
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/06/20

gan Mr A Thickett BA(Hons) BTP Dip
RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 03.09.2020

Appeal Decision

Site visit made on 16/06/20

by Mr A Thickett BA(Hons) BTP Dip RSA
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 03.09.2020

Appeal Ref: APP/A6835/C/20/3247468

Site address: Land at Tangnefedd, Afonwen, Flintshire, CH7 5UB

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

- The appeal is made under section 217 of the Town and Country Planning Act 1990.
 - The appeal is made by Ms Tracey Goodfellow and Mr Kevin Pickford against a maintenance of land notice issued by Flintshire County Council.
 - The maintenance of land notice, numbered AJD/190232, was issued on 17 January 2020.
 - The requirements of the notice are:
 1. Remove from the land all unroadworthy vehicles and scrap, vehicle parts including tyres, wheel trims, engines, vehicle body parts and general mechanical paraphernalia including jerry cans and air compressors.
 2. Remove from the land all plumbing pipes, heating unit/boiler, building machinery and building material including mixer, ladders, roof trusses, joists, pre fabricated panels, cladding, Herras fencing, timber, pallets and scaffolding.
 3. Remove from the land all gas bottles, metal stage infrastructure, tarpaulin, filing cabinet and household rubbish.
 - The period for compliance with the requirements is: For 1 above, 2 months after the notice takes effect. For 2 & 3 above, 3 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 217(1)(b, c & d) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed on grounds (b) and (c).
2. The appeal is allowed in part in relation to ground (d) and it is directed that the notice be varied by the deletion in section 4(1) of the phrase '2 months' and its substitution with '6 months' and the deletion in section 4(2) of the phrase '3 months' and its substitution with '6 months' as the periods for compliance. Subject to this variation the notice is upheld.

Reasons

3. Tangnefedd has extensive grounds. The drive to the house runs through a wooded area before opening up to what the appellant describes as a yard to the front of the house. To the rear of the house is another large area of ground and there is also a field to the south east of the house. The site lies in the countryside but immediately to the north is a large commercial premises and to the south Maes Mynan Hall.

4. At the time of my visit, other than the access, almost all this land was used for the storage of vehicles (I counted over 60) and the items described in the notice (1 to 3 above). I lost count of the number of window and door frames and the number and variety of other objects is too long to list. The site looked more like a scrap yard than a residential property.

Ground (b) appeal

5. A ground (b) appeal is made on the basis that the condition of the land is a result of the ordinary course of events from, *'the carrying on of operations or a use of land which is not in contravention of planning control'*. The materials on the site are allegedly stored in relation to: an interest in restoring and working on motor vehicles, the refurbishment of Tangnefedd and staging for music events.
6. I do not consider that keeping around 60 vehicles, in different stages of disrepair and dilapidation, some of which have clearly not moved for a considerable time, can be described as occurring though an ordinary course of events in the use and normal enjoyment of a residential property. Almost half of the vehicles are MG F/MG TF¹. Keeping one or two for spare parts might be reasonable but not the 25 or so I counted.
7. Tangnefedd is a large house but I saw enough window frames to re fit a small street. Further, I saw a number of large frames more suitable for a shop front or commercial premises. The amount of other building related materials stored around the site was also significantly in excess of what could be argued as reasonably necessary to refurbish one house. No details are submitted in relation to the staging for music events but if it is a business activity this raises the question of whether these materials are being stored in breach of planning control.
8. The appellant argues that should it be claimed that a change of use has occurred the use of the site for storage began in 2006 and has been uninterrupted until the present day and, as a consequence, is immune from enforcement action. Neighbouring residents dispute this claim, there is no application for a certificate of Lawfulness of Existing Use or Development before me and insufficient information is submitted to enable me to reach a view.
9. I do not consider that the materials stored is the result of an ordinary course of events for a residential property and the appeal under ground (b) fails.

Ground (c) appeal

10. An appeal on ground (c) is that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting amenity. The appellant argues that many of the items listed in 1 to 3 above are reasonable to have on land associated with a domestic property in a rural area. That may be so but not, in my view, in the quantities I saw on the appeal site. I am not in a position to identify which vehicles the appellant wishes to keep to pursue his interest in restoration.
11. Similarly, I have no idea how many window frames, length of plumbing pipes, amount of scaffolding and other material listed under 2 is reasonably required for the renovation of the house. The appellant argues that the Herras fencing is less than 2m high and as permitted development cannot be removed from the site. A structure can be lawful or permitted development and still be an eyesore and I do not consider that

¹ Manufactured between 2000 and 2005.

requiring all Herras fencing to be removed from the site is an unreasonable requirement. Given that the items in 2 are building materials, I would not expect 'timber' to include logs used for heating the property. Logs are not listed as items that should be removed.

12. The appellant argues that the requirement to remove material from the site is unreasonable as some could be stored in a building. I am sure this could be the case but it is not possible to determine how much or what could be stored within an outbuilding. Nor has the appellant identified any buildings or their capacity.
13. I have some sympathy with the argument that it is not unreasonable to store some of the items listed on a domestic property. However, it is not possible to determine what of the individual items out of the considerable number of vehicles and mass of material it is reasonable and necessary to keep. The appellant does not dispute that the materials on site have an adverse impact on the amenity of the area and the appeal under ground (c) fails.

Ground (d) appeal

14. I appreciate that the Council have sought to negotiate a resolution over many years but such is the amount and variety of material on site I agree that the time given for removal in the notice is not reasonable. I will therefore extend the time for compliance to 6 months for all materials.
15. The appeal under ground (d) succeeds and the notice varied as set out in paragraph 2 above.

Conclusion

16. For the foregoing reasons I find that, other than the variation in the period for compliance, the appeal should not succeed, and the notice should be upheld.
17. 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 objective of supporting safe, cohesive and resilient communities.

Anthony Thickett

Inspector