial Road.
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## Reasons

### *Appeal No. 1*

3. Originally built as a hotel, the appeal premises were used as the clubhouse for the Llanhilleth Rugby Club for many years until new premises were built. It has been vacant since 2012. I begin by considering the first appeal, for change of use of the building to a 17-bed house in multiple occupation (HMO) and a manager's flat.
4. The site has quite limited space for off-road parking. The parking is located along the site frontage, and initially the Appellant submitted there were 10 spaces arranged at right angles to the edge of the road. However, the Appellant's Transport Statement now acknowledges that those spaces would not be long enough to avoid cars protruding on to the edge of the road and that only 4 spaces can be safely accommodated parallel to the road.
5. The Council's adopted Supplementary Planning Guidance (SPG) on Car Parking and Design advises that 22 parking spaces would be required for 17 small flats, a 2 bed manager's flat and provision for visitors, though it is reasonable to adopt a reduced requirement for HMO units, the occupants of which are less likely to be car owners. To justify the reduced provision for on-site parking, the Appellant cites the 2011 census, which shows that car ownership in the surrounding area was only 0.53 per household, and draws my attention to the location being on a regular bus route and not far from the railway station and other local facilities. The Appellant also reports that at another HMO accommodation establishment run by Merewood only one tenant is a car owner, though it clearly has no information on possible future tenants for the appeal site.
6. These are all relevant arguments, and I have little doubt that the demand for car parking would be far less than the 22 spaces estimated by the Council on the basis of its SPG. However, the Appellant has provided no specific evidence to justify any particular estimate, and on the evidence available I consider it likely to be far more than 4 spaces. Thus, I consider it likely that the development would generate a significant amount of on-street parking.
7. Commercial Road is a local distributor road and a regular bus route. However, it is fairly narrow, and over much of its length has cars parked along one side, as few of the houses have any off-street parking. That leaves insufficient width for 2 vehicles to pass, and when 2 vehicles meet one has to pull in between the parked cars to allow the other to pass. This can cause delays, inconvenience and reversing manoeuvres (with associated safety implications) for road users. If the road was heavily parked-up these issues would become more severe.
8. The Appellant has carried out a survey of use of this stretch of the road for parking and argues that there would be sufficient space for the additional cars. However, that survey was carried out on only one occasion and at a time of day when many cars would be away for work or other trips. The Council has also questioned some of the results reported. Taken as a whole, I cannot accept that the survey provides useful, typical data, and I am led to the conclusion that the additional on-street parking likely to be generated by the proposed development would significantly add to the problems already experienced along this part of the road, as described above.
9. I conclude that the proposed development would be likely to generate on-street parking which would exacerbate existing problems on Commercial Road to the detriment of highway safety and traffic flow amenity. This would conflict with Local Development Plan Policy DM1, which requires development to have regard for the

safe, effective and efficient use of the transportation network and to provide appropriate parking.

10. The Appellant says it would be possible to control car ownership/use amongst future tenants through their tenancy agreements. However, I am sceptical about the enforceability of such measures, and certainly it would not be possible for the Council to prevent someone who has a car from parking on the public highway.
11. I have taken into account the sustainable location of the site and the desirability of bringing an attractive building back into use before it becomes derelict. However, these benefits do not outweigh the harmful effects described above, and I conclude that the appeal should be dismissed.

### ***Appeal No. 2***

12. The second proposal would replace 10 of the HMO units with a hot food takeaway (HFT), and the Council's assessment of parking requirements (based on the same SPG) is 9 for the 7 small flats, the manager's flat and visitors, and 2 for operation of the HFT, with HFT customers expected to park on the road.
13. Even allowing for lower numbers than this, as occupants of HMOs would be likely to have a lower car ownership than occupants of flats, I still consider the development would be likely to generate significant on-street parking with similar harmful effects to those described above. I conclude that the proposed development would be unacceptably detrimental to highway safety and amenity and contrary to Local Development Plan Policy DM1.

### ***Both Appeals***

14. In reaching my decisions, 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 these decisions are in accordance with the Act's sustainable development principle through their contributions towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

*Clive Nield*

Inspector