


CYNGOR GWLEDIG LLANELLI
Adeiladau Vauxhall, Vauxhall, Llanelli, SA15 3BD
Ffôn: 01554 774103

PWYLLGOR CYSWLLT A CHYNLLUNIO

P'w cynnal yn Siambr y Cyngor a thrwy bresenoldeb o bell ar,
Ddydd Llun, 25 Tachwedd, 2024 4.45 y.h.


CLERC y CYNGOR

19 Tachwedd, 2024

AGENDA

1. Derbyn ymddiheuriadau am absenoldeb.
2. Derbyn Datganiad o Fuddiannau gan Aelodau mewn perthynas â'r busnes i'w drafod.
3. Ceisiadau Cynllunio - cytuno i ymateb y Cyngor mewn perthynas â'r ceisiadau cynllunio canlynol a dderbyniwyd gan Gyngor Sir Gâr:-
 - (1) PL/08444 Bynea Business Park, Heol y Bwlch, Bynea
 - (2) PL/08468 Premier Inn, Parc Pemberton Park, Llanelli
 - (3) PL/08484 6 Exchange Row, Llanelli
 - (4) PL/08492 WWT National Wetland Centre Wales, Llwynhendy
4. Mater drafodwyd yn unol a phwerau a ddirprwywyd i'r Clerc – nodi ymateb y Cyngor ynghylch y Cyngor Sir Caerfyrddin cais cynllunio a newidiwyd:-
 - (1) PL/08375 Tir ger Y Drim, Ponthenri, Llanelli
 - (2) PL/08395 Plot gerllaw Golwg Y Gwyr, Heol y Graig, Llanelli
 - (3) PL/08414 Dyfed Steels, Heol Dafen, Llanelli
5. Ymgynghori ar Ganllawiau Cynllunio Atodol (CCA) Drafft – ystyried gohebiaeth a dderbyniwyd oddi wrth Gyngor Sir Caerfyrddin mewn perthynas â'r Cynllun Datblygu Lleol (CDLI) a'r CCA arfaethedig barod i gefnogi dehongliad o bolisiau penodol.
6. Deddf Cynllunio Gwlad a Thref (1990) – Apel – The Beeches, Lôn y Scarlets, Llanelli – i nodi gohebiaeth gan Gyngor Sir Caerfyrddin yn hysbysu am apêl.
7. Penderfyniadau Apeliadau Cynllunio:
 - (1) CAS-03261-F0M9F3 - ENF/01277 – 8 Clos Dan y Lan, Llanelli – i nodi gohebiaeth gan Gyngor Sir Caerfyrddin yn rhoi gwybod am benderfyniad apêl. Roedd y cais a gyflwynwyd gan ddeiliad y tŷ yn ymwneud â'r gwrych yn yr ardd gefn sy'n rhedeg ar hyd y ffin ogleddol yn 8 Clos Dan y Lan. Maes apêl wedi'i gwrthod.

- (2) CAS-03406-Z2Z0B4 – ENF/01277 – 8 Clos y Lan, Llanelli – i nodi gohebiaeth gan Gyngor Sir Caerfyrddin yn rhoi gwybod am benderfyniad apêl. Roedd y cais a gyflwynwyd gan ddeiliad y tŷ yn ymwneud â'r gwrych yn yr ardd blaen sy'n rhedeg ar hyd y ffin ogleddol yn 8 Clos Dan y Lan. Maes apêl wedi'i gwrthod.
- (3) CAS-03268-H2K1J3 & CAS-03272-F0F6Y7 – PL/06834 & PL/06920 – 2 Hill Top, Llanelli – i nodi gohebiaeth gan Lywodraeth Cymru yn rhoi gwybod am benderfyniad yr apêl. Cafodd yr apêl ei gwrthod yn rhannol.

Aelodau'r Pwyllgor:

Cyng: A. J. Rogers (Cadeirydd y Pwyllgor), E. M. Evans (Is-Gadeirydd y Pwyllgor), S. N. Lewis, (Arweinydd Y Cyngor), S. R. Bowen, M. V. Davies, S. L. Davies, S. M. T. Ford, S. K. Nurse, N. A. Stephens, O. Williams.

LLANELLI RURAL COUNCIL

Vauxhall Buildings, Vauxhall, Llanelli, SA15 3BD
Tel: 01554 774103

PLANNING AND LIAISON COMMITTEE

To be hosted at the Council Chamber and via remote attendance on
on Monday, 25 November, 2024, at 4.45 p.m.



CLERK to the COUNCIL

19 November, 2024

AGENDA

1. To receive apologies for absence.
2. To receive Members' Declarations of Interest in respect of the business to be transacted.
3. Planning Applications – to agree the council's response in respect of the following planning applications received from Carmarthenshire County Council:-
 - (1) PL/08444 Bynea Business Park, Heol y Bwlch, Bynea
 - (2) PL/08468 Premier Inn, Parc Pemberton Retail Park, Llanelli
 - (3) PL/08484 6 Exchange Row, Llanelli
 - (4) PL/08492 WWT National Wetland Centre Wales, Llwynhendy
4. Matters dealt with under the Clerk's delegated powers – to note the Council's response to Carmarthenshire County Council in respect of the following planning applications:
 - (1) PL/08375 Land adjacent to Y Drim, Ponthenri, Llanelli
 - (2) PL/08395 Plot adjacent to Golwg y Gwyr, Heol y Graig, Llanelli
 - (3) PL/08414 Dyfed Steels, Dafen Road, Dafen
5. Consultation of Draft Supplementary Planning Guidance (SPG) – to consider correspondence received from Carmarthenshire County Council with regards to the Local Development Plan (LDP) and proposed SPG prepared to support the interpretation of particular policies.
6. Town and Country Planning Act (1990) – Appeal – The Beeches, Lon y Scarlets, Llanelli – to note correspondence from Carmarthenshire County Council informing of an appeal.

7. Planning Appeal Decisions:

- (1) CAS-03261-F0M9F3 - ENF/01277 - 8 Clos Dan y Lan, Llanelli – to note correspondence from Carmarthenshire County Council informing of an appeal decision. The application lodged by the householder was in regards to the hedge in the rear garden running along the northern boundary at 8 Clos Dan y Lan. The appeal has been dismissed.
- (2) CAS-03406-Z2Z0B4 - ENF/01277 - 8 Clos y Lan, Llanelli – to note correspondence from Carmarthenshire County Council informing of an appeal decision. The application lodged by the householder was in regards to the hedge in the front garden running along the northern boundary at 8 Clos Dan y Lan. The appeal has been dismissed.
- (3) CAS-03268-H2K1J3 & CAS-03272-F0F6Y7 - PL/06834 & PL/06920 - 2 Hill Top, Llanelli – to note correspondence from the Welsh Government informing of the appeal decision. The appeal was dismissed in part.

Members of the Committee:

Cllrs. A. J. Rogers, (Chairman of Committee), E. M. Evans (Vice-Chairman of Committee), S. N. Lewis (Leader of Council), S. R. Bowen, M. V. Davies, S. L. Davies, S. M. T. Ford, S. K. Nurse, N. A. Stephens, O. Williams.

Application No.	Location	Development
PL/08444	Mr D Richards Bynea Business Park Heol y Bwlch Bynea Llanelli (Bynea Ward)	Change of use from industrial unit (Class B2) to an ancillary café and workshop (Class B2/A3).

Recommendation – no objection.

PL/08468	Premier Inn Hotels Ltd Premier Inn Parc Pemberton Park Llanelli (Pemberton Ward)	Demolition of existing hotel restaurant and replacement with new building providing additional hotel bedrooms, alterations to existing hotel to provide guest restaurant, and all associated works.
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Recommendation – no objection provided a Section 106 agreement is brokered with the applicant to invest in local infrastructure projects in the Pemberton Ward of Llanelli Rural Council.

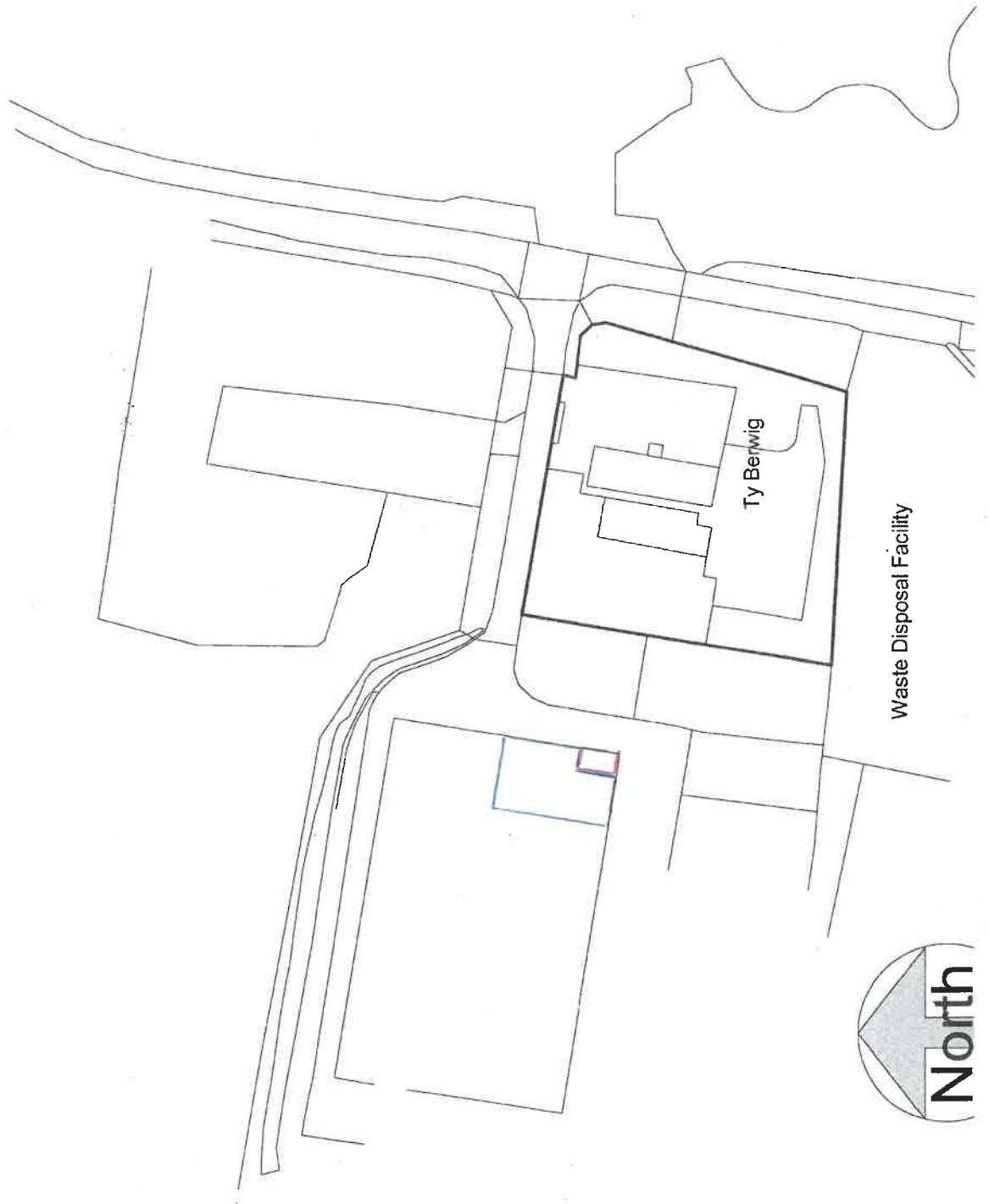
PL/08484	Mr G Williams 6 Exchange Row Llanelli (Dafen Ward)	Proposed two storey rear extension.
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Recommendation – no objection provided there is no detrimental impact on the amenity and privacy of residents living in neighbouring dwellings.

PL/08492	WWT National Wetland Centre WWT National Wetland Centre Llwynhendy (Pemberton Ward)	Change of use of existing hide (Use Class – Unique Class) to rental accommodation (Use Class – C6 Short Term) (Resubmission of PL/06672 Refused 13/12/2023).
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Recommendation – no objection.

Site Location Plan
Scale: 1:1250



Notes:

Site Area: 8842m²

ITEM NO. 3(2)

AW AB	Planning Update	AW AB
By	CHK	By
AW AB	Planning Update	AW AB
By	CHK	By



1 Brooklands Yard Southover High Street Lewes East Sussex BN7 1MU
Tel. 01273 479434 www.adornments.co.uk

Client

Project
LLANELLI CENTRAL EAST PREMIER INN
LLANDAFEN ROAD, SA14 9BD

Location Plan

Scale	Date	Drawn	Checked
1:250 @ A3	04/24	AGO	AB
Drawing No.		Revision	
6127-P-		001 A	
Strive PLANNING			



01 Location Plan
Scale: 1:1250



6. Exchange Row
Dafen
Llanelli
SA14 8NW



6 Exchange Row



OS MasterMap 1:250 000 (2004) scale
Friday, September 30, 2004 10:
9941 07181736
maps@blackwell.co.uk

1:250 000 scale print at A4, Centre
25.0101 E, 201017 N

© Crown Copyright Ordnance
Survey Licence ref: 00041041

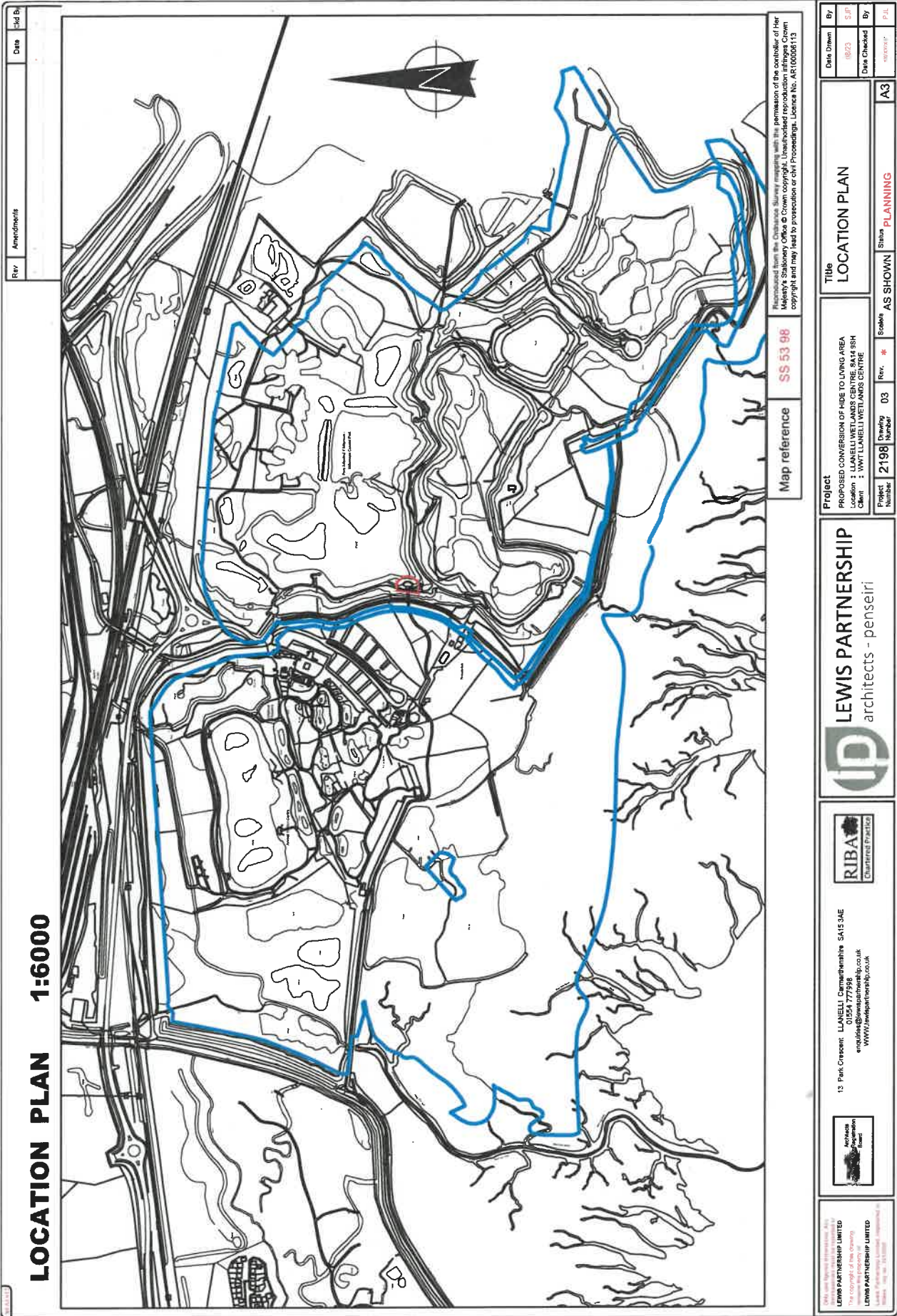


BLACKWELL'S
MAPPING SERVICES

www.blackwellmapping.co.uk

TEL: 0800 151 2612

maps@blackwell.co.uk



Application No.	Location	Development
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The following applications have been determined under the Clerk's delegated powers:

PL/08375	Govinda Eco Farm Ltd Land adjacent to Y Drim Ponthenri Llanelli (Glyn Ward)	Formation of agricultural track and hardstanding, siting of portable steel container for agricultural machinery storage (part retrospective).
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Recommendation – no objection provided:

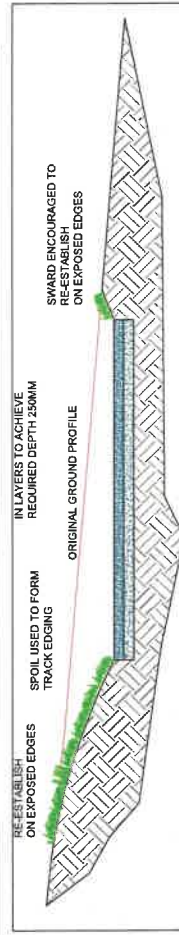
1. The development proposal did not contravene the Local Development Plan general policies.
2. There was no detrimental impact on Y Drim and general highway safety associated with site generated traffic.

PL/08395	Mr G Singh Plot adjacent to Golwg y Gwyr Heol y Graig Llanelli (Bynea Ward)	Detached dwelling house.
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Recommendation – no objection.

PL/08414	Dyfed Steels Ltd Dyfed Steels Dafen Road Dafen (Dafen Ward)	New industrial units (use class B2 – general industrial).
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Recommendation – no objection to the development provided that operational noise generated from the site had no detrimental impact on the local neighbourhood.



SCHEMATIC TRACK SECTION 1:25

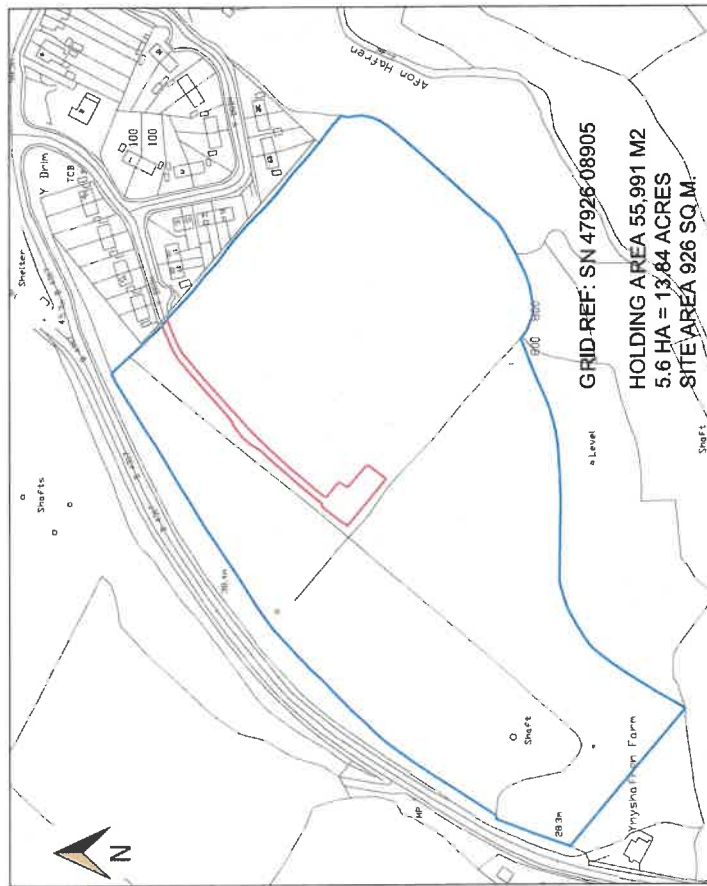


ACTUAL AGRICULTURAL TRACK UNDER CONSTRUCTION

GREEN INFRASTRUCTURE
REQUIREMENTS SATISFIED WITH :
THE PLANTING OF 12 NO. MALUS
SYLVESTRIS TREES (CRAB APPLE) TO
PROVIDE A FLOWER NECTAR AND
AUTUMNAL FRUIT RESOURCE.

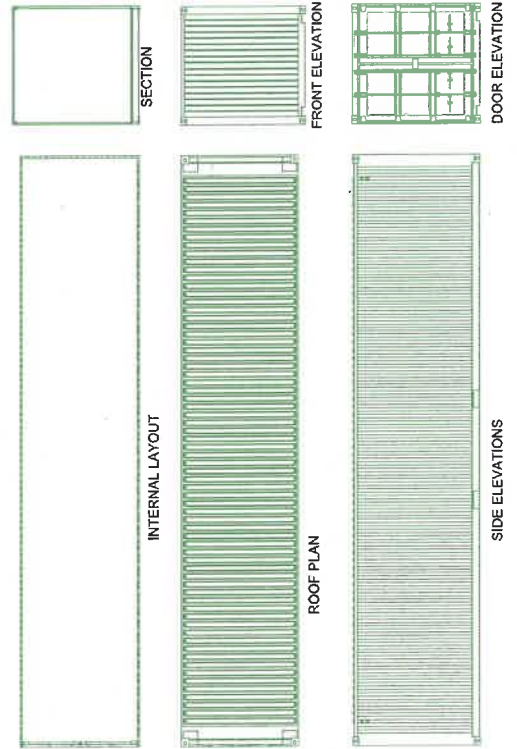
JUDICIOUS WOODLAND MANAGEMENT
TO REMOVE DEAD/DYING ASH TREES
AND THE CREATION OF WOODLAND
GLADES ALLOWED TO REGENERATE.

ANY ASH TREE WITHIN THE WOODLAND
WHICH APPEARS TO DISPLAY A
'GENETIC TOLERANCE' TO DIEBACK
WILL BE LEFT UNLESS IT POSSES A H&S
RISK.



**TEMPORARY STORAGE
CONTAINER (40FT):**
12,192 METERS LONG,
2,438 METERS WIDE, AND
2,591 METERS HIGH.
APPROX 70 CUBIC METERS
INTERNAL STORAGE SPACE

STANDARD STORAGE
CONTAINER MADE FROM
WEATHER RESISTING
IMARITIME-GRADE CORTEN
STEEL ALLOY - (DARK GREEN
RUBBERISED OR HAMMERITE
RUST RESISTANT PAINT)

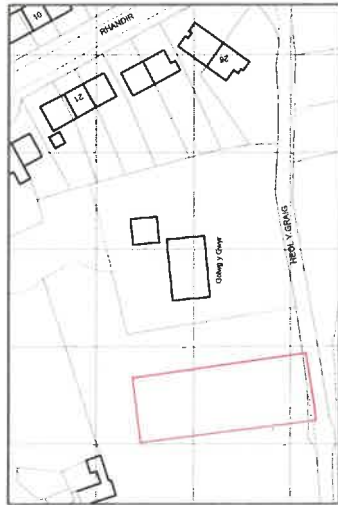


NO.	NOTES
1	1. TO BE USED FOR REFERENCE ONLY
2	2. TO BE USED FOR REFERENCE ONLY
3	3. TO BE USED FOR REFERENCE ONLY
4	4. TO BE USED FOR REFERENCE ONLY
5	5. TO BE USED FOR REFERENCE ONLY



LOCATION PLAN – SCALE 1:1250

MapServe®



SITE BOUNDARY SHOWN IN RED

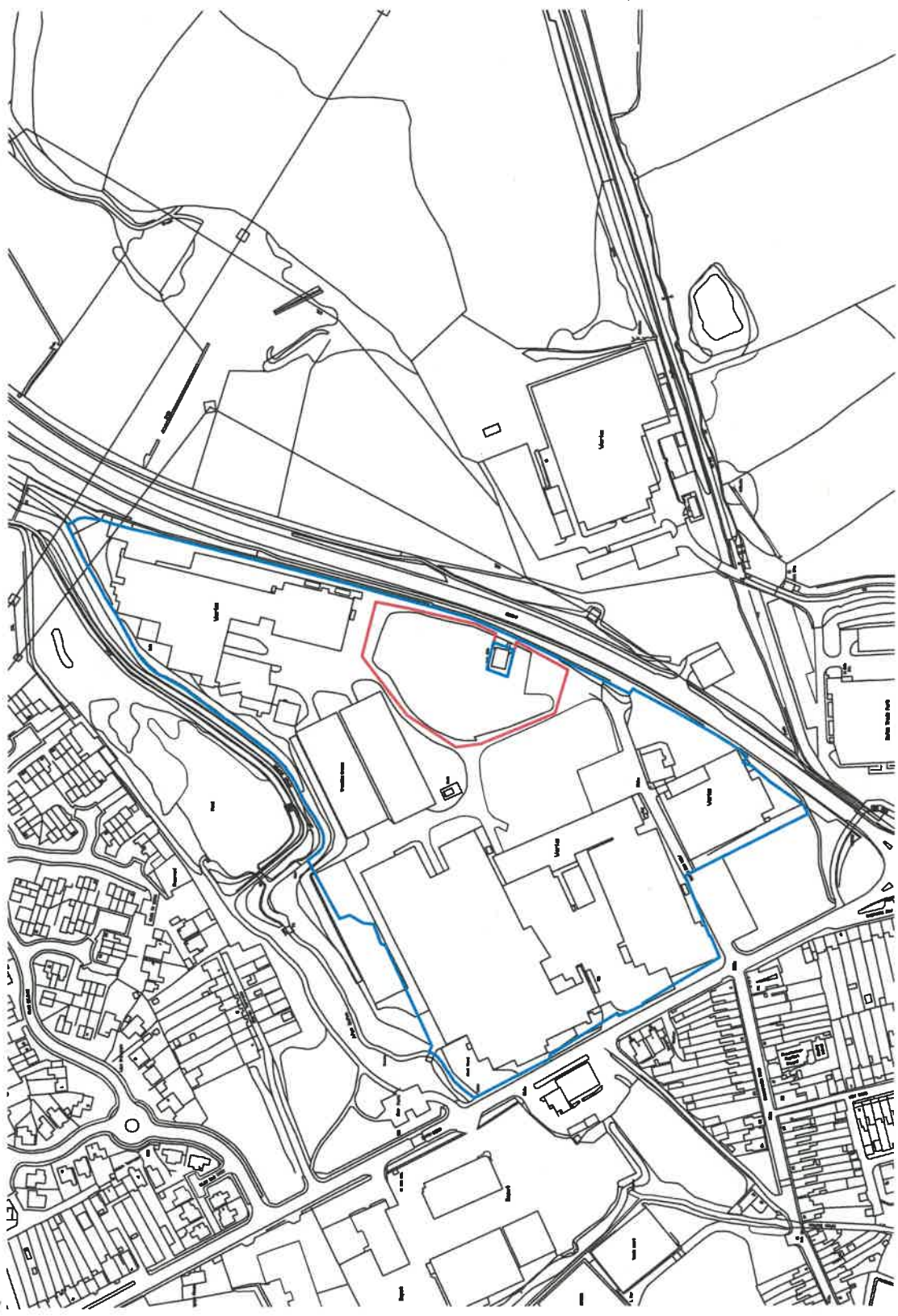
DRAWING NUMBER: 2431 – AL(00)02.

ITEM NO. 4(2)

 Registered LABC <small>Land Use and Planning Consultants</small>	REVISIONS: 1. 12/10/15 - REVISED PLAN	SHEET TITLE: AS SHOWN.	PROJECT DESCRIPTION: PROPOSED DEVELOPMENT AT PLOT 4, HOTEL Y GRAIG, LLWYNHENDY. FOR MR GURINDER.	EMAIL: althumplanning@icloud.com	DATE: AUG. 24.	MOBILE: 07505 210952	SCALE: AS SHOWN	SHEET: A-3
				 Planning Consultants				

SITE LOCATION PLAN

Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number 100022432



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Legend
Planning application boundary
Ownership boundary
Red line area: 7173.5m²

Rev.	Description	By	Date

PLANNING

SAURO
ARCHITECTURAL DESIGN
SAURO ARCHITECTURAL DESIGN LTD
9 ELLISTON TERRACE
CARMARTHEN, SA31 1HA
Tel: 01267 233 684
Email: design@sauro.co.uk
© Drawing Copyright Sauro Architectural Design Ltd

Client:
Dyfed Steel Ltd
Project Title:
Proposed Industrial Building @
Tube Works/Ind Est, Dafen, Llanelli
SA14 8NS
Drawing Title:
Site Location Plan

Scale	1:2500	Sheet Size	A3
Date	23/04/2024	Drawn by	05
Job No.	1120	Checked by	
Drawing No.	LP01b	Revision	

Carol Lloyd

Subject:

FW: Ymgynghoriad ar Ganllawiau Cynllunio Atodol Drafft / Consultation of Draft
Supplementary Planning Guidance

LLANELLI RURAL COMMUNITY COUNCIL	
DATE	11 NOV 2024
FILE REF.	
PASSED TO	Planning PCL

From: EED Forward Planning <EEDForwardPlanning@carmarthenshire.gov.uk>

Sent: 08 November 2024 14:12

Subject: Ymgynghoriad ar Ganllawiau Cynllunio Atodol Drafft / Consultation of Draft Supplementary Planning Guidance

Dear Sir/Madam,

As you may be aware, the Local Development Plan (LDP) sets out a framework for determining planning applications and directing growth in Carmarthenshire (excluding the Bannau Brycheiniog National Park). As part of its preparation and implementation, a series of Supplementary Planning Guidance (SPG) has been prepared to support the interpretation of particular policies, ensuring they are applied more effectively.

Receiving approval for public consultation, I am pleased to inform you that the following Draft SPG are subject to consultation in respect of the revised LDP:

- [Sites of Importance for Nature Conservation;](#)
- [Welsh Language;](#)
- [Open Space.](#)

A further three also subject to consultation will support both the current and revised LDP:

- [Plastering, Rendering and Insulating Traditional Buildings: Guidance for Sustainability;](#)
- [Carmarthenshire Shopfront Design Guide;](#)
- [Conservation Areas: An Essential Guide to their Enhancement.](#)

The 6-week consultation runs from 9am Friday 8th November until 4:30pm Friday 20th December 2024. Your views can be made online via the Council's '[Have your say](#)' page. Representations by email or post are also welcome. Copies of the documents are available to view electronically on our website and at public libraries, or in person at our Hwb Centres during normal opening hours.

Yn gywir / Yours faithfully,

Ian R Llewelyn
Rheolwr Polisi Strategol a Chreu Lleodedd / Strategic Policy and Placemaking Manager

Carol Lloyd

Subject:

FW: Hysbysiad Apêl Cynllunio - Planning Appeal Notification - PL/07785 - AP-7379

Attachments:

PL-07785 - Refusal Reasons for Appeal.pdf

LLANELLI RURAL COMMUNITY COUNCIL	
DATE	04 NOV 2024
FILE REF.	
PASSED TO	

From: Planning Appeals <planningappeals@carmarthenshire.gov.uk>**Sent:** 01 November 2024 13:29**To:** enquiries <enquiries@llanelli-rural.gov.uk>**Subject:** Hysbysiad Apêl Cynllunio - Planning Appeal Notification - PL/07785 - AP-7379Cyflwynwyd **apêl** i'r Penderfyniadau Cynllunio ac Amgylchedd Cymru**An **appeal** has been lodged with the Planning & Environment Decisions Wales**Apêl / Appeal: **Written Representations**Apêl gan / Appeal by: **Rupert and Helen Mathias**Safle / Site: **The Beeches, Lon Y Scarlets, Llanelli, SA14 9BZ**Datblygu / Development: **Construction of 4no detached dwellings off a private drive**Cyfeirnod / Reference: **CAS-03755-T0X7Z6**Dyddiad Dechrau'r Apêl / Appeal Start Date: **01/11/2024**Rheswm Apêl / Appeal Reason: **The refusal of planning permission by this Council**

Any comments made at the application stage for the appeal will be sent to PEDW (unless they are expressly confidential). If you want to make any additional comments (which must not exceed 3000 words), they must be sent to PEDW and received within **4 weeks** of the starting date (above). Remember to include the Inspectorate's reference, or the name of the appellant / appeal site address where the reference is not known.

Email any additional comments directly to: PEDW.Casework@gov.wales If comments are submitted to PEDW after the deadline they will be returned.

DO NOT sent any comments to us at the Local Authority as we are NOT dealing with them.

ALL comments need to be sent to **Planning & Environment Decisions Wales at PEDW.Casework@gov.wales**

Please note that all available appeal documents including the Inspector's decision letter can be viewed on the planning portal using the following link:

<https://planningcasework.service.gov.wales> If you want to receive a copy of the appeal decision you must write to PEDW asking for one.

You can obtain a copy of the leaflet 'A Guide to Engaging with Planning and Environment Decisions Wales' through the Welsh Government website: <http://gov.wales/planning-appeals-guidance-engaging-planning-and-environment-decisions-wales>

Cofion | Regards

Tîm Rheoli Datblygu | Development Management Team
Lle a Chynaliadwyedds - Cynllunio | Place and Sustainability - Planning

E-bost |

Email: planningappeals@carmarthenshire.gov.uk | planningappeals@sirgar.gov.uk

PL/07785

Construction of 4no detached dwellings off a private drive
The Beeches, Lon Y Scarlets, Llanelli, SA14 9BZ

Reasons for Refusal:

Reason 1

The proposal is contrary to Policies SP1 – 'Sustainable Places and Spaces', GP1 – 'Sustainability and High Quality Design' and TR3 – 'Highways in Developments – Design Considerations' of the adopted Carmarthenshire Local Development Plan (2014) in that the existing road leading to the site from Pemberton Road (B4297) is considered inadequate in terms of width, alignment or passing places to accommodate the further traffic which would be caused by the proposed development. Further, the proposed development would lead to increased pedestrian movements along a section of road with no pedestrian facilities. The proposal would therefore be detrimental to highway and pedestrian safety.

Reason 2

The proposal is contrary to Policies GP1 – 'Sustainability and High Quality Design', EQ4 – 'Biodiversity', SP14 – 'Protection and Enhancement of the Natural Environment' and EQ5 – 'Corridors, Networks and Features of Distinctiveness' of the adopted Carmarthenshire Local Development Plan (2014) in that the site contains a number of trees and hedgerows and the applicant has failed to provide sufficient information in the form of a tree survey report, including an assessment of their condition, category and respective root protection areas, to enable the local planning authority to adequately assess the impact of the development upon the well-being of these features.

Further, the applicant's Green Infrastructure Statement has failed to demonstrate how the development will provide green infrastructure that will deliver benefits in relation to biodiversity and ecosystem resilience, and how the step-wise approach of Planning Policy Wales, Edition 12, February 2024 (Paragraph 6.4.15) has been applied to the proposal.

Reason 3

The proposal is contrary to Policy AH1 – 'Affordable Housing' of the adopted Carmarthenshire Local Development Plan (2014) in that the applicant has failed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 securing a financial contribution towards the provision of affordable housing as part of the development.

Rhodri Griffiths

Pennaeth Lle a Chynaliadwyedd

3 Heol Spilman, Caerfyrddin, SA31 1LE.

Head of Place and Sustainability

3 Spilman Street, Carmarthen, SA31 1LE.

Dull Newydd a syml o roi sylw ar apêl I Bobl â Diddordeb

Mae'r Arolygiaeth Gynllunio yn annog pobl i gyflwyno sylwadau ar apeliadau drwy e-bost. Mae cyflwyno sylwadau drwy e-bost yn hawdd, yn gyflym, ac yn arbed amser, a chostau argraffu a phostio i chi. Mae'n lleihau'r posibilrwydd o oedi unwaith y cyflwnir eich sylwadau. Byddwch hefyd yn cael derbynneb ar ffurf e-bost fel y byddwch yn gwybod bod eich sylwadau wedi'i derbyn yn ddiogel.

Gallwch ddewis cyflwyno eich sylwadau drwy'r post o hyd – er y byddai'n well gennym pe baech yn eu hanfon atom ar ffurf e-bost lle y bo modd. Os byddwch yn dewis eu hanfon atom ar bapur drwy'r post, sicrhewch fod pob atodiad o dogfennaeth ategol a anfonir atom wedi'i marcio'n glir gyda chyfeirnod yr apêl os ydych yn ei wybod neu enw'r apelydd a chyfeiriad safle'r apêl os nad ydych yn ei wybod.

Gwneir dogfennau a dderbynnir fel rhai dilys a anfonir atom drwy'r e-bost neu'r post yn gyhoeddus. Cofiwch hyn.

Os nad ydych am i ni gyhoeddi manylion personol fel eich cyfeiriad e-bost neu gyfeiriad gartref, atodwch ddogfen ar wahân o'ch sylwadau yn hytrach na'u cynnwys yng nghorff yr e-bost/llythyr.

Cyn belled a bod eich enw ar eich dogfen, fel ein bod yn gwybod gan bwy y'i hanfonwyd, nid oes angen cynnwys eich llofnod.

Caiff popeth a anfonir atom ei wirio er mwyn sicrhau nad yw'n cynnwys dim sy'n enllibus neu'n hiliol. Os ydyw caiff ei ddychwelyd i'r awdur. Os dilëir y darn sy'n tramgwyddo, gellid ailanfon y ddogfen, cyn belled y gwneir hyn o fewn y terfryn amser perthnasol.

<https://llyw.cymru/penderfyndiadau-cynllunio-ac-amgylchedd-cymru>
<https://gov.wales/planning-and-environment-decisions-wales>

PEDW.GwaithAchos@llyw.cymru
PEDW.Casework@gov.wales

A new and simple way to comment on an appeal for Interested Persons

The Planning Inspectorate encourages the submission of comments on an appeal by e-mail. Submission of comments by e-mail is easy, quick and it saves your time, and printing and postage costs. It minimises the possibility of delays once your comments are submitted. You will also get a receipt by e-mail, so you know that your comments have been received safely.

You can still choose to submit your comments by post – though we would prefer you to send them to us by e-mail wherever possible. If you do choose to send them to us on paper by post, please make sure that all attachments and supporting documentation posted to us are clearly marked, with the appeal reference if you know it or the name of the appellant and the appeal site address where you do not.

Documents sent to us by e-mail or through the post that are accepted as valid will be made public. Please bear this in mind.

If you do not wish us to publish personal details such as your e-mail or home address, please attach a separate document of your comments rather than including them in the body of the e-mail/letter.

Provided that your name is on your document, so we know who it came from, there is no need to include your signature.

Rhodri Griffiths

Pennaeth Lle a Chynaliadwyedd

3 Heol Spilman, Caerfyrddin, SA31 1LE.

Head of Place and Sustainability

3 Spilman Street, Carmarthen, SA31 1LE.

Mae croeso i chi gysylltu â ni yn Gymraeg neu Saesneg | You are welcome to contact us in Welsh or English

ITEM NO. 7(1)

LLANIDLOE COMMUNITY COUNCIL	
DATE	30 OCT 2024
FILE REF.	
PASSED TO	P&L
ENF-01277 - Decision CAS-03261-F0M9F3 & CAS-03406-Z2Z0B4 - Appeal Dismissed.pdf	

Carol Lloyd

From: Planning Appeals <planningappeals@carmarthenshire.gov.uk>
Sent: 29 October 2024 16:16
To: enquiries
Subject: ENF/01277 - Penderfyniad ar yr Apêl / Appeal Decision - Rear Hedge
Attachments: ENF-01277 - Decision CAS-03261-F0M9F3 & CAS-03406-Z2Z0B4 - Appeal Dismissed.pdf

Safle / Site: 8 Clos Dan Y Lan, Llanelli, SA14 8BZ

Datblygu / Development: The hedge in the rear garden running along the northern boundary at 8 Clos Danylan

Cyfeirnod / Reference: CAS-03261-F0M9F3

Penderfyniad ar yr Apêl / Appeal Decision: **Dismissed**

Deddf Cynllunio Gwlad a Thref 1990 / Town and Country Planning Act (1990)

Annwyl Syr / Madam

I attach the **Planning and Environment Decision Wales** Appeal decision.

The decision and covering letter can also be viewed on the Appeals Casework Portal:
<https://planningcasework.service.gov.wales>

Cofion | Regards

Tîm Rheoli Datblygu | Development Management Team

Lle a Chynaliadwyedds - Cynllunio | Place and Sustainability - Planning

E-bost |

Email: planningappeals@carmarthenshire.gov.uk | planningappeals@sirgar.gov.uk

Mae croeso i chi gysylltu â ni yn Gymraeg neu Saesneg

You are welcome to contact us in Welsh or English





Appeal Decision

by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

29.10.2024

Appeal A reference: CAS-03261-F0M9F3

Site address: 8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

- The appeal is made under section 71 of the Anti-social Behaviour Act 2003 [the Act], on the grounds set out in regulation 3(1)(a) and (b) of The High Hedges (Appeals) (Wales) Regulations 2004.
 - The appeal is made by Mr H and Mrs A Williams [the Appellants], the owner of the above site, against a Remedial Notice [RN], dated 16 January 2024, issued by Carmarthenshire County Council [the Council].
 - The complaint [Ref ENF/01277/Rear Hedge] was made dated 13 October 2022, about high hedges [the complaint hedges] at the above site, under Part 8 of the Act.
 - The RN was intended to take effect on 20 February 2024.
 - A site visit was made by the Inspector on 7 October 2024.
-

Appeal B reference: CAS-03406-Z2Z0B4

Site address: 8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

- The appeal is made under section 71 of the Anti-social Behaviour Act 2003 [the Act], on the grounds set out in regulation 3(1)(a) and (b) of The High Hedges (Appeals) (Wales) Regulations 2004.
 - The appeal is made by Mr H and Mrs A Williams [the Appellants], the owner of the above site, against a Remedial Notice [RN], dated 16 January 2024, issued by Carmarthenshire County Council [the Council].
 - The complaint [Ref ENF/01277/Front Hedge] was made dated 13 October 2022, about high hedges [the complaint hedges] at the above site, under Part 8 of the Act.
 - The RN was intended to take effect on 20 February 2024.
 - A site visit was made by the Inspector on 7 October 2024.
-

Decisions

Appeal A – Ref CAS-03261-F0M9F3

1. The appeal is dismissed, and the remedial notice, subject to a revised operative date, is upheld in the corrected form attached.

Appeal B – Ref CAS-03406-Z2Z0B4

2. The appeal is dismissed, and the remedial notice, subject to a revised operative date, is upheld in the corrected form attached.

Preliminary Matters

3. A complaint from the occupiers of No 7 Clos Danylan in respect of two separate hedges located along the front and rear of No 8 Clos Danylan was received by the Council in October 2022. The complainants expressed concerns that, amongst other things, the hedges adjacent to their property limited the amount of sunshine afforded to their property and due to their height and size they have an overbearing impact on the complainants.
4. Following an investigation, the Council decided that the height of the complaint hedges was adversely affecting the complainant's reasonable enjoyment of their property and issued two RN's (one for each hedge) specifying the action that must be taken to the hedges to remedy the adverse effect and to prevent its recurrence. The RNs, which became operative on 20 February 2024, required that remedial works be undertaken within 2 calendar months. The compliance period for the remedial works therefore ended on 20 April 2024.
5. The hedge owner has appealed against both RNs. Therefore, there are two appeals at the site relating to the two notices issued by the Council under the references ENF/01277/Rear Hedge and ENF/01277/Front Hedge. Whilst I shall consider each appeal on its own individual merits, to avoid duplication, I will deal with both appeals together in this single document, albeit with separate formal decisions.
6. At the site visit I was accompanied by the Appellants, the complainant and officers of the Council. All parties entered each other's land and measurements were taken and agreed. I also observed the hedges from inside No's 7 and 8 on my own.

Main Issues

7. The main issues are; whether the high hedges adversely affect the complainant's enjoyment of their property, and if so, whether any action should be taken in relation to the high hedges to remedy the adverse effects on the complainant's enjoyment of their property or prevent the effect recurring.

Reasons

Appeal A – Ref CAS-03261-F0M9F3 (Rear Hedge)

8. This appeal relates to a complaint hedge situated on the northern rear boundary of the appellant's property of No. 8 Clos Danylan and adjacent to the southern boundary of the complainant's property, No. 7 Clos Danylan. The hedge comprises of 7 mature Leylandi Cypress trees approximately 9 - 10m in height and which extends to approximately 10m in length. I saw that the height of the hedge is cited at approximately 1 – 1.5m higher than the ground level of the complainant's property.
9. The Council issued a RN on the hedge owner requiring that the complaint hedge be cut to a height not exceeding 4.0m [initial action] above ground level and that the hedge be maintained so that at no time it exceeds a height of 4.6m [preventative action] above ground level.

10. The appellant's who own the hedge have appealed the RN. The appeal is based on the grounds that the height of the high hedge does not adversely affect the complainant's enjoyment of their property, and that no action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring. The complainant has not appealed the RN.
11. Section 65(1)(b) of the Act indicates that complainants have to show that their reasonable enjoyment of their domestic property is being adversely affected by the height of a high hedge. The Welsh Assembly Government's High Hedges Complaints System: Guidance [HHG] [paragraph 4.40] indicates that the reference to reasonable enjoyment requires an assessment of the impact of the hedge on the enjoyment that a reasonable person might expect from their home and garden, thereby introducing a degree of objectivity to the decision-making process.
12. HHG [paragraphs 5.77 and 5.82] refer to further guidance in the Building Research Establishment's Hedge height and light loss [HHLL], which includes the recommended methodology to be used to assess the impact of the complaint hedge in relation to daylight and sunlight to windows and garden of a neighbouring property. This involves the concept of an action hedge height [AHH] above which a hedge is likely to block too much light. It includes methods of calculating whether a hedge is likely to result in an unreasonable loss of light to a main room in a dwelling or cause a significant loss of light to a nearby garden. It requires the use of the lowest AHH, as calculated for the relevant window and the garden.
13. The Council's AHH using the objective means of assessing whether a hedge is obstructing light in accordance with HHLL was 7.20m for the windows and 1.14m for the garden. The minimum AHH is 2m as a high hedge is defined in the Act as a hedge which rises to a height of more than two metres above ground level under section 66(1), and in formulating the RN, the Council considered arboriculture advice as to the extent the complaint hedge could be cut and then survive.
14. HHG [paragraphs 5.78 and 5.83] explains that a hedge that is taller than the height derived from the BRE guidelines is likely to result in an unreasonable loss of light to windows or a garden and so have an adverse effect on someone's reasonable enjoyment of their property. The AHH in this case is significantly below the height of the hedge which has a range of heights from approximately 8m to 9m.
15. I saw that the closest rear habitable windows of No. 7 suffer from reduced levels of light as a result of the hedge, and that the southern-most part of the garden suffers from a significant loss of light, and I was able to observe at the time of my site visit the restrictive impact the hedge has on outlook within and outside the property. I have taken into account the fact that No's 7 and 8 are built on land significantly below the level of houses to the east and there are large mature trees along the rear boundaries of those properties, and that these features already cast some shade over the complainant's property during the morning hours. However, the scale, density and proximity of the complaint hedge to No. 7 provides a visually dominating and overbearing presence which significantly reduces the amount of daylight entering the rear habitable rooms and garden, compounded by the fact that the ground level of No 7 is approximately 1 – 1.5m below that of No. 8. This leads me to conclude that the hedge significantly prevents the reasonable enjoyment of the garden and property. Therefore, I consider the reasons put forward for issuing the RN are reasonable in all respects and that action should be taken to reduce the height of the complaint hedge to address the harm caused to the complainant.
16. The RN specifies a reduction of the high hedge to 4.0m and the preventative action sets a height limit of 4.6m for the future maintenance of the hedge.

17. Section 69(3) of the Act prevents action specified in a RN from ordering works that involve the hedge's removal. Welsh Assembly Government's letter 1 June 2006 Clarification of Guidance relating to Remedial Works, ref A-PAA 08-21-018 [CGRW] issued clarification on Section 69(3). It re-iterates the view that works that would result in the death or destruction of the hedge amount to the same as removing it and so are not permitted under the Act. It advises that arboriculture advice be obtained when framing the requirements of a remedial notice and refers to HHG [paragraph 6.24]. CGRW goes on to state that local authorities might be prevented from requiring action to the hedge that would provide a full remedy to the problems identified.
18. The arboriculture advice which framed the RN requirements advised against cutting the complaint hedge to between 1.13m and 2.13m as this would likely result in the death of the hedge due to an insufficient number of foliage-bearing branches would be retained to sustain the life of each tree that makes up the hedge. Instead, the arboricultural report advocated that the hedge should not be cut below 4.0m. Therefore, a height of 4.0m was stated within the RN.
19. From my observations of the hedge, I would agree that an initial cut between 1.13m and 2.13m in height would undermine the hedge's ability to survive contrary to CGRW. However, an initial cut of 4.0m as specified within the RN would leave sufficient amount of foliage to safeguard the health of the complaint hedge, and a preventative action of 4.6m would then allow an appropriate growth margin for the complaint hedge to be maintained at this height.
20. It is very likely that even at 4.6m the hedge would continue to cause an adverse impact on the reasonable enjoyment of the complainant's property, and that the action specified within the RN, and recommended by the arboricultural advice, would only go some way towards mitigating the impact and considering the health and vitality of the complaint hedge. CGRW is clear that having taken arboriculture advice the decision maker might be prevented from requiring action to the hedge that would provide a full remedy to the problems identified. I consider that this is the situation in this case.
21. The Appellants have not provided much evidence to support the grounds of appeal but have provided a lot of details regarding the background to the case, the alleged lack of mediation, and have made comments regarding the way in which the Council has dealt with the complaint. I have considered the hedge owner's concerns about loss of privacy, but in my opinion the actions specified in the RN leaving a hedge with a height of 4.6m would not significantly change that sense of seclusion and privacy to the occupiers of both No. 7 and No. 8 Clos Danylan.
22. Notwithstanding the above, I have noted that the RN is internally inconsistent in that the initial action and the preventative action are the same and do not allow a buffer for the hedge to grow. Secondly, the two steps of the preventative action are inconsistent with each other. In this instance I am satisfied that I can deal with these issues by correcting the wording of the RN without causing injustice to either party.

Conclusions

23. For the reasons I have outlined above, I conclude that the height of the rear high hedge adversely affects the complainant's enjoyment of their property, and that action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring. Issuing the corrected RN is, therefore, justified in this case. The operative date is the date my decision is issued as set out in Section 73(5) of the 2003 Act.

Appeal B – Ref CAS-03406-Z2Z0B4 (Front Hedge)

24. This appeal relates to a complaint hedge situated to the front of the appellants property and lies along the boundary between the drives of No's 7 and 8 Clos Danylan. The hedge comprises of mature Leylandi Cypress trees approximately 5.0 – 5.9m in height and extends to approximately 9m in length.
25. The Council issued a RN on the hedge owner requiring that the complaint hedge be cut to a height not exceeding 2.7m [initial action] above ground level and that the hedge be maintained so that at no time it exceeds a height of 3.3m [preventative action] above ground level.
26. The appellant who owns the hedge has appealed the RN. The appeal is based on the grounds that the height of the high hedge does not adversely affect the complainant's enjoyment of their property, and that no action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring. The complainant has not appealed the RN.
27. The Council's AHH using the objective means of assessing whether a hedge is obstructing light in accordance with HHLL was 3.28m for the garden. HHG [paragraph 5.83] explains that a hedge that is taller than the height derived from the BRE guidelines is likely to result in an unreasonable loss of light to a garden and so have an adverse effect on someone's reasonable enjoyment of their property. The AHH in this case is significantly below the height of the hedge.
28. Having viewed the front hedge from within the complainant's property and from various points in the front garden I consider that the scale and proximity of the complaint hedge to No. 7 provides a visually dominating and overbearing presence and reduces the level of sunlight covering the front garden, and thus prevents the reasonable enjoyment of the garden. Therefore, I consider the reasons put forward for issuing the RN are reasonable and that action should be taken to reduce the height of the complaint hedge to address the harm caused to the complainant.
29. The RN specifies a reduction of the high hedge to 2.7m and the preventative action sets a height limit of 3.3m for the future maintenance of the hedge. The arboriculture advice which framed the RN requirements advised that cutting the complaint hedge to between 2.28m and 3.28m would not result in the death of the hedge as enough foliage-bearing branches would be retained to sustain the life of each tree that makes up the hedge. From my observations of the hedge, I would agree with the recommendations of the Council's arboricultural adviser that the hedge would survive the actions specified within the RN.
30. The Appellants have not provided much evidence to support the grounds of appeal but have provided a lot of details regarding the background to the case, the alleged lack of mediation, and have made comments regarding the way in which the Council has dealt with the complaint. The appellants also state that the front hedge was never part of any discussions between the parties and should not have been included on the complaint form as no effort had been made to resolve the matter before involving the Council. I have considered the hedge owner's concerns about loss of privacy, but in my opinion the actions specified in the RN leaving a hedge with a height of 3.3m would continue to provide a good level of privacy to the appellants.
31. As with the RN for the rear hedge, I have noted that the RN is internally inconsistent in that the initial action and the preventative action are the same and do not allow a buffer for the hedge to grow. Secondly, the two steps of the preventative action are inconsistent with each other. In this instance I am satisfied that I can deal with these issues by correcting the wording of the RN without causing injustice to either party.

Conclusions

32. For the reasons I have outlined above, the height of the front high hedge adversely affects the complainant's enjoyment of their property, and that action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring. Issuing the corrected RN is, therefore, justified in this case. The operative date is the date my decision is issued as set out in Section 73(5) of the 2003 Act.

Overall Conclusions

33. I shall dismiss Appeal A and correct the issued RN subject to a revised operative date. This RN corrects, and supersedes, the remedial notice dated 16 January 2024 issued by Carmarthenshire County Council under Section 69 of the 2003 Act.

34. I shall dismiss Appeal B and correct the issued RN subject to a revised operative date. This RN corrects, and supersedes, the remedial notice dated 16 January 2024 issued by Carmarthenshire County Council under Section 69 of the 2003 Act.

R Duggan

INSPECTOR



CORRECTED REMEDIAL NOTICE

[Ref ENF/01277/Rear Hedge] Appeal A

IMPORTANT – THIS NOTICE AFFECTS THE PROPERTY AT

8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

ANTI-SOCIAL BEHAVIOUR ACT 2003

PART 8: HIGH HEDGES

REMEDIAL NOTICE

CORRECTED BY: Richard Duggan BSc (Hons) DipTP MRTPI

An Inspector appointed by the Welsh Ministers, under Section 72(3) of the above Act

1. THE NOTICE

This notice is sent under Section 73 of the Anti-social Behaviour Act 2003 and corrects, and supersedes, the remedial notice dated 19 January 2021 issued by Carmarthenshire County Council under Section 69 of the 2003 Act pursuant to a complaint about the high hedge specified in this notice.

The notice is sent because it has been decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at 7 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and that the action specified in this notice should be taken to remedy the adverse effect and to prevent its recurrence.

2. THE HEDGE TO WHICH THE NOTICE RELATES

The hedge is on land at 8 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and is situated along the boundary shared with 7 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and marked red on the attached plan.

3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE

Initial Action

I require the following steps to be taken in relation to the hedge before the end of the period specified in paragraph 4 below:

reduce the hedge marked red on the attached plan so that at no time does it exceed a height of 4.0 metres above ground level.

Preventative Action

Following the end of the period specified in paragraph 4 below, I require the following steps to be taken in relation to the hedge:

maintain the hedge marked red on the attached plan so that at no time does it exceed a height of 4.6 metres above ground level.

4. TIME FOR COMPLIANCE

The initial action specified in paragraph 3 above to be complied with in full within 2 months of the date specified in paragraph 5 of this Notice

5. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the date my decision is issued

6. FAILURE TO COMPLY WITH THE NOTICE

Failure by any person who, at the relevant time, is an owner or occupier of the land where the hedge specified in paragraph 2 above is situated:

a. to take action in accordance with the Initial Action specified in paragraph 3 within the period specified in paragraph 4; or

b. to take action in accordance with the Preventative Action specified in paragraph 3 by any time stated there,

may result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Signed: *R Duggan*

Dated: [INSERT DATE]

Informative It is recommended that:

All works should be carried out in accordance with good arboricultural practice, advice on which can be found in BS 3998: 'Recommendations for Tree Work'.

It is recommended that skilled contractors are employed to carry out this specialist work. For a list of approved contractors to carry out works on trees and hedges, see the Arboricultural Association's website at www.trees.org.uk.

In taking action specified in this Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act 1981. This includes birds and bats that nest or roost in trees



Penderfyniadau Cynllunio ac Amgylchedd **Cymru**
Planning & Environment Decisions **Wales**

Plan

This is the plan referred to in the Remedial Notice and attached to the decision dated: **[INSERT DATE]**

Issued by R H Duggan BSc (Hons) DipTP MRTPI

Land at: 8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

Reference: CAS-03261-F0M9F3

Remedial Notice Plan ENF/01277/Rear Hedge

Plan not to scale





CORRECTED REMEDIAL NOTICE

[Ref ENF/01277/Front Hedge] Appeal B

IMPORTANT – THIS NOTICE AFFECTS THE PROPERTY AT

8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

ANTI-SOCIAL BEHAVIOUR ACT 2003

PART 8: HIGH HEDGES

REMEDIAL NOTICE

CORRECTED BY: Richard Duggan BSc (Hons) DipTP MRTPI

An Inspector appointed by the Welsh Ministers, under Section 72(3) of the above Act

1. THE NOTICE

This notice is sent under Section 73 of the Anti-social Behaviour Act 2003 and corrects, and supersedes, the remedial notice dated 19 January 2021 issued by Carmarthenshire County Council under Section 69 of the 2003 Act pursuant to a complaint about the high hedge specified in this notice.

The notice is sent because it has been decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at 7 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and that the action specified in this notice should be taken to remedy the adverse effect and to prevent its recurrence.

2. THE HEDGE TO WHICH THE NOTICE RELATES

The hedge is on land at 8 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and is situated along the boundary shared with 7 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and marked red on the attached plan.

3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE

Initial Action

I require the following steps to be taken in relation to the hedge before the end of the period specified in paragraph 4 below:

reduce the hedge marked red on the attached plan so that at no time does it exceed a height of 2.7 metres above ground level.

Preventative Action

Following the end of the period specified in paragraph 4 below, I require the following steps to be taken in relation to the hedge:

maintain the hedge marked red on the attached plan so that at no time does it exceed a height of 3.3 metres above ground level.

4. TIME FOR COMPLIANCE

The initial action specified in paragraph 3 above to be complied with in full within 2 months of the date specified in paragraph 5 of this Notice

5. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the date my decision is issued

6. FAILURE TO COMPLY WITH THE NOTICE

Failure by any person who, at the relevant time, is an owner or occupier of the land where the hedge specified in paragraph 2 above is situated:

a. to take action in accordance with the Initial Action specified in paragraph 3 within the period specified in paragraph 4; or

b. to take action in accordance with the Preventative Action specified in paragraph 3 by any time stated there,

may result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Signed: *R. Duggan*

Dated:

Informative It is recommended that:

All works should be carried out in accordance with good arboricultural practice, advice on which can be found in BS 3998: 'Recommendations for Tree Work'.

It is recommended that skilled contractors are employed to carry out this specialist work. For a list of approved contractors to carry out works on trees and hedges, see the Arboricultural Association's website at www.trees.org.uk.

In taking action specified in this Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act 1981. This includes birds and bats that nest or roost in trees



Plan

This is the plan referred to in the Remedial Notice and attached to the decision dated: **[INSERT DATE]**

Issued by R H Duggan BSc (Hons) DipTP MRTPI

Land at: 8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

Reference: CAS-03406-Z2Z0B4

Remedial Notice Plan ENF/01277/Front Hedge

Plan not to scale



ITEM NO. 7(2)

LLANIDFURCH COMMUNITY COUNCIL	
DATE	30 OCT 2024
FILE REF.	
PASSED TO	POL
ENF-01277 - Decision CAS-03261-F0M9F3 & CAS-03406-Z2Z0B4 - Appeal Dismissed.pdf	

Carol Lloyd

From: Planning Appeals <planningappeals@carmarthenshire.gov.uk>
Sent: 29 October 2024 16:19
To: enquiries
Subject: ENF/01277 - Penderfyniad ar yr Apêl / Appeal Decision - Front Hedge
Attachments: ENF-01277 - Decision CAS-03261-F0M9F3 & CAS-03406-Z2Z0B4 - Appeal Dismissed.pdf

Safle / Site: 8 Clos Dan Y Lan, Llanelli, SA14 8BZ

Datblygu / Development: The Hedge in the front garden running along the northern boundary at 8 Clos Danylan

Cyfeirnod / Reference: CAS-03406-Z2Z0B4

Penderfyniad ar yr Apêl / Appeal Decision: **Dismissed**

Deddf Cynllunio Gwlad a Thref 1990 / Town and Country Planning Act (1990)

Annwyl Syr / Madam

I attach the **Planning and Environment Decision Wales** Appeal decision.

The decision and covering letter can also be viewed on the Appeals Casework Portal:
<https://planningcasework.service.gov.wales>

Cofion | Regards

Tîm Rheoli Datblygu | Development Management Team
 Lle a Chynaliadwyedds - Cynllunio | Place and Sustainability - Planning

E-bost |

Email: planningappeals@carmarthenshire.gov.uk | planningappeals@sirgar.gov.uk

Mae croeso i chi gysylltu â ni yn Gymraeg neu Saesneg
You are welcome to contact us in Welsh or English





Appeal Decision

by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

29.10.2024

Appeal A reference: CAS-03261-F0M9F3

Site address: 8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

- The appeal is made under section 71 of the Anti-social Behaviour Act 2003 [the Act], on the grounds set out in regulation 3(1)(a) and (b) of The High Hedges (Appeals) (Wales) Regulations 2004.
 - The appeal is made by Mr H and Mrs A Williams [the Appellants], the owner of the above site, against a Remedial Notice [RN], dated 16 January 2024, issued by Carmarthenshire County Council [the Council].
 - The complaint [Ref ENF/01277/Rear Hedge] was made dated 13 October 2022, about high hedges [the complaint hedges] at the above site, under Part 8 of the Act.
 - The RN was intended to take effect on 20 February 2024.
 - A site visit was made by the Inspector on 7 October 2024.
-

Appeal B reference: CAS-03406-Z2Z0B4

Site address: 8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

- The appeal is made under section 71 of the Anti-social Behaviour Act 2003 [the Act], on the grounds set out in regulation 3(1)(a) and (b) of The High Hedges (Appeals) (Wales) Regulations 2004.
 - The appeal is made by Mr H and Mrs A Williams [the Appellants], the owner of the above site, against a Remedial Notice [RN], dated 16 January 2024, issued by Carmarthenshire County Council [the Council].
 - The complaint [Ref ENF/01277/Front Hedge] was made dated 13 October 2022, about high hedges [the complaint hedges] at the above site, under Part 8 of the Act.
 - The RN was intended to take effect on 20 February 2024.
 - A site visit was made by the Inspector on 7 October 2024.
-

Decisions

Appeal A – Ref CAS-03261-F0M9F3

1. The appeal is dismissed, and the remedial notice, subject to a revised operative date, is upheld in the corrected form attached.

Appeal B – Ref CAS-03406-Z2Z0B4

2. The appeal is dismissed, and the remedial notice, subject to a revised operative date, is upheld in the corrected form attached.

Preliminary Matters

3. A complaint from the occupiers of No 7 Clos Danylan in respect of two separate hedges located along the front and rear of No 8 Clos Danylan was received by the Council in October 2022. The complainants expressed concerns that, amongst other things, the hedges adjacent to their property limited the amount of sunshine afforded to their property and due to their height and size they have an overbearing impact on the complainants.
4. Following an investigation, the Council decided that the height of the complaint hedges was adversely affecting the complainant's reasonable enjoyment of their property and issued two RN's (one for each hedge) specifying the action that must be taken to the hedges to remedy the adverse effect and to prevent its recurrence. The RNs, which became operative on 20 February 2024, required that remedial works be undertaken within 2 calendar months. The compliance period for the remedial works therefore ended on 20 April 2024.
5. The hedge owner has appealed against both RNs. Therefore, there are two appeals at the site relating to the two notices issued by the Council under the references ENF/01277/Rear Hedge and ENF/01277/Front Hedge. Whilst I shall consider each appeal on its own individual merits, to avoid duplication, I will deal with both appeals together in this single document, albeit with separate formal decisions.
6. At the site visit I was accompanied by the Appellants, the complainant and officers of the Council. All parties entered each other's land and measurements were taken and agreed. I also observed the hedges from inside No's 7 and 8 on my own.

Main Issues

7. The main issues are; whether the high hedges adversely affect the complainant's enjoyment of their property, and if so, whether any action should be taken in relation to the high hedges to remedy the adverse effects on the complainant's enjoyment of their property or prevent the effect recurring.

Reasons

Appeal A – Ref CAS-03261-F0M9F3 (Rear Hedge)

8. This appeal relates to a complaint hedge situated on the northern rear boundary of the appellant's property of No. 8 Clos Danylan and adjacent to the southern boundary of the complainant's property, No. 7 Clos Danylan. The hedge comprises of 7 mature Leylandi Cypress trees approximately 9 - 10m in height and which extends to approximately 10m in length. I saw that the height of the hedge is cited at approximately 1 – 1.5m higher than the ground level of the complainant's property.
9. The Council issued a RN on the hedge owner requiring that the complaint hedge be cut to a height not exceeding 4.0m [initial action] above ground level and that the hedge be maintained so that at no time it exceeds a height of 4.6m [preventative action] above ground level.

10. The appellant's who own the hedge have appealed the RN. The appeal is based on the grounds that the height of the high hedge does not adversely affect the complainant's enjoyment of their property, and that no action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring. The complainant has not appealed the RN.
11. Section 65(1)(b) of the Act indicates that complainants have to show that their reasonable enjoyment of their domestic property is being adversely affected by the height of a high hedge. The Welsh Assembly Government's High Hedges Complaints System: Guidance [HHG] [paragraph 4.40] indicates that the reference to reasonable enjoyment requires an assessment of the impact of the hedge on the enjoyment that a reasonable person might expect from their home and garden, thereby introducing a degree of objectivity to the decision-making process.
12. HHG [paragraphs 5.77 and 5.82] refer to further guidance in the Building Research Establishment's Hedge height and light loss [HHLL], which includes the recommended methodology to be used to assess the impact of the complaint hedge in relation to daylight and sunlight to windows and garden of a neighbouring property. This involves the concept of an action hedge height [AHH] above which a hedge is likely to block too much light. It includes methods of calculating whether a hedge is likely to result in an unreasonable loss of light to a main room in a dwelling or cause a significant loss of light to a nearby garden. It requires the use of the lowest AHH, as calculated for the relevant window and the garden.
13. The Council's AHH using the objective means of assessing whether a hedge is obstructing light in accordance with HHLL was 7.20m for the windows and 1.14m for the garden. The minimum AHH is 2m as a high hedge is defined in the Act as a hedge which rises to a height of more than two metres above ground level under section 66(1), and in formulating the RN, the Council considered arboriculture advice as to the extent the complaint hedge could be cut and then survive.
14. HHG [paragraphs 5.78 and 5.83] explains that a hedge that is taller than the height derived from the BRE guidelines is likely to result in an unreasonable loss of light to windows or a garden and so have an adverse effect on someone's reasonable enjoyment of their property. The AHH in this case is significantly below the height of the hedge which has a range of heights from approximately 8m to 9m.
15. I saw that the closest rear habitable windows of No. 7 suffer from reduced levels of light as a result of the hedge, and that the southern-most part of the garden suffers from a significant loss of light, and I was able to observe at the time of my site visit the restrictive impact the hedge has on outlook within and outside the property. I have taken into account the fact that No's 7 and 8 are built on land significantly below the level of houses to the east and there are large mature trees along the rear boundaries of those properties, and that these features already cast some shade over the complainant's property during the morning hours. However, the scale, density and proximity of the complaint hedge to No. 7 provides a visually dominating and overbearing presence which significantly reduces the amount of daylight entering the rear habitable rooms and garden, compounded by the fact that the ground level of No 7 is approximately 1 – 1.5m below that of No. 8. This leads me to conclude that the hedge significantly prevents the reasonable enjoyment of the garden and property. Therefore, I consider the reasons put forward for issuing the RN are reasonable in all respects and that action should be taken to reduce the height of the complaint hedge to address the harm caused to the complainant.
16. The RN specifies a reduction of the high hedge to 4.0m and the preventative action sets a height limit of 4.6m for the future maintenance of the hedge.

17. Section 69(3) of the Act prevents action specified in a RN from ordering works that involve the hedge's removal. Welsh Assembly Government's letter 1 June 2006 Clarification of Guidance relating to Remedial Works, ref A-PAA 08-21-018 [CGRW] issued clarification on Section 69(3). It re-iterates the view that works that would result in the death or destruction of the hedge amount to the same as removing it and so are not permitted under the Act. It advises that arboriculture advice be obtained when framing the requirements of a remedial notice and refers to HHG [paragraph 6.24]. CGRW goes on to state that local authorities might be prevented from requiring action to the hedge that would provide a full remedy to the problems identified.
18. The arboriculture advice which framed the RN requirements advised against cutting the complaint hedge to between 1.13m and 2.13m as this would likely result in the death of the hedge due to an insufficient number of foliage-bearing branches would be retained to sustain the life of each tree that makes up the hedge. Instead, the arboricultural report advocated that the hedge should not be cut below 4.0m. Therefore, a height of 4.0m was stated within the RN.
19. From my observations of the hedge, I would agree that an initial cut between 1.13m and 2.13m in height would undermine the hedge's ability to survive contrary to CGRW. However, an initial cut of 4.0m as specified within the RN would leave sufficient amount of foliage to safeguard the health of the complaint hedge, and a preventative action of 4.6m would then allow an appropriate growth margin for the complaint hedge to be maintained at this height.
20. It is very likely that even at 4.6m the hedge would continue to cause an adverse impact on the reasonable enjoyment of the complainant's property, and that the action specified within the RN, and recommended by the arboricultural advice, would only go some way towards mitigating the impact and considering the health and vitality of the complaint hedge. CGRW is clear that having taken arboriculture advice the decision maker might be prevented from requiring action to the hedge that would provide a full remedy to the problems identified. I consider that this is the situation in this case.
21. The Appellants have not provided much evidence to support the grounds of appeal but have provided a lot of details regarding the background to the case, the alleged lack of mediation, and have made comments regarding the way in which the Council has dealt with the complaint. I have considered the hedge owner's concerns about loss of privacy, but in my opinion the actions specified in the RN leaving a hedge with a height of 4.6m would not significantly change that sense of seclusion and privacy to the occupiers of both No. 7 and No. 8 Clos Danylan.
22. Notwithstanding the above, I have noted that the RN is internally inconsistent in that the initial action and the preventative action are the same and do not allow a buffer for the hedge to grow. Secondly, the two steps of the preventative action are inconsistent with each other. In this instance I am satisfied that I can deal with these issues by correcting the wording of the RN without causing injustice to either party.

Conclusions

23. For the reasons I have outlined above, I conclude that the height of the rear high hedge adversely affects the complainant's enjoyment of their property, and that action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring. Issuing the corrected RN is, therefore, justified in this case. The operative date is the date my decision is issued as set out in Section 73(5) of the 2003 Act.

Appeal B – Ref CAS-03406-Z2Z0B4 (Front Hedge)

24. This appeal relates to a complaint hedge situated to the front of the appellants property and lies along the boundary between the drives of No's 7 and 8 Clos Danylan. The hedge comprises of mature Leylandi Cypress trees approximately 5.0 – 5.9m in height and extends to approximately 9m in length.
25. The Council issued a RN on the hedge owner requiring that the complaint hedge be cut to a height not exceeding 2.7m [initial action] above ground level and that the hedge be maintained so that at no time it exceeds a height of 3.3m [preventative action] above ground level.
26. The appellant who owns the hedge has appealed the RN. The appeal is based on the grounds that the height of the high hedge does not adversely affect the complainant's enjoyment of their property, and that no action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring. The complainant has not appealed the RN.
27. The Council's AHH using the objective means of assessing whether a hedge is obstructing light in accordance with HHLL was 3.28m for the garden. HHG [paragraph 5.83] explains that a hedge that is taller than the height derived from the BRE guidelines is likely to result in an unreasonable loss of light to a garden and so have an adverse effect on someone's reasonable enjoyment of their property. The AHH in this case is significantly below the height of the hedge.
28. Having viewed the front hedge from within the complainant's property and from various points in the front garden I consider that the scale and proximity of the complaint hedge to No. 7 provides a visually dominating and overbearing presence and reduces the level of sunlight covering the front garden, and thus prevents the reasonable enjoyment of the garden. Therefore, I consider the reasons put forward for issuing the RN are reasonable and that action should be taken to reduce the height of the complaint hedge to address the harm caused to the complainant.
29. The RN specifies a reduction of the high hedge to 2.7m and the preventative action sets a height limit of 3.3m for the future maintenance of the hedge. The arboriculture advice which framed the RN requirements advised that cutting the complaint hedge to between 2.28m and 3.28m would not result in the death of the hedge as enough foliage-bearing branches would be retained to sustain the life of each tree that makes up the hedge. From my observations of the hedge, I would agree with the recommendations of the Council's arboricultural adviser that the hedge would survive the actions specified within the RN.
30. The Appellants have not provided much evidence to support the grounds of appeal but have provided a lot of details regarding the background to the case, the alleged lack of mediation, and have made comments regarding the way in which the Council has dealt with the complaint. The appellants also state that the front hedge was never part of any discussions between the parties and should not have been included on the complaint form as no effort had been made to resolve the matter before involving the Council. I have considered the hedge owner's concerns about loss of privacy, but in my opinion the actions specified in the RN leaving a hedge with a height of 3.3m would continue to provide a good level of privacy to the appellants.
31. As with the RN for the rear hedge, I have noted that the RN is internally inconsistent in that the initial action and the preventative action are the same and do not allow a buffer for the hedge to grow. Secondly, the two steps of the preventative action are inconsistent with each other. In this instance I am satisfied that I can deal with these issues by correcting the wording of the RN without causing injustice to either party.

Conclusions

32. For the reasons I have outlined above, the height of the front high hedge adversely affects the complainant's enjoyment of their property, and that action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring. Issuing the corrected RN is, therefore, justified in this case. The operative date is the date my decision is issued as set out in Section 73(5) of the 2003 Act.

Overall Conclusions

33. I shall dismiss Appeal A and correct the issued RN subject to a revised operative date. This RN corrects, and supersedes, the remedial notice dated 16 January 2024 issued by Carmarthenshire County Council under Section 69 of the 2003 Act.

34. I shall dismiss Appeal B and correct the issued RN subject to a revised operative date. This RN corrects, and supersedes, the remedial notice dated 16 January 2024 issued by Carmarthenshire County Council under Section 69 of the 2003 Act.

R Duggan

INSPECTOR



CORRECTED REMEDIAL NOTICE

[Ref ENF/01277/Rear Hedge] Appeal A

IMPORTANT – THIS NOTICE AFFECTS THE PROPERTY AT

8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

ANTI-SOCIAL BEHAVIOUR ACT 2003

PART 8: HIGH HEDGES

REMEDIAL NOTICE

CORRECTED BY: Richard Duggan BSc (Hons) DipTP MRTPI

An Inspector appointed by the Welsh Ministers, under Section 72(3) of the above Act

1. THE NOTICE

This notice is sent under Section 73 of the Anti-social Behaviour Act 2003 and corrects, and supersedes, the remedial notice dated 19 January 2021 issued by Carmarthenshire County Council under Section 69 of the 2003 Act pursuant to a complaint about the high hedge specified in this notice.

The notice is sent because it has been decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at 7 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and that the action specified in this notice should be taken to remedy the adverse effect and to prevent its recurrence.

2. THE HEDGE TO WHICH THE NOTICE RELATES

The hedge is on land at 8 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and is situated along the boundary shared with 7 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and marked red on the attached plan.

3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE

Initial Action

I require the following steps to be taken in relation to the hedge before the end of the period specified in paragraph 4 below:

reduce the hedge marked red on the attached plan so that at no time does it exceed a height of 4.0 metres above ground level.

Preventative Action

Following the end of the period specified in paragraph 4 below, I require the following steps to be taken in relation to the hedge:

maintain the hedge marked red on the attached plan so that at no time does it exceed a height of 4.6 metres above ground level.

4. TIME FOR COMPLIANCE

The initial action specified in paragraph 3 above to be complied with in full within 2 months of the date specified in paragraph 5 of this Notice

5. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the date my decision is issued

6. FAILURE TO COMPLY WITH THE NOTICE

Failure by any person who, at the relevant time, is an owner or occupier of the land where the hedge specified in paragraph 2 above is situated:

a. to take action in accordance with the Initial Action specified in paragraph 3 within the period specified in paragraph 4; or

b. to take action in accordance with the Preventative Action specified in paragraph 3 by any time stated there,

may result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Signed: *R Duggan*

Dated: [INSERT DATE]

Informative It is recommended that:

All works should be carried out in accordance with good arboricultural practice, advice on which can be found in BS 3998: 'Recommendations for Tree Work'.

It is recommended that skilled contractors are employed to carry out this specialist work. For a list of approved contractors to carry out works on trees and hedges, see the Arboricultural Association's website at www.trees.org.uk.

In taking action specified in this Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act 1981. This includes birds and bats that nest or roost in trees



Penderfyniadau Cynllunio ac Amgylchedd **Cymru**
Planning & Environment Decisions **Wales**

Plan

This is the plan referred to in the Remedial Notice and attached to the decision dated: **[INSERT DATE]**

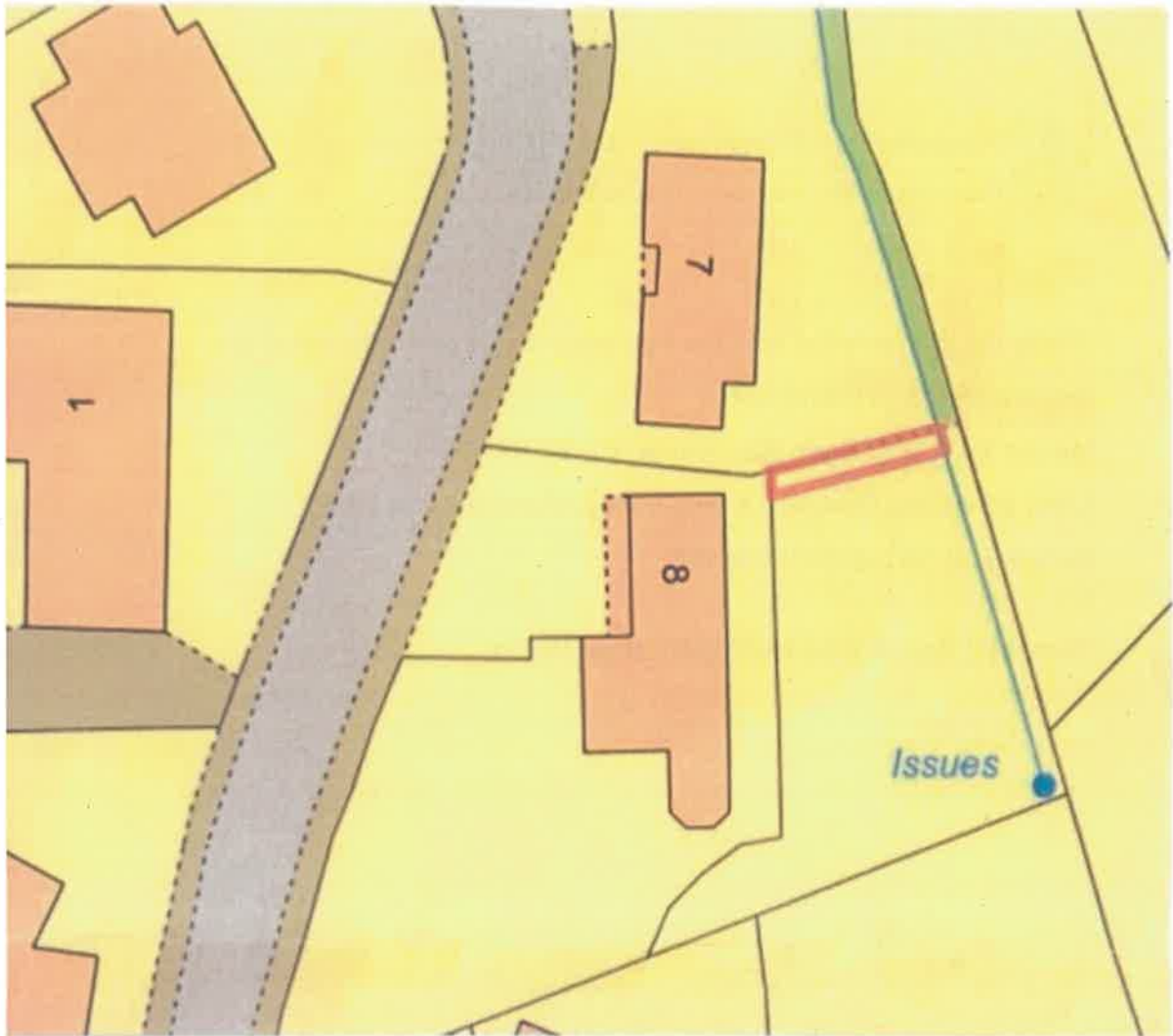
Issued by R H Duggan BSc (Hons) DipTP MRTPI

Land at: 8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

Reference: CAS-03261-F0M9F3

Remedial Notice Plan ENF/01277/Rear Hedge

Plan not to scale





CORRECTED REMEDIAL NOTICE

[Ref ENF/01277/Front Hedge] Appeal B

IMPORTANT – THIS NOTICE AFFECTS THE PROPERTY AT

8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

ANTI-SOCIAL BEHAVIOUR ACT 2003

PART 8: HIGH HEDGES

REMEDIAL NOTICE

CORRECTED BY: Richard Duggan BSc (Hons) DipTP MRTPI

An Inspector appointed by the Welsh Ministers, under Section 72(3) of the above Act

1. THE NOTICE

This notice is sent under Section 73 of the Anti-social Behaviour Act 2003 and corrects, and supersedes, the remedial notice dated 19 January 2021 issued by Carmarthenshire County Council under Section 69 of the 2003 Act pursuant to a complaint about the high hedge specified in this notice.

The notice is sent because it has been decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at 7 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and that the action specified in this notice should be taken to remedy the adverse effect and to prevent its recurrence.

2. THE HEDGE TO WHICH THE NOTICE RELATES

The hedge is on land at 8 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and is situated along the boundary shared with 7 Clos Danylan, Swiss Valley, Llanelli, SA14 8BZ and marked red on the attached plan.

3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE

Initial Action

I require the following steps to be taken in relation to the hedge before the end of the period specified in paragraph 4 below:

reduce the hedge marked red on the attached plan so that at no time does it exceed a height of 2.7 metres above ground level.

Preventative Action

Following the end of the period specified in paragraph 4 below, I require the following steps to be taken in relation to the hedge:

maintain the hedge marked red on the attached plan so that at no time does it exceed a height of 3.3 metres above ground level.

4. TIME FOR COMPLIANCE

The initial action specified in paragraph 3 above to be complied with in full within 2 months of the date specified in paragraph 5 of this Notice

5. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the date my decision is issued

6. FAILURE TO COMPLY WITH THE NOTICE

Failure by any person who, at the relevant time, is an owner or occupier of the land where the hedge specified in paragraph 2 above is situated:

- a. to take action in accordance with the Initial Action specified in paragraph 3 within the period specified in paragraph 4; or
- b. to take action in accordance with the Preventative Action specified in paragraph 3 by any time stated there,

may result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Signed: *R Duggan*

Dated:

Informative It is recommended that:

All works should be carried out in accordance with good arboricultural practice, advice on which can be found in BS 3998: 'Recommendations for Tree Work'.

It is recommended that skilled contractors are employed to carry out this specialist work. For a list of approved contractors to carry out works on trees and hedges, see the Arboricultural Association's website at www.trees.org.uk.

In taking action specified in this Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act 1981. This includes birds and bats that nest or roost in trees



Plan

This is the plan referred to in the Remedial Notice and attached to the decision dated: **[INSERT DATE]**

Issued by R H Duggan BSc (Hons) DipTP MRTPI

Land at: 8 Clos Danylan, Swiss Valley, Llanelli SA14 8BZ

Reference: CAS-03406-Z2Z0B4

Remedial Notice Plan ENF/01277/Front Hedge

Plan not to scale



Carol Lloyd

Subject: FW: CAS-03272-F0F6Y7 2 Hill Top, Llanelli SA14 8DF PL/06834
Attachments: 2024-11-18 - Penderfyniad CAS-03268-H2K1J3 and CAS-03272-F0F6Y7.pdf;
2024-11-18 - Decision CAS-03268-H2K1J3 & CAS-03272-F0F6Y7.pdf; 2024-11-18 -
Feedback Complaints and Challenges - Planning and Environment Decisions
Wales.pdf

From: PEDW.Casework@gov.wales [mailto:PEDW.Casework@gov.wales]

Sent: 18 November 2024 10:41

Subject: CAS-03272-F0F6Y7 2 Hill Top, Llanelli SA14 8DF PL/06834

Annwyl Syr/Madam, / Dear Sir/Madam,

Amgaeaf benderfyniad yr Arolygydd ar yr apêl uchod. / I enclose the Inspector's decision on the
above appeal.

Cofion / Regards

Paul Wheeler

Cymorth Busnes / Business Support

**Penderfyniadau Cynllunio ac Amgylchedd Cymru / Planning and Environment Decisions
Wales**

Llywodraeth Cymru / Welsh Government

CP2, Parc Cathays, Caerdydd, CF10 3NQ / CP2, Cathays Park, Cardiff, CF10 3NQ

Ffôn / Phone: 03001231590

E-bost / E-mail: Paul.Wheeler@llyw.cymru / Paul.Wheeler@gov.wales



Appeal Decision

by R Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18-11-2024

Appeal A reference: CAS-03268-H2K1J3

Site address: 2 Hill Top, Llanelli SA14 8DF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Lee Roblin against the decision of Carmarthenshire County Council.
 - The application Ref: PL/06920, dated 24 November 2023, was refused by notice dated 31 January 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is described on the application form as 'Use of No 2 Hill Top for up to 6 people as a single dwelling receiving care (Class C3(b))'.
-

Appeal B reference: CAS-03272-F0F6Y7

Site address: 2 Hill Top, Llanelli SA14 8DF

- 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 Mr Lee Roblin against the decision of Carmarthenshire County Council.
 - The application Ref PL/06834, dated 7 November 2023, was refused by notice dated 31 January 2024.
 - The development proposed is described as 'Change of use from residential (Class C3) to children's home (Class C2)
 - A site visit was made on 7 October 2024.
-

Decisions

Appeal A – Ref CAS-03268-H2K1J3

1. The appeal is allowed and attached to this decision is a certificate of lawful use describing the proposed use which is considered to be lawful.

Appeal B – Ref CAS-03272-F0F6Y7

2. The appeal is dismissed insofar as it relates to the 1.8m timber boundary fence. The appeal is allowed, however, insofar as it relates to the remainder of the application and planning permission is granted for the change of use from residential (Class C3) to children's home (Class C2) at 2 Hill Top, Llanelli SA14 8DF in accordance with the terms of the application Ref: PL/06834, dated 7 November 2023, subject to the conditions set out in the attached schedule.

Preliminary Matters and Context

3. There are two appeals at the appeal site. Appeal A relates to an application lodged under Section 192(1)(a) of the above Act, the provisions of which enable a person to ascertain whether the proposed use of buildings or other land is lawful. Meanwhile, Appeal B is a planning appeal lodged under Section 78 of the Act.
4. The main issue under Appeal A is whether the Council's decision not to issue a Lawful Development Certificate (LDC) was well-founded. The description of the proposal on the application form and repeated on the appeal form asks the question of whether the proposed use of No 2 Hill Top for up to 6 people as a single dwelling receiving care in line with the provisions of class C3(b) of the Town and Country Planning (Use Classes) Order (UCO) 1987 (as amended) would be lawful. I shall determine the appeal on this basis. However, I note there is some contradiction with this question and the arguments being presented within the planning statement and appeal statement which suggest that what the appellant envisages may be a use falling under class C2 of the UCO, but that question is not before me in determining Appeal A. In any event, insufficient evidence has been provided on the actual use that the appellant envisages to establish whether it falls within class C3 or C2.
5. The main issues in the determination of Appeal B are: the effect of the proposed change of use upon the character and appearance of the street scene and on highway safety.

Reasons

Appeal A – Ref CAS-03268-H2K1J3

6. There is no dispute that the lawful use of No. 2 Hilltop is within Class C3(a) of the UCO, a dwellinghouse (whether or not as a sole or main residence) by a single person or by people to be regarded as forming a single household. Class C3(b) is the use as a dwellinghouse (as a sole or main residence) by not more than six residents living together as a single household where care is provided for residents.
7. Whilst there is dispute between the appellant and the Council as to whether the use that the appellant has outlined in his submissions falls within class C3 or C2, the question before me is whether a class C3(b) use at the appeal property would be lawful. As the existing use and a C3(b) use fall within the same (class C3 of the UCO) it is clear that such a use would be lawful.

Conclusion

8. For these reasons, I conclude that the Council's decision not to grant a LDC was not well-founded and that the appeal should be allowed. I will exercise the powers transferred to me under section 195(2) of the Act as amended.

Appeal B – Ref CAS-03272-F0F6Y7

Character and Appearance

9. The appeal property is a detached dormer bungalow situated on a prominent corner plot fronting onto Hill Top and its side elevation fronting onto Oaklands. The current boundary treatment is made up of a low stone wall and pillars. As part of the change of use of the property it is proposed to erect a 1.8m close boarded timber fence to enclose the front and side garden areas which would extend along much of the Hill Top frontage and extending along the boundary fronting Oaklands and then turn the corner extending along the party boundary with its neighbour at No. 8 Oaklands.
10. I saw from my site visit that the boundary treatments within this residential area are relatively uniform and consist of low brick or stone walls and low hedges, and the frontages of houses are typically open, or at least only semi-enclosed.
11. By reason of its location on the junction, No.2 has a relatively wide frontage and by entirely enclosing the front garden at a height of 1.8m, the fence would appear an unduly dominant and incongruous addition to the street scene. Due to the site's prominent corner location the physical enclosure of this open area of garden would be at odds with the coherent and relatively minimalist boundary treatments found on other frontages that are in the vicinity of the site. The fence would present an enclosed frontage to passers-by which contrasts markedly with the sense of space that characterises the frontages of nearby dwellings and those found within the overall area. Consequently, the boundary treatment being proposed would be seen as a dominant feature that would appreciably harm the character and appearance of the street scene in conflict with Policy GP1 of the Adopted Carmarthenshire Local Development Plan (LDP) 2014. As this element of the scheme can be clearly severed from the remainder of the development it is possible for me to separate them in my decision and refuse permission for the 1.8m high timber boundary fence.
12. Local residents have raised concerns regarding the safety of future residents playing in the front garden without a secure fence. Whilst I understand these concerns and the health safety and welfare of children is of paramount importance, this would be a day-to-day management issue to be addressed by the resident adults/carers within the property.
13. The Council has not made any submission and or raised any further concerns at the appeal stage in relation to the proposed use of the property, and I am content that the use does not raise any concerns in relation to this main issue.

Highway Safety

14. The proposed layout plan shows the provision of four off-street parking spaces within the frontage. The appellant states that the property is located in a highly sustainable location and would be occupied by a maximum of 4 children and 2 members of staff at any one time. Therefore, the proposal would generate a similar parking demand to the existing residential use.
15. In the event that all spaces are taken up I acknowledge there may be instances where there may be insufficient turning and manoeuvring space within the site, and there is the potential for users of the parking spaces to undertake manoeuvres in the highway. However, this is not an unusual situation within this residential area where cars need to either reverse out from their driveways onto the highway or stop in the highway and reverse back into their properties. At the time of my visit around 11.30am I also found Hill Top a quiet residential area where I observed cars moving at low speed and where

vehicles manoeuvring from driveways and within the road is expected, and extra care therein taken.

16. A house of this size could easily accommodate a typical family with 2, 3 or more children and 2 adults and it seems to me that the use of the house as a home for a maximum of 4 young people and their carers would not be much different from the current use as a family home. It is likely that there would be vehicle movements created by the carers coming to and leaving the site on a daily basis and journeys undertaken by the children when being taken to and from school. Nevertheless, I do not consider that the number of such movements is likely to be significantly more than those undertaken by a family and certainly not enough to result in an intensification of use that would give rise to planning concerns.
17. The Council is also concerned that the erection of the 1.8m fence would impact the visibility at the access to the site. However, I have refused permission for the fence, and I shall impose a condition suggested by the Council requiring the creation of a suitable visibility splay prior to the use of the access, and this should overcome the concerns of the Council in this regard.
18. Whilst I note the concerns of local residents, for the reasons given I find that the proposed development would not unduly put the safety of either pedestrians or road users at risk. No other evidence has been provided by the Council at the appeal stage to show that the appeal site would be particularly susceptible to highway safety issues if planning permission was granted. Consequently, there would be no conflict with Policies TR3 and GP1 of the LDP because the development would not result in an unacceptable impact on highway safety.

Other matters

19. The Council's second reason for refusal infers that the residential dwelling does not appear capable of the conversion to a residential care facility. However, the Council has not provided any further information or any evidence to support this assertion at the appeal stage. Therefore, I am unable to assess this part of the Council's reason for refusing the scheme.
20. Concerns have been raised that the garage at the property has been changed in breach of a planning condition attached to a previous planning permission. I have determined this appeal based on the description of the development set out on the application forms and the plans that accompanied that application. Any planning enforcement issues relating to breaches of planning permission are not matters for me to take into account within this appeal.
21. Concerned residents have also cited potential problems with the behaviour of the residents living at the property leading to anti-social behaviour, the security of schoolchildren and whether the housing estate can cater for the needs of the future residents. However, such concerns are unfounded, and no evidence has been provided to support such concerns.

Conditions

22. Guidance in relation to the use of conditions is set out in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. The Council has put forward suggested conditions, and those that meet the relevant tests are set out, with reasons, in the schedule of conditions. I have adjusted the wording of some of the conditions in the interest of clarity and precision.

Conclusion

23. I have taken into account all matters raised by the Council and other interested parties in objecting to the development, and I conclude that the appeal should be dismissed insofar as it relates to the 1.8m boundary fence, but I shall allow the appeal and grant permission for the Change of use from residential (Class C3) to children's home (Class C2) subject to the schedule of conditions attached to this decision.
24. In reaching my decision, 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 this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives.

R. Duggan

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than five years from the date of this decision.
Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following plans:
Amended Proposed Site Layout Plan [06B]; Existing Ground Floor Plan [01]; Existing First Floor Plan [02]; Proposed Ground Floor Plan [03]; Block and Location Plans [05] Proposed First Floor Plan [04]; Planning Statement – Received 7 December 2023.
Reason: To ensure the development is carried out in accordance with the approved plans.
- 3) Prior to any use of the access by vehicular traffic, a visibility splay of 2.0 metres x 22 metres shall be formed either side of the centre line of the access in relation to the nearer edge of carriageway. The visibility splay shall be retained in perpetuity.
Reason: In the interests of highway safety and amenity and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.
- 4) Prior to the commencement of the use hereby approved, a scheme for the parking and turning of vehicles to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained, unobstructed, for the purpose of parking and turning of vehicles in perpetuity.
Reason: In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.
- 5) Within 3 months of the date of this decision a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the local planning authority.
Development shall be carried out in accordance with the approved details.
Reason: To safeguard and enhance biodiversity in accordance with LDP Policy EQ4 and paragraph 6.4.5 of Planning Policy Wales Edition 12, February 2024.



Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 (as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012: ARTICLE 28

IT IS HEREBY CERTIFIED that on the 24 November 2023, the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The existing use of the dwelling within class C3(a) and the proposed use within class C3(b) fall within the same class C3 of the UCO.

Signed

R. Duggan

INSPECTOR

Date 18-11-2024

Reference: CAS-03268-H2K1J3

First Schedule

The use of No 2 Hill Top for up to 6 people as a single dwelling receiving care class C3(b)

Second Schedule

2 Hill Top, Llanelli SA14 8DF

NOTES

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule is lawful, on the certified date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use / operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 18-11-2024

by R Duggan BSc (Hons) DipTP MRTPI

At: 2 Hill Top, Llanelli SA14 8DF

Reference: CAS-03268-H2K1J3

Scale: not to scale



Feedback, Complaints and Challenges - Planning and Environment Decisions Wales

1. Feedback

1.1. We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us.

1.2. We appreciate that many of our customers will not be experts on the planning system and for some it will be their one and only experience of it. We consider that your opinions are important and realise that they may be strongly- held.

1.3. All correspondence we receive after the appeal decision is issued is handled by the Quality Team which ensures that all comments are considered and complaints are investigated thoroughly and impartially. We will reply as soon as possible in clear, straightforward language, avoiding jargon and complicated legal terms. It should be noted that correspondence received without sufficient contact information may not be responded to. It is therefore prudent to ensure that you provide the Inspectorate with a name and contact details when providing your feedback.

1.4. You can contact us in any of the ways below.

- You can get in touch on 03001231590 if you want to make your complaint over the phone.
- You can e-mail us at PEDW.Complaints@gov.wales
- You can write a letter to us at the following address:
Planning and Environment Decisions Wales
Welsh Government
Cathays Park
Cardiff
CF31 3NQ

Whilst we are happy to talk to people on the phone, where there are a number of issues to relay you may find it easier to put these in writing setting out the points clearly. We will acknowledge your correspondence, advise you who is dealing with it and provide you with a timescale for replying. We aim to reply to 80% of all correspondence within 20 working days.

Appeal “Allowed” or “Dismissed

1.5. In planning appeals (under section 78 of the Town and Country Planning Act 1990) ‘Allowed’ means that planning permission has been granted, ‘Dismissed’ means that it has not. In enforcement appeals (under section.174), ‘Upheld’ means that the Inspector has rejected the grounds of appeal and the enforcement notice must be complied with; ‘Quashed’ means that the Inspector has agreed with the grounds of appeal and cancelled the enforcement notice.

2. Administrative Complaints

2.1 There may be occasions in which you feel there has been an administrative error during the handling of an appeal and you may well feel the need to complain to us.

How we investigate administrative complaints

2.2. We will acknowledge your complaint upon receipt and move onto investigating any issues raised.

2.3. Complaints regarding any administrative issues are independently investigated by a member of our management team. They are done so impartially and never within the team concerned. Where necessary we will speak to the member of staff concerned.

2.4. Once the investigation is complete we will issue a full response.

What we will do if we have made a mistake

2.5. If, upon completion of an investigation, it is apparent that we have made a mistake then first and foremost we will apologise, we will then take the necessary steps to correct this. Further to which, we will seek for any parties adversely effected to be returned to the position they were in prior to the mistake being made.

3. Complaints about Appeal Decisions

3.1. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision or the way the appeal was handled.

How we investigate post-decision complaints

3.2. It is the job of the Quality Assurance Team to investigate complaints about procedure, decisions or an Inspector's conduct. Inspectors have no further direct involvement in the case once their decision is issued.

3.3. To help with our investigations we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.

3.4. Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to explain things as clearly as possible. Sometimes the appellant, the local planning authority or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

3.5. Once our investigations are complete, we will send a full reply comprehensively responding to all substantive points raised.

3.6. If you consider that our reply has not adequately responded to your concerns, our policy is that a senior manager will review your complaint and send a final reply.

3.7. Sometimes a complaint is not one we can deal with (for example, complaints about how the local planning authority dealt with another similar application), in which case we will explain this and suggest who may be able to deal with the complaint instead.

3.8. Similarly we cannot resolve any issues you may have with the local planning authority about the planning system or the implementation of a planning permission.

3.9. If planning permission is granted, either by the local planning authority at application stage or by the Inspector on appeal, the local planning authority have the sole responsibility for monitoring the implementation of the permission and ensuring that it is in accordance with the plans and any conditions. Planning and Environment Decisions Wales does not have this role.

3.10. If the local planning authority considers that the development does not comply with

the permission they have power to take enforcement action.

What we will do if we have made a mistake

3.11. Although we aim to give the best service possible, there will unfortunately be times when things go wrong and we fail to achieve the high standards we set ourselves. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector or administrative support staff and their line manager will be told that the complaint has been upheld and we will look to see if lessons can be learned from the mistake, such as whether our procedures can be improved or training given, so that similar errors can be avoided in future.

Taking your complaint further

3.12. If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- have been treated unfairly or received a bad service through some failure on the part of the body providing it
- have been disadvantaged personally by a service failure or have been treated unfairly.

2.13. Normally the Ombudsman will not investigate a complaint if there is a legal route you can follow to challenge a decision. The Ombudsman cannot consider the merits of Inspector's appeal decisions, which can only be challenged through the courts (see section 3 for further details).

3.14. The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- phone: 0300 790 0203
- e-mail: ask@ombudsman-wales.org.uk
- the website: <http://www.ombudsman-wales.org.uk>
- writing to: Public Services Ombudsman for Wales 1Ffordd yr Hen Gae, Pencoed CF35 5LJ

Correction of minor errors

3.15. Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued.

3.16. In certain circumstances we are able to make minor changes to the decision under what is known as the 'Slip Rule'. This normally relates to minor errors in the decision such as typing mistakes or minor factual errors that do not affect the reasoning in the decision. For further information please see guidance note 'Correction of Errors under Section 56 of the Planning and Compulsory Purchase Act 2004'.

What we cannot change

3.17. We **cannot change the Inspector's decision**, or re-open the appeal once the decision has been issued. Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision or change the decision reached even if we acknowledge that an error has occurred. This can only be done following a successful High Court challenge (see 'Challenging decisions in the High Court' – below) resulting in the quashing of the original Inspector's decision.

Learning Lessons

3.18. We take your concerns and complaints seriously and try to learn from any mistakes we've made. Complaints and our responses to them are therefore one way of helping us improve the appeals system.

Putting things right

3.19. Where maladministration or an error by Planning and Environment Decisions Wales has led to injustice or hardship, we will try to offer a remedy that returns the complainant to the position they would have been in otherwise. If that is not possible, Planning and Environment Decisions Wales will provide compensation for unnecessary expense incurred as a result of an acknowledged error where there are compelling reasons to do so.

3.20. Planning and Environment Decisions Wales will consider carefully complaints and requests for financial compensation received within 6 months of the date of the error or of any subsequent appeal decision by us related to that error.

3.21. Remedies which may be offered include:

- an apology, explanation, and acknowledgement of responsibility;
- remedial action, which may include reviewing service standards;
- revising published material; revising procedures to prevent the same thing happening again; training or supervising staff; or any combination of these;
- financial compensation for costs incurred as a result of our error.

Frequently asked questions

3.22. *"Why did an appeal succeed when local residents were all against it?"* –

Local views are important but they are likely to be more persuasive

if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds on all of the evidence whether these views justify refusing planning permission.

3.23. *"How can Inspectors know about local feeling or issues if they don't live in the area?"*

– Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the appellant or their agent, the local planning authority or its policies.

However, Inspectors will be aware of policies and local views from the representations people have made on the appeal.

3.24. *"I wrote to you with my views, why didn't the Inspector mention this?"* – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every piece of evidence.

3.25. *"Why did my appeal fail when similar appeals nearby succeeded?"*

– Although two cases may be similar, there will nearly always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits having in mind the particular evidence produced by the parties on that case (which is likely to differ from case to case).

3.26. *"I've just lost my appeal, is there anything else I can do to get my permission?"* –

Perhaps you could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can make a revised application to the local planning authority. Talking to a planning officer about this might help you explore your options.

3.27. *"What can I do if someone is ignoring a planning condition?"* – Planning and Environment Decisions Wales cannot intervene as it is the local planning authority's responsibility to ensure conditions are complied with. You should therefore contact

the local planning authority as it has discretionary powers to take enforcement action if a condition is being ignored.

4. Challenging a decision in the High Court

4.1. **Important Note** - This Note is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person, such as a solicitor, if you intend to proceed or are unsure about any of the guidance in this Note. Further information is available from the Administrative Court (see paragraph 3.14).

4.2. High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly.

4.3. **If you want to challenge a decision in the High Court the challenge must be made:**

- for planning appeals within 42 days (6 weeks) of the date the decision was issued – this period cannot be extended;
- in most enforcement appeals, within 28 days of the date the decision was issued, although the Courts can extend this period if they consider there is good reason to do so.

Grounds for challenging the decision

4.4. A decision cannot be challenged merely because someone disagrees with the Inspector's decision. For a challenge to be successful you would have to satisfy the High Court that the Inspector made an error in law, e.g. misinterpreting or misapplying a policy or failing to take account of an important consideration. If a mistake has been made and the High Court considers it might have affected the outcome of the appeal it will quash the Inspector's decision and return the appeal to Planning and Environment Decisions Wales for re-determination.

Challenges to planning appeal decisions

4.5. These are normally applications under section 288 of the Town & Country Planning Act 1990 to quash decisions on appeals for planning permission (including enforcement appeals allowed under ground (a) or lawful development certificate appeal decisions). For listed building or conservation area consent appeal decisions challenges are made under section 63 of the Planning (Listed Buildings and Conservation Areas) Act

1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

Challenges to enforcement appeal decisions

4.6. Enforcement appeal decisions under all grounds can be challenged under section 289 of the Town & Country Planning Act 1990. For listed building or conservation area enforcement appeal decisions challenges are made under section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under section 289 or section 65 you must first get the permission of the Court. If the Court does not consider that there is an arguable case, it can refuse permission.

Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.

Frequently asked questions

4.7. *"Who can make a challenge?"* – In planning cases, anyone aggrieved by the decision may do so. This can include interested persons as well as appellants and local planning authorities. In enforcement cases, a challenge can only be made by the appellant, the local planning authority or any other person with a legal interest in the land. Other aggrieved people may apply for judicial review by the Courts but they must do this promptly (the Administrative Court can tell you more about how to do this – see 'Further information' below).

4.8. *"How much is it likely to cost me?"* - An administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees – see Further information below). The legal costs involved in preparing and presenting your case in Court can be considerable, and if the challenge fails you will usually have to pay Planning and Environment Decisions Wales's costs as well as your own.

However, if the challenge is successful Planning and Environment Decisions Wales will normally be required to meet your reasonable legal costs.

4.9. *"How long will it take?"* - This can vary considerably. Many challenges are decided within 6 months, some can take longer.

4.10. *"Do I need to get legal advice?"* - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by Planning and Environment Decisions Wales's legal representative.

4.11. *"Will a successful challenge reverse the decision?"* – Not necessarily. The Court can only require Planning and Environment Decisions Wales to reconsider the case and an Inspector may come to the same decision but for different or expanded reasons.

4.12. *"What can I do if my challenge fails?"* - Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

Further information

4.13. Further advice about making a High Court challenge in Wales can be obtained from:

Administrative Court at Cardiff Civil Justice Centre
2 Park Street
Cardiff CF10 1ET

Phone: **02920 376 400**

Website: <http://www.justice.gov.uk/about/hmcts/>

Re-determination following a successful challenge

4.14. Where a challenge is successful, the appeal will be returned to Planning and Environment Decisions Wales for re-determination. We will give all High Court redetermination cases priority status, and they will normally be dealt with quickly, though without prejudicing any party. Planning and Environment Decisions Wales will usually appoint a different Inspector to re-determine the appeal.

4.15. The appeal will usually be decided by either further written representations or an inquiry. We will rarely arrange a hearing even if the original appeal was dealt with this way. We consider that a hearing decision that has been examined and quashed in the formal setting of the

High Court would normally need to be re-determined under the formal inquiry procedure, in order to allow a full examination of the legal issues raised. However, where all parties agree that a hearing would be appropriate we will take this into account when determining the procedure for the re-determined appeal.

4.16. Where the appeal was originally dealt with by written representations, we would normally re-determine it by means of further written representations. However, where there has been a material change in circumstances we may consider this is no longer the most appropriate procedure.

4.17. Where the appeal was originally dealt with by an inquiry, a new one may be held. Where there have been significant changes in circumstances (e.g. new legislation or local or national policies) since the original inquiry or hearing the Inspector would normally allow the submission of further evidence to address these.

Timetable

4.18. For re-determined appeals where the inquiry is expected to last 8 days or more, Planning and Environment Decisions Wales would usually agree a bespoke timetable with the main parties to cover the dates of the inquiry, the submission of evidence and the issue of the decision or submission of the report to the Welsh Ministers, if applicable.

4.19. In other cases we would normally seek to agree dates for an inquiry or hearing in accordance with our standard practice. Where the re-determined case is proceeding by written representations we would normally contact the parties to make arrangements for a further visit, unless it has been agreed that a further visit is unnecessary.

5. Contacting Us

5.1. Planning and Environment Decisions Wales

Planning and Environment Decisions Wales
Welsh Government
Crown Buildings
Cathays Park
Cardiff
CF1 3NQ

Phone: 03001231590

E-mail: PEDW.Complaints@gov.wales

Website: <https://gov.wales/planning-and-environment-decisions-wales/contact-us>

5.2. Public Services Ombudsman for Wales

Public Services Ombudsman for Wales¹
Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Helpline: 0300 790 0203

Website: <http://www.ombudsman.wales>

Email: ask@ombudsman.wales